

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Council of the County of Maui

M I N U T E S

Online Only via BlueJeans Link

November 2, 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 Alice L. Lee, Member
Councilmember Tamara Paltin, Member
Councilmember Shane M. Sinenci, Member
Councilmember Yuki Lei K. Sugimura, Member

EXCUSED: Councilmember Kelly T. King, Member

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

Angela Lucero, Executive Assistant to Councilmember Paltin
Ellen McKinley, Executive Assistant to Councilmember King
Evan Dust, Executive Assistant to Councilmember Kama
Lois Whitney, Executive Assistant to Councilmember Kama
Davideane Sickels, Executive Assistant to Councilmember Kama
Gina Young, Executive Assistant to Councilmember Sugimura
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
Stacey Moniz, Executive Assistant to Councilmember Johnson

ADMIN.: Moana M. Lutey, Corporation Counsel, Department of the
Corporation Counsel
Gary Murai, Deputy Corporation Counsel, Department of the
Corporation Counsel

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Stephanie Chen, Deputy Corporation Counsel, Department of the
Corporation Counsel
Keola Whittaker, Deputy Corporation Counsel, Department of the
Corporation Counsel
Ryan Otsubo, Fire Prevention Captain, Fire Support Services
Division, Department of Fire and Public Safety
Bradford Ventura, Fire Chief, Department of Fire and Public Safety
Gregg Okamoto, Captain, Department of Police
Ipo Mossman, Executive Assistant, Office of the Mayor
Andrew Martin, Prosecuting Attorney, Department of the
Prosecuting Attorney
Rowena Dagdag-Andaya, Director, Department of Public Works

OTHERS: Rosemarie Caires
Mike Moran
Peter Fay
Jutta Mueller
Elisabeth Bluml
Kathren Rosales
Mahina Martin
Sean Lester
Arnold Wunder
Mahina Poepoe
Ben Ostrander
Mercedes Ritte
Sam Akoi IV

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR MOLINA: . . .*(gavel)*. . . The GREAT Committee meeting will now come to order. GREAT, for your information, stands for the Government Relations, Ethics, and Transparency Committee. I'm your Committee Chair Mike Molina this morning, and for the record, I am transmitting from my home in Makawao, and in the other room is my wife. Thank you very much for joining us for all the festivities here this morning, Members. This online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19. We can all view the last page of the agenda for information on meeting connectivity. Committee Members, the Governor's most recent emergency proclamation also includes the following mandate, 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 where board members 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 Members. And

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finally, 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. So with that said we shall begin Committee roll call, and we'll start first with our Council Chair Alice Lee. Good morning. And she'll be giving us our greeting as well. Thank you.

COUNCILMEMBER LEE: Good morning, Mr. Chair. And good morning, everyone. Before I forget, which I always do, I'm here in my office alone. And this morning's greeting is from Ireland, and it is dia dhuit. Dia dhuit, my dear colleagues.

CHAIR MOLINA: All right. Dia dhuit and aloha to you, Council Chair Lee. Let's go to Committee Vice-Chair Keani Rawlins-Fernandez. Dia dhuit and aloha kākou.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i nui a Hina. I'm here at the Moloka'i District Office by myself on this side of the office. And dia dhuit kākou.

CHAIR MOLINA: Back at you, Vice-Chair. Okay. Let's go all the way out to East Maui and check in on Councilmember Sinenci. Dia dhuit and aloha. Councilmember, you're muted. Councilmember Sinenci? Okay. We'll come back to Councilmember Sinenci. Let's go out to...let's go check in on how the neighborhood's doing. Councilmember Kama out there in Kahului. Dia dhuit.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and dia dhuit to each and every one of you joining us this morning. And I'm here in my office, makeshift bedroom now, and I am by myself. Thank you.

CHAIR MOLINA: Mahalo. Let's go out to West Maui and check in on Councilmember Paltin. Dia dhuit and aloha.

COUNCILMEMBER PALTIN: Aloha kakahiaka mai Malu Ulu o Lele. We have about two to four foot of glassy surf, light winds, sunny skies. And I'm here broadcasting live and direct from the West Maui Council District Office. My aide Angela is more than six feet away. And dia dhuit kākou.

CHAIR MOLINA: Mahalo, Member Paltin. And also mahalo for the surf report too. Surf's up after the meeting, gang. All right. Let's go back out to East Maui and check in on Member Sinenci. Dia dhuit and aloha, Member Sinenci.

COUNCILMEMBER SINENCI: Hey, aloha kakahiaka kākou mai Maui Hikina. Dia dhuit. Broadcasting from the Hāna Cultural Center with my EA Dawn Lono.

CHAIR MOLINA: Mahalo, Member Sinenci. And let's go out to Lāna'i and check in on Member Johnson. Dia dhuit and aloha.

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COUNCILMEMBER JOHNSON: Good morning, Chair. Good morning, Members. I am in my room by myself. And dia dhuit to you all.

CHAIR MOLINA: All right. Mahalo, Member Johnson. Oh, I love that background this morning. It brings out the colors, excellent.

COUNCILMEMBER JOHNSON: Delicious dragon fruit.

CHAIR MOLINA: All right. And let's go out to beautiful Kula and check in on Councilmember Sugimura. Dia dhuit and aloha.

COUNCILMEMBER SUGIMURA: Dia dhuit, everyone. Good morning. In Kula, I just want you to know I just saw some axis deer in my backyard, very irritating. And I would like to say good morning and ready for a meeting for some fireworks. Thanks.

CHAIR MOLINA: Yeah, very good. Mahalo and dia dhuit. And well spoken, certainly. Fireworks and deer, can't think of a better combination for a GREAT Committee meeting, yeah? All righty. And of course our colleague, Councilmember Kelly King, she is on special assignment out in Scotland, the birthplace of one of my favorite actors of all time, the late great Sean Connery, my favorite James Bond. So we wish her well and of course, safe travels. Also attending our meeting today, of course we have our great GREAT Committee Staff, we have Shelly Espeleta, Kasie Apo Takayama, James Forrest, Pauline Martins, and Lei Dinneen. And from the Corporation Counsel's Office we have Mr. Gary Murai, Deputy Corporation Counsel. From the Office of the Mayor joining us shortly will be Mr. Ipo Mossman, Community Liaison. And from the Police Department we'll have Captain Gregg Okamoto, who will be here for two items, GREAT-29 and GREAT-4, which relates to the fireworks matter as well as Member Rawlins-Fernandez's Kalaupapa proposal. And from the Fire Department we'll have Fire Chief Brad Ventura for GREAT-29, as well as Captain Ryan Otsubo from the Fire Prevention Bureau. And from the Department of Public Works we will have Director Rowena Dagdag-Andaya related to GREAT...the GREAT-4 item as it relates to Councilmember Sinenci's highway improvements proposal. Members, we've got a very, very busy agenda, so we'll try and be as time efficient as we can, and hopefully we can complete all of our matters here today hopefully by 12:00 noon today. Now it's time to begin with public testimony. Public testimony can be done via phone or video conferencing. Testifiers wanting to provide video testimony can join the online meeting via the BlueJeans meeting link, which is bluejeans.com/175115369, as noted on today's agenda. And those members of the public who would like to provide audio testimony, you can participate via phone conference by dialing 1-408-915-6290 and enter the meeting code that was just mentioned. And of course written testimony is highly encouraged as well using the eComment link, also listed on today's agenda. And instructions on how to submit testimony via eComment can also be found on mauicounty.us/ecomment. And of course please be mindful that if we do run into any technical glitches, please be patient

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with us. So with that said, Ms. Espeleta...before we start, quickly, oral testimony rules, you'll be limited to three minutes per item, and if you are still testifying beyond that time, I will kindly ask you to complete your testimony. And when testifying, state your full name for the record, and that if you're representing an organization make us aware of that, or if you are a paid lobbyist. 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. All right. With that said, Ms. Espeleta, please announce our first testifiers.

MS. ESPELETA: Chair, your first three testifiers are Angela Decoite (*phonetic*), she'll be followed by Mike Moran, followed by Peter Fay.

CHAIR MOLINA: Okay. Good morning, Ms. Decoite.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. DECOITE: Is that...is that it? Can you...can you hear me?

CHAIR MOLINA: Yeah, we can hear...

MS. CAIRES: It's actually (*audio interference*) Thank you. It's...it's actually Rosemarie Caires. It isn't Angela Decoite.

CHAIR MOLINA: Oh, okay, Ms. Caires.

MS. CAIRES: Okay.

CHAIR MOLINA: Okay.

MS. CAIRES: Good morning, Maui Councilmembers. I would like to share my experience of the production of cannabis. I went to visit a friend who's next door to a farm. I was totally shocked and horrified at the level of noise and vibrations. This friend was eventually forced out of her home to sleep elsewhere to get a good night sleep. She had to close all of the windows in her house during the day and night, and took a full-time job to escape during the day. She built noise-blocking walls all around her house just to try to live comfortably in her own home. It felt to me like living next door to the engine of a cruise ship running day and night. I actually checked my car when I arrived because I thought I left it running. And the smell of cannabis was so heavy that it never left my senses until I actually left for home that day. The...the experience was so disturbing that it really got me thinking. If an operation like that is...is allowed on that level, on agricultural island land, that could happen to anyone anywhere, including you, Councilmembers. I really encourage you to take a drive and experience this for yourself. It will leave you with a profound feeling hopefully of responsibility to protect with new regulations for this industry, and prevent this from happening all around the island. It

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could happen anywhere on agricultural property. And this is a level of agricultural use that we've never seen before. And I'd like to end there. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Ms. Caires. And I'm assuming you're testifying on the agricultural bill that's being considered for the State legislative package which is on our agenda --

MS. CAIRES: Yes.

CHAIR MOLINA: -- agriculture noise. Okay.

MS. CAIRES: Yeah.

CHAIR MOLINA: Great. Thank you. All right. Members, any need to clarify Ms. Caires' testimony? I see Member Kama. You have the floor, go ahead.

COUNCILMEMBER KAMA: Thank you very much, Chair. Thank you for being here, Ms. Caires. So you know, you said in your testimony that we should take a drive, where is...where should we take a drive to?

MS. CAIRES: To Omaopio on...on Jutta Mueller's property. And I'm sure she will allow you to visit it, to visit her property just to experience this.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Kama. Members, any other need to clarify Ms. Caires' testimony? If not, I'd like to just call upon Member Sinenci. Now, my understanding, you will look...you're looking at potentially filing the matter and creating a whole new bill at a later time, Mr. Sinenci. Can you confirm that? Councilmember Sinenci?

COUNCILMEMBER SINENCI: Yes, thank you.

CHAIR MOLINA: Oh, there you go. Go ahead. I'm sorry.

COUNCILMEMBER SINENCI: Sorry, just some problems with my keyboard this morning. Yeah, the goal is to file this current one, and then we're...we're looking...we're working with members of the farming community, as well as our OCS Staff, to bring up another bill. And I can explain in...further when we get to the item, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Sinenci, for that clarification. So for the...anyone else testifying on this matter, that's how we're going to proceed today. Just for your information. So you can still continue to testify if you want to on this matter today, or at a later time when Member Sinenci introduces another bill related to this

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matter in his own Committee. So just wanted to pass that along with everyone. Okay. Seeing no other questions for Ms. Caires, thank you very much for your testimony. All right. Ms. Espeleta, please announce our next testifiers.

MS. ESPELETA: Chair, your next three testifiers are Mike Moran on Item 29, followed by Peter Fay on Item 4, and he'll be followed by Jutta Mueller.

CHAIR MOLINA: Okay. Good morning, Mr. Moran.

MR. MORAN: Good morning, Chair, and dia dhuit to you and to the Committee. And mahalo, Alice Lee, for giving me that...that's my heritage, Ireland, but I don't speak a word of Gaelic, so now I...now I have one word, so thank you very much for that. And I will mention that because our South Maui rep is over in that part of the world. And just to give an update from our part of the County, last night in...at least in North Kihei we had about 12 drops of rain. Immediately after that we had a power outage for several hours. Coincidence? I don't think so. Okay. Back on to real business, we're testifying for the Kihei Community Association on GREAT-29. And we start with the expression, pets and vets. And when this topic comes up about illegal fireworks, these are the two things that we hear mostly about. People are concerned how these illegal fireworks affect their pets, and how it affects vets, meaning veterans who have come back from combat with PTSD. And of course, we know that PTSD is not limited to vets, but a lot of times that's...that connection becomes direct, and many of us appreciate that, especially that are veterans who are going to defend the country then come back so...so called without an injury because they have all their limbs, but they have this mental disorder. And when these explosives are going off, it can have profound effect on them. And of course it goes beyond those two, but that's one way to quickly summarize the...the concern. And I would like to read a quote that I heard, it says, how can we enjoy our holiday customs and traditions without causing a serious degree of trauma and harm to others in our community? And I think that is in another way that kind of sums up the situation that...that we're affected with. So we truly appreciate the...the Council taking on this tough issue. And of course there's many other issues, and we just put down a few of the harmful effects: fire danger, mental trauma, animal welfare, environmental damage, and financial support to criminals. And...and one other issue that we have to consider, we were informed at a public meeting a few years ago put on by Mahina Martin, and to give her credit, that's where I got the quote from. . . .(timer sounds). . . I...I'll just close with this, Chair, that we were informed that many of these illegal fireworks come right in through our harbors, and they're coming in undetected. And if these are explosives, does that mean that other explosives could be coming into our harbors by terrorists with bombs? If we can't detect explosives coming in there, it could be a lot bigger situation. So thank you for allowing me to...to wrap up. Aloha.

CHAIR MOLINA: Thank you very much, Mr. Moran, for your testimony. Members, any need to clarify Mr. Moran's testimony? Seeing none. Thank you again, Mr. Moran. I appreciate your participation. Aloha.

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MR. MORAN: A hui hou.

CHAIR MOLINA: Okay. Ms. Espeleta, please announce our...please announce our next testifiers.

MS. ESPELETA: Chair, your next three testifiers are Peter Fay for Item 4, followed by Jutta Mueller, followed by Elisabeth Bluml.

CHAIR MOLINA: Okay. Good morning, Mr. Fay.

MR. FAY: Aloha. How you guys are all doing? Look like you're...you're all having a good time. I'm liking it. I'm also testifying about the problems in our neighborhood caused by this hemp farmer that you'll hear other testimony about from the next two testifiers. We've also submitted a lot of written testimony that I'm sure you all have. And most of you have been kind enough to allow us to Zoom with you over the past two weeks, so you have a pretty clear understanding of what's been going on in our neighborhood for the last year and a half. So I'll let others testify as to what their experiences are, but I'd like to touch on the nature of the neighbor...our neighborhood. My wife and I are on the north side of the hemp farm...and by the way, Councilmember Kama, the property is at 248 Piliwale Road. We're all surrounding them. And I'm sure Jutta will be happy to invite you, as many people have come to visit to check it out personally. My wife and I are on the north side of the property. We have a small farm with fruits and flowers. We pay taxes, it's a legitimate farm. We're small farmers like most living on our farm. From the east side you'll hear from Elisabeth, taken 23 years to develop her...her organic farm. She's a small farmer living on her farm. In the west is Jutta, you'll hear from her. She has horses and teaches riding, she's got fruit trees, she's got plumeria, she's a small farmer living on her farm. In the south side is Howard Otani. His family have been farming their lands there for generations. All of us have been there 20-plus years as small farmers. So this is not gentleman farmers coming in and complaining about a current ag operation. We're small farmers that are being damaged (*audio interference*) hemp farm that went in right in the middle of all of us. So this is harming the heart of farming in Maui, which is small farmers. One other thing I'd like to touch on is our situation is just a precursor to what might happen across the entire County and State if marijuana become...when marijuana becomes legalized. The draw of being able to market your marijuana as grown on Maui is going to draw people like, you know, tobacco...tobacco companies, R.J. Reynolds and big companies coming in to grow. And the kind of damage that's being done to our neighborhood might happen across the State. So we urge you to please take steps now to deal with not only our situation, that would be wonderful, but for the future mess that marijuana farms may cause. It'd be a lot easier to get out in front of this now than once the big farmers come in with...like Del Monte and R.J. Reynolds with the huge money they're going to throw at this. And thank you, mahalo for listening, and thank you very much.

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CHAIR MOLINA: Okay. Mahalo for your testimony, Mr. Fay. Members, any need to clarify Mr. Fay's testimony?

COUNCILMEMBER SUGIMURA: Chair, I do.

CHAIR MOLINA: Thanks for your testimony, Peter. Aloha.

COUNCILMEMBER SUGIMURA: Mr. Molina, I have a question.

CHAIR MOLINA: Oh, I'm sorry, I can't see you on my screen.

COUNCILMEMBER SUGIMURA: Thank you. You probably can't see me.

CHAIR MOLINA: Go ahead, Councilmember Sugimura. Go ahead.

COUNCILMEMBER SUGIMURA: So Mr. Fay, thank you for leading the charge. And I just wanted to find out, I know that in your situation, Department of Ag, the last board meeting I went to that they were doing some kind of discussion with the community. Do you have an update of that, or is...

MR. FAY: I'm sorry, the...the discussion with the community --

COUNCILMEMBER SUGIMURA: With Department of...

MR. FAY: -- between our...

COUNCILMEMBER SUGIMURA: An arbitrator, they were getting an arbitrator to work with...

MR. FAY: Oh. Well, the history of that is that the Ag Board, in December last year, was so tired of having to deal with this problem that they strongly suggested we get a mediator involved. Is that what you're asking about?

COUNCILMEMBER SUGIMURA: Yes, yes.

MR. FAY: Okay. So what happened is right after that meeting, I contacted Maui Mediation and they agreed to take it, and they talked to South Maui Gardens, and South Maui Gardens at that point refused to participate. Three weeks later, interestingly one week before the January Ag Board meeting where they were going to vote on these...on this...on this document, I got a call from someone who said that South Maui Gardens now has decided they want to mediate. And so in good faith we signed up with them in February, and there's non-disclosures, parts of the agreement we signed, so I can't tell you the details. But everything you need to know I can state by saying in June we formerly quit the mediation. So since June, it's not been happening.

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COUNCILMEMBER SUGIMURA: Okay.

MR. FAY: Long answer to a short question. And thank you, Yuki, for visiting the property, in the very beginning of the property...been...very beginning of this problem. Things have only gotten worse. You're welcome to come back and see it again if you'd like.

COUNCILMEMBER SUGIMURA: Okay. I will call you. Thank you. Thank you --

MR. FAY: Mahalo.

COUNCILMEMBER SUGIMURA: -- for letting me do that question, Chair. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Members, any other need to clarify Mr. Fay's testimony? Okay. Seeing none. Thank you for your testimony, Peter. Aloha.

MR. FAY: Thank you.

CHAIR MOLINA: Okay. Ms. Espeleta, please announce our next testifiers.

MS. ESPELETA: Chair, your next group of testifiers, starting with Jutta Mueller, followed by Elisabeth Bluml, followed by Kathren Rosales.

CHAIR MOLINA: Okay. Good morning --

MS. MUELLER: Yes.

CHAIR MOLINA: -- *(audio interference)*

MS. MUELLER: Jutta, Jutta, Jutta. Jutta Mueller. I am Jutta Muller, a 22-year resident in this location. We own and operate Plumeria Plantation Ag Enterprise. It's a small farm, three-acre farm with 150 fruit trees, multitude of plumeria trees, and I operate a breeding livestock facility with a stallion ex-stud. And I would like to share the pain and suffering we have endured since this operation moved in next door. We've been living here peacefully for 22 years with regular farm operations like onion farming right across the street, plowing, pesticide spraying. That's all part of what we signed up for living here, and we totally understand and support farming and agriculture. I actually grew up...our family had a pig farm, so I'm well aware of nuisances that are difficult to live with for surrounding properties, for farmers. But anyway, the...the pain and suffering I've endured a year and a half is constantly exposure to high noise levels and vibrations from these huge industrial fans that were installed a year and a half ago. In February they started up, 2020, right next to...like 40 feet from a bedroom. I was forced to move out due to the sleep deprivation and health effects from that into a carport...I sleep until today in a little carport that I kind of sound insulated from the backside at

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the furthest away part of my property. And during the day that's where I try to spend, if I can, on the weekends, spend time there to just get rest, which even there you feel the vibrations. I neglected my own farm and livestock and took a ranch job just to get away...basically just to get away from the noise because I'm afraid of the long-term effects of the constant exposure. If you want to imagine what we've gone through, you can turn on your vacuum cleaner for one year and run it nonstop in an adjoining room and see how you can live with this. I understand that the law for agriculture allows at this point 70 decibels, but it is inhumane to have to endure this kind of noise. So I please ask you try...try to run the vacuum cleaner just for a day and see how you can handle this mentally and physically. And then, you know, you know what we're going through. We do support agriculture. And as Mr. Watanabe's testimony stated, it needs to be supported and protected; however, heavily industrialized agriculture which he mentioned mechanical use will increase in agriculture. So we may need different classifications for ag uses, like cannabis, which uses such heavily industrialized equipment. We just need to classify it differently. This is not what conventional agriculture used to be, and this is not what this community . . .*(timer sounds)*. . . Regular agriculture for many years...it's...it's...it's just intolerable, unlivable for my part, I can only say that. And I...I encourage you to come and visit my place. I built two walls to try to shelter the property from the noise. It's impossible. The vibrations, low frequency travels through walls, homes, and is all the way felt at the adjoining pastures owned by the Fernandez *(phonetic)*. So it's just really a tragedy for our neighborhood. And I...I ask you to help us somehow, please.

CHAIR MOLINA: Okay.

MS. MUELLER: And I would like to end...

CHAIR MOLINA: Thank you very much. Thank you very much for your testimony, Ms. Mueller. Members, any need to clarify Ms. Mueller's testimony? Seeing none. Thank you for sharing with us about the concerns that you're experiencing, Ms. Muller. Okay. Ms. Espeleta --

MS. MUELLER: Thank you.

CHAIR MOLINA: -- please announce our next testifiers.

MS. ESPELETA: Chair, your next testifier is Elisabeth Bluml, followed by Kathren Rosales, followed by Mahina Martin.

CHAIR MOLINA: Good morning, Ms. Bluml.

MS. BLUML: Yeah. Aloha, Committee Chair and Members. Thank you for giving us the chance to tell you...you know, to...that we can testify how it is living next door to a hemp cannabis farm operation. I live with my 14-year-old daughter here on my organic farm,

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which I started 23 years ago. And it's a successful farm now. Most of the neighbors, as you've heard, have been here for over 20 years, some of many generations. Our community has always found ways to get along. I want to say upfront that I support farming, and I know that people benefit from CBD products and other hemp products. My concern is what has happened to our neighborhood here. My land, after decades of care and work, is finally producing well, and I have regular customers. You can say I brought the land back to life, which I am proud of, and very happy about. But our daily ongoing experience living next to a big hemp operation with massive fans used to air the greenhouses is...has...has become a real problem and health damaging for us. And for me, as a mom, it's very hard to be a good mom with no energy left. So I have to be this blunt. This huge fans are designed for . . .*(inaudible)*. . . farming and create extensive noise, and penetrating low frequencies which make our homes vibrate at any time during day and night. I had to rent a room in Makawao for over half a year just to be able to sleep and to protect my daughter and me from this health-damaging operations. I since have invested in building a large four-foot-thick boulder rock wall and trying to ease the vibrations and to make our home livable again, but unfortunately with no success. Also the daily smell, the odor coming from the hemp operation is continuous and sometimes so overwhelmingly strong, which causes me nausea, dizziness, and the stress of marijuana smell all day long. I have no idea of the long-term effect of this compounds with all the different now know components of the plant vapors on my and my daughter's health. I can tell you it is nauseating. And please feel free to visit. This operation is negatively affecting 40-plus people in this well-established agriculture neighborhood. My question to you is, how can you, as our Council, protect our farm neighborhood from people using the existing laws to place commercially-produced questionable substances like plants containing THC in an environment that impacts 40-plus people so dramatically? . . .*(timer sounds)*. . . So I'm asking you to please help this community so we can keep and ensure lifestyle of farming in Kula. Mahalo, and thank you so much for your time.

CHAIR MOLINA: Thank you very much for your testimony, Ms. Bluml. Members, any need to clarify Ms. Bluml's testimony? Seeing none. Thank you again very much for your testimony, Ms. Bluml.

MS. BLUML: Thank you. Mahalo.

CHAIR MOLINA: Thank you. Okay. Ms. Espeleta, please announce our next testifiers.

MS. ESPELETA: Chair, your last three testifiers are Kathren Rosales, followed by Mahina Martin, and she'll be followed by Sean Lester.

CHAIR MOLINA: Good morning, Ms. Rosales.

MS. ROSALES: Good morning. I want to say mahalo to the GREAT Committee for allowing us this opportunity to testify. I am testifying in particular to agenda 29, and I support

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Keani Rawlins-Fernandez's bill to have the County exercise or enact ordinances, which I was unaware of were not as...as stringent as State law. I mean, I would think they would be. So please yes, make that happen. The purpose of me testifying as like many others, with the hemp farm as well as the...the pets and vets, noise creates tension. It causes long-term health damage. PTSD is not something just from war, these people that are living in the agricultural areas can develop PTSD from this. I'm complaining specifically about the neighborhood I'm in, in Waiehu/Waihe'e. It's literally a warzone. My friend from England, who survived World War II as a child, couldn't handle New Year's Eve in Hawai'i because she had PTSD from World War II, and she said she felt like she was back in England when it was getting bombed during New Year's Eve. So you know, it's not only loud impactful noises but, you know, like these hemp people that are affecting the community, that can cause severe health damage to people. So what I'm requesting is that the County please enforce current State law. Change our Charters to enforce current State law. I'm not a lawyer, I don't understand all the rules of the State and...but there are rules in place to protect citizens. One of the testifiers mentioned that these fireworks are coming through the harbors. I have a friend who retired from the U.S. Post Office in Kahului. And she told me that the Postmaster, unless the package is damaged and fireworks are falling out of the packages, that's the only time they're allowed to confiscate these packages. Yet each and every one of the postal workers knows which package contains fireworks, and the...and the Postmaster General said they are not allowed to confiscate those packages, or at least divert them for further investigation. And that's a no-brainer, why is that not being done? I mean...and the harbors, why aren't the harbors and the containers being inspected with, you know, whatever, drug-sniffing dogs. I don't know what the process is, but it seems like a no-brainer. Everything comes into Hawai'i via air or boat, so it shouldn't be difficult to locate this stuff. And then I had previously suggested in several emails . . . *(timer sounds)* . . . to the GREAT Committee as well as the Mayor that, you know, provide proper location for these types of activities. I'm not against fireworks, legal fireworks. And if the County, you know, doesn't want to enforce, or the police officers don't want to enforce the rules like they have in the past...I've had them come to my house when I had an evening dance party for young people in our neighborhood. And we were playing music...not really loud, but we did it on New Year's Eve on purpose because we didn't want to disturb the neighbors with noise. And I get the police coming to my house complaining about noise about my music. Meanwhile, you can't hear the police officers because there's so many illegal fireworks going off. And we asked the officers multiple times, well, what...what are you going to do about these illegal aerals and fireworks going off? Literally they all rolled their eyes at us and said come on, what can we do? You know so --

CHAIR MOLINA: Ms. Rosales?

MS. ROSALES: -- I'm asking the County to enforce the current rules, that's all.

CHAIR MOLINA: Okay. All right. Thank you very much for your testimony.

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MS. ROSALES: But --

CHAIR MOLINA: And we'll certainly --

MS. ROSALES: -- one more thing though.

CHAIR MOLINA: -- ask that question of the police when...when this matter come up. We'll have police representatives to address some of these concerns.

MS. ROSALES: Mr. Molina, one last thing though. My point is, please make a place for people to do this. I mean, I don't think illegal fireworks are ever going to stop, but make it legal for them someplace in Maui.

CHAIR MOLINA: Okay.

MS. ROSALES: There's plenty of space. You know, give them an area to do this instead of disturbing the rest of the island and animals --

CHAIR MOLINA: Okay.

MS. ROSALES: -- and livestock and everything. That's my thought. Thank you so much.

CHAIR MOLINA: Yeah. That's certainly an interesting suggestion. Yeah. Okay. Certainly we'll...I'll bring that matter up as well.

MS. ROSALES: Okay.

CHAIR MOLINA: What I need to do now is open up the floor for any questions regarding your testimony from the Members. Members, any need to clarify Ms. Rosales' testimony on this matter? Seeing none. Thank you very much, Ms. Rosales. Appreciate your testimony. Okay. Ms. Espeleta --

MS. ROSALES: Thank you.

CHAIR MOLINA: -- please continue with our next testifiers.

MS. ESPELETA: Chair, your last two testifiers are Mahina Martin, followed by Sean Lester.

CHAIR MOLINA: Good morning, Ms. Martin.

MS. MARTIN: Hi. Good morning, everybody, and aloha. I'm actually testifying on two items today, Item 29 on fireworks and Item 4 in regards to Kalaupapa, the County of Kalawao. So with fireworks, first of all, let me just say that, you know, it's a pet peeve of mine.

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I've gone very public with it. In April of 2019, I put together a town hall forum and I was happy to host and moderate a panel with Police Chief Faaumu, Fire Chief Thyne, Harbor Master Duane Kim, Airports Manager Marvin Moniz, State Department of Boating and Recreation District Manager Paul Sensano. So we had a dialogue about what exactly is the problem with fireworks coming in and enforcement. So there were a lot of lessons learned from that discussion, including opportunities for enforcement and questions about private chartered jets coming in. And police actually escorting deliveries of large cargo of fireworks to permitted events, you know, the ones that go off on barges offshore, but no inventory of what actually is inside of the container to match up with the billing fare that are completed. So there's quite a lot of things, but I do encourage some action. We've been at it for a while. The stories we hear are horrific. In South Maui a few years ago, you know, there was a dog frightened by one of those homemade explosive bombs ran for cover off the balcony, fell to his death from a condominium in front of the children and family. We've had people with brain injuries unable to escape areas in time, falling to the ground and actually having injuries because it triggered some...something with their injury. And these are explosive fireworks we're talking about. The nature of the unpredictableness of illegal fireworks is a problem. The volume of it, the...the types of it. We're not talking sparklers, we're talking about explosions. You've heard Kihei Community Association, and mahalo to Mike Moran for raising that, veterans with PTSD, citizens with PTSD, you know, we've had children unable to sleep. It is quite frankly a warzone. I will tell you that in the years I've been in this issue, I hear often, you know, that's...this is a local tradition. I have said this over and over again, I have no bones about saying it, it is not our local tradition to cause harm or to cause...put people in danger for the sake of celebrating. At one point we have evolved from a community that cares about our neighbors to a community that quite frankly doesn't very much. And so it is not our local tradition. The law allows for, I believe, 9:00 p.m. to 1:00 a.m. You can have your fireworks then. My family does it, we get permits, we blow 50,000 fireworks. We do it because that's our...you know, it's a Chinese tradition, right, so we do that to chase away the spirits. We don't do it to go cause harm to other people. So stay within the 9:00 to 1:00 as permitted. I don't agree to allow for other places because you can do it at home, just do it between 9:00 and 1:00. Don't do it with the explosion that you're supposed to. And you know, this idea that it's our local tradition is...is not true, because the local tradition cannot and should not absolutely be at the expense of other people's lives, the welfare of our children, our seniors, our pets. It...this just cannot happen. So I appreciate the work you're doing. I think that enforcement requires some examination. I know that the State Legislature has also been trying to figure out what to do. If we can make a dent in it, that's great. So I'm with you on that. My second...if I can move on to the next item, Item 4. So with Item 4, specific to the absorbing the County of Kalawao to the County of Maui, you know, I am aware that it's very complex on...there at Kalaupapa with multiple State and Federal agencies. You have DOH, DHHL, DLNR, DOT Airports, and then you have the Park Service with National Parks, you know, and their operation. So there are many, many entities in there, and the unusualness of having any current head of Department of Health be a mayor, I think that's kind of an interesting trivia.

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But you know, it's the only time someone can be a mayor without an actual election, I would think. But any transition...I would encourage any transition to include Ka 'Ohana O Kalaupapa. I am aware that there have been some informal or brief discussions with them. I encourage that to continue. As a former Hawaiian Homes commissioner for many years, you know, the fact that it is DHHL lands and there are homestead opportunities there has surfaced time and time again. I'm also aware of the rich history and the value of it. My husband and I are members of Ka 'Ohana O Kalaupapa. My husband's mother, Mary Davidson, was born on Kalaupapa. His grandparents Mary (*phonetic*) and James Watt (*phonetic*) are buried on Kalaupapa. His uncles are buried on Kalaupapa. I myself have not found family there, but many are looking with the help of Ka 'Ohana O Kalaupapa. But as you know from the history, there is a strong relationship with kokua, and the kokua that have accompanied the patients of Kalaupapa too that have held a ground there for them, despite government allowing them or not allowing them to accompany their loved ones. So today, this generation in this century, you will find many kokua there for the families of Kalaupapa who wish to...to keep the history sacred in memory of the suffering and the struggles that have occurred there in a very sad and tragic time for Hawai'i where we left others to fend for themselves. So it was a very, very...yeah, historic and tragic time. So I encourage that discussion. I appreciate the attention to that. For decades now, it's been this uncomfortable discussion with what happens when the last patient, you know, departs and leaves us with nothing but their stories and their history. And although that has occurred time and time again with hundreds who have left Kalaupapa, you know, it should not be dismissed. And we want to be sensitive to everyone else's needs, but first and foremost come those that have experienced that area in a way that none of us would ever want to, or we would want any of our families to have gone through. So mahalo for your time today and giving my manao on those two items.

CHAIR MOLINA: Okay. Mahalo for your testimony, Ms. Martin. Members, any need to clarify Ms. Martin's testimony on the two items that she just testified on? Seeing none. And mahalo for your testimony again, Mahina.

MS. MARTIN: Mahalo.

CHAIR MOLINA: Okay. Ms. Espeleta, please continue with our next testifier.

MS. ESPELETA: Chair, the last individual signed up to testify is Sean Lester on Item 4.

CHAIR MOLINA: Okay. Good morning, Mr. Lester.

MR. LESTER: Aloha kākou, Council [*sic*] Chair and Members. And thank you so much for the time today. I'm here as...to offer myself as a technical expert and a technical resource regarding sound. I'm a 38-year member...a life member of the Institute of Electronic Engineers. I did the...I did the field work for the report that you have from a world-class expert on sound regarding the problems with the CBD. And also...I also would like to

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testify on 29 as well. So basically the report speaks for itself. I can go as...I'm here basically as a resource. I know this is an area that is a challenge, and I've...I've delved into this quite deeply regarding the challenges of this particular area. And I'm more than happy to help at any time with any Members regarding this particular thing. And also as a six year active military Vietnam era veteran, I really, really, really ask you to take a look, and I laud Councilmember Rawlins for her work on this particular issue, because it's very, very important. The concussive...when you have illegal concussive explosions, I can tell you straight-out as...as a non-vet that this is something...I...I have had friends of mine walking down the street and literally dive into ditches in other territories, in other places. It's...it's...it's massively problematic. It can cause huge problems not only for them, you know, people have gone to war to help protect us here and to do the things that...that we do, but also for the entire neighborhood. So I'm asking you to please...you know, we have...we have a new Police Chief now, so we have an opportunity that's outside of the standard myopic directions that we've had up to now regarding sound and...and with this type of thing. So perhaps he could have a new way of working. So that's basically it for me. I don't...you know, I don't want to...I'm just...I'm...I'm in support of the people and what's happening regarding the CBD farm because I've been there, I've worked it through, I've seen the technical aspects. And I'm definitely willing to help anyway I can pro bono as a technical resource for the Council. Thank you very much for your time.

CHAIR MOLINA: Okay. Thank you very much for your testimony, Mr. Lester. Members, any need to clarify Mr. Lester's testimony on the two items that he just testified on? Seeing none. Thank you very much for your testimony, Sean.

MR. LESTER: Thank you.

CHAIR MOLINA: Okay. Ms. Espeleta, do...are there any more testifiers?

MS. ESPELETA: Chair, there are no further individuals signed up to testify.

CHAIR MOLINA: Okay. Members, we'll just pause for a few seconds just in case someone out there might want to sign on to testify on any of our agenda items. So we'll take a momentary pause. Okay. Last call for testimony. Ms. Espeleta, has anyone else signed on for testimony?

MS. ESPELETA: Chair, there are no further individuals.

CHAIR MOLINA: Okay. Thank you very much, Ms. Espeleta. So with that being said, Members, if there are no objections, the Chair will close public testimony on our agenda items for today. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS

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CHAIR MOLINA: Okay. Any objections to accepting written testimony as well for our agenda items?

COUNCILMEMBERS VOICED NO OBJECTIONS

. . . END OF PUBLIC TESTIMONY . . .

CHAIR MOLINA: So ordered. All right. Thank you very much, Members. All right. Let's just get down to business, Members.

GREAT-29 ILLEGAL FIREWORKS IN MAUI COUNTY (CC 21-40)

CHAIR MOLINA: Let's start off first with GREAT-29 related to Illegal Fireworks in Maui County. The Chair's intention today is to have the discussion on the proposed bill and obtain comments from the Department of Police and Department of Fire and Public Safety. The Chair would like to recognize the Committee Vice-Chair Rawlins-Fernandez to provide opening comments on her proposed bill. Vice-Chair Rawlins-Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And then so this...this bill is a bill that Chair Lee and I worked on together. We...we...we're co-introducers of this bill. And it was through Chair Lee's resolve to...to find some kind of solution for the community that sparked the...the idea to try to figure out legislation. And it was my community outreach specialist, Zhantell Lindo, who connected the...the...the dots between trying to figure out better enforcement and seeing the social host liability bill that passed. And we've been calling this bill the dally bill...the dally grand finally bill in...in honor of her...her dog that she's wanting to protect, as well as the testifiers' pets that we all heard about, and the community impacts on people that's...PTSD. And so it's kind of similar to...to the social host liability. What we heard from the Police Department was that it's...it's hard for them to enforce existing laws because it would require them to actually see the...the fireworks being lit. And so if...if that was one of the problems, that the thought was perhaps we can help create the same kind of deterrents by creating the same liability for property owners to be responsible for those that are on their property at the time. And then perhaps that would help police to enforce so that they don't actually need to see a person lighting the firework. Chair, do...do you...this also reiterates some of the State statutes that exist that some, you know, have spoke to that people may not know. It reiterates the 9:00 p.m. to 1:00 a.m. on New Year's Eve, the 7:00 a.m. to 7:00 p.m. for Chinese New Year's Day, 1:00 p.m. to 9:00 p.m. for 4th of July. So it establishes...or reiterates the...the times that the fireworks are permissible. And there are additional proposed amendments that I'll be introducing later, at a later time so that we can go over those, based on some of the feedback that we received.

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CHAIR MOLINA: Okay. Thank you very...

VICE-CHAIR RAWLINS-FERNANDEZ: We also sent --

CHAIR MOLINA: Oh, go ahead, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: -- the bill to...oh, sorry. Sorry, Chair, one last thing. We sent the bill to the Police Department and the Fire Department for their feedback, and I think their written correspondence is on Granicus. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you very much, Vice-Chair Rawlins-Fernandez. Before I go to Captain Okamoto of the Police Department and Chief Ventura of the Fire Department, I'd like to ask Chair Lee if she would like to add any additional comments on the proposal as well. Chair Lee?

COUNCILMEMBER LEE: Thank you, Mr. Chair, for taking this matter up. And thank you, Vice-Chair Rawlins-Fernandez, for actually doing the heavy work on...on finishing this...the proposed ordinance. I don't really have anything substantive to say, but I just want to assure all the people who have been calling and writing over the years that we are sincerely trying to address this problem the best way we can, in the most practical way we can. And so please be patient with us as we go through this. And we appreciate your support and staying with us all this way. Thank you.

CHAIR MOLINA: Thank you very much, Chair Lee. Okay. Let's go to Captain Okamoto of the Police Department. Thank you for taking the time out to address this matter with the Committee. Your thoughts on the proposed bill, Captain?

MR. OKAMOTO: Good morning, Chair. Good morning, Committee. So I kind of quickly looked through the bill and...and I think the Fire Chief Ventura will bring this up as well too, so the enforcement part and the concerns are...I agree with, just the way it's written where the permitting...permittees where the Chief of Police will be responsible for...for the permitting of the...these fireworks. The way it's done right now, it goes through the Fire Department, so...and the enforcement part is done by the Police Department. So the only thing we would request is that it remain the same, where the Fire Department continues to do the permitting and then we'll...we'll do the enforcement part of the bill. But other than that, as far as my thoughts on the bill, yeah, I mean it was brought up by members of the public and the Council as well too, is like we can only can work within...within the law. I know there's some changes couple years ago where as far as like we can accept video...video evidence from...from citizens, but as we no longer have to witness the...the violations, but then the citizens would have to testify on...on...on that video evidence. So...but then that's something that's...that I think is already in place. But...but yeah, other than that, yeah, I think we just need more...more teeth...teeth to it, so help us do our job as well too. But again, going back to...I think Mahina brought up the...the...the...she had like a little...I forget what she called it, it

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was like a little...like a little community meeting addressing this. And I think one of the things that...that...that was brought up is...is I think we got to try...try to focus our efforts on...on the...the ports where the...the entry...entry points for these illegal fireworks. I think that was one of the things that came up at the meeting. So...but then other than that, yeah, the...we will do whatever...whatever we can do within...within our means legally. And you know, again, part of the messaging that we send out in our efforts is that, you know, we need the...the community's help to...to sort of police their own...their own...their own communities, yeah. Unfortunately, you know, it's...it's not always comfortable, but then we...we're going to have to...we can't...you know, we're limited in...in...in...especially on these holidays where it's so busy, yeah, we're limited on...on...on our manpower, so we can't be everywhere all at once. So we will respond, we just need people who are willing to...to make that report. So...but yeah, that's it for now, Chair. So I can answer any other specific questions.

CHAIR MOLINA: Okay. Thank you very much, Captain Okamoto. Members, I'm going to ask Chief Ventura to provide his comments, and then once Chief Ventura is done, then I'll open up the floor for questions. Okay. Good morning, Chief Ventura. Please add your thoughts to the proposed bill. And thank you for being here.

MR. VENTURA: Good morning. Dia dhuit, Councilmembers and Vice-Chair, Chair. Thanks for having me here today. You know, the Fire Department's perspective, Maui County Fire Department, as well as the State Fire Council, is always in support of increased fines and reduction of firework use in the State of Hawai'i as a whole.

UNIDENTIFIED SPEAKER: Hey.

MR. VENTURA: So that's our stance on the whole picture. We...during 4th of July when we have our dry season and winds are up, we could have a fireworks fire that turns out to be...that cost the County, you know, several hundred thousand dollars. So we've always been a proponent of more fines and more rules to restrict the use of fireworks.

CHAIR MOLINA: Okay. Chief, I'm sorry, can I interrupt you for just a second? If anyone has their mic open, you need to shut it off please because we're...a conversation is bleeding into this...the Chief's discussion. So again, please everyone out there or who are viewing the meeting, if you have your mic on turn it off so we don't have any other conversations coming in. Okay. Chief, my apologies for the interruption. Please go ahead and continue.

MR. VENTURA: No problem. So we want to thank Councilmember Rawlins-Fernandez, as well as Councilmember Lee, for bringing up this topic because we feel that it's an important part of reducing the use of fireworks in the County at least. There are...the HRS, the State HRS is written pretty detailed, and so we should at the minimal...at the least enforce all of those rules, and then add to it what the suggestions have been made in our County. And we support those increased regulations and rules. Like Captain

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Okamoto said, the Fire Department's responsibility, as far as the fireworks go, is to do permitting and inspections of legally permitted firework displays. And if we have more questions about that, I have Captain Otsubo with me today in our Prevention Bureau, and he can go over how the permitting process works. Aerial fireworks are only illegal if you don't have a permit. They're legal if you're permitted. So we'll hand...we continue to handle the permitting and inspection process. But anything that we can add to the State statute would give our County more teeth and more ability to control the use of the fireworks. You know, there's a lot of different topics we can talk about here, and I don't want to just kind of go on and on without answering specific questions. I'm happy to try to, you know, pinpoint any questions that Councilmembers have. But that's kind of the general consensus of where we stand as a Department. My...looking at the bill and kind of reviewing it, one thing that really came out of this was we were able to look through the law that's already written, and we identified some of the typos or needs for revisions. So a lot of it says that the Police Chief actually issues permits, but that's not the case, it is the Fire Department. So these are good revisions that can come out of this conversation so that we can correct it. But if we have to do any type of enforcement, generally during, you know, 4th of July, New Year's Day, we're so busy just running calls that our resources are busy at emergencies and we wouldn't have time to do, you know, enforcement activities and such. And so if we were tasked with some sort of enforcement activity for the fireworks situation, I don't know if that would just be a two day of year thing or if we would have the manpower to provide the service to the whole County. So I don't know...without those mechanisms in place, I can see this kind of just being, you know, like a house of cards, we would just kind of fail if we were tasked with enforcement. So Captain Okamoto kind of stepped up to say that they would continue doing that, and we totally support that. I'm available for questions.

CHAIR MOLINA: Okay. Thank you very much, Chief. Okay. Members, we're just going to do a two-minute round, give everybody an opportunity that would like to ask either Chief Ventura or Captain Okamoto questions on the proposed bill. All right. Let's see, who wants to go first? All right. We'll have Member Kama, followed by Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KAMA: Thank you, Chair. I think I'd like to address this to...to Mr. Okamoto. You know, my sense about things like this is that while we could institute a lot of laws and things like that, I think the idea is what Mahina had alluded to earlier was, how do we prohibit these things from coming in, either by air or by sea. And is anybody working on that? And maybe that is one idea I think I would like to explore with you folks. And what are your thoughts on that, Chief Okamoto?

CHAIR MOLINA: Okay. Captain Okamoto or Chief Ventura, your thoughts on Member Kama's question? I'm sorry, Captain Okamoto, I think you're muted right now, if you could unmute your mic.

MR. OKAMOTO: Oh, okay. I'm sorry. Sorry, Chair.

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CHAIR MOLINA: There you go.

MR. OKAMOTO: Okay. Sorry. So like I said before, some years ago I was able to attend that meeting that...that Mahina organized, and like she said, there were representatives of Police Department, Fire Department, the ports meaning the harbor, the airport. And I can't remember exactly what the conversation was, but our point of view is, is that, you know, we can do the enforcement, we're responsible with enforcement, you know, once it hits the...once it hits our communities here. But our concern was, you know, trying to focus more...more of an effort on the...the importation of these illegal fireworks. Yeah, you know...you know, the whole idea of maybe, you know, conceding the fact that, you know, they're going to get in and we're going to try and just make it legal for illegal fireworks, I don't think we support that. I think we shouldn't give up on trying to put more more...more pressure on trying to keep them out of the...out of the ports. And then like I said, you know, we'll do...we'll do our part as far as the enforcement part once it's in our communities. But again, you know, like Chief Ventura mentioned, you know, during these...these holidays when these illegal fireworks are going off, you know, we don't shut down and just selectively enforce the fireworks. You know, we're still responding to general calls for service for the rest of the community. So you know, we...we appreciate, you know, the Committee or the Council's efforts to...to maybe, like I said, you know, give us a little more teeth, not just us but, you know, all the different agencies, departments as far as like attacking this as...as...as a entire community. So...but yeah, that's...that's my thoughts, Chair, so yeah.

CHAIR MOLINA: Okay. Mahalo, Captain Okamoto. Chief Ventura, anything else you'd like to add related to Member Kama's question?

MR. VENTURA: You know, for us, we just don't have jurisdiction over harbors or anything like that, so we don't really have comment as far as enforcement at the harbors level.

CHAIR MOLINA: Okay. Thank you very much, Chief.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much for your question, Member Kama. Let's go to Vice-Chair Rawlins-Fernandez for your line of questioning.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, so the existing law that states that the...the Chief of Police would do the permitting and inspecting, that was something that we learned after I spoke with Chief Ventura about this. So that's one of the proposed amendments that we'll be addressing. This bill isn't intended to be a silver bullet in any way, it's meant to just be another tool. We don't have jurisdiction, as Chief Ventura and Captain Okamoto stated, over the harbors, over the postal services, so this is an attempt for the County to provide an additional tool to our departments who do

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the enforcement to help our communities over what we do have jurisdiction over. And so what...what I'm hearing is perhaps this wouldn't be helpful. And if this bill wouldn't be helpful, then either...I would appreciate any feedback on trying to make it more helpful for our departments. And if, you know, it's...it's going to be a waste of everyone's time then, you know, we can not do it too. If there's other ideas...I think this Council has been asking the Department to...to give us ideas, to let us know how we can help you best with legislation to give you the tools, but you know, we haven't really received that. You know, one idea I just had now, you know, as Captain Okamoto--I don't know why I'm having such trouble with your name, sorry--was responding to Pro Tem Kama is like I don't know if some sort of...it sounds like one of the problems is being short staffed...well, not short staffed, but just not being able to respond to fireworks alone because there's other things that go on during New Years and other holidays. And you know, that's absolutely true, and those are absolutely important too. So you know, what if we had some kind of like neighborhood watch during those holidays? I mean, is that something that would be more helpful? Because you know, like we...we want to do something that's going to be effective, and if it's not this legislation, then just, you know, tell us. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Chair Lee, you have questions for either Captain Okamoto or Chief Ventura?

COUNCILMEMBER LEE: Thank you, Chair. I think Member Paltin had her hand up before me.

CHAIR MOLINA: Oh, okay. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair Lee. Thank you, Chair Molina, Mr. Okamoto, or...and Chief Ventura. I guess my question involves Ms. Martin's testimony about the...when you permit the aerial fireworks and an inventory. Like do you...the current practice of permitting aerial fireworks, is there an inventory of what is permitted that can be, you know, then enforced by the police so that...I mean, I'm not sure if that's a problem, but additional aerals are being brought in and sold on the side or what...whatnot. Is that something...if you can describe the current process of permitting aerals, if there is an inventory or anything?

MR. VENTURA: Sure. So thanks for the question. I'll kind of send this one over to Captain Otsubo in our Prevention Bureau because they live the actual permitting process and the steps that they go through to get firework displays permitted. Captain Otsubo, are you available?

MR. OTSUBO: Hi. Can you hear me?

CHAIR MOLINA: Yeah.

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MR. OTSUBO: Yes, I am Captain at Fire Prevention here on Maui. Just like to say thanks for Councilmember Rawlins and Lee trying to put this together. So how the aerial permit works is these are only specific events that is approved by us. It doesn't...I think people are getting confused that they're tying aerial permits to New Year's Eve. So all of that is like just illegal activity. But if they do get a...

COUNCILMEMBER PALTIN: Yeah. I can just interject, the question was when do you permit...I mean, I guess the question goes to importation of illegal fireworks. I'm not sure if that's the actual problem, but it was made to sound that there was no inventory being given on what kind of fireworks are permitted for the aerial firework. If the amount of fireworks that they need for their show matches the inventory that they're getting, and if...you know, I don't know if there's extra aerials being brought in in addition to what is needed for the show and then maybe being sold off on the black market. I...I don't know, but that's what it was made to sound like by the testifier. So I was wondering. in permitting these individual shows. do you have an inventory of how many fireworks are needed for the show and match that inventory to what actually is? That was kind of my question.

MR. OTSUBO: Good question. Okay. So we do have import license in fireworks, and they do need to bring in their inventory and we do check it, and it matches what they use for the show. Anything that is unused or unfired needs to be shipped back. So we have import license, we have aerial fireworks use, we have fireworks use that is consumer fireworks outside of the...the approved times, like New Year's Eve and 4th of July, and then we do have the firecracker permits. Any other question?

COUNCILMEMBER PALTIN: Okay. So sounds like...sounds like you do inventory those shows for the amount of fireworks that they should have.

MR. OTSUBO: Yes. So we check the inventory, we check the storage, we check clearances, and making sure that they're following the Fire Code regarding these permits.

COUNCILMEMBER PALTIN: Thank you so much.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Okay. We have Chair Lee, followed by Member Sinenci. Chair Lee, questions for any of our --

COUNCILMEMBER LEE: Thank you, Mr. Chair.

CHAIR MOLINA: -- resource personnel?

COUNCILMEMBER LEE: Yeah, I...I do have a question to both Chief Ventura and to...is it Captain Okamoto?

MR. OKAMOTO: Yes, Captain.

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COUNCILMEMBER LEE: Have you seen a decrease in the last few years of the use of fireworks?

VICE-CHAIR RAWLINS-FERNANDEZ: No.

MR. OKAMOTO: So I...I...

VICE-CHAIR RAWLINS-FERNANDEZ: I don't think so.

MR. OKAMOTO: Sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh. Sorry.

CHAIR MOLINA: Go ahead.

COUNCILMEMBER LEE: Okay. Captain?

CHAIR MOLINA: Yeah, then go ahead, Captain.

MR. OKAMOTO: Okay. Okay. So...so I...I...I sent some stats to Services this morning, your guys' Council Services, so you may not have gotten it. But I'm just going to...I'm just going to read off some numbers on the last five...five years. And the search criteria was just for anything related to fireworks as far as calls for service. And 2016 it was 271, 2017 it was 503, 2018 it was 359, 2019 it was 545, and in 2020 it was 476. Now, reports generated meaning that an officer responded to the call and they actually wrote a report, in 2016 it was 29, in 2017 it was 51, 2018 is 46, 2019 is 156, and in 2020 it was 135. Now, to answer your question, I guess you can interpret the stats however you wanted, but just looking at it, I'd say pretty much it...there's a big jump from 2016 into 2017, and I don't think it has changed significantly. I think it remains at that 400, closer to 500 calls for service each year that's related to fire...fireworks alone. And --

COUNCILMEMBER LEE: Okay.

MR. OKAMOTO: -- the last couple years it's been over a hundred...hundred cases generated just based on fireworks complaints, so...

COUNCILMEMBER LEE: Okay. You talked about responses, but what about actual fines or citations . . . *(timer sounds)* . . . given? May I have a little bit more time...

CHAIR MOLINA: Yeah, go ahead, Chair.

MR. OKAMOTO: Yeah. So fines...fines and citations I'm going to have to run a separate search. I can send it to you guys --

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COUNCILMEMBER LEE: Okay.

MR. OKAMOTO: -- later. But I have to do a --

COUNCILMEMBER LEE: Okay.

MR. OKAMOTO: -- specific search to how many of those cases actually were...resulted in a...in a...in a fine, so...

COUNCILMEMBER LEE: Okay. It's obvious to us that you need more tools, obviously.

MR. OKAMOTO: Yeah.

COUNCILMEMBER LEE: Because we're not going to give up on this. This is a growing problem. Almost all of us are affected either by family...with family members or pets, if not actual damage, fire damage. So if it's a matter of enforcement and you need...and you're shorthanded, well, that's why we are here. Because if you need more funding for overtime or anything like that, that's what we want to do, we want to support you. But we...we...we cannot accept the status quo.

MR. OKAMOTO: Correct.

COUNCILMEMBER LEE: Okay. So however we can put our heads together to figure it out, we need to do that. And it's not only you, we realize this is going to be a community effort.

MR. OKAMOTO: Correct.

COUNCILMEMBER LEE: Then we...it's going to be incumbent on us, and...and perhaps you too, to get the...more community involved because --

MR. OKAMOTO: So...so...

COUNCILMEMBER LEE: -- it's obvious we just can't do it alone.

MR. OKAMOTO: Correct.

COUNCILMEMBER LEE: Yes, Captain?

MR. OKAMOTO: So...

CHAIR MOLINA: Thank you, Chair Lee.

MR. OKAMOTO: Sorry...sorry, Chair.

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CHAIR MOLINA: Go ahead, Captain. Before I go to Member Sinenci. Briefly, go ahead.

MR. OKAMOTO: Yeah. Sorry. So I just want to make the comment while it's fresh in my head. So I know Councilmember Rawlins-Fernandez kind of said oh, should we just give up the bill, or is it a waste of time. No, it's...the...it's not a waste of time. The bill needs, you know, some...some fine tuning, maybe we need to make some changes, but you know, like...like I'm interested to see how this...you know, they have that social host bill with the...with the liquor consumption, I want to see how that works out. Because this could be something that, you know, kind of follows that. Because you know, some people were talking about their frustration with, you know, officers responding and them not being able to do anything. So I cannot speak on behalf of the officers, but from what I understand, sometimes these officers will go and...you know, they could...they...you know, they'll do their...they'll do their checks. Maybe they find the house that they think where the firework came from, but then again, unless someone comes forward and says, you know what, they saw the...a particular person light it, or sometimes the owners will say, you know, you know what, it wasn't me, this guy just came to my house and he did his own. Maybe putting that...that extra pressure on the homeowners for hosting these gatherings, who knows, you know, like I said. But I wouldn't want to see...like I said, again, you know, I'm sure Chief Ventura appreciates this as well. You know, the...it's...it's going to be a community solution for the Council to...to take this seriously and...and lead the charge. I...I truly appreciate that, yeah. So it's not like anything can't...can't be done, it's just, you know, again, everybody's shorthanded. You know, Police Department is shorthanded, Fire Department is shorthanded, but that doesn't stop us from doing the best that we can. But you know, Chair Lee just came with those words of support, I think that's very encouraging. So again, you know, we're...we're, you know, we're going to continue to do the best that we can, you know, but just knowing that you guys have this...this perspective on this particular issue is...is very helpful too. So thank you, Chair.

CHAIR MOLINA: Okay. Thank...thank you very much, Captain Okamoto. And I appreciate that response because, you know, the Council, we're trying, and if what we're doing here, if we get this legislation passed, if it can save one life or prevent one tragedy, it's...it's worth it. So...but and then certainly we understand your challenges too, with being shorthanded and all the craziness that goes on on New Year's Eve and 4th of July and whatnot. So you know, like Chair Lee said, we're here to help and work together. And yes, you're correct, the community has to step up themselves. You can't just rely on law enforcement on this, people have to start changing their mindset as it relates to fireworks. I remember growing up...and Chair Lee and maybe Member Kama and Member Sugimura, all of us back then, it was just, you know, firecrackers and sparklers. And just over the years now it's become like bomb-like fireworks and aerials and it's...it's just gotten out of hand. But anyway, enough, I'll get off of my soapbox. Member Sinenci, questions for either the Fire Department or Police Department, proceed.

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COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I just had a clarification question for Mr. Otsubo. As far as the fireworks permits, is this just for those large fireworks displays like they do at the hotels, is that what the permits are for, or is this for everyday resident use?

MR. OTSUBO: Hi. So we have several types of different fireworks permits, and one is...the aerial permit is for 1.3g and 1.4g, that is basically...

COUNCILMEMBER SINENCI: The larger.

MR. OTSUBO: Yeah, the size of the shell. And both this...I guess the 1.3g is considered the illegal one.

COUNCILMEMBER SINENCI: And...and do you have a...is there a price of those permits? There's a cost to...to acquiring those permits?

MR. OTSUBO: Yes. So I believe it's \$100 per permit for the aerial.

COUNCILMEMBER SINENCI: And...and there's no limits to how many that we can issue out?

MR. OTSUBO: As far as the aerial permit, it is \$110 per show and \$200 for the inspection. So we...these are usually approved events, and we have certified people doing it. And we just verify that they're doing it the right way.

COUNCILMEMBER SINENCI: And...and no limits to how many permits we can give out?

MR. OTSUBO: For the aerial, there is usually one company buying one permit.

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

CHAIR MOLINA: Okay. Thank you very much, Member Sinenci. I saw Member Johnson with his hand up. Member Johnson? And followed by Member Sugimura.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, everyone, for attending this meeting, it's really important. I...I thank you all for taking your busy time to come and see us. This question is for Captain Okamoto. I've been told that many of the large bomb sounds that we hear are homemade. Is...can you speak to that? And do you guys find that you're coming across more homemade explosions or explosives?

MR. OKAMOTO: I can't say that we've been finding them, but it's pretty obvious that...you know, I mean, my...my...my neighborhood is affected by it. You know, I live in Kahului so I mean, you know, these commercial...commercial fireworks aren't...aren't made to do that. So there...there definitely are homemade, you know. Maybe Chief Ventura can speak more...more to that. But these...these are...are like...how you want to say, like

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have you ever seen those...those fireworks for those...those...those barges or those aerial displays?

COUNCILMEMBER JOHNSON: Like the tubes, right?

MR. OKAMOTO: Yeah. So...so basically --

COUNCILMEMBER JOHNSON: Yeah.

MR. OKAMOTO: -- those are...those are what I think are being set off. You know, those...those tubes...just imagine those tubes are like, you know, set out on...off the shoreline and whatever it is, and you know how loud it is. So just imagine that's like in...in your neighborhood. And people are...are configuring their...their own...their own tubes and whatnot, so...yeah, and...and it's...and it's going to result in...in injury, you know, and like I said, you know, we don't have the stats on all the injuries, but I think, you know, maybe you got to check with the Department of Health. But I'm sure during these times, like there's many, many injuries that...that go...that we are not aware of.

COUNCILMEMBER JOHNSON: Thank you, Captain.

MR. OKAMOTO: So...yeah.

COUNCILMEMBER JOHNSON: So some...if I can clarify that, some are homemade and some...

MR. OKAMOTO: Like I said, you know, we...we haven't been lucky enough to like actually recover...recover those.

COUNCILMEMBER JOHNSON: Okay. Okay.

MR. OKAMOTO: But I'm just speaking on behalf of just experience, on my opinion about why we have fireworks that...that shake the...shake the windows and...and...and --

COUNCILMEMBER JOHNSON: Okay.

MR. OKAMOTO: -- rattle, you know, the car alarms and stuff like that, so... ..(timer sounds). . .

COUNCILMEMBER JOHNSON: All right. Okay. Thank you...thank you, Captain. Thank you...thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Johnson. Member Sugimura?

MR. OKAMOTO: Sorry. Chair, sorry. I just want to add to Councilmember Johnson's question. So...

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CHAIR MOLINA: *(audio interference)*

MR. OKAMOTO: So actually, in 2019 we were lucky enough where we had some officers who were very, very aggressive, and they actually went after some...they did a little...a deeper investigation into these illegal fireworks. So...so I kind of stand corrected in the sense that they were able to recover some tubes and...and...and these illegal fireworks just through their investigation before it was...it was delivered. So they...they...they had an investigation where they intercepted these...these incoming fireworks. So yeah, so in relation to Councilmember Johnson's question, yeah, so...so that is where I'm getting my response too, is that yeah, we actually did recover these...these...these tubes coming in, so yeah.

CHAIR MOLINA: Okay. Thank you, Captain. Okay. Councilmember Sugimura, questions for Captain Okamoto or Chief Ventura or Captain Otsubo? Go ahead.

COUNCILMEMBER SUGIMURA: Yeah, thank you...thank you. I first want to thank Keani and Alice for bringing this up because I think it's something that all of us, as the holidays get closer, we get a lot of emails from constituents. So thank you for that. Growing up, yes, my family used to go to Wailuku Hongwanji, and that was about the only place where there were fireworks. And they used to, I guess, pull a fireworks permit or whatever, but that was the way we greeted the New Year. But it wasn't like what I see now, but it was very regulated. I don't know if it was harder to get fireworks then. But I wonder if Ryan Otsubo, if you could tell me then, for now, in order for permit...permitted events to get fireworks...because that I've done that for a Chinese New Year celebration at different festivities that I helped coordinate through, I don't know, 20 years that I helped the Chinese Cultural Society. But for those, there's...there's permitted events, and what about then all of the like Costco and Foodland purchases that people make?

CHAIR MOLINA: Captain Otsubo?

MR. OTSUBO: I'm not sure if I understand your question.

COUNCILMEMBER SUGIMURA: Are...are...are people who buy...I'm sorry, people who buy those big boxes that see walking out of Costco or Foodland or different, you know, shopping and stuff, are they required to get any kind of permit for that?

MR. OTSUBO: So those are just normal consumer fireworks. Those are not required. They can buy any amount that they want. Just the firecrackers, they're limited to 5,000 per permit.

COUNCILMEMBER SUGIMURA: Oh, I see. But you can get as many permits as you want for home?

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MR. OTSUBO: I believe...I need to check in on the --

COUNCILMEMBER SUGIMURA: Okay.

MR. OTSUBO: -- full detail --

COUNCILMEMBER SUGIMURA: So that's...

MR. OTSUBO: -- because...yeah.

COUNCILMEMBER SUGIMURA: Okay. So that's something that's unregulated then. And then for the Statewide Fire...I think Captain Ventura mentioned it when I met with him, there's a Statewide Fire Council or something. Can you mention a little bit about that?

MR. VENTURA: Sure. So State Fire Council is a body that is made up of the four County fire chiefs, State Fire Chief, as well as a group of actually paid employees, just a small group that works for State Fire Council. Their main objective and goal is creating legislation with support from the County Departments. And we have provided pages and pages of testimony to State legislators for increased fireworks regulations, fines . . . *(timer sounds)* . . . violations, and that such thing.

COUNCILMEMBER SUGIMURA: Okay.

MR. VENTURA: And we meet quarterly.

COUNCILMEMBER SUGIMURA: Okay. So I wonder if I could find out more about that. So I'll ask Chief later. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Sugimura. Members, I think we've completed at least one round. Before I ask for any last follow-up questions before we go into recess and the Chair deferring this item, Corp. Counsel I believe has a comment, would like to add their thoughts into this discussion. Either Mr. Murai or Mr. Whittaker. All right. Mr. Whittaker, go ahead.

MR. WHITTAKER: Yes. Thank you, Chair. Thank you. So I just...we need some more time with this draft bill, and I know it's going to go through another round of revisions, so we'll work with Councilmember Rawlins-Fernandez on that. But initial thoughts, State fireworks law is pretty comprehensive. It...it also includes liability for homeowners who permit others to use aerial devices on their property, and that prohibition is in HRS 132D-14.5. And State law also provides that in general, for fireworks laws, counties are the enforcement arm. So MPD and the Prosecutor's Office already enforce the stringent State law, including this homeowner liability. But there is a puka in this...in that homeowner liability law...State law which we may be able to fill with a County

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regulation. That section only applies to aerial devices, not all illegal uses of fireworks on the property. So one thing we could do is expand on that and add criminal penalties or civil fines for responsible persons for all illegal uses of fireworks. And I also just want to note under State law, the maximum penalty is \$2,000, and the County gets 80 percent of the fines collected. So we need to consider...we need to make sure that we have at least that level of penalty for things already covered in State law. Captain Okamoto is right that the police do not need to see illegal fireworks being lit because State law says you can establish probable cause by statements from individuals who witness the firework or photographs or video recordings, but then they have to be authenticated by the witnesses. And so that's the problem, right, is that the witnesses generally don't want to come forward, but that's what's currently in State law. And then finally, while Council has the power to create a new civil liability . . . *(timer sounds)* . . . scheme, an appeal process, we may consider just adding on criminal penalties because it's not clear that the proof level may be different. And we'll work with the Prosecutor's Office to figure this out, but we still would have to prove an illegal firework was used somehow, we have to prove that, and that the responsible person owned the property. So if both of things need to be proved in criminal and civil, you know, we should figure out which one works best for us. And that's all we have for now unless there are specific questions. We'll provide a revised copy to Councilmember Rawlins-Fernandez.

CHAIR MOLINA: Okay. Thank you very much, Mr. Whittaker. Okay. Members, Chair will allow just...before we close...well, one...if you have a real pressing question or a follow-up question for either of our resource personnel. And by the way, it may be somewhat moot, but any objections to having our Captain Okamoto from the Police Department, Chief Ventura, and Captain Otsubo as our resources for this item? Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Okay. I wouldn't think so. All right. Just a quick follow up before the Chair again closes. Chair's intent is to bring this back to Committee this month, and with the hope that we can have some type of action taken on this very serious and important matter. Member Paltin, a follow-up question for any of our resource personnel?

COUNCILMEMBER PALTIN: Oh, thank you. It was for Mr. Whittaker. The \$2,000 fine that you mentioned, because it's a State fine, it can be fined that much? But we cannot put it in our Code, can we?

MR. WHITTAKER: Member Paltin, that's correct. So under our Charter, the maximum fine we can do right now is \$1,000. The Charter Commission has passed, you know, an amendment to get rid of that, the voters will have to vote on it. But right now, the maximum fine is \$1,000 under our Charter. But because State law allows...the State...the State can have a greater fine, so that's why theirs is \$2,000.

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COUNCILMEMBER PALTIN: And it's okay for the County to collect the \$2,000 even with the Code the way it is...or the Charter? I'm sorry.

MR. WHITTAKER: That's right. Because it's technically under State law, and it'd have to be proven in court. It's a criminal fine of \$2,000, and under State law we get 80 percent of that amount.

COUNCILMEMBER PALTIN: Okay. Thanks. Just wanted to clarify that.

CHAIR MOLINA: Yeah, it's a good clarification, Member Paltin. Yeah, it's interesting that the Charter Commission wants to get rid of the lower fine and go with the State amount, yeah. Okay. Last follow-up question from the bill proposer, Vice-Chair Rawlins-Fernandez. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. I wanted to thank Fire Chief Ventura and Captain Okamoto for joining us today. My question was for Captain Okamoto. Are you...would you be the point person then to try to work on this kind of legislation? So if like after this we...you know, we have a meeting to try to, you know, work with Mr. Whittaker as well on how to help the Police Department as best as the Council can. Are you the point person?

MR. OKAMOTO: Yeah. Yeah. I would...I would...I would be. And I'd like to...you know, if...if...if the Chief Ventura doesn't mind if we...we all sit together, Corporation Counsel and your office, and we can kind of look through the bill and...and rewrite it, so...

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo for that commitment, I really appreciate it. And mahalo, Mr. Whittaker, for your comments and your commitment to trying to get good legislation passed. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Very good discussion this morning, Members. And as the Chair stated, we're going to bring this back later this month with the hope that we can have some form of action prior to the holidays. So anyway, this Council has taken this matter very, very seriously. And mahalo to you, Vice-Chair Rawlins-Fernandez and Chair Lee, for...for taking the lead on this. All right. Members, the time is 10:33, it's time for our morning recess. So if there are no objections, Chair will call for a recess until 10:45.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: The GREAT Committee meeting recess...oh, and yes, of course, any objections to no...to deferring the item?

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COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused KK)

ACTION: DEFER.

CHAIR MOLINA: Okay. So ordered. All right. Meeting in recess until 10:45 a.m.
...*(gavel)*...

RECESS: 10:33 a.m.

RECONVENE: 10:47 a.m.

CHAIR MOLINA: ...*(gavel)*... The GREAT Committee meeting for Tuesday, November 2nd, 2021 is now back in session. Thank you very much for the recess, Members. Very good discussion on our previous item.

GREAT-2(27) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS
(COMMISSION ON CHILDREN AND YOUTH) (CC 21-42)

CHAIR MOLINA: So we'll continue now with our next Committee item, which is GREAT Item 2(27). The Mayor's nominating Mercedes-Nicole Ritte to the Commission on Children and Youth. Forgive me with the dog and my wife in the background discussing matters. But anyway, Ms. Nicole Ritte will be applying for a term expiring on March 31st, 2025, to fill a vacancy due to the resignation of Elizabeth Fujii for the Commission on Children and Youth. The 60-day deadline for the Council to approve or disapprove the nomination is November 23rd, 2021. At this point I'd like to call upon Mr. Mossman to give us a brief overview of the nominee. Mr. Mossman?

MR. MOSSMAN: Thank you, Chair Molina. And welcome to the...the Council. Thank you very much for having me here. And happy belated Halloween. Yeah, the Mayor's Office is very, very, very proud to have our nominee Mercedes...Mercedes-Nicole, Ms. Ritte from Moloka'i as a replacement for Elizabeth Fujii. She comes from us...from the Island of Moloka'i, which we...we love having her as part of the new...the new member. 2020 to present, she has been with the 'Āina Momona Association. Her really great...after talking to her, her passion of supporting the youth and the children in Moloka'i was outstanding, and therefore we...we wanted to make sure that we acknowledge this person as a very great nominee for us. So with that being said, unfortunately she was on the call just in case anybody wanted to...to...but she had some of her duties and...and we let her go. But if there is anyone that wants have any conversation, we can set up a time for anyone to do that. And so I'll leave it at that.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman. And yeah, for the record we

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had two Committee Members did request Ms. Nicole Ritte's attendance; however, we normally take four requests. But she was here early and we...we want to thank her anyway for make...making herself available. So at this point the two Committee Members that did ask for Ms. Ritte's attendance was, of course, Vice-Chair Rawlins-Fernandez, as well as Councilmember Sinenci. So I'll recognize both of you if you have any questions for Mr. Mossman or would like to make any comments on the nominee. Go ahead, we'll start first with Vice-Chair Rawlins-Fernandez as the Moloka'i representative.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Mossman. Mahalo for being with us this morning. And you know, my gratitude to you and Mayor Victorino for choosing to nominate Ms. Ritte. As Mr. Mossman said, she's very qualified, very passionate about this...about working with the youth, empowering, uplifting those in our community. She runs a homeschool called ROOTed. And she's, to me, one of the most qualified people on our island to be sitting on this commission. So I...I'm really grateful to her for being willing to serve in this capacity. I...I have no doubts about her ability to attend the meetings. I know she's qualified. And what are my other questions? I'm...I'm not sure if she...no, I think my office did work with her on checking out some of the...the meetings, video archives and meeting minutes. She does have experience in watching the...she gets my full support. Mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Member Sinenci, any questions for Mr. Mossman or comments regarding the nominee? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, no questions for Mr. Mossman. And just speaking in support of Ms. Ritte's...her appointment to the...to the board. So mahalo, Chair.

CHAIR MOLINA: Okay. Mahalo, Mr. Sinenci. Okay. Seeing no other questions as it relates to the nominee then with that said Chair's going to recommend adoption of the proposed resolution approving the nomination of Miss...Ms. Ritte to the Children and Youth Committee [sic]. Mercedes-Nicole Ritte to the Commission Children and Youth for a term expiring on March 31st, 2025, to fill a vacancy due to the resignation of Elizabeth Fujii. So that is Chair's recommendation. Is there a motion?

VICE-CHAIR RAWLINS-FERNANDEZ: . . .*(raises hand)*. . .

CHAIR MOLINA: Okay. Motion made by Committee Vice-Chair Rawlins-Fernandez. Is there a second?

COUNCILMEMBER SUGIMURA: . . .*(raises hand)*. . .

COUNCILMEMBER KAMA: Second.

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CHAIR MOLINA: Okay. Seconded by Member Sugimura. Any discussion? Seeing none. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Any opposed? Okay. The Chair will mark it eight "ayes," with one excusal, Member King.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember King.

MOTION CARRIED.

**ACTION: ADOPTION OF RESOLUTION TO APPROVE MERCEDES-NICOLE
 RITTE TO THE COMMISSION ON CHILDREN AND YOUTH.**

CHAIR MOLINA: Thank you very much, Members.

**GREAT-2(28) NOMINATIONS TO BOARDS, COMMITTEES, AND COMMISSIONS (CIVIL
SERVICE COMMISSION) (CC 21-42)**

CHAIR MOLINA: Okay. Moving on to our next item which is GREAT Committee Item 2(28). The Mayor's nominating Arnold Wunder to the Civil Service Commission for a term expiring on March 31st, 2024, to fill a vacancy due to the resignation of Blake Takayama. The 60-day deadline for the Council to approve or disapprove the nomination is November 30th, 2021. At this point the...Mr. Wunder was not asked to come in, although two Members did ask, but the necessary four...four Councilmembers to...to have the nominee come in was not achieved. And the two Members that did ask was Members Rawlins-Fernandez and Member Sinenci. But before we go to them for any questions, I'd like to ask Mr. Mossman to give any opening comments regarding the nominee, Mr. Wunder.

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MR. MOSSMAN: Okay. Thank you, Chair Molina. And I appreciate it again. And I just want to thank Vice-Chair Keani Rawlins-Fernandez for her support in getting us a Moloka'i applicant that was awesome for our side. So we appreciate that. Mr. Wunder, I...I believe...I'm not sure if he's on the call, but he was available. We had a nice long conversation regarding his nomination to the Civil Service Commission. And I just found that Mr. Wunder has now been a newly retired...after 46 years of service throughout the community of Maui is now retired, enjoying himself, willing to get back into the commission scene to help and support wherever he could. Very strong supporter of the...of the Civil Service Commission, which he was a part of prior. And so he worked for Xerox Company for over 23 years, Hamai Appliance for over 23 years. Very well known within our community. The Mayor is very, very supportive of this nominee. And I'm not sure if he's here, but again, I will take any questions whatsoever for Mr. Wunder, Arnold Wunder.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mossman. Chair would like to add his comments about Mr. Wunder. He previously served on this commission, did an excellent job. I believe he served as the chair as well. So the Chair had no need to call on Mr. Wunder to provide his comments, I know him and his family very well. He's just a very outstanding citizen. Okay. Members...well, I guess Member...we'll start with Vice-Chair Rawlins-Fernandez, followed by Member Sinenci. Any questions for Mr. Mossman? Or comments on --

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: -- the nominee?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. I'll ask Mr. Mossman. My three questions. Did...did you confirm his ability to attend the meetings? Did he have an opportunity...oh, I guess he served on this commission before, so he has experience. And would you be able to share any of the...oh, I'm sorry, this is just Mr. Mossman. Mr. Arnold [sic] is on?

MR. WUNDER: Yes, I'm here.

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Aloha, Mr. Arnold [sic].

CHAIR MOLINA: Okay. Hang on.

MR. WUNDER: Good morning.

CHAIR MOLINA: Mr. Mossman, you have anything else to add before I recognize...

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MR. MOSSMAN: I just...I was --

CHAIR MOLINA: Okay.

MR. MOSSMAN: -- going to say that I didn't know if Mr. Wunder was here. Arnold, nice to see you here. Thank you again for being a part...

CHAIR MOLINA: Yeah. Thank you, Mr. Wunder. And thank you, you weren't required to be here, but thank you for making time anyway. So go ahead. All right. Members...Rawlins-Fernandez and Member Sinenci, you each have two minutes to ask Mr. Wunder any questions. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. Aloha, Mr. Wunder. So do you...mahalo for your willingness to serve again. Do you foresee any concerns with your ability to attend the meeting?

MR. WUNDER: I do not.

VICE-CHAIR RAWLINS-FERNANDEZ: And would you share with us some of your hopes in contributing to this commission?

MR. WUNDER: Sure thing, Ms. Fernandez. You know, I...I've served on the commission before, so I'm kind of ma'a to the work that they do and the experiences that happen there. But one of the things that I appreciated when I first served on the commission is we all hear the jokes about the quality of County employees, right? And serving on the commission gave me an opportunity to see that we truly have some very, very great employees at the County. And working with the Department of Personnel Services, you know, our goal has always been to hire the best quality individuals that we can to work for the County of Maui. And during the time that I served, we did...they did a lot of changes there to encourage that, and look forward to continuing to be a part of that opportunity to serve.

VICE-CHAIR RAWLINS-FERNANDEZ: I love that response. Mahalo. Do you have any ideas on how we would be able to combat some of the...the jokes that you referenced?

MR. WUNDER: You know, one of the challenges of civil service, right, is people who are not part of civil service feel that civil service employees are protected, and they don't have to worry about losing their jobs if they don't perform. And I think it's just important that we take opportunities...I appreciate when the County would have their recognition ceremonies every year for outstanding employees. You know, as people see the...as the community sees the things that are accomplished by individuals in their respective jobs and positions, I think that helps to clear up a part of that. But it was a good...like I say, personally it was a good experience to just come and see the quality of employees that we have. And you know, there were some that came before the commission that you just think how did we ever . . . *(timer sounds)* . . . get someone like this here. But it's just

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an opportunity to...to make sure that we get the best opportunities for them, and that the Department of Personnel Services is doing their job appropriately.

VICE-CHAIR RAWLINS-FERNANDEZ: Wonderful. Mahalo, Mr. Wunder. Mahalo, Chair.

CHAIR MOLINA: Okay.

MR. WUNDER: Thank you.

CHAIR MOLINA: Mahalo, Vice-Chair Rawlins-Fernandez. Member Sinenci, questions for Mr. Wunder?

COUNCILMEMBER SINENCI: Mahalo, Chair. And aloha, Mr. Wunder, mahalo for your willingness to serve on this commission. And I just had a general question, I guess, for you. So since your last time serving on the commission and...and considering some of the new challenges and...and the current situations that we are...are in as far as safety and those types of things. Has...has anything changed in...in the way you look at things now on the commission that you would want to change or address this time around?

MR. WUNDER: Chair...I mean Mr. Sinenci, that's a great question, and I don't want to overstep my bounds. As I come back into the commission, I'm coming in as a commission member, I'm not going to hold any former commission chairperson thing or anything like that. I'm just going to come in as a member, see where things stand, see what's happening currently, and then at that point hopefully draw upon the experiences I've had to be a positive force for the Civil Service Commission.

COUNCILMEMBER SINENCI: Great. Mahalo for that response. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very --

MR. WUNDER: Thank you.

CHAIR MOLINA: -- much, Member Sinenci. Okay. With that said, Members, the Chair is ready to make a recommendation to support the nomination of Mr. Wunder to the Civil Service Commission. Chair will entertain a motion to support.

COUNCILMEMBER LEE: So move.

CHAIR MOLINA: Okay.

COUNCILMEMBER SUGIMURA: . . .*(raises hand)*. . .

COUNCILMEMBER KAMA: Second.

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CHAIR MOLINA: Moved by Chair Lee, seconded by Member Sugimura. Members, any discussion on the motion to approve Mr. Wunder's nomination to the Civil Service Commission? And that will be for a term that will expire on March 31st, 2024, to fill a vacancy due to the resignation of Blake Takayama. Any discussion? Okay. Seeing none. The Chair will call for the vote. All those in favor, signify by raising your hand and saying "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. All those opposed? Okay. Seeing none. The Chair will mark it eight "ayes," with one excusal, Member King.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember King.

MOTION CARRIED.

**ACTION: ADOPTION OF RESOLUTION TO APPROVE ARNOLD WUNDER TO
 THE CIVIL SERVICE COMMISSION.**

CHAIR MOLINA: Congratulations, Mr. Wunder. And mahalo again for offering your services to our community. Much, much appreciated.

MR. WUNDER: Thank you, Chair. And thank you --

COUNCILMEMBER LEE: Good luck.

MR. WUNDER: -- ladies and gentlemen on the Council.

CHAIR MOLINA: Yeah.

COUNCILMEMBER LEE: Good luck, Arnold.

CHAIR MOLINA: *(audio interference)* retirement too.

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MR. WUNDER: Thank you, Alice.

CHAIR MOLINA: Thank you. Mahalo.

MR. WUNDER: Thank you.

CHAIR MOLINA: And thank you very much, Mr. Mossman. Aloha. Okay. Members, we're moving right along.

GREAT-7 CONSERVATION PLANNING COMMITTEE (CC 20-69)

CHAIR MOLINA: Let's go on to our next item, which is the GREAT Item 7 which is the nominees for the Conservation Planning Committee. And again, today's discussion is to fill these three...or these three openings on this commission [sic], the three voting members on the Conservation Planning Committee. And your Committee received applications from Mahina Poepoe, Benjamin Ostrander, and Samuel Akoi, IV to fill the Moloka'i, Lāna'i, and East Maui seats respectively. We'll start first with the nominee for Moloka'i, and that is with Ms. Poepoe. But before we call on Ms. Poepoe to give some opening comments, I'd like to recognize Committee Vice-Chair Rawlins-Fernandez for her opening comments on Ms. Poepoe and as the Moloka'i representative. Vice-Chair Rawlins-Fernandez? There you are.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Chair. Sorry. I was preparing for drawing names. Okay. Okay. My nominee is Ms. Mahina Poepoe. As you can see on her application she's highly qualified, highly motivated, has experience in this field, is actually very passionate about doing this work. She does this work every weekend. So I urge the Members...I ask for the Members' support. Mahalo, Chair.

CHAIR MOLINA: Mahalo, Vice-Chair Rawlins-Fernandez. Ms. Poepoe, if you could just take about a minute to share some of your thoughts as to why you'd like to serve on this commission [sic] and also, you know, anything about yourself that you'd like to share. Ms. Poepoe?

MS. POEPOE: Okay. I will try to get it all in a minute. Aloha. My name is Mahina Poepoe. I should disclose that I am on my own free time at home, I'm not in the office right now. I am born and raised on Moloka'i. In my application I have listed my experiences professionally and voluntarily. I currently work for MoMISC, the Moloka'i branch of the ISCs under a subcommittee of MISC. I work for 'Āina Momona under Uncle Walter Ritte. It's just a social culture justice nonprofit. And I also work in Councilmember Rawlins-Fernandez's office on Moloka'i, where I've gained so much additional knowledge and hands-on experience, her policymaking and the process at the County level. So my professional work is primarily administrative, but it does contribute to the conservation,

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you know, side of my passion. The work that really brings life into my soul after all the brain drain is all the stuff I do on the 'āina, you know, in the loi, building the fishpond wall, cleaning invasive jellyfish out of fishponds, reclaiming native spaces with plants, seed banking, bird banding. Like all of that stuff, it's really important to me that I understand, as extensively as possible with hands-on experience, the things that I advocate for or against. Yeah. So my dream is this large-scale ahupua'a-style restoration from mauka to makai. That's a big goal. And in...in the intermediate time, I do like to find little nooks and crannies of space to start, you know, creating little seed banks all over and la'au gardens for...just in random places. That's what I do. From the planning piece side of it, I have been diligently attending the Planning Commission meetings on Moloka'i for at least the past five years. I would say that I have around a 95...95 percent attendance rate. *(audio interference)* watchdog *(audio interference)*

CHAIR MOLINA: Ms. Poepoe, we're having some difficulty with your audio. Maybe if you could turn off your video, and then maybe your audio can come in better.

MS. POEPOE: Okay. Sorry. I'll try. Yeah. So --

CHAIR MOLINA: Good.

MS. POEPOE: -- I was also a part of the leadership for zero short-term rentals on Moloka'i. I...I love planning, I love the process, the policymaking, and the procedure behind it. So skip over all the plans I've participated in. With this committee particularly, I'm really interested in being part of the Greenprinting. I see that as like a really important...kind of another overlay tool that can help us visualize and map out our ecological assets, which can range from like all kinds of things, like from soil type to recreational value. Mapping out, you know, different groups that might be interested in the management piece. And it'll be really important for me to incorporate the culture values and the traditional knowledge side as well. I guess I can leave it there.

CHAIR MOLINA: Okay. Okay. Great. Mahalo, Mahina. And you know, whatever questions I had you answered it in your opening, so I have no questions, and you have my full support. Members, any questions for Ms. Poepoe? Okay. Seeing none. I guess you're so well-known and you...you're certainly a very hard worker, and we appreciate your...your sound attendance at all of the various community meetings that go on on Moloka'i and Maui.

MS. POEPOE: Thank you.

CHAIR MOLINA: Okay. Thank you. All right. We'll move on to our next nominee. I'd like to call upon first our Councilmember from Lāna'i, Mr. Johnson, to give some opening comments on Ben Ostrander. Councilmember Johnson, you have the floor.

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COUNCILMEMBER JOHNSON: Thank you, Chair. Members and Chair, I rise in full support of Ben Ostrander. I know him well for many years. I know his passion about the Island of Lānaʻi and all of the things that he's done in the past. It's...it's reflective in his career choice. He works in the cultural and historic preservation side of Pūlama Lānaʻi. And he's been my neighbor for many years. He's a good guy, standup guy. He has passion, and that's what we want. So I rise in full support. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Councilmember Johnson. I see Mr. Ostrander is on the call. Mr. Ostrander, if you could take about a minute or so to just tell us something about yourself and why you'd like to serve on this commission [sic]. Go ahead, Mr. Ostrander.

MR. OSTRANDER: Hi. Good morning, everybody. Thank you, Chair. Members, can you hear me all right? Awesome. Thank you, Gabe, for the...the so kind words. Yeah. So my name is Ben Ostrander. I...I live on Lānaʻi. I grew up here, moved here when I was about ten years old, so about three-quarters of my life now. I have three kids, aged 8, 12, and...and 16. So really, the conservation of all the things that I've enjoyed growing up here is...is really close to my heart. You know, I...I work...like Gabe said, I've...I've been with Pūlama Lānaʻi for about nine years in the culture and historic preservation department. Previously worked on several projects with the Lānaʻi Culture and Heritage Center doing kind of various restoration things and conservation work. And you know, the more I do, the more I realize how important, you know, where...what I enjoy about this place, and then how important it is to protect and...and, you know, have it kind of...have it there for the future generations. And so yeah, I...I...I don't know too much of what...what the role is. You know, I mean, I was kind of called and I think I was mentioned to...to Gabe by...by a couple people. But always willing to learn. And I think what you all do is very important. And kind of echoing kind of the...the day's speakers that...that being involved is really important. So yeah, thank you very much.

CHAIR MOLINA: Okay. Thank you very much, Mr. Ostrander. And thank you for making the time to serve on this commission [sic]. We have a question for you from Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. By reading your application and your qualifications, I support you. But my question is, how is Gabe as your neighbor?

MR. OSTRANDER: You know, sometimes I got to...

COUNCILMEMBER SUGIMURA: I know he's hardly there.

MR. OSTRANDER: Those aerial fireworks and the...nah, nah, just joke. But no, no, you know, I've known Gabe for...for many years --

COUNCILMEMBER SUGIMURA: I was just kidding.

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MR. OSTRANDER: -- and he's...he's really, you know, very relatable. And I really enjoy having Gabe --

COUNCILMEMBER SUGIMURA: Yeah.

MR. OSTRANDER: -- when you...when...when people maybe don't agree directly with...with certain stuff, he's still pleasant to be around. And...and conversation, it doesn't end with...with a disagreement. So you know, I really appreciate Gabe and all that he does.

COUNCILMEMBER SUGIMURA: Thank you. I was just joking, but thank you for that endorsement of our fellow colleague. Thank you.

CHAIR MOLINA: Thank you very much, Member Sugimura. And...and great impromptu response, Mr. Ostrander, to a very tough question. Good job. Members, any other questions for Mr. Ostrander? We already had the question answered about Mr. Johnson, so we'll...we'll...we'll bypass any questions with that. I see Member Paltin has a question for you, Mr. Ostrander. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Ostrander, for your willingness to serve. And I neglected to ask our previous nominee this question. And I just was wondering, you know, not seeing anyone like residing in West Maui, I just was wondering how familiar you are with the entirety of the County? And you know, if there were conservation matters, you know, West Maui is kind of out there, although we're not an island unto ourselves. I just was wondering if you had any thoughts as to how you would approach that not...if you weren't familiar to a location in the County?

MR. OSTRANDER: Yeah, that's a...that's a really good question. You know, I...I stay up to date with some stuff, but definitely there'd be things that were kind of out of...kind of not really my...what I know too much about. Kind of my approach to that is always to...you know, anything that I don't know about, I try and think of if I did live in a place, you know, and...and thinking from different sides, yeah, not just what my background is...is kind of around, conservation and...and things of that nature. You know, I...I think that...that idea of walk in somebody else's shoes, how would that person feel, is really ultimately probably the easiest thing to do to...to make the world a better place. And people kind of can...can make compromises. You know, compromises are something that...it's interesting, a lot of times people think of compromises of what...what you can get and keep and things like that, but really kind of that idea of a true compromise being here two sides are leaving feeling like they...they've lost something, yeah. Where there's...where there's no winner. But you know, that...that makes...makes a compromise. So you know, I would try and get as much information as I could about a situation, and kind of view it from...from the lens of multiple people of...of how I would feel if I was living in a particular community or whatever the...the kind of thing would be.

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COUNCILMEMBER PALTIN: And...and just to follow up, how familiar are you with West Maui?

MR. OSTRANDER: You know, that's, you know, right across the channel. It's probably...probably I maybe hear a little bit more about that than I would say maybe other parts of Maui just because of that...that close proximity. And then I...I...I, you know, I know people who live in West Maui. You know, I would . . .*(timer sounds)*. . . I would probably feel a little bit more comfortable with issues going on in West Maui than I would in like Kihei or something like that. But...but...yeah.

COUNCILMEMBER PALTIN: Okay. Great. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Members, any other questions for Mr. Ostrander before we excuse him? Seeing none. Thank you very much for responding to the questions from the Committee, Mr. Ostrander. And you have my support as well. Mahalo.

MR. OSTRANDER: Thank you very much.

CHAIR MOLINA: Thank you. Okay. And finally let's go to Councilmember Sinenci to provide opening comments on his nominee, Mr. Samuel Akoi, IV. Councilmember Sinenci, you have the floor.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yeah. Mr. Akoi is a . . .*(spoke in Hawaiian)*. . . He was very excited to submit his application by the deadline. And Mr. Akoi has spent the majority of his life outdoors from mauka to makai. He's currently our Aha Moku Hāna representative. He is a Kehaulii *(phonetic)* board member and a Maui Nui Makai Network active participant in the management of our open spaces and our coastal lands. Mr. Akoi has raised his keiki in and on the 'āina. And he is at that age where he's not kupuna yet, but willing to help steward and protect our 'āina for the next generation. So I know, Members, that his appointment today will prove to be an asset to this commission *[sic]*. Mahalo.

CHAIR MOLINA: Okay. Mahalo, Member Sinenci. And aloha, Mr. Akoi. If you could take about a minute or so, tell us a little about yourself and why would you like to serve on this commission *[sic]*. Mr. Akoi, go ahead.

MR. AKOI: Oh. Can you hear me?

CHAIR MOLINA: Yeah, we can hear you fine.

MR. AKOI: Hello. Aloha, everyone. Aloha kākou. Maui is at a very important place in time in its history. As one of the prime tourist destination, we can either go full forward into commercialism, or balance the scales with a slow growth model that honors

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sustainability and culture pride and excellence. One of the things that make Maui really unique is the grassroots, more laidback lifestyle. Our beaches, mountains, reefs, diving, hunting, farming, ranching, lei making, hula, 'ōlelo Hawai'i, hala weaving, kapa making, all the lifestyle. This lifestyle is the place and the people interacting. All of these things are supported by the 'āina out of which they grow. Support the 'āina, support the resources, support the culture of Hawai'i, support Hawai'i's people. I understand that the time moves forward and things change. I like to see slower change that supports place, that supports us. I would like to be on the Conversation Committee to kua (*phonetic*) this balance change. There are still many areas on...on Maui that are fairly pristine, these need protections, while other areas can sustain managed growth. This will hopefully allow many different lifestyle choices on Maui, including the grassroots, the traditional farmer/gatherer. That's...that's my manao why...why I want to be a part. You know, I'm a...you know, my application, ulupono 'āina is...is what I do. You know, I...I clean yards and stuff. Ulupalakua Ranch, I'll be working there for ten years. USDA Federal Wildlife, three and a half years there. And then before that I was the...the...the...I worked with Bob Hobdy for MISC, Hāna MISC, and was the lead...lead mountain man to...to lead the people in...in our mountains, our pristine mountains and stuff. But I've been involved, you know, participant with Maui Nui Network. You know, I'm the new Hāna representative for Maui Nui Network right now. I'm Aha Moku rep, you know, I'm the Aha Moku...Moku rep, you know, for a few years now since Shane stepped out from there and stepped in. I like to see...you know, I didn't mention it in my application, the history and stuff, because there's so much to...to...to put down in there but, you know, all...all of this work...work history, environmental, customary, ag, and practitioner practices, it was all through my kupuna. You know, I learned that from my kupunas. My fishing, my farming, my ranching, my hunting, you know, my traditional practices, it's like getting out there and do it. I'm a person of...you know, if I want to...if the kupunas want to have kalua pig, you know, I'll get the pig. You know, I'm a person that use my hands and feet instead of, you know, talk. Allow me...you know, my...my saying, my kupuna, my...my grandpas used to say, you know . . . (*spoke in Hawaiian*). . . So I'm...I'm here, you know, today, you know, to...to...I'm honored to...to be chosen from the Mayor and...and to come to you guys for it. I'm...I'm fully, fully dedicated, you know, to this, to see a balance in...in our conservation, you know, to move forward. You know, I'm out of my realm right now, you know, you know, on...on Zoom and stuff. You know, I'm...I'm out of my...like...like Shane was saying, you know, come with me to the mountain and I'm a different guy. You know, all...all my knowledge is all within me from generation and generation. It's in my DNA. So...but it's nice to learn with each other and see how we can move forward. And to be especially east side, you know, it's really sustainable. But also, I want to be working with...you know, there's places for tourists to go, and...and a lot of places in Hāna it's like, you know, a lot of places that it's traditional practices, it's...it's traditional, you know, history in that places that, you know, tourists shouldn't be...be going there. But you know, there's a balance. We can...we can figure things out how we can move forward. You know, I'm not too much of a talker but, you know, I've been ten years for USDA Wildlife. You know, we did...a little history there on wildlife services, it's for USDA, it's for the government. . .

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(inaudible). . . three and a half years down there for migratory birds for the...for our airport down at Kahului Airport. And then I did YCC Camp, you know, way back when, you know, when they first opened that up when I was younger in high school. Did that. National park. Worked with TNC . . . *(timer sounds)*. . . worked with Nene surveying, you know, did...did all this stuff. But you know, just wanted to share --

CHAIR MOLINA: Mr. Akoi --

MR. AKOI: -- just a little bit about that.

CHAIR MOLINA: -- sorry...sorry that *(audio interference)*

MR. AKOI: Thank you.

CHAIR MOLINA: The bell went off. But hey, for somebody who said that you're not much of a talker, you did a darn good job. Good job. Okay. Members, any questions --

MR. AKOI: Thank you.

CHAIR MOLINA: -- for Mr. Akoi as it relates to his application to this commission [sic]? We have a question for you, Mr. Akoi, from Member Paltin. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. And thank you, Mr. Akoi, for your willingness to serve. I just kind of wanted to clarify, verify that, you know, so happy to have you with your experiences and also being part of the Aha Moku and the Maui Nui Marine Network. And I just was...wanted to verify that, you know, we have active Aha Moku and Maui Nui Marine Network in West Maui, and that West Maui doesn't have a seat on the committee, and that you have good relationships with the West Maui folks. So if an issue or land in West Maui came up, you could reach out to the folks on West Maui and gain their perspectives and input?

MR. AKOI: 'Ae. Yes. Ekoru Lindsey on...on that side. Yes. Yeah.

COUNCILMEMBER PALTIN: Okay. Perfect. Thank you so much.

MR. AKOI: They got some...they have some strategic planning going on right now, yeah, with the...the tourists, you know, and the traditional practices, the...the fishing and the kayaking and all of that, yes.

COUNCILMEMBER PALTIN: Awesome. Thank you so much.

MR. AKOI: Thank you for the question.

COUNCILMEMBER PALTIN: I figured, but I just wanted to clarify and verify that on the record.

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CHAIR MOLINA: Okay. Mahalo, Member Paltin. Members, any other questions for Mr. Akoi before we excuse him? Okay. Seeing none. Mahalo for being here, Mr. Akoi. And thank you for your interest in serving.

MR. AKOI: Thank you.

CHAIR MOLINA: Aloha. Okay. Members, well, you know what, three outstanding individuals for this very important commission [sic], and they all have my full support. But before we do that, the terms of these appointments are three year staggered terms. And if we agree that these individuals will fill these various seats, our Committee now needs to determine the terms of these appointments. Now, in accordance with Section 2.28.040, Maui County Code, staggered terms ensures terms do not all expire at the same time. Further, the appointment resolution must state the duration of each initial term. So because terms typically end March 31st of a given year, the term durations for these respective appointments are as follows: March 31st, 2022, March 31st, 2023, and March 31st, 2024. So now, for a fair and transparent process, the Chair is recommending the Committee use the same process that we used to name terms for the Commission on Healing Solutions for Homelessness, where we named a particular term and picked a name at random to fill that term. Chair would also like to add that being named to the shortest term may not be a bad thing, considering that any appointments for less than two years per the Charter Section 13-2 will allow that individual to reapply and be considered for a full three-year term. So with that being said, Chair would like to recognize Committee Vice-Chair Rawlins-Fernandez, who introduced us to a very unique process for determining terms back when we did the Homeless Solutions Commission. So I'll turn the floor over to you, Member Rawlins-Fernandez, to do for the process for us again in determining the terms for our three nominees.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. May I get a drumroll please?

CHAIR MOLINA: *(Drumroll sound)* how's that?

VICE-CHAIR RAWLINS-FERNANDEZ: Grabbing...first is Lānaʻi. And we have our specialty made cup for pulling terms. And the term expiration date will be 2024. So Lānaʻi --

CHAIR MOLINA: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: -- 2024, Staff.

CHAIR MOLINA: Okay. Congratulations to Mr. Ostrander. You get the longest, yeah, March 31st, 2024.

VICE-CHAIR RAWLINS-FERNANDEZ: That's three years.

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CHAIR MOLINA: So Staff will make note of that. Okay. Vice-Chair, please continue.

VICE-CHAIR RAWLINS-FERNANDEZ: Drumroll please. Okay. And we got Moloka'i.

CHAIR MOLINA: Hey.

VICE-CHAIR RAWLINS-FERNANDEZ: And the term will expire 2023.

CHAIR MOLINA: Okay. Congratulations. So Ms. Poepoe will get the...her term appointment will be March 31st, 2023. Okay. And of course the --

VICE-CHAIR RAWLINS-FERNANDEZ: And that --

CHAIR MOLINA: -- last nominee.

VICE-CHAIR RAWLINS-FERNANDEZ: -- leaves Hāna 2022.

CHAIR MOLINA: Oh. Mr. Akoi get the shortest. Okay. But that's okay, because now you can automatically reapply, so it'll be easier to...for him to reapply because it will be under two years. So mahalo, Vice-Chair Rawlins-Fernandez, for doing that process for us. Very innovative, and very easy to do, so. So with that said, Chair will entertain a motion to approve all of the three nominees as follows: To Exhibit A, Mahina Poepoe from Moloka'i for a term expiring on March 31st, 2023; Benjamin Ostrander of Lāna'i for a term expiring on March 31st, 2024; and Samuel Akoi, IV from East Maui for a term expiring on March 31st, 2022. That is the motion on the floor. Chair will entertain a motion for approval.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER JOHNSON: Second.

CHAIR MOLINA: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Johnson. Members, any discussion on all of our nominees to the Conservation Planning Committee? As the movant, Vice-Chair Rawlins-Fernandez, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm so excited about our Conservation Committee nominees and everyone that's so far been selected to serve on this committee, and I'm excited about the work that they'll be doing. I wanted to add to Member Paltin, her line of questioning about there not being a representative on West Maui...from West Maui or that resides currently in West Maui, that the Moloka'i nominee also has experience and is part of the Aha Moku, as well as the Maui Nui Network, so she has access to those people in West Maui that have the experience needed to ensure that West Maui's voice is included in decision making. And Ms. Poepoe also lamented the fact that I didn't ask her the question I always ask everyone, which is about attendance,

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and she told me that her response to my question about any concerns about her attending or...or not being able to attend, and she said that her response would have been nothing would have stopped her from attending the meetings except literal death. Mahalo.

CHAIR MOLINA: Mahalo, Vice-Chair Rawlins-Fernandez. Members, any other discussion as it relates to our nominees for the Conservation Planning Committee? All righty. Seeing no other discussion, Chair will call for the vote. All those in favor, say "aye" and raise your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. Chair will mark it...okay. Any opposition? No? Okay. Chair will mark it eight "ayes," with one excusal, Member King.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember King.

MOTION CARRIED.

**ACTION: ADOPTION OF REVISED RESOLUTION APPROVING
 NOMINATIONS OF MAHINA POEPOE (MOLOKAI), BENJAMIN
 OSTRANDER (LANAI), AND SAMUEL AKOI IV (EAST MAUI) TO
 THE CONSERVATION PLANNING COMMITTEE.**

CHAIR MOLINA: Mahalo to all of our three nominees, and congratulations. And the Council will take a final vote on...on your...your nomination at a future date, but thank you for making yourselves available to serve our community. Mahalo. All righty. Very good, Members. Good job, everybody.

GREAT-4 2022 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE (CC 21-44)

CHAIR MOLINA: Okay. We're on our last item for today, which is GREAT Item 4, related to

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the 2022 Maui County Council Legislative Package. The Council recently received a correspondence from the Hawai'i State Legislature indicating a December 30th, 2021 deadline for our County to submit legislative package proposals. Chair would like to just remind all of you that...to the Committee that Resolution 21-154 was approved at the October 1st, 2021 Council meeting to approve for inclusion in the 2022 Maui County Legislative Package a State bill to increase the minimum wage as submitted by Councilmember Johnson. And as noted on today's agenda, there are nine remaining proposals recommended for inclusion in the 2022 Maui County Council Legislative Package. A number of these proposals have been also submitted and approved for inclusion in the 2022 HSAC Legislative Package, specifically Proposal 1 relating to unlawful chop-shop activity submitted by Councilmember Paltin. Proposals 6 through 9, which are all submitted by Councilmember King, relating to use of intoxicants while operating a vehicle, assessing a climate change mitigation impact fee for tourism related vehicles, establishing a green fee surcharge on transient accommodations and transient accommodations hosting platforms. If there are no objections, the Chair will entertain a motion to include these proposals that I've just mentioned into the 2022 Maui County Council Legislative Package, including any nonsubstantive revisions. Chair would like to ask for a motion to adopt these into the package.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

COUNCILMEMBER SUGIMURA: . . .*(raises hand)*. . .

CHAIR MOLINA: Okay. Motion made by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura. Any discussion? If not, all those in favor, signify by saying "aye." Okay. And raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Any opposition?

VICE-CHAIR RAWLINS-FERNANDEZ: It looks like Member Paltin has a question.

CHAIR MOLINA: Oh, I'm sorry. Is there someone with a question? Is there a question? Okay.

COUNCILMEMBER PALTIN: I...I had an ASF.

CHAIR MOLINA: Yeah, yeah. We'll...we'll...we'll get to that right after this. We...at this point, we haven't included your Proposal 5 on the threshold for home construction.

COUNCILMEMBER PALTIN: Oh.

CHAIR MOLINA: We'll do that after this vote. Yeah. But thank you for that --

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COUNCILMEMBER PALTIN: Sorry. Thank you.

CHAIR MOLINA: -- Member Paltin. No, no worries. Okay. All right. So do we have...I guess the Chair counts eight "ayes" to include the proposals that were just mentioned. Okay. Any opposition? Okay. Seeing none.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember King.

MOTION CARRIED.

**ACTION: ADOPTION OF RESOLUTIONS TO ESTABLISH CRIMINAL
 OFFENSES OF UNLAWFUL CHOP-SHOP ACTIVITY, LOWER THE
 THRESHOLD OF BLOOD-ALCOHOL CONTENT WHILE
 OPERATING A VEHICLE, ASSESS A CLIMATE CHANGE
 MITIGATION IMPACT FEE FOR TOURISM-RELATED VEHICLES,
 ESTABLISH A GREEN FEE SURCHARGE ON TRANSIENT
 ACCOMMODATIONS, AND ALLOW THE COUNTIES TO
 REGULATE TRANSIENT ACCOMMODATIONS HOSTING
 PLATFORMS.**

CHAIR MOLINA: All righty. Very good. So we'll include all of those items that were mentioned into the package. And now we will get to Proposal 5, which relates to lowering the threshold for home construction considered "development" under the Coastal Zone Management Act, which was submitted by Councilmember Paltin, and was also approved for inclusion in the 2022 HSAC Legislative Package. However, the Chair has been made aware that Member Paltin has a proposed amendment for consistency with the version submitted in the HSAC Legislative Package. I'll turn matters over to Member Paltin with her proposal. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. I propose to amend the State bill entitled "A BILL FOR AN ACT RELATING TO THE COASTAL ZONE MANAGEMENT ACT" attached to the resolution as Exhibit "A" to insert a definition of "floor area" modeled after the

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definition in the Comprehensive Zoning Ordinance per Deputy Director Hart's suggestion when we last took this up. So I move to amend the resolution by adding a new definition in Section 205A-22, HRS, in alphabetical order to read as follows: "Floor area" means the roofed area of all floors of a structure measured from the exterior faces of the exterior walls or from the centerline of the...of party walls dividing a structure; the floor area of a structure or a portion of the floor area that is not enclosed by exterior walls shall be the area under the covering roof or floor that is supported by post, columns, partial walls, or similar structural members that define the wall line. Excluded from the floor area are: 1. Parking structures such as garage and carports, including covered driveways and accessways, porte cocheres, and parking attendant booths. 2. Attic areas with head room less than seven feet. 3. Projections such as sunshade devices and architectural embellishments that are decorative only. 4. Areas covered by roofing treatment to screen rooftop machinery only. 5. Areas underneath unsupported overhangs or cantilevered building overhangs, providing no...provided no portion of the area is enclosed except for a safety railing or wall not exceeding four feet in height. 6. Elevators and vent shafts. 7. Basements that are used for...used exclusively for storage. 8. Common walkways and other exterior common areas in multi-family and commercial structures, such as stairways, breezeways, and fire escapes. 9. Exterior machinery and equipment enclosures, such as for laundry, water heaters, air conditioning, and trash receptacles. And then there's figures with...like to...to illustrate the numbers.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Boy, that was a heck of an amendment. All right. Is there a second to Member Paltin's amendment?

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay. Seconded by Committee Vice-Chair Rawlins-Fernandez. Any additional discussion or questions on the amendment to the proposal from Member Paltin? Okay. Oh, okay. Additional discussion, Member Paltin, go ahead.

COUNCILMEMBER PALTIN: So you know, this is what Maui County currently goes by per Deputy Director Hart and, you know, it's just a starting point for the State Legislature discussion. I would imagine, you know, each county may have their own definition of how they measure floor area. And so it's just so that the State legislators don't over...overlook that, you know, we need a way to say what floor area is. So this is why --

CHAIR MOLINA: Okay. Thank...

COUNCILMEMBER PALTIN: -- that's included.

CHAIR MOLINA: Okay. Thank you very much, Member Paltin. Any other discussion before the Chair calls for the vote on the proposed amendment? Okay. Seeing none. All those in favor, signify by raising your hand and saying "aye" on the proposed amendment from Member Paltin.

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COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. All righty. Any opposition? No. Okay. Chair will mark it eight "ayes," one excusal, Member King.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember King.

MOTION CARRIED.

ACTION: AMEND RESOLUTION BY INSERTING A DEFINITION OF “FLOOR AREA”.

CHAIR MOLINA: All right. Chair will now call for a motion to adopt the revised resolution relating to this proposal. Okay.

COUNCILMEMBER KAMA: So moved.

CHAIR MOLINA: Okay. Been moved, and there is a second?

COUNCILMEMBER SUGIMURA: . . .*(raises hand)*. . .

CHAIR MOLINA: Second by Member Sugimura. And discussion on the...to the adopt the revised resolution relating to Member Paltin's proposal? Okay. Seeing no discussion. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. Any opposition? Okay. Seeing none. Chair will mark it eight “ayes,” one excusal, Member King. Motion passes.

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

EXC.: Councilmember King.

ACTION: ADOPTION OF REVISED RESOLUTION TO LOWER THE SIZE THRESHOLD FOR HOME CONSTRUCTION THAT IS CONSIDERED "DEVELOPMENT" UNDER THE COASTAL ZONE MANAGEMENT ACT.

CHAIR MOLINA: Okay. Would you like to go ahead and make...make that motion to file the

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correspondence dated August 26, 2021 from yourself? And this, of course, relates to a proposal to regulate noise nuisances stricter than Department of Health rules. So Mr. Sinenci, if you'd like to go ahead and make the motion.

COUNCILMEMBER SINENCI: So move, Chair.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Okay. Okay. Motion to file made by Member Sinenci, seconded by Member Sugimura. Mr. Sinenci, go ahead, you have the floor as the movant.

COUNCILMEMBER SINENCI: Yeah, thank you. And I just...again, reaching out to our agriculture community, I did want to thank Mr. Lester, Mr. Caires, Mr. Jacintho, Mrs. Niles, Mr. Ross, Mr. Thompson (*phonetic*), and also our Staff (*audio interference*) So again, mahalo for all your work.

CHAIR MOLINA: Okay. Mahalo, Member Sinenci. And the Chair expresses his mahalo to you because I think this might be a more expeditious way to address this concern where you can do an ordinance out of your Committee and then go from there versus doing it this way, which might take a lot longer. Of course, we know how long the State can take with addressing matters. So anyway, thank you for that. All right. Chair will call for the vote on the motion to file. All those in favor, signify by raising...by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. Any opposition? Okay. Seeing none. All right. The motion to file passes with eight "ayes," and one excusal, Member King.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember King.

MOTION CARRIED.

**ACTION: FILING OF CORRESPONDENCE RELATING TO COUNTY
REGULATION OF NOISE NUISANCES.**

CHAIR MOLINA: Okay. We move on to another consideration from Councilmember Sinenci, and this relates to highway improvements in Maui County. I believe we did touch upon this a little bit at our last meeting. But I'll ask Mr. Sinenci, just briefly refresh our memory with this proposal. And then we'll go to the Director of Public Works, Director Dagdag-Andaya for additional comments. First, Mr. Sinenci, you have the floor.

COUNCILMEMBER SINENCI: Mahalo, Chair. And yes, Members, we've heard about the many issues regarding the Hāna Highway during this last two years, including traffic problems, illegal parking, trespassing, emergency vehicular inaccessibility, and the lack of pedestrian safety on the Hāna Highway. And so as stated in the bill, the additional funds will help to maintain and repair County-owned sections of the Hāna Highway, the Pi'ilani Highway, including resurfacing projects, reinforcement of bridges, improvement of reflective paint and signage, and clearing of vegetation from...from signage and turnouts that are crucial to improve its overall safety conditions. Like Chair Molina said, Director Dagdag-Andaya is on the call. She can attest to maybe some of the CIP projects and paving projects scheduled for the Hāna and the Pi'ilani Highway. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Sinenci. I'd like to call upon Director Dagdag-Andaya for additional comments. Aloha, Ms. Dagdag-Andaya. You have the floor to provide comments --

MS. DAGDAG-ANDAYA: Aloha, Chair.

CHAIR MOLINA: -- on this proposal.

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MS. DAGDAG-ANDAYA: Aloha, Chair. And aloha, Committee Members. So as mentioned by Councilmember Sinenci, the Department has identified and has already programmed a number of projects along Pi'ilani Highway. This is the portion of Pi'ilani Highway in East Maui, it doesn't include the area in South Maui. This is from...where it meets Kula Highway to Hāna Highway in Hāna Town. And some of the projects that we have coming up in the next couple years include the Hāna Highway at Kalepa Point road repairs. This is one section where erosion and...or coastal erosion has had a tremendous impact on the road. What's planned there is a revetment. And that is...we're currently in the draft EA phase, with construction likely...likely taking place in Fiscal Year 2023 or 2024. We also have identified a number of resurfacing projects along Pi'ilani Highway and Hāna Highway in areas that we currently maintain. And when I asked Staff to estimate the total amount of these resurfacing projects, we did estimate about 13 million just for those that involve mill and fill or some reconstruction. That doesn't include, you know, just the regular maintenance things like crack fill or pothole patching. The...the 13 million would actually be directed towards projects that involve resurfacing. So those are the types of projects that...that we see coming up along Pi'ilani Highway/Hāna Highway in...in the next coming years as it relates to repair and maintenance.

CHAIR MOLINA: Okay. Thank you very much, Madam Director. Members, any questions for Director Dagdag-Andaya? I see Member Paltin.

COUNCILMEMBER PALTIN: Oh, I just was wanting to clarify that Kalepa Point part with the revetment, is that the part where you're coming down and like the...it's like kind of almost one lane and the corner comes around like that?

MS. DAGDAG-ANDAYA: Yes, that's...

COUNCILMEMBER PALTIN: And then the guardrail kind of like all like wasted?

MS. DAGDAG-ANDAYA: Yes. Because...

COUNCILMEMBER PALTIN: Oh, yeah, that *(audio interference)*

MS. DAGDAG-ANDAYA: Yeah. You have the...the sheer...the...the mountainside right up against the road, and it's a --

COUNCILMEMBER PALTIN: And --

MS. DAGDAG-ANDAYA: -- very narrow area.

COUNCILMEMBER PALTIN: -- what did you mean by revetment? Like how would that...how can you fix that? It looks so treacherous.

MS. DAGDAG-ANDAYA: It would be to address the undermining on the...the makai side of the

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road. So when you talked about the...the guardrails that are mangled, yeah, a lot of that is impacts due to wave action. So that has contributed to a lot of the erosion in that area.

COUNCILMEMBER PALTIN: So would you be using like different materials because of the proximity to the ocean? And like you have to get like ocean like so that it doesn't affect the side...the longitudinal?

MS. DAGDAG-ANDAYA: Yeah. That's currently in design right now, and it will be analyzed in a draft Environmental Assessment. So alternatives will also have to be identified for that project. And we're not...I don't think we're at the point yet where we've released or published the draft EA, but that should be coming up soon.

COUNCILMEMBER PALTIN: And you don't think...I mean like I don't know if it's legal or not, but I see outside of like Kahana Sunset, it looks like they shotcrete the whole cliffside or something like that. Is that a possibility?

MS. DAGDAG-ANDAYA: You know, I'm not quite familiar with that project. But again, those are alternatives that would be identified in the environmental documents for the project.

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

CHAIR MOLINA: Okay. Mahalo, Member Paltin. Members, any other questions before the Chair makes a recommendation? Member Sugimura, go ahead.

COUNCILMEMBER SUGIMURA: Yeah. So this is very important. Thank you, Rowena. And the reason why we're asking the State for this is because you want to also include more money from the State budget into our County? Am I understanding...

MS. DAGDAG-ANDAYA: Chair, I'll defer that question to Councilmember Sinenci since this is...this is a bill that he drafted.

COUNCILMEMBER SUGIMURA: Oh, okay. Oh, Mr. Sinenci?

CHAIR MOLINA: Member Sinenci?

COUNCILMEMBER SINENCI: Yeah. Mahalo, Chair. Mahalo, Member Sugimura, for the...the question. Yeah, so we'll be just asking the State for additional help. Despite it being a County roads, the State can also lend support. And of course it would have to go through the STIP process, and that's why we have Director Dagdag-Andaya here because we would need all of the County CIP projects that are...should we receive additional funds be ready to go. So...and of course we'll definitely bring this process up in the metropolitan planning...our MPO meetings as well.

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COUNCILMEMBER SUGIMURA: I was just curious, are you anticipating some of the funds that we're waiting for from the Federal government --

COUNCILMEMBER SINENCI: Right, that would...yeah, that's...yeah.

COUNCILMEMBER SUGIMURA: -- for the infrastructure bill? Is that...you're trying to tie all that together? Very good.

COUNCILMEMBER SINENCI: Well, that was...yeah, according to Ms. Armstrong, that would come through the Maui Metropolitan Planning Organization, which...which a lot of us are on. So for this section, this...this would include the STIP process, and so that's why --

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER SINENCI: -- we're...we're, yeah, asking for that additional funds.

COUNCILMEMBER SUGIMURA: Oh, very interesting. I...I think I remember you talking about it in committee, so that's interesting you can get Mister...Ms. Dagdag-Andaya to...who's also on MPO. Okay. Thank you. I understand what you're trying to do. Thank you.

COUNCILMEMBER SINENCI: And maybe we can bring it up in your Committee as well, Member Sugimura. Thank you.

CHAIR MOLINA: All right. Thank you very much that question, Member Sugimura. Okay. Seeing no other questions, then the Chair's recommendation is to adopt the revised resolution relating to this proposal to include into the 2022 Maui County Council Legislative Package. Chair will entertain a motion to include this proposal.

COUNCILMEMBER SINENCI: . . .*(raises hand)*. . .

CHAIR MOLINA: Okay. Moved by Member Sinenci.

COUNCILMEMBER SUGIMURA: Second.

CHAIR MOLINA: Is there a second? Seconded by Member Sugimura. Any discussion on the proposal? Okay. Seeing none. Chair will call for the vote. All those in favor of including this proposal into the 2022 Maui County Council Legislative Package, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. All those opposed? Okay. Thank you. Chair will mark it eight "ayes," with zero opposition.

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

EXC.: Councilmember King.

**ACTION: ADOPTION OF RESOLUTION TO APPROPRIATE FUNDS FOR
HIGHWAY IMPROVEMENTS.**

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So again, this legislation is proposing to include what is referred to as Kalaupapa Settlement, so it'll be the Makenalua Peninsula and Waikolu Valley, into Maui County. This...this wouldn't be an acquisition or an executive order, this...this would just be extending the County's jurisdiction. The ownership or management under the State, so one-third is under DHHL, DHHL has a lease with the National Park Service, that would not change. The other two-thirds is under DLNR, and that would remain under DLNR, so that wouldn't change either. There...there have been meetings conducted by the State Department of Health, who is currently the jurisdictional...who holds the jurisdictional charge of Kalawao County to figure out the future of Kalaupapa. And these meetings have not been public, and it seemed like it was a very exclusive group that was included in these discussions. So this is also an effort to have this discussion be more public and inclusive. On behalf of the Mayor's Office, the Moloka'i Liaison, Ms. Stacey Crivello, was attending some of these meetings, and I was able to meet with her after the last meeting that we had. And I won't speak on her behalf. We did extend an invitation this morning to her, but she was already in a meeting. So she said that if she was able to get out of

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the meeting early enough then she would jump on and answer questions Members had, but it sounds like she's still in her meeting now. So mahalo, Chair.

CHAIR MOLINA: All right. Mahalo, Vice-Chair Rawlins-Fernandez. And before we recognize Captain Okamoto from the Police Department for comments, for the record again, Members, I assume no objections to having Director Dagdag to provide comment on proposal 3 from Member Sinenci, as well as Captain Okamoto from the Police Department to provide comment on proposal 4 from Member Rawlins-Fernandez. Any objections to having them as resources?

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR MOLINA: Okay. Seeing none. All right. Very good. All right. Captain Okamoto, you have the floor if you'd like to provide some comments on Vice-Chair Rawlins-Fernandez's proposal.

MR. OKAMOTO: All right. Thank you, Chair. Thank you, Councilmembers. Having lived and worked on Moloka'i some years in my career at the Police Department, I totally agree that I always thought that Kalaupapa should be a part of Maui County. I know historically and...and the reasons for why it was...it was separated in the past. However, you got to take into consideration the...if...if we're going to assume responsibilities of law enforcement, you got to take into consideration the...the manning of...of the peninsula. And I have an estimated cost, and if the Council...you know, I can email the Council the breakdown of the costs. But the first year of...of...of manning the peninsula we have an estimate of about 705...\$705,000...705 and \$360 [sic]. That...that's increases of officer salaries, housing, and vehicles. And that's...that's not including additional costs, possible additional costs such as flights for officers who live on Maui, overtime, fuel for vehicles, and other...other...other costs. And also, the County would have to take into consideration building another station, a substation down there, which would include a holding cell, yeah. So as we all know, it's a...policing is a 24-hour operation, so these estimates are based on...you know, it's like adding another beat to the island. So at minimum, we would probably need one supervisor and five officers on the peninsula at all times. So this is...this is what we're basing our...our estimates are is housing the officers and...and related costs for that too, so...just...just...just as...as...as a reference, right now the way...the way the agreement is, is that the National Park Service is...they're...they're doing the law enforcement on the peninsula, and we have a memorandum of...of agreement with the County, the Police Department, that we will assist upon request. But then the...the lead agency is still the National Park Service on the law enforcement arm of it. So I know Councilmember Rawlins-Fernandez mentioned that the National Parks sounds like the proposal will keep them in place there. So consideration is that we could invert the MOU where if the County takes responsibility of the peninsula, then the National Park Service will enter into an agreement with the County saying that they will...will take...be responsible for the law enforcement part of the...of the peninsula. So anyway, so any questions, Chair?

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CHAIR MOLINA: Okay. Thank you, Captain Okamoto. Okay. We have a couple of questions, first from Vice-Chair Rawlins-Fernandez, followed by Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Captain Okamoto. Are you aware that there's a compact between our Police Department and Kalaupapa now?

MR. OKAMOTO: Yeah. So that...that's...that's the memorandum of agreement that we have to...we have to renew every year between the...the County and...and the NPS. And from when I was there, from what I understand it's...again, NPS is the...is the law enforcement agency, we are just there to support...support them. So firstly, I remember having to either hike down or we had to fly down into the peninsula to support NPS any time they had some sort of criminal investigation, or we would even assist with like long-term drug investigations with them too. But again, they still had jurisdiction over the peninsula, so...so yeah, I'm aware of that...of that agreement we have.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So there's already costs that the County incurs without Kalawao County being part of our County.

MR. OKAMOTO: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So and then my other question is regarding, I guess, like in the creation of a new beat, I guess I don't...I don't...I'm not clear on what the assumptions are in creating a new beat if there aren't going to be, you know, residents. So right now there are about ten patients at Kalaupapa, and then I think about 20 to 30 NPS employees that live down there. And so I'm curious what information you're basing your recommendation on creating a new beat for Kalaupapa if . . . *(inaudible)*. . . going to be people, you know, like *(audio interference)*

MR. OKAMOTO: Well, so that's...that's...so that's an assumption where we're just...like there are going to be residents. I mean obviously, when the last patient passes, you know, I don't know what...what the plan is if, you know, like you said. So is it going to be like uninhabited, you know, the peninsula? So like...so basically that's just based on, you know, the peninsula is still being...you know, having residents or workers or...or whatever it is when...when we do...if we do take over the peninsula, the County. So...so that is what the figures are based on, right? So if you're saying that yeah, okay, the peninsula, you know, after the last patient passes on and we're just going to...you know, it's just going to be uninhabited then yeah, of course, then there...we would have to change our...our estimates because obviously, you know, we still have to be responsible for patrolling the peninsula. But this is based on, you know, the workers, patients. You know, I don't know how...how soon this will...will happen, your...your intent is, so that's where the figures are based on, Councilmember.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your response to that, Captain Okamoto. So

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a lot of that information hasn't been like determined, and that's --

MR. OKAMOTO: Correct.

VICE-CHAIR RAWLINS-FERNANDEZ: -- part of why, you know, the...the Moloka'i residents are wanting to, you know, be included in these discussions. Because Kalaupapa, you know, Makenalua, Waikolu is part of Moloka'i Island, and what is, you know, talked about or referenced as topside residents are, you know, not given the kind of inclusion that a lot of the residents feel, you know, should happen in the future of Makenalua. So a lot of...so perhaps instead of like presenting your recommendation or your cost estimate as one thing, it could be, you know, a range of assumptions, right? So if...if there are no residents on...at Kalaupapa then, you know, like the cost estimate, of course, you know, would be a lot less if not, you know, none, as far as what is occurring now. If there would be, you know, like 100 residents, then...you know, then we would need to establish a new beat. And what you proposed, you know, in the cost estimates would then be what might be needed by the Department in order to have daily patrol. But I just...I...I think it's misleading to make an assumption and present the cost estimate based on that assumption without sharing that assumption with everyone else. So and...and that information hasn't been determined and decided on yet as far as whether it would just, you know, be a cultural preserve or whether there would be more people living there.

MR. OKAMOTO: Correct. So that wasn't my intent. So what I'm saying is that like the...the way this was presented to me, it was...when I looked at it, so it's a proposal to...basically we're going to...we're going to assume responsibilities of the County. So I...it's just informational, you know. I'm not trying to sway you guys one way or another, because like you said, we really don't know . . .(timer sounds). . . what's going to happen.

CHAIR MOLINA: Okay. Okay. Captain, sorry. I got to stop your response here, but thank you. I need to go to another Member --

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR MOLINA: -- for questions. Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just was...thank you, Captain Okamoto. I just was wondering if you had like a time frame, maybe the last 10, 20 years about the need for police enforcement and kind of any kind of criminal activity that has been going on down there like for what you had proposed. Just the...the correlation. I mean, we got crime activity in Honokōhau, Kahakuloa, Nakalele, people getting their cars ripped off all the time, Honolua and like that, but we don't have no beat or substation that's preventing that kind of stuff out there. So I just was wondering the correlation in terms of crime activity to this...to this date, and how you came up with that projection.

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MR. OKAMOTO: So the correlation is...is being that we're going to take the place of NPS. So NPS, they live and work down there right now. So if we're going to assume the law enforcement responsibilities, then we're going to have to replace their rangers with our officers. So you can't...you can't base it on, you know, the amount of calls for service because as you all know, right, the...getting out to the peninsula is a production, right? You either...like in the past, like I said, personally it's either hiking down the switchback or getting flown in. So it...it...it's a...it's a production to get down there. So if we're going to assume responsibility, then we're going to have to station officers down there. So currently National Park Services, they have the responsibility, so they have rangers who...who live and work down on the peninsula in that capacity. So like I said...

COUNCILMEMBER PALTIN: If I can stop you because I have limited time.

MR. OKAMOTO: Oh, yeah.

COUNCILMEMBER PALTIN: So even if Kalawao County becomes part of Maui County, it's still part of the National Park, so I don't understand why that would change. But regardless of that, I mean, we have National Park Service at . . . *(timer sounds)*. . . Kipahulu. I just was wondering if you can forward us any of the criminal activity and like that. Just...I mean it would be nice to know like the history of criminal activity and need for police at Kalawao.

MR. OKAMOTO: Yeah, I can...I can go...I can research that too, so...

COUNCILMEMBER PALTIN: Yeah. I just...I don't understand why National Park Service would have to pull out, because we have National Park Service at Haleakalā, we have it at Kipahulu. And so not being part of Kalawao County being part...I mean being part of Maui County, we have National Parks in Maui County, it's not exclusive to Kalawao County.

MR. OKAMOTO: Well, again. like I said, you know, the way I read it, like we're assuming responsibility of the...of the peninsula, so we'd have to assume the responsibility of the law enforcement on...on that part too. So unless, of course...again, like I said, we...we invert the MOU. So...but anyway, like I said, like Chairperson Rawlins-Fernandez said, you know, nothing is written in stone. It's a proposal, we don't know what direction it's going to go. Like I said, I don't want...I didn't...my intent was not to sway anyone, it's just that that is just one...if we take that...that route, that is what it's going to cost. It may not...it may vary depending on the amount of presence we want there and the amount of responsibility, if it's uninhabited, whatever. But you know, like I said, there was no intent to sway anyone, just...that is just estimated figures of what it will cost, so.

CHAIR MOLINA: Okay. Thank you, Captain. Sorry, pressing for time here. I know the Members need to go...get on to their break because we have another Committee meeting

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coming up at 1:30. So okay, Member Kama, any questions for Member Rawlins-Fernandez or Captain Okamoto on this matter?

COUNCILMEMBER KAMA: I do, Chair. And this one is for our Vice-Chair Keani Rawlins-Fernandez. My understanding is that the Department of Hawaiian Home Lands entered into a general lease agreement with the National Park Service in the early '90s. And it was for a 50-year lease, and that that lease is so to expire in about 20 years. So I'm very excited that she has brought this forth now because she's young enough to be able to be in the 2040s when this thing expires, and to plan now for that future. So I want to ask our Vice-Chair if she has considered planning for the next 20 years. And what's going to happen? Because then my understanding is that if the Department does not renew that lease, it reverts back to Hawaiian Home Lands, and that becomes a totally different animal. So Vice-Chair, could you answer that for me? Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that question, Pro Tem Kama. And you absolutely nailed it, that the beneficiaries have been unhappy with the lack of consultation that occurred prior to the renewal of the NPS lease with DHHL. And DHHL, you know, to their credit, has started to...the...the current staff and administration is working with the community to, you know, repair and make right what had happened. And so again, to...to DHHL's credit they're now working with members of our community to figure out whether, you know, NPS continues to stay there until the end of the lease, whether the lease is ended before 2040. But if NPS remains there until the remainder of the lease, that gives the island time to plan for what the future of Kalaupapa, Kalawao County will be together in an open and inclusive way. . . .*(timer sounds)*. . . Mahalo, Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Vice-Chair.

CHAIR MOLINA: Okay. Mahalo, Member Kama. Okay. Members, any final questions before the Chair makes a recommendation? Okay. Seeing none, then. Chair's recommendation is to adopt the proposed resolution and to include it into the 2022 Maui County Legislative Package. And this is, of course, GREAT Item 4 relating to the Kalaupapa settlement as proposed by Committee Vice-Chair Rawlins-Fernandez. Chair will entertain a motion.

VICE-CHAIR RAWLINS-FERNANDEZ: So moved.

CHAIR MOLINA: Okay.

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Kama. Any discussion, additional discussion, Vice-Chair Rawlins-Fernandez, as the movant? No? Okay. I see Member Sugimura, you'd like to --

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COUNCILMEMBER SUGIMURA: Yeah. So --

CHAIR MOLINA: -- comment on the action? Go ahead.

COUNCILMEMBER SUGIMURA: -- I will support this. And I spoke to Senator Lynn DeCoite to see if conversations were had regarding this. And at that time she said, not yet. But I think what this does is exactly what Member Kama is talking about also, which is opening a door for discussion. I think that's what this is. Because just by listening to police, you know...Okamo [sic] I don't know your proper title. Sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Captain.

MR. OKAMOTO: Captain.

COUNCILMEMBER SUGIMURA: Captain. Captain Okamoto.

MR. OKAMOTO: I think she...a few promotions, but that's okay.

COUNCILMEMBER SUGIMURA: Okay. We'll...we'll go chief then.

MR. OKAMOTO: Yeah.

COUNCILMEMBER SUGIMURA: But based upon what Captain Okamoto...just this discussion, you can tell that there is a lot more that has to happen before you can even have estimates of cost. But he's giving his best guess estimate based upon the current situation, and his personal experience of hiking down there, you know, to do service with National Park Service. So I mean this is very open ended, very preliminary, but I think what you're trying to do, which I support, is...is bring the discussion forward and get those who are in the decision-making seats to realize that we're looking at the future. So I support this for that perspective, but I know it's way...way...way early, it sounds like. Thank you.

CHAIR MOLINA: All right. Thank you very much, Member Sugimura. Okay. Seeing no other discussion on the motion. All those in favor, signify by saying "aye" and raising your hand.

COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Okay. Any opposition? Seeing none. Okay. The measure passes eight "ayes," one excusal, and this matter will be included into the 2022 Maui County Legislative Package.

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

EXC.: Councilmember King.

ACTION: ADOPTION OF RESOLUTION TO INCORPORATE KALAUPAPA SETTLEMENT INTO MAUI COUNTY.

MS. ESPELETA: No, Chair, there's nothing further.

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CHAIR MOLINA: All righty. Very good. The time is ten minutes after the noon hour on Tuesday, November 2nd, 2021. This GREAT Committee meeting is now adjourned. . . .*(gavel)*. . .

ADJOURN: 12:11 p.m.

APPROVED BY:



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

great:min:211102:ds

Transcribed by: Daniel Schoenbeck

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CERTIFICATION

I, Daniel Schoenbeck, hereby certify that pages 1 through 70 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 9th day of December 2021, in Kula, Hawai'i

A handwritten signature in black ink, reading "Daniel Schoenbeck", is positioned above a horizontal line.

Daniel Schoenbeck