

# MINUTES

of the

## COUNCIL OF THE COUNTY OF MAUI

May 6, 2022

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII AND ONLINE VIA BLUEJEANS, ON FRIDAY, MAY 6, 2022, BEGINNING AT 9:02 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

CHAIR LEE: Will the Council meeting of May 6, please come to order, May 6, 2022.

Good morning, everybody. This is our hybrid meeting. I see a number of people in the Chambers, which is great. We will all be transitioning back at some point. I'm trying the Elle Cochran look today, except without the tree, only a couple of flowers. Just kidding, just kidding, Elle.

Madam Clerk, roll call.

### ROLL CALL

COUNTY CLERK: Councilmember Shane Sinenci.

CHAIR LEE: We'll come back to him.

COUNTY CLERK: I'll come back to him. Sorry.

Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and good morning, Madam Chair, and to everyone else joining us for our Council meeting here today. For the record, I'm broadcasting live from the Council Chambers here in Wailuku. And we have no one that has reported for testimony out in our District Office in Paia. Aloha.

CHAIR LEE: Aloha. Madam, Madam Clerk, the morning greeting is from Turkey, and it's merhaba. Proceed, Madam Clerk.

COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Aloha, Chair and Councilmembers. Merhaba to you. I am home alone in my workspace and there are no testifiers in the Lanai District Office. Mahalo.

CHAIR LEE: Good morning.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka and merhaba kakou. I'm in the Council Chambers, so I don't need to say who's here. Thank you.

CHAIR LEE: Okay. Anybody in your Lahaina Office?

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

CHAIR LEE: Okay. Alright.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, everybody. Merhaba. I'm so happy that our Chambers are full. It's alive. And I look forward to a very productive Council meeting. Thank you.

CHAIR LEE: Good morning.

COUNTY CLERK: Council Pro Temp Tasha Kama.

COUNCILMEMBER KAMA: Good morning, Chair. I am in the Chambers, but I'm having technical difficulties. But my body is here, and I have all these witnesses to say. Good morning.

CHAIR LEE: Okay. Mr. Sinenci is back.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Merhaba, Chair. Merhaba, Chair and aloha kakahiaka. We're here at 200 South High Street on the 8th floor. Nice to see everybody. Aloha la Poalima.

CHAIR LEE: Good morning.

COUNTY CLERK: Councilmember Kelly Takaya King.

CHAIR LEE: Excused.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, my Maui nui a kama. Let's see, I guess I don't have to announce I'm at the County Building on the 8th floor in our Chambers. It's very weird, but kind of cool to be with everyone again. And the Molokai District Office is reporting no testifiers. Hauoli la Poalima. Mahalo, Chair.

CHAIR LEE: Alright, good morning. And I am your Chair Alice Lee.

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

EXCUSED: COUNCILMEMBER KELLY T. KING.

*(Councilmember King was not present during roll call; however, she arrived at the meeting at 10:02 a.m.)*

CHAIR LEE: And merhaba, everyone. We have, what, eight people here in the meeting, one excused; Member King, who will be join, joining us in about, oh, 20 to 30 minutes.

Madam Clerk.

COUNTY CLERK: Chair, a quorum is present to conduct the business of the Council.

For the record, I am County Clerk--

CHAIR LEE: Kathy, can you speak a little louder, please?

COUNTY CLERK: --Kathy Kaohu. Also present from the Office of the County Clerk are Deputy County Clerk James Krueger; and Legislative Division staff Joyce Murashige, Lauren Saldana, and Dell Yoshida.

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

CHAIR LEE: Members, opening remarks will be provided by Councilmember Yuki Lei Sugimura.

### OPENING REMARKS

The opening remarks were offered by Councilmember Yuki Lei Sugimura.

CHAIR LEE: Thank you. Thank you very much.

Alright, Members, please join me in reciting the Pledge of Allegiance. Ready?

### PLEDGE OF ALLEGIANCE

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

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

And Members, remember to turn off your mics on your, if you're using your devices. Okay, cause the chamber mic is sufficient.

Presentation of testimony, Madam Clerk.

COUNTY CLERK: Chair, we currently have two members signed up for the ceremonial resolutions. And our first testifier is Stacey Moniz. To be followed by Kimberlyn Scott.

CHAIR LEE: Madam Clerk, could you speak a little bit louder, okay? Closer to the mic. Thank you.

## PRESENTATION OF ORAL TESTIMONY

### MS. STACEY MONIZ (testifying on Resolution No. 22-113):

Aloha. I'm sorry, I thought we would testify right before the resolution. So, sorry, had to run around here. Good morning. My name is Stacey Moniz and as a lot of you know, I spent a good portion of my life working against violence against women. And excuse me.

In 2019, I was blessed to go to a event called Tribal Journeys or Canoe Journeys. It was a three-week long canoe paddle from Washington, within Washington State. And tribes from all over Oregon, Washington, Alaska, Canada paddled and converged over a three-week period. And we stopped at reservation after reservation and did protocols. And there were tribes from all over the Pacific Northwest, who carried with them dresses of their loved daughters, sisters, who had been missing or murdered. And it was very, very powerful and very touching to me.

And while we were there, Kimokeo, whom many of you know, said to me, do we have this on Maui? And I said no, we don't. And he said, we need to make this happen on Maui. And so, in an amazing convergence of events, one of our MMIW Maui co-founders Lisa Rivera, Sacred Rider, had gone to Sturgis, which is a big motorcycle ride where they had a Medicine Wheel Ride for missing and murdered indigenous women. So, the Litas of Maui coordinated a bike ride in the middle of pandemic, in 2020, in the middle of my own personal chemotherapy, we all converged to do a bike ride to honor and recognize missing and murdered indigenous women.

And so, this is our third year, and this was the first time we did a sign waving rally yesterday on Kaahumanu Avenue. You might've seen us there. And then, today's resolution, I'm so grateful to Councilmember Johnson for taking this on. And then, tomorrow we have the third annual MMIW Bike Ride Medicine Wheel Ride Maui.

So, this is not a new thing. Missing and murdered indigenous women started with war. Women have always been spoils of war since war began, since colonization began. All over the planet, women have suffered and been taken, and murdered. Certainly, it's not limited to women. I spoke with Kimberly Scott, who does a lot of advocacy for missing people here. There are a lot of missing native men as well, children, transgender. So, but overwhelmingly, internationally, it's still women who suffer the most.

So, I want to say my own personal mahalo to everybody for recognizing this. Today is a great day to be wearing red. And I recognize that not everybody came prepared for our particular event. But it's a great day to wear red. So, thank you so much for your, for your time and attention to this issue.

CHAIR LEE: Members, are there any questions for the testifier?

Member Sugimura.

COUNCILMEMBER SUGIMURA: I don't really have a question, but I just want to say it's nice to see you, Stacey, and continue on with, with all of your advocacy. Thank you.

MS. MONIZ: Oh, mahalo. Mahalo.

CHAIR LEE: Anyone else?

COUNTY CLERK: Our next--

CHAIR LEE: Um.

COUNTY CLERK: Our next testifier--

CHAIR LEE: Madam Clerk. Actually we should have waited for, you know, the next resolution

COUNTY CLERK: The other reso.

CHAIR LEE: --to take that, those testimonies.

COUNTY CLERK: Okay, we can.

CHAIR LEE: So, let's wait, unless there's more testifiers. Are there more testifiers?

COUNTY CLERK: There's just one more testifier.

CHAIR LEE: Yeah, if, if she doesn't mind waiting for the next, when we bring up that resolution?

COUNTY CLERK: Okay.

CHAIR LEE: Okay?

COUNTY CLERK: So, we can proceed with this first ceremonial resolution.

## CEREMONIAL RESOLUTIONS

RESOLUTION  
NO. 22-112

CONGRATULATING LIANA FERREIRA AND  
JAHLIA MIGUEL OF H.P. BALDWIN HIGH  
SCHOOL, MIKAH LABUANAN OF  
KAMEHAMEHA SCHOOLS MAUI, AND  
CATHERINE ASAMI AND TEANI MEDEIROS-  
MAIELUA OF LAHAINALUNA HIGH SCHOOL  
FOR WINNING STATE TITLES AT THE 2022  
TEXACO/HHSAA STATE WRESTLING  
CHAMPIONSHIP

CHAIR LEE: Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 22-112.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. It's been moved by Councilmember Paltin, seconded by Member Sugimura, to adopt Resolution 22-112. Discussion?

Member Paltin.

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

CHAIR LEE: Yes. Please proceed.

COUNCILMEMBER PALTIN: Thank you.

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

CHAIR LEE: Tasha.

COUNCILMEMBER PALTIN: I just wanted to mention that Jahlia Miguel couldn't make it today, cause she's competing in wrestling in Las Vegas. And with one senior in the group, Liana Ferreira, congratulations to her for persevering through the COVID pandemic to graduate this year. And we expect to see great things from the other four, who are not yet seniors. Thank you.

CHAIR LEE: Thank you. Any more discussion?

Member Molina.

COUNCILMEMBER MOLINA: Mahalo, Madam Chair. I'd like to offer my congratulations to these wonderful, wonderful hardworking student athletes. And I have a special appreciation for wrestling, cause I wrestled back in high school, but nowhere near as good as these young athletes. And it is hard. Wrestling is hard. Tough to win the MIL championship first, then you got to go to Oahu and perform away from home with all the pressure that goes with it, and the academic responsibilities. So, this is quite an accomplishment for these young student athletes.

And much congratulations not only to them, but to their coaches, to the parents and to the schools. And although they're from different schools, everyone is still ohana, especially when you go off island. So, everyone here in Maui County is proud of the accomplishments of these youngsters. So, keep up the good work. You folks have a good future ahead of you. And use all of the values and lessons that you learn from wrestling, and apply it to life later on, and you'll continue to be a success. Mahalo, Madam Chair.

CHAIR LEE: Yes, Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you, Chair. Thank you very much, Tamara Paltin, for bringing this forward. And I wanted to also congratulate the many, many families, parents, who stand by your kids to make sure that they take every step forward to be a success. So, congratulations to the coaches, to the principals, everybody. But I just wanted to get my heartfelt gratitude to the parents who stand behind all their kids to make this happen. So, I fully support this resolution.

CHAIR LEE: Any more discussion?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, too, would like to extend a hoomaikai to all the wrestlers, the coaches, and of course, the parents for all their support. . . . that I'll be able to provide lei that Councilmember Paltin . . .

I, I also wanted to quickly bring up a procedural matter. So, we didn't close public testimony. And it's not procedurally appropriate to take action on any item on any motion that we make until public testimony is closed. And if you would like to get a second opinion from our staff, I would encourage you to. Mahalo, Chair.

CHAIR LEE: Well, the staff already advised me of that. You see, Members, the issue is there was a request to have the second resolution separated from the first resolution, because of the subject matter. They are very different. One is more congratulatory, the other one is more somber. And so, that's the reason why I decided to separate the testimony. Because the testimony for the next resolution is way different from this resolution. So, that's the reason why. And that request came yesterday to me. And the idea was to call a recess between the two resolution. And we didn't have an opportunity to do that, because no one told me that there were going to be two testifiers on the second resolution. So, that's why we have this little conundrum. So, at this point, I am going to call a recess to make sure that we handle this appropriately, and that we follow the current procedures. Although, I highly doubt that a congratulatory, congratulatory resolution carries that much weight in terms of procedure.

So, five minutes, let's say till 9:35, we will be in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:25 A.M., AND WAS RECONVENED AT 9:37 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KING, EXCUSED.)

CHAIR LEE: Will the Council meeting of May 6, 2022, please reconvene. So, alright, Members, this is what we're going to do. Yesterday, we had a meeting actually on this matter, and we were, I wasn't informed of all of the facts. So, this is why we ended up with this confusion over the testimony. So, now what we are going to do is I'm going to ask you if you have any objections to closing public testimony on the first resolution, which is 22-112? Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered. Now we will take the vote, and then, let me explain the whole step, all the steps. We'll take the vote on the resolution. We will call up those who wish to speak on the resolution. And at some point, Member Paltin is going to request a recess, so that they can take pictures. And then, we will take up the second resolution. Alright?

So, anymore comments on the Resolution 22-112? Okay, none. All those in favor of the mo, of the motion, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay, eight "ayes", zero "noes", one "excused"; Member King. Motion carries. Very good.

Now, Member Paltin, would you like to call up some of the people who would like to speak on the matter?

COUNCILMEMBER PALTIN: Sure thing, Chair. If there's any of the parents, or athletes, or coaches who would like to say a few words, we'd love to have you up at the podium. And then, afterwards, we can give you your resolutions and lei. So, so we have a few people coming down.

CHAIR LEE: Okay. Great.

COACH ZANE MONTELEONE: Board members, thank you so much for having us this evening, I mean, this morning. The girls had an amazing season this year. It was really, really amazing seeing the whistle being blown again. And having about a year-and-a-half away from our wrestlers, it was definitely a time for us as a coaching staff to really come together and realize how much we love coaching. This year for me would be my 20th season, so being part of the Lahainaluna staff, and the Lahainaluna High School, and all the tradition that comes with it, I definitely hope that my children and my athletes never see that break again. And we're really happy to be back. And I want to introduce you to Teani and Catherine.

CHAIR LEE: Oh, Coach? Coach? Coach, could you please state your name for the record, please, and all the others coming up to the microphone, please?

COACH MONTELEONE: Thank you. First name Zane, last name Monteleone, co-head coach at Lahainaluna High School.

CHAIR LEE: Thank you.

COACH MONTELEONE: Thank you.

MS. TEANI MEDEIROS-MAIELUA: Hello. My name is Teani. I go to Lahainaluna High School. I want to start off for my speech for thanking God for this opportunity I was given and this path that I'm on right now. As a student-athlete for all the challenges now at, wait, for all of the challenges and losses I went through to get to where I want to be as State Champion. I want to thank my coaches, and my amazing and beautiful teammates, my family, and my community members of Lahaina for all their support over the years. And I'm very grateful for each and every one of them. They've taught me a lot and helped me achieve my goals through all the ups and downs. I cannot wait to see what next year has to offer. Thank you.

CHAIR LEE: Thank you.

MS. CATHERINE ASAMI: Hi. My name is Catherine, and I'm a Lahainaluna wrestler. I would like to say thank you to my coaches, my teammates, and my parents, and my community for their support. This is a huge accomplishment, and I am proud to represent Lahainaluna High School and my community. When I first started wrestling in sixth grade, I used to cry after every match, and I hated it. To know I've grown over the years, and now I'm a State Champion, and I have found my love and passion for the sport that, and I'm very proud. Thank you all for taking the time today to recognize all of us wrestlers with this honor.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: We might have a couple more testifiers coming on down.

CHAIR LEE: Okay.

COACH MICHAEL LABUANAN: Aloha. Thank you so much for recognizing the wrestlers. My name is Mike Labuanan. I'm the head coach for Kamehameha Schools Maui. I'm also father of a freshman State Champion. And just want to say thank you. And I know all the hard work and dedication that all the wrestlers have put into becoming the champion or becoming just competitive. After the year break, which was horrible for all of them, it's awesome to have you guys recognize them. And congratulations. Mikah didn't have anything written down, or we didn't know anything about a speech. So, as well as Liana from Baldwin. Her coach is not here, but I'll represent her as well. She needs to be, but both of them not ready to talk, so thank you again.

CHAIR LEE: Thank you.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Can I request a quick recess for a procedural matter?

CHAIR LEE: Certainly. Members, let's take a five minute recess. So, we'll return in five minutes. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:45 A.M., AND WAS RECONVENED AT 9:52 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER KING, EXCUSED.)

CHAIR LEE: Will the May 6 Council meeting of 2022 please reconvene.

Now, Members, we will be taking up the next resolution. But before that, let's complete the testimony.

Madam Clerk.

COUNTY CLERK: Our next testifier is Kimberlyn Scott. To be followed by Prairie Rose Seminole.

CHAIR LEE: Good morning.

### PRESENTATION OF ORAL TESTIMONY

MS. KIMBERLYN SCOTT (testifying on Resolution No. 22-113):

Aloha. Can you hear me?

CHAIR LEE: Yes.

MS. SCOTT: Okay. Aloha, Councilmembers. I am testifying in strong support of Resolution 22-113, which is a resolution requesting the recognition of May 5, as an International Day of Awareness for Missing and Murdered Indigenous Women.

CHAIR LEE: Ms. Scott, could you, could you say your name, for the record, please?

MS. SCOTT: Yes. Kimberlyn Scott.

CHAIR LEE: Okay. Thank you.

MS. SCOTT: I've been an, I was actually going to say that next. My name is Kimberlyn Scott, and I have been an advocate for the missing and their families for the past eight years here on Maui, specifically, although I do work out of State upon occasion.

As such, I would first of all like to thank Stacey Moniz for bringing this to the attention of the Council. This is a very important subject. I'd also like to apologize that I'm not in red in support. But I'm actually testifying from Seattle, because my daughter just had my grandson, who is wearing red in honor of the indigenous women here, and hopefully, he'll stay quiet for a second. Anyway, I just want to say that I'm in full support of this. There's everything to gain by passing this resolution, and nothing to lose. The attention is needed and, on this subject, and this day of awareness will help do this. So, I, I really can't think of a single reason not to pass this resolution. And I hope that you all do. So, thank you.

CHAIR LEE: Thank you. Thank you for all your work. Members, are there any questions for the testifier? If not, thank you very much, and congratulations on the newborn.

MS. SCOTT: Thank you. Aloha, everyone.

CHAIR LEE: Aloha. Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Prairie Rose Seminole.

CHAIR LEE: You're unmuted. I mean, you're muted. You're muted.

MS. PRAIRIE ROSE SEMINOLE (testifying on Resolution No. 22-113):

Okay. Now can you hear me?

CHAIR LEE: Yes.

MS. SEMINOLE: Yay. I'm away from my homelands as well. I'm from western North Dakota. My name is Prairie Rose Seminole. . . . Good morning to all the people, even though it's afternoon where I am, currently. But I know you are in the morning there. I call in support of this resolution, as well, 22-113 for May 5, the International Day of Awareness.

Many of us wear red. I'm wearing my protective red beads here. Red is protection. Some say it is the blood of our ancestors. It is a color for us and my culture, that the

spirits can see. So, when we do awareness, and when we do teaching, and we do our own healing, we wear red, whether it's red paint or red clothing. Cause when we wear it, we walk with our ancestors.

Honoring May 5, as an awareness day also honors our relatives. Honoring our missing and murdered relatives means honoring their loved ones, our loved ones who are still here. This is a personal healing journey for myself, as my sister was missing, we later found her. She's incarcerated because of, being trafficked doesn't mean that you're a victim here, it means that you're a prostitute. So, she's on her own healing journey here. But we also lost a nephew, whose body we recovered two years ago, as a missing person. And there's been no investigation.

(Councilmember King arrived at the meeting at 10:02 a.m.)

MS. SEMINOLE: So, just as a movement, it's a movement, and nature, a healing journey. Cause many of our relatives who go missing and many of our families, I know it sounds outrageous, but the majority of women and children, and victims never see their abusers, or rapists brought to justice. And this is unacceptable. You have the statistics in front of you for the islands that you have in your territories. And for us, it's very similar. The rate of violence in our community is perpetrated by non-natives who visit here. And for us, in western North Dakota, it's the oil--

But I, I fully support this move by the Council, because your advocacy, our advocacy starts local. Law enforcement has means to perpetuate and process murderers, but not often the missing. And so, that, that comes from us as community members, as family members, to not only raise awareness, but to remember our lost ones and to continue that journey of honoring. So, with that, I'll end my testimony, but I'll be here for questions, if needed.

CHAIR LEE: Thank you very much. Members?

Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. No questions for Ms. Prairie Rose Seminole. I just wanted to thank her for coming on and sharing her mana'o this morning, this afternoon in Chicago, where she's at. And I appreciate her coming. Her work has been with native and indigenous people in government, local government, and in policies. So, and she's also visited us at the Pu'ukohola Heiau with her native and indigenous groups. So, I appreciate her coming on today and nice to see you, Prairie Rose. Thank you.

CHAIR LEE: Thank you for that information. Members, any more comments or questions?  
If not--

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: --mahalo.

COUNCILMEMBER KAMA: Chair? Chair, I know you can't see me, but--

CHAIR LEE: Okay.

COUNCILMEMBER KAMA: --so, my hands not raised, so if you don't mind, I--

CHAIR LEE: Of course.

COUNCILMEMBER KAMA: --just like to interrupt you and ask.

CHAIR LEE: Go ahead. Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you. Thank you very much for coming on and speaking to us today. I can feel the pain in your heart, and I want you to know that this resolution today has been taken with very serious outlook. And we here . . . am very proud to have you before us, and very happy to support all your initiatives. And we'll continue to do the same here. Thank you so very much. So, my question is how many years have you been doing this kind of work?

MS. SEMINOLE: I appreciate that question. Thank you. I've been doing this the better part of the last 15 years. I started as awareness and advocacy prior to it affecting my own family. In western North Dakota, we saw a surge in population in the early 2000s, 2006, 2008, that timeframe, because oil was, was found, well not found. They knew it was there but it started to become developed in our communities.

Within a short timeframe of about three to four years, the increase of human trafficking crime, and outsiders coming in perpetrating violent crime, non-natives on our native women and children increased by over 400 percent. And so, we started at the local level to establish some measures of justice. And it had complicated conversations about jurisdiction with law enforcement, because at that time we didn't have the Violence Against Women Act provisions that allowed for tribal police to have jurisdiction over non-natives. And that's really where my, my fight started, was the increased--

COUNCILMEMBER KAMA: Thank you.

MS. SEMINOLE: --awareness that this is happening to our community members. The increase in extra, extra money, really expendable income because the oil jobs also brought more wealth into our communities meant that family members were doing extracurriculars that led to harmful behaviors such as drug use and, and abuse. And addiction just spiraled out of control amongst our own members. But most who perpetrated the violent crimes were non-natives within our territories. So--

COUNCILMEMBER KAMA: Thank you.

MS. SEMINOLE: --for the better of the last, geez, I guess it's almost 20 years really when you think about it, it's 2022 now, we started moving at State levels. And it was only recently in the last few election cycles that we got a native representative in our State Legislature, where we could pass actions at the State-level to have some accountability within State government structure to, to search for our missing people.

COUNCILMEMBER KAMA: Thank you so very much. And I so do appreciate your testimony this morning. Thank you.

MS. SEMINOLE: Thank you.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR LEE: Thank you, Pro Temp Kama. Any more questions for Ms. Rose? If not, thank you very, very much for your testimony and for joining us this morning. Aloha.

MS. SEMINOLE: Aloha.

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

COUNTY CLERK: Chair, there are no more testifiers signed up to testify on this reso.

CHAIR LEE: Okay. Members, any objections to closing testimony on public testimony?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Alright. So, ordered. Public testimony on this resolution is closed and all ceremonial resolutions.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just, I wasn't sure if you could see Member King on your screen. But if you wanted to acknowledge Member King.

CHAIR LEE: Okay, thank you very much. Good morning, Ms. King.

COUNCILMEMBER KING: Good morning, Chair. And thank you for that, Vice-Chair. I had a very fruitful and long meeting with the HSAC board this morning, so I apologize for being late. But glad I got to catch the tail-end of the testimony on the second resolution, because it's very near and dear to my heart, subject. And I didn't see a greeting in the chat. So, I'm not sure what--

CHAIR LEE: There, there is one. It's mer, merhab, merhaba.

COUNCILMEMBER KING: Merhaba. Aloha, kakahiaka to everyone.

CHAIR LEE: And--

COUNCILMEMBER KING: . . . this morning from my house. I would have liked to have joined my colleagues in the Chamber, but I'm a little worried about leaving tomorrow for international travel and being around a lot of people today in the Chambers. So, I decided to work from here. There were no testifiers at our district office this morning. And I think that's all. Oh, my husband is in an adjoining room.

CHAIR LEE: Well, with your busy schedule, I'm glad to see you're wearing red. You remembered to put red on.

COUNCILMEMBER KING: I am. Thank you.

CHAIR LEE: Thank you.

Alright, Madam Clerk, continue, please with the resolution.

RESOLUTION  
NO. 22-113

RECOGNIZING MAY 5, 2022, AS  
INTERNATIONAL DAY OF AWARENESS FOR  
MISSING AND MURDERED INDIGENOUS  
WOMEN AND GIRLS

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 22-113.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Johnson, second by Member King, to adopt Resolution 22-113.

Member Johnson, discussion?

COUNCILMEMBER PALTIN: Thank you, Chair. Without objections, I would like to read the resolution in its entirety.

CHAIR LEE: Any objections, Members?

If not, please proceed.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER JOHNSON: Thank you. Thank you, Members. Thank you, Chair.

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

COUNCILMEMBER JOHNSON: I, thank you.

CHAIR LEE: Discussion, Member Johnson?

COUNCILMEMBER JOHNSON: Discussion? Okay, so this issue that missing and murdered indigenous women is an emergency first came to light in Canada in 2016, when Prime Minister Justin Trudeau established a national public inquiry later describing missing and murdered indigenous women as a Canadian national crisis. Domestic violence and human trafficking advocates in the United States and other countries recognize that it's not only affecting Canadian women and girls, and started with an international awareness campaign. However, they soon realized that statistics across the U.S. were difficult to gather and even more challenging here in Hawaii.

In 2020 the Hawaiian Legislature created a Missing and Murdered Indigenous Women Task Force, mentioned in the . . . paragraph of this morning's resolution. It's a positive step forward, as the task force seeks to investigate, analyze, and correct law

enforcement and government responses, as well as processes relating to missing native women, girls, and people.

In 2021, Biden Administration Secretary of Interior Deb Haaland followed her appointment and confirmation announcing the creation of a missing and murdered united, missing and murdered unit within her department to help the women and families of missing and murdered indigenous women.

Maui has seen our own tragic cases of missing and murdered indigenous women over the years. The family of Moreira "Mo" Monsalve" have yet to receive justice or information about where she is since January 12, 2014. On Oahu, the tragic case of 6-year-old Ariel Pilia [*sic*] Piliialoha Sellers, Isabella Kalua, is another devastating reminder that sometimes the perpetrators are in our own families and caregivers. Make no mistake, the issue of missing and murdered indigenous women is not new. I am grateful that we are finally recognizing it and working to bring it to an end.

As the County Council of Maui, I encourage us to all do everything we can to protect, respect, and honor indigenous women and girls in our communities to keep them safe. And remember the motto, "no more stolen sisters". Maui organization, organizers have taken the lead since 2020, and this year there will be other events throughout the State. Today, we have with us to accept the resolution, Romi Simmons and Lisa Rivera, also known as Sacred Rider, who have helped organize missing and murdered indigenous women this week. And if the body would allow it, after we have this, I'd like to maybe take a five-minute recess as well. Mahalo, Chair.

CHAIR LEE: Thank you, Member Johnson. Other Members with comments?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo to Councilmember Johnson for introducing this resolution recognizing violence against indigenous women and girls. It's an appalling reality that so many women and children in our community are assaulted, trafficked, murdered and missing. Right now, 39 missing children are listed on the [humanservices.hawaii.gov](https://humanservices.hawaii.gov) website. Most of those missing are children and girls, and nearly half are of Native Hawaiian ancestry. As noted in the resolution, indigenous women and girls are more at-risk and less likely to receive attention, protection, and justice. The situation is made worse by the lack of data, violence against Native Hawaiian women and girls in particular.

CHAIR LEE: Thank you.

COUNCILMEMBER SINENCI: Studies and reports on the plight of indigenous people in the United States focus on American Indians and native Alaskans, and so oftentimes leave Native Hawaiians overlooked and unrepresented. So again, Chair, I appreciate this opportunity to speak up, to stand in solidarity, as we collectively promote awareness, initiate the healing process, pursue long-awaited justice. Thank you.

CHAIR LEE: Thank you, Mr. Sinenci.

Member King.

COUNCILMEMBER KING: Thank you, Chair. And mahalo, Member Johnson, for bringing this resolution forward. And mahalo to Kate Griffiths, who I suspect was part of this, as well, being a member of the Maui County's Committee on the Status of Women. But I, I, I love this resolution. And there's some very uncomfortable language in here that I think we need to hear. So, bringing it forward in this form I think is very important, because these are things that people don't like to talk about. We certainly don't like to think about it, but it needs to be front and center or we're not going to solve those issues unless we admit that there's a problem and then we spell it out for exactly what it is. So, I really appreciate the language in here. And I appreciate bringing this forward. And I'm sorry I missed all the testimony on this issue, this, because it is a very important issue that finally we're bringing it out from underneath the rug. So, I fully support it. And again, thank you for bringing it forward. Thanks, Chair.

CHAIR LEE: Thank you. Other Members, wish to say something?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member Johnson and Ms. Griffiths, for this resolution. And, you know, dovetailing off what Member King was saying, that topics like this can often make people feel uncomfortable. Topics like this often get characterized as a woman's problem, just as, as rape of women become a woman's problem. And we're talking about our sisters, our daughters, our cousins, our family, our community members, and that this is not just a woman's problem. This is an everybody problem. And in order to address this appropriately, that it's going to take everyone. So mahalo, for this resolution again, Member Johnson. Mahalo, Chair.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Mahalo, Madam Chair. Just wanted to echo the sentiments of all of my colleagues. And wanted to add to all who have been impacted and affected, all of our prayers to you and thank you for standing strong. And to the organizations that continue to provide awareness, mahalo for this. Thank you, Madam Chair.

CHAIR LEE: Anyone else?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I also wanted to thank the testifiers, especially Ms. Kimberlyn Scott for spearheading a lot of the effort to work with the families, voluntarily. She doesn't get paid to do that work. And she works with so many of our community members, because she experienced, you know, because of her experience. She's been able to navigate a system that can often be hostile, that can be very unhelpful. And so, I, I really want to commend Ms. Scott and all of the, and her team for all her commitments and continued work to help our community. Mahalo, Chair.

CHAIR LEE: Anyone else? Well, I just want to add, as a former President of Women Helping Women, and Chair of the Maui County Status on Women, I'd like to thank Member Johnson, and your staff, for proposing this resolution, which is very timely, and very important. And it's important that we raise the awareness in our community, and continue to do so.

Members, are you ready for the vote?

COUNCILMEMBER KAMA: Chair? I'm sorry.

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

COUNCILMEMBER KAMA: You can't see me and I gotta--

CHAIR LEE: No, no, that's fine, just, just call out my name.

COUNCILMEMBER KAMA: Thank you. Thank you. So, I wanted to say thank you to Member Johnson, cause when I first got the resolution, I was reading it and, and I just thought to myself oh my gosh--

CHAIR LEE: Can you speak a little louder, please?

COUNCILMEMBER KAMA: Yes, Chair. Thank you. And so, reading about it is one thing. And in the resolution that I got passed out this morning, the Senate reso, it said that there would be a preliminary report that should have been transmitted to the State Leg. this January before they started in their final report. And I want to be able to ensure that we get that report, and we continue this issue.

But I'm not sure what committee it would go under? I, I know it's, I started the sex trafficking in my Committee, and so I just wanted to make sure that this doesn't get lost someplace in our discussion, and that we continue to have this as not only an ongoing discussion, but as a potential solution and gathering more data so that we can really get to the, to the fact of the matter.

So, I thank all the testifiers. I thank Member Johnson, and thank Kimberlyn, and all the women who have stuck their necks and their heart, mind, and souls out to ensure that our children, our girls, and our people are protected. So, thank you, Chair.

CHAIR LEE: Thank you. Any more discussion?

Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. I also want to express my support for this resolution, and thank Member Johnson for bringing this forward. I do want the community to know that I did get a call from Senator Hirono's office about this. So, there's national attention for the importance of this. And I can tell just by what Member Kama just said, as well as the other sentiments of this, this Council, that, you know, this will not be forgotten. So, I stand in full support of this resolution. Thank you.

CHAIR LEE: Thank you. Any other Member want to say something? If not, ready for the vote? All those in favor of the motion to adopt this Resolution 22-113, please raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes". Member Kama, I don't see you, but I'm assume, did you say "aye"?

COUNCILMEMBER KAMA: Yes, I did, Chair. Thank you.

CHAIR LEE: Okay, nine "ayes", zero "noes"; motion carries. Thank you.

Madam Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I believe Member Johnson had requested a recess after we take the vote. Member Johnson?

CHAIR LEE: Yes, that's right. I'm sorry. Would you like a five-minute recess, Member Johnson? Alright.

COUNCILMEMBER JOHNSON: Yes, please.

CHAIR LEE: So, we'll be back at 10:25. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:20 A.M., AND WAS RECONVENED AT 10:29 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of May 6, please come back to order, reconvene.

At this time, I'm going to call on Member Johnson to introduce some speakers. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. We have with us today, Ms. Romi Simmons and Lisa Rivera, who would like to share their remarks on this resolution. So, if, with that being said, the floor is yours.

MS. LISA RIVERA: Hello. Okay. Just testing. . . . Aloha relatives. My name is Lisa Rivera, aka Sacred Rider. . . . On behalf of all our relatives who have been silenced, who do not have a voice anymore, we want to thank you for bringing forth this resolution to honor them on May 5, as a day of remembrance for the missing and murdered indigenous women, girls, men, boys and the true spirit, all whom been affected by this epidemic. We also thank you, Maui County, and those who worked on making this possible for our relatives here in Hawaii.

Currently, there is no data on the status of missing and murdered Hawaiians. Recently, last year, a task force was implemented in Honolulu to start gathering data. Organizations doing this work, we must support to stop the social injustices that exist today amongst our native communities. So, we want to thank you, because we feel this is our responsibility as a community, to raise awareness and help bring justice to the families affected. We also feel once you learn of an issue, you have a sense of accountability. So, as an interactive project with MMIW, we are asking you today to take the Moose Hide Campaign Pledge. It's on May 12 internationally, and it's a movement in Canada, created by men, to stop the violence towards women and

children. So, we ask you to be a part of the resolution. Stop the violence, protect the sacred. . . . Thank you. Mahalo.

CHAIR LEE: Thank you. Mr. Johnson, do you care to introduce the others?

COUNCILMEMBER JOHNSON: Sure. I think we have Ms. Romi Simmons, if I'm saying that correctly?

MS. ROMI SIMMONS: Hi. My name is Romi Simmons. I'm of Mexican decent, an American Indian Apache, San Carlos. I moved here three years ago with my wife, and we founded, we're the founders of the Maui Litas, which is a female motorcycle club. And I met Lisa Sacred Rider on one of my rides, and she had talked to me about MMIW. And I knew that at that point we wanted to be advocates of this movement. And she was leaving to go to Sturgis to go do the ride out there, and she asked if I could coordinate a ride here. And I just met some people here, since I just moved here, my cousins have lived here 20 years.

And Mr. Ron Panzo, I reached out to him cause he's Bikers United and he's a philanthropist throughout and throughout this island. He's amazing. And he said, yes, I'll help you. And I didn't know what to expect. When we got there at Harley-Davidson, the old Harley-Davidson where it was at, there was like 20 to 30 people there who joined us. And that's when I, I saw Stacey Moniz there, and I saw Uncle Kimokeo. And they had just come from an event having to do with MMIW. So, it was not by mistake. This was a seed that was planted. And here in Maui, when you, when you plant a seed, it grows. And so, this is our third year doing it.

We will be at Nalu's on Saturday doing the motorcycle ride. And so, it just really from the bottom of my heart, I thank you for acknowledging us and, and honoring this, this movement. And we're going to do our best to, to keep it going, and so that it doesn't become forgotten. And so, I appreciate you, and I thank you.

CHAIR LEE: Excuse me, what is your name again, please?

MS. SIMMONS: I'm sorry. Romi Simmons.

CHAIR LEE: Okay. And from the Councilmembers, cause we speak Apache, too--

MS. SIMMONS: Thank you.

CHAIR LEE: May we have the next testifier? Member Johnson?

COUNCILMEMBER JOHNSON: Chair, I think that was the end. That was the two who had wished to speak. But I'm sure if, if there is anyone else, we, I'm sure the body would entertain. But those were the two who were planning to speak. Thank you, Chair.

CHAIR LEE: Okay. Thank you, everyone, for your presence and for testifying on behalf of this resolution. Thank you very much.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. We're, we're now going to give hugs and lei on camera.

CHAIR LEE: You're asking for another recess?

VICE-CHAIR RAWLINS-FERNANDEZ: No, I'm not. On camera, real quick. Mahalo.

CHAIR LEE: Okay. Alright.

Madam Clerk, what is, okay, we're going to be taking up next the Consent Calendar.

COUNTY CLERK: Chair, yes.

CHAIR LEE: When they're, when they're done.

Actually, we should have done this, Member Johnson, during recess, handing out leis and so forth.

Member King.

COUNCILMEMBER KING: Oh, I was just wondering if we were going to take a recess. Maybe they could--

CHAIR LEE: We've had about five already.

COUNCILMEMBER KING: Oh, you have? Okay, never mind. I wasn't here for the other four.

CHAIR LEE: Honestly, we've had so many recesses, you wouldn't believe. And, and we're only on the second page.

COUNCILMEMBER KING: We had our final meeting of HSAC on the legislative report. So, at some point, maybe I can do that. I can try to do that for the next Chair's meeting, maybe. And--

CHAIR LEE: Okay, great. Wait a minute, when are you returning? When are you returning?

COUNCILMEMBER KING: I'm getting back on May 16.

COUNTY CLERK: Excuse me, Chair.

CHAIR LEE: Yeah.

COUNTY CLERK: We're still filming on Akaku.

CHAIR LEE: Yeah, I know. I know. This should have been a recess.

COUNCILMEMBER KING: Right. We're not there, so we're, we're all online.

COUNCILMEMBER JOHNSON: I'll give a virtual hug.

CHAIR LEE: Okay. Yeah.

COUNCILMEMBER JOHNSON: Here's my virtual hug.

CHAIR LEE: Virtual hugs from the, from us.

COUNCILMEMBER KING: And I forgot to thank Stacey Moniz too, because I know she was probably part of this. The, both of the women in your office are very strong advocates for women's rights.

CHAIR LEE: Madam Clerk, is everybody back? Madam Clerk?

COUNTY CLERK: Chair, that concludes the second resolution.

And moving forward on the agenda is item F, setting the Consent Calendar.

### SET THE CONSENT CALENDAR

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

COUNCILMEMBER SUGIMURA: No.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I would like to request pulling out from the Consent Calendar, wait, where is it? Sorry, this is a new experience for me. I'm working with it. I will do that after testimony. Mahalo, Chair.

CHAIR LEE: I think you were going to pull out CC 22-104.

VICE-CHAIR RAWLINS-FERNANDEZ: 104, 105, 112, and I think 111, too. But I wasn't super sure. So, CC 10--

CHAIR LEE: Alright, well, we can wait and--

VICE-CHAIR RAWLINS-FERNANDEZ: --22--

CHAIR LEE: We'll wait. You want to do it now, or you want to wait?

VICE-CHAIR RAWLINS-FERNANDEZ: I can do it now.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I would like to request to remove CC 104, 22-104, 22-105, 22-111 and 112.

CHAIR LEE: Okay. Any objections, Members?

COUNCILMEMBER KING: Just a point of, point of process.

CHAIR LEE: Member King.

COUNCILMEMBER KING: 111 and 112 are under county communications. Is that still part of the Consent Calendar? I thought the Consent Calendar just went from 103 to 108.

VICE-CHAIR RAWLINS-FERNANDEZ: That's fine. 104, 105.

CHAIR LEE: 104, 105, okay. Thank you, Member King.

COUNCILMEMBER KING: You're welcome.

CHAIR LEE: Alright, so the Consent Calendar is set.

Madam Clerk, please proceed.

COUNTY CLERK: Chair, proceeding with the presentation of . . . Members of the public may testify in the Council Chamber, at courtesy testimony sites, or remotely--

CHAIR LEE: I'm sorry, Madam Clerk. I can barely hear you.

COUNTY CLERK: Information listed on the meeting agenda.

Individuals in the Chamber may sign up to testify with the staff member located at the desk in the 8th floor lobby. Individuals at courtesy testimony sites may sign up with the staff member at the site. Individuals participating remotely may sign up in the meeting chat. If you are connected to the meeting by phone, you will automatically be added to the testifier list.

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

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

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

Chair, the first person signed up to testify is Ms. Lucienne de Naie. To be followed by Napa *[sic]* Hueu.

## PRESENTATION OF ORAL TESTIMONY

MS. LUCIENNE DE NAIE, SIERRA CLUB MAUI GROUP [testifying on Resolution No. 22-119; and Bill Nos. 77 (2022), 78 (2022), 79 (2022), 81 (2022) & 84 (2022)]:

Good morning, Councilmembers, at home and in the Council Chamber. My name is Lucienne de Naie. I'm testifying on behalf of the Sierra Club Maui Group today. And what an emotional morning. Thank you all for making our community aware of both the joyful things that are happening, and the things that we really need to direct our energies towards.

I signed up to testify on a number of important items this morning. I will start with Bills 77 and 78. This is the second and final reading for the purchase of the Pohakea Watershed Lands, also commonly known as Ma'alaea Mauka. And these lands are, really have brought a community together. As you can see, there's support from the State, there's support from community organizations that represent the residents of South Maui and Maalaea itself. There is support from organizations like the Sierra Club. And there's support for, from Maui Nui Marine Resource Council, which is really focused on helping improve our oceans and our reefs. This is a long-sought goal and thank you all for your continued support. And this vote will be historic. And we're, we're going to include it in our Maalaea history books. So, you're making history right now. A page is reserved for you in Chapter 5. Mahalo.

I'm going to move on to a few other items. These are bills that are going to be forwarded to your Committees for consideration. Bill 79, having to do with extending the amount of time that farmers have to avoid drought restrictions does make sense. Most of our droughts don't last more than three months, although times are changing. And so, it seems a shame to, you know, have to gear up and let plants die when then the drought will be over, and you could have kept those fields alive.

But I will also reiterate in conjunction with this, I know the ag working group and others, have urged the County to look for a supplemental source of water during drought periods for Upcountry. It was suggested in the statewide drought plan that counties should identify private wells that perhaps are not fully utilized, and could be, have pipes installed to the nearest County storage tank, and only be used during times of drought. And perhaps the County could amend our ordinances, so that would be acceptable. They wouldn't have to meet all other standards per se but could be used as long as the water was safe for human consumption, they could be used. At any rate, that's a consideration. But giving some leeway to our farmers is important.

Onto Bill 81, the Zero Waste Plan. What a great thing to be under discussion right now. This is a time when our economy is being crippled by waste, really. It costs so

much to, to pick up the trash, to, you know, sort the trash, to just deal with mountains of waste. And it would be good to have a plan where we're working towards reducing waste. If we never get to zero waste, who cares. At least we will get somewhere. So, we're in full support at Sierra Club with this plan and have testified in support of, of similar things for many years.

And then, moving onto Bill 84. This is creating some exemptions or reexamining the exemptions that grading and grubbing permits for underground utilities now enjoy. As we have learned, these excavations, even in areas that are considered urbanized, often do disturb pre-contact burials. And so, it would be good to have them have the proper scrutiny, so that we can avoid as many impacts as possible.

And then, last but not least, Sierra Club Maui would like to testify in support of Resolution 22-119. This will be sent, I believe, to the GREAT Committee. And it is a very important first step to establishing a locally based water management authority. We have all of these water systems in Maui that have been under plantation ownership for many, many years. Most of our plantations, all of our plantations are gone, and yet, we have these, you know, thread still hanging that need to be resolved. And all the plantation water systems, including East Maui, are 100 years old.

And the funding to fix them, it's unrealistic to expect that now, you know, these land development companies or even Mahi Pono, which is a farming company, are going to come up with the funds to keep them efficient and adapt them for the 21st century. Whereas public funding, through Federal loans and other programs is available. But it's not available to private purveyors. So, this is an important first step. Really encourage you all to work out a good Charter amendment that can go forward in the GREAT Committee. And it is another historic step. So, mahalo for all of your hard work during the budget, and those long hours are paying off for the people of Maui. Mahalo nui.

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

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

MS. NAPUA HUEU (testifying on Resolution No. 22-119):

Aloha. My name is Napua Hueu. I am testifying from East Maui today on Resolution 22-119, on behalf of myself, a generational taro farmer of East Maui, and as the community coordinator for the Honomanu Loi Restoration Project, which has been actively restoring taro patches in the ahupua'a in Honomanu since January of 2019. I am testifying in support of the restoration to establish the East Maui Community Water

Authority. In early 2019, I transitioned from farming in the ahupua'a of Keanae to that of Honomanu in an effort to begin efforts to ensure stream restoration for that ahupua'a, which is home to the largest estuary in East Maui, making it an important ecological feature of the watershed.

Since starting these restoration efforts, we have restored a primary auwai to feed the four taro patches we have managed to reopen, despite the mass of invasive species we had to mitigate on arrival. Since restoring features of the wetland, we have seen spontaneous recovery of various native plants and animals, including the neke fern, akaakai bulrush, and the native koloa duck. Before his retirement, aquatics biologist Skippy Hau had documented some of these accomplishments.

We have had four harvests to date producing hundreds of pounds of kalo that was processed and shared in the form of poi with the community through various events, including the East Maui Watershed Council Assembly, which we held in Keanae in May of 2020, where we gathered the lineal decedents of the Koolau, Hana, Kipahulu, and Kaupo moku to discuss the future of East Maui water management.

I am happy to make transcripts of this meeting available to the proposed East Maui Community Water Authority once it's established. The poi served at this event was produced with the first kalo grown in Honomanu Valley since at least the 1940's, before the valley transitioned to pastoral use.

As a farmer of Honomanu Valley, I'm relieved to read the specifics of this resolution that gives provision for representation from Honomanu in specific, as we feel our specific predicament and concerns in Honomanu ahupua'a have been overridden by regional non-profits and environmental organizations that tend to focus on the tragedies of the larger taro farming communities of Keanae and Wailua Nui. As you know, each ahupua'a is different, contains a different number of streams with the water diversion system extracting different quantities from each ahupua'a depending upon the particulars of each stream, including stream output and whether there is farming and human habitation along the course of each stream.

When the various EIS reports were prepared by A&B regarding the impacts of their water diversions, the accounting had occurred between the point in time when taro farming in Honomanu had already ceased and before our efforts had begun. Therefore, our time, our taro farming activities had not been accounted for. I look forward to the East Maui Community Water Authority providing a voice to the ahupua'a that have been historically overlooked, ahupua'a who's taro farming activities have been resurrected and are now in need of direct action to help restore more adequate stream flow.

Our Honomanu Loi Restoration Project volunteer body is expanding its efforts to the neighboring streams in Honomanu ahupua'a and are now actively studying the auwai system in Nua'ailua Stream to prepare for taro patch restoration in that valley. It is imperative that East Maui Community Water Authority be established and provide opportunity for underserved ahupua'a, to provide accurate information about their specific ahupua'a to help guide the County to understand what is going on in the field.

I support this resolution, as I see it as a way to ensure fair water distribution. One more sentence. Distribution according to agricultural potential to enhance our County's mission towards food security. I would also like to recommend that after the establishment of the East Maui Community Water Authority, a Leeward Community Water Authority be established for the Kanaio to Kaupo region, as leeward Haleakala watershed, watershed partnership has failed on their deliverables, leaving the region quintessentially waterless. Mahalo.

CHAIR LEE: Thank you. Members, any questions?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Ms. Hueu, for your testimony this morning. Just curious, the Honomanu Watershed, does that fall in one of the leaseholds of East Maui, one of the four leaseholds?

MS. HUEU: Yes, in the Honomanu.

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

CHAIR LEE: Any other questions? If not, thank you very much for your testimony.

Madam Clerk.

COUNTY CLERK: Our next testifier is Mike Moran. To be followed by Josiah Nishita.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION [testifying on Bill Nos. 77 (2022) and 78 (2022)]:

Good morning, Chair Lee and Council. Mike Moran for the Kihei Community Association. Obviously, you've got a long meeting. You've got a lot to go, so I will try not to make it any more lengthy than necessary.

So, we're on Bill 77 and 78 today. We have testified on it many times. And we find ourselves at our non-profit, all volunteer group, much aligned with what the Council's actions have been. And most of this century, in that we all strongly support and advocate for needed housing for the community. But we also, in conjunction with that, we demand that this housing be put in reasonable locations. And sometimes developers will use that and say, well this is going to be affordable workforce, and you're putting it in a poor location. We evaluated many, many proposed projects there, and rejected them all for that very reason.

So, we see this as the culmination of over a decade of work by many to bring this to a proper resolution where we're going to look for a way to preserve this open land and look for other places to put needed housing development. So, we continue to be in full support of these two, 77 and 78. And mahalo for the opportunity to testify this morning.

CHAIR LEE: Thank you, Mike. Questions, Members?

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: Member--

COUNCILMEMBER KAMA: Chair, this is Tasha.

CHAIR LEE: Tasha Kama.

COUNCILMEMBER KAMA: Yes, thank you. Hi Mike. It's nice to see you again, although you can't see me. But I just wanted to ask you, you know you mentioned in your testimony that you want to see housing in reasonable places. So, you know, in my head, it's like not near the ocean, not on wetlands, not on certain private lands. So, when you think about reasonable lands, what are you looking at? What are you thinking about?

MR. MORAN: Well, of course, we focus on, on our district in South Maui. So that's, we have the blinders on. And we, we look at above the SMA area, above the Piilani Highway. There's tons of open land there, which does not seem to have objections. There doesn't seem to be cultural issues or drainage issues, or all those things that you mentioned, which make it objectionable. So, in our, our district, that's where we're always advocating to build up there. And we have seen last couple of years one project built up there, that Doug Bigley's first project, which everybody seemed to agree was a great one in a great location. He's now looking at sec, constructing a second one in the R & T Park. So, that's the kind of locations that we see in general as, you know, lots of space to build homes.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR LEE: Thank you. Members, any more questions? If not, thank you very much, Mike. Have a great weekend.

MR. MORAN: You guys too. A hui hou.

CHAIR LEE: Thank you.

Madam Clerk.

COUNTY CLERK: Our next, our next testifier is Josiah Nishita. To be followed by Anne Rillero.

MR. JOSIAH NISHITA, DEPUTY MANAGING DIRECTOR [testifying on Resolution No. 22-110; and Bill Nos. 77 (2022) & 78 (2022)]:

Aloha, Chair Lee, Vice-Chair Rawlins-Fernandez, and Members of the Maui County Council. My name is Josiah Nishita, I'm the Deputy Managing Director of the County of Maui and here to testify to you today in support of Bills 77, 78, and Resolution 22-110.

I know that there are many community partners on the call speaking today in support of Bills 77 and 78, so I won't reiterate their testimony. But the Administration is supportive and appreciates the Council's support as well.

Regarding Resolution 22-110, throughout the COVID-19 pandemic, the County of Maui and all of our community partners have really served as a lifeline for many public health agencies, medical providers, non-profit organizations and the public. We have gone to great lengths to provide basic necessities in conjunction with many organizations throughout Maui County, such as food, PPE supplies, and free COVID testing to those in need.

Our COVID-19 emergency proclamation ended in March of this year, however COVID-19 variants and subvariants continue to circulate and affect our residents. While we're in a much better position today to deal with surges, there are community members, providers, and organizations still in need, and this resolution does help to provide us the opportunity to continue to help them.

Primarily, what we see moving forward, working with our Maui District Health Office and our Department of Health, as some of the greatest need throughout, you know,

the rest of this year, is possible access to testing resources. Lanai's currently, as one example, is currently dealing with a surge in cases, and currently has the highest seven-day average of daily new cases per 100,000 population of any island in the State of Hawaii.

As we speak, over 7500 test kits are preparing to be transported to Lanai today for our healthcare providers, non-profits, and residents, to be given out free to address the rise on that island. And thank you to Councilmember Johnson, for helping earlier this week, getting some over there to some of our clinics.

Maui County continues to provide significant amounts of testing resources to our residents from April 11 to present. Maui County has done 33 percent more tests per capita than Kauai, 21 percent more tests per capita than Oahu, and 42 percent more tests per capita than Hawaii County. It also does not include tens of thousands of at-home tests that we have provided to our residents as well over the pandemic, with over 30,000 being distributed in the last few weeks alone.

We have had great community partners, like Maui Food Bank and Feed my Sheep, that have dropped everything to put together COVID isolation packages for us at moment's notice. And many churches, and non-profits, and many others have previously donated goods, such as diapers, school supplies, and other items for those in need.

I just would like to clarify that the test kits we're currently distributing are Federal resources that have been secured through the Department of Health, so they are not County assets. But what we're asking for you today in the resolution is for distribution of those County assets. We greatly appreciate the Council's support throughout the pandemic. I know some of the Members have had the privilege of seeing firsthand some of the initiatives and outreach that we've done. And I know, specifically to some of the housing projects, that we've had to address surges in cases. I think Councilmember Johnson has been able to see firsthand and a few other Councilmembers as well, some of the, you know, actions and initiatives that have been taken place to support the residents in those areas. So we really thank you for consideration of Resolution 22-110, and we ask for your full support.

And finally, I'll just, on a side note say that Maui Food Hub is now delivering to the County Building, and really excited to support those efforts, and encourage other people, as well, to support our local ag industry here in Maui County. Thank you very much, Chair.

CHAIR LEE: Thank you. Thank you, Mr. Nishita.

Questions, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to request of, in reading the resolution, just wondering as it gets transmitted to Committee, if there were going to be specifics attached to it for transparency for the general public, of how much is given, who it's given to, and those types of things? And then, I guess, you know, the resolution would be us supporting the County's service to the community. But it's, it's not a legal effect, or this is a legal effect?

DEPUTY MANAGING DIRECTOR: Thank you very much. Chair, may I respond?

CHAIR LEE: Yes.

DEPUTY MANAGING DIRECTOR: Thank you, Councilmember Paltin. I think, you know, in reviewing the Maui County Code, there's no specific provision. It's kind of outlined there in the resolution. There's not a necessarily specific provision related to this. So, you know, I think it's not necessarily required. But for me, personally, knowing that it's County assets and for transparency to the public, you know, I feel it's necessary to make sure that we go through Council action, and then do whatever reporting is necessary.

Specific to the first part of your question, as to the specifics, I think what is probably the most realistic thing for us to do is maybe to provide some snapshots of maybe what has been done recently? And then, maybe some type of, you know, we'd be open to like a reporting requirement, or what not, moving forward about, you know, maybe every few months, or month or so, to provide and maybe update the Council on if anything has been distributed, and if so, what those items are.

The hard part is that, you know, we can't, we can't forecast exactly what will be needed and when it will be needed. So, you know, we have a list of organizations that have received assistance in the past. You know, we've had situations where the Federal government has bought up all testing resources. And we've had, you know, even clinics and medical providers that have completely run out of supply and we've had to step in with our emergency supplies to be able to have them continue, you know, their operations and care for their patients.

So, an accurate forecast of what we may need to buy or what will be given out will be kind of hard to do. But we can definitely provide like an after-the-fact basis, if that will be acceptable as well. But we can discuss that further in Committee. Thank you.

CHAIR LEE: Member King.

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

CHAIR LEE: Oh, I'm sorry. You had--

COUNCILMEMBER PALTIN: I, I just had one other question.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: In how, how you're ensuring that all of our County knows that the County can be a resource. And is it just people are coming to the County asking for help? And then, once that happens, how do we let others know, who may not know, to come to the County to ask for the assistance?

CHAIR LEE: Mr. Nishita.

DEPUTY MANAGING DIRECTOR: Thank you very much, Chair. Thank you for the question, Councilmember Paltin. So, it, you know, depending on the type of organization you're talking about, it may vary. Organizations such as like medical providers that work directly with our Maui District Health Office will receive information from them, or our public health nurses, or Department of Health, specific to, you know, any shortages, or issues, and what not that they're having. We do have kind of, I guess, a partner list of non-profit organizations.

And then, the Maui, I think it's non-profit directors' association or something, that they'll do email blasts too, on if any of the non-profits, you know, need assistance. We're not providing these resources to, like, private businesses, things like that. We have provided to housing projects where our residents, especially, you know, low-income areas, may be in need.

And then the Department of Health has notified us on multiple occasions of, you know, families, and possible entire neighborhoods in need, given some of the circumstances involved. And so, we've had, you know, National Guard help, and many others in getting COVID, like, isolation packages such as food, diapers, other, you know, toothbrush, toothpaste, things like that to individuals who may be isolated at home and don't have other resources to, you know, secure that. So, we, we have provided that in the past.

As I indicated, the greatest need kind of going forward, as we kind of shift, you know, towards from the pandemic stage to the endemic stage, is kind of making sure that testing resources are available throughout the County. So, that's kind of our greatest focus at this point.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Yeah, I, I just wanted to ascertain that we are referring this to Committee, cause it sounds like we're doing Committee work right now. But this will get referred to Committee. It's not going to pass today.

CHAIR LEE: Well, it's slated for referral.

COUNCILMEMBER KING: Okay. Cause I was going to ask, if, if we were going to try to pass it today, I was going to ask if Mr. Nishita could be a resource if and when we get to that item, but sounds like it's going to be referred, so.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Chair, I think Mr. Nishita has his hand up. He must want to make a comment. Sorry.

CHAIR LEE: Oh, did you want to respond to that, Mr. Nishita?

DEPUTY MANAGING DIRECTOR: Yeah, I just, just wanted to let the Members know, in terms of testing resources, we're okay timewise to be able to refer it to Committee, and then have that discussion.

COUNCILMEMBER KING: Okay.

DEPUTY MANAGING DIRECTOR: With any other resources, you know, we wouldn't have that ability. But as I stated, the greatest need we see going forward is testing. And so, we do have enough Federal resources through our partnership that's non-County assets that we can continue to distribute throughout that time period. So, timewise we should be okay at this point.

COUNCILMEMBER KING: Okay, great. Thank you.

CHAIR LEE: Before I call on you, Member Sugimura, just wanted to get a clarification from Mr. Nishita. So, are, are you talking about surplus supplies that we already have? And that the issue is granting these supplies to various agencies? Or is it a combination of having surplus supplies to grant, in addition to procuring more?

DEPUTY MANAGING DIRECTOR: Thank you, Council Chair Lee. Yeah, so, it's actually both. So, our anticipation is that, you know, we, we have enough supplies now for a while. But, you know, obviously, no one can predict what may happen with supply chain, you know, disruptions. And you can kind of see what's happening in China right now and, you know, Ukraine, and other countries that may affect, you know, the availability of certain things to, especially our medical providers and non-profits. And that may impact, you know, future, the need for future purchases. But as of right now, what we're talking about is to distribute excess supplies that, you know, we have in possession right now. With--

CHAIR LEE: Okay. Mr. Nishita? Just wanted to double-check. Your, you're asking for the Council's approval to distribute these grants of supplies?

DEPUTY MANAGING DIRECTOR: Yes. Thank you.

CHAIR LEE: Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: That was going to be my question regarding the supplies and, you know, how it's been impacted by the things that's going on, in our, actually, world? And Mr. Nishita, the background of this call with you, is that the supplies? I see cases of something in the background of what you have on hand.

DEPUTY MANAGING DIRECTOR: Yeah. Actually, our offices are kind of full right now with, we got our allocation recently from the Federal government, Department of Health, on the Federal resources side, that we've been, you know, fighting to get. And behind me is all at-home COVID tests that we've been distributing to our non-profit partners and medical providers.

COUNCILMEMBER SUGIMURA: Thank you. So, if anybody is interested, non-profit providers or medical, I guess they can contact the Mayor's Office? Is that what they can look for?

DEPUTY MANAGING DIRECTOR: Thank you, Chair Lee and Councilmember Sugimura. They can reach out to the Mayor's Office, or to myself, either one is fine. Many organizations have been contacted. And like I said, we've distributed about 30,000, over 30,000 in the past few weeks to really try to, you know, get surges under control before they get out of hand.

COUNCILMEMBER SUGIMURA: Thank you

CHAIR LEE: Other hands? I did see Member Sinenci. No? Okay, any Member have any questions? Please raise your hand.

Member Kama, do you have any questions?

COUNCILMEMBER KAMA: No thank you, Chair. But the reso in which we are speaking about is going to be referred to my Committee, and so it'd be heard on June 2. Thank you, Chair.

CHAIR LEE: Alright, thank you. No, no further questions. Thank you, Mr. Nishita.

DEPUTY MANAGING DIRECTOR: Thank you.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Anne Rillero. To be followed by Albert Perez.

CHAIR LEE: Please call her name again.

COUNTY CLERK: Anne Rillero. We can--

CHAIR LEE: Next testifier.

COUNTY CLERK: --move onto Albert Perez.

MR. ALBERT PEREZ, MAUI TOMORROW [testifying on Resolution No. 22-119; and Bill Nos. 77 (2022) & 78 (2022)]:

Good morning, Chair Lee.

CHAIR LEE: Good morning.

MR. PEREZ: Good morning, Councilmembers. Albert Perez here, Maui Tomorrow Foundation. And testifying on three items today: Bill 77 and 78, and also Resolution 22-119. So, Maui Tomorrow supports Bill 77 and 78, which will facilitate the purchase of 257 acres of Pohakea Watershed, Ma'alaea Mauka lands. This area is well-suited for preservation as open space. It is not suited for development. And it's important that the Council act quickly on this. The owner has been patiently working through the process of acquisition. But as we know, there's tremendous demand for land on Maui, even that which it is not wise to build on. These lands lie at the base of the steep

slopes that lead up to the wind farm and are the natural floodplain for numerous gulches that carry stormwaters to Maalaea Bay.

Although, sorry, also, also, the 2006 scenic and historic resources inventory identified the views from Honoapiilani Highway across this parcel as being of high value. In past years, much destruction has been caused by large stormflows passing through these lands, especially after wildfires, culverts get clogged, and the mud ends up in Maalaea Bay. So, funding of this purchase will allow mitigation of that situation and reduction of fire hazards on these lands, thus improving the water quality of the Bay, which is popular for recreation. It's critical to humpback whales and, as I learned last time, also limu. So, we urge you to support County acquisition of this land. Mahalo.

I will move onto Resolution 22-119. Maui Tomorrow supports sending this proposed Charter amendment to the GREAT Committee for deliberation. As we've been saying for many years, it's risky to rely on public, sorry, it's risky to rely on private corporations for public water supply. The way the East Maui Water System is managed may change with changes in ownership or changes in priorities of private corporations that are based on private rather than public interests. So, the fact that the current ownership is based in a foreign country only serves to make that disconnection from our public interest even worse.

Management of the water system by the East Maui water authority would not mean taking water away from Mahi Pono. On the contrary, creation of this authority would ensure that the balance established by the Commission on Water Resource Management would remain achievable over time, with off-stream uses like agriculture getting their fair share. But priority would be given to improvement of the watershed that provides that water in the first place.

Under current management, this watershed has become more and more degraded over the years, with invasive species spreading to thousands of acres, increasing erosion and run-off, and reducing aquifer recharge. As climate change progresses, watershed health will become more and more important to be getting any water out of that watershed. And if the watershed doesn't provide enough water, all users will be in trouble.

So, we urge the Council to adopt this resolution, and send the proposed Charter amendment to Committee for further review. Mahalo.

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

Member Kama?

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR LEE: No questions? Alright, thank you, Mr. Perez. Have a great weekend.

MR. PEREZ: Okay. Aloha.

CHAIR LEE: Aloha.

Madam Clerk.

COUNTY CLERK: Chair, we'll circle back around to Anne Rillero. I see she's still on the call.

CHAIR LEE: Okay. How many other testifiers?

COUNTY CLERK: Anne, you're, you're unmuted on our end.

MS. ANNE RILLERO, MAUI NUI RESOURCE COUNCIL [testifying on Bill Nos. 77 (2022) and 78 (0222)]:

Okay. I guess I'll do with the audio. I'm, I'm trying to connect the video, and I'm not having success, I guess. Oh, there we go. I apologize, I'm more of a Zoom girl. Okay. Can you hear me?

CHAIR LEE: Yes.

MS. RILLERO: Okay, thank you. Well, good morning, Council Chair Lee and Councilmembers. I'm Anne Rillero. I'm representing Maui Nui Marine Resource Council and I thank you for the opportunity to testify in support of Bill 77 and 78. We're strongly in favor of both bills, which will amend the County budget for 2023 to protect the Pohakea Watershed lands, better known as Maalaea Mauka.

As you know, Maui Nui Marine Council started back in 2017, when we commissioned the preparation of the Pohakea stormwater management plan. Our goal was to reduce sediment runoff into Maalaea Bay and protect the reefs. This plan was created for us by the watershed experts at Maui Environmental Consulting and it was made available to the public in 2018. Since then, Maui Nui Marine Resource Council and our partners in the community have relied upon the plan as a blueprint for our work in the watershed to improve water quality in Maalaea Bay. We've secured thousands of dollars in grant funding to implement recommendations in the plan. We've installed firebreaks in Pohakea Watershed and the fires that burn away the vegetative cover that holds the soil in place, and also to help protect our community from the disruption of wildfire.

Recently, we've obtained quotes and plans for repairing some of the worst erosional hotspots that we had monitored last year. With volunteers, we are planting deeply rooted non-invasive . . . along the hilly contours of the, of the watershed to hold precious topsoil in place, rather than lose it to erosion that ends up in the ocean. By taking care of the lands and the watershed, we are taking care of the ocean water quality and the coral reefs in Maalaea Bay.

So, Bills 77 and 78 would let the purchase of the 258 acres of the privately-owned land in Pohakea be converted to public land, which would allow for better care for this land, better management. When the purchase is completed, the land will be transferred to the State Division of Forestry and Wildlife, become start of the State wildlife preserve. Again, this will allow for better management of the lands, more funding, and will let us all help protect the water quality and reefs in Maalaea Bay and do a better job of it. So, we, we urge you to support passage of Bill 77 and 78 and show your commitment to improving water quality and the health of the coral reefs of Maalaea Bay. This is a history making moment. We really thank you very much for all of your support and your hard work during this budget session. Thank you.

CHAIR LEE: Thank you, Ms. Rillero. Members, are there any questions? If not, thank you very much.

MS. RILLERO: Thank you. And again, I apologize for the internet problem there.

CHAIR LEE: No problem.

MS. RILLERO: Okay, thank you.

COUNTY CLERK: Our next testifier is Lynn Britton. To be followed by Lea Hong.

CHAIR LEE: You're muted.

COUNTY CLERK: Lynn Britton?

CHAIR LEE: You're muted, Lynn.

MS. LYNN BRITTON [testifying on Bill Nos. 77 (2022) and 78 (2022)]:

Good morning. Aloha.

CHAIR LEE: Good morning.

MS. BRITTON: Merhaba, Council Chair. It's been an inspire, another inspiring Council meeting. I had to put on my red sweater after the resolution earlier.

CHAIR LEE: Thank you.

MS. BRITTON: Thank you. Thank you, Councilmember Johnson. That was really, really very important work, appreciate it. I'm here to support Bill 77 and 78, and to acknowledge the Council through your leadership on getting us to this final . . .

CHAIR LEE: Lynn, Lynn, please, please state your name for the record.

MS. BRITTON: Lynn Britton, Maalaea resident since 1973, representing Maalaea Village Association. Thank you, Chair. I do, I know you've had a long meeting already this morning, and I've submitted written testimony. I wanted to acknowledge the testimony already submitted by the Maui branch manager from DLNR, Division of Forestry and Wildlife, which you received yesterday. He was unable to join you this morning but asked that we please highlight his testimony submitted earlier.

It's very exciting that DOFAW will take over the ownership and management of the property. I'll leave the particulars to Trust for Public Lands Hawaii Director Lea Hong, who's coming after me. But one of the exciting things that I want to mention, in terms of what happens after this purchase, which I hope you will support and approve today on final reading, is that DOFAW will work with community non-profit organizations to develop plans for the future, to protect and enhance these valuable lands, and scenic resources. We're going to be working with the West Maui Watershed Partnership. We're going to be working with the Lahaina Pali Trail, expanding the trail, enhancing the public offerings for the area, for the 257 acres. And it's just the beginning of what you will see in the future. And I think you'll be very excited about what the next steps are after you approve the bills today.

I also wanted to mention that your leadership here is only half of the issue for restoring Maalaea Bay. I want to applaud all of your support for the SRF funding for Maalaea wastewater. And together, we really will be creating major opportunities for the future that all of us will benefit from. Thank you again for your leadership. Happy Aloha Friday and have a good weekend. Mahalo.

CHAIR LEE: And same to you. Members, are there any questions for Ms. Britton? If not, thank again. See you. Bye.

MS. BRITTON: Bye.

COUNTY CLERK: Our next testifier is Lea Hong. To be followed by Representative Angus McKelvey.

CHAIR LEE: Ms. Hong?

MS. LEA HONG, TRUST FOR PUBLIC LANDS [testifying on Bill Nos. 77 (2022) and 78 (2022)]:

Aloha.

CHAIR LEE: Aloha.

MS. HONG: Thank you. Aloha. My name is Lea Hong. I'm the State Director for the Trust for Public Land. I want to thank the Council, and the Mayor, and the Administration for supporting Bill 77 and 78, regarding the purchase and protection of the Ma'alaea Mauka lands and the Pohakea Watershed lands.

I'm just going to stand on my testimony and support and be available to answer any questions. As Ms. Britton indicated, Scott Fretz, the Maui Branch Manager for the Division of Forestry and Wildlife was unable to attend today, but he did send his strong support and asked me to attend and answer any questions regarding the State/Trust for Public Land partnership in this regard.

CHAIR LEE: Thank you. Members, do you have any questions for Ms. Hong?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I was just checking if Ms. Hong would be around when, when the item comes up?

CHAIR LEE: Ms. Hong, will you be available in case there are questions later?

MS. HONG: Yes, I, I can be available.

COUNCILMEMBER SINENCI: Thank you.

CHAIR LEE: Mr. Sinenci, I don't foresee any questions. But thank you, Ms. Hong. If you could come back then, probably sometime after lunch?

MS. HONG: Okay. I, I'm just not sure how to log in when, yeah.

CHAIR LEE: Okay.

MS. HONG: So, I'll talk with staff.

CHAIR LEE: Yeah, you can chat with staff. Thank you.

Madam Clerk.

COUNTY CLERK: Our next testifier and our last testifier signed up is Representative Angus McKelvey.

MR. ANGUS MCKELVEY, STATE REPRESENTATIVE [testifying on Bill Nos. 77 (2022) and 78 (2022)]:

Hello? Can you guys see me, hear me? Aloha. Sorry, I'm kind of a Zoom meeting myself, too, so this is new to me. I'll just begin. Okay. Aloha, Councilmembers. Thank you so much for taking up these two important items, to which I'm testifying today, that is Bill 77 and 78. I'm submitting this testimony in my official capacity as the State Representative for District 10, which does include the Maalaea area.

I support these measures because this will allow the Trust for Public Lands to purchase the subject lands from the private seller. Then, as was stated earlier, they would be able to transfer the lands to the State Department of Forestry and Wildlife for management and collaborative conservation efforts to address watershed protection, fire prevention mitigation, and erosion.

The Legislature allocated funds to the State Legacy Land Conservation programs for critical projects just like this, to protect and preserve our precious and dwindling open space areas. If this body approves these bills, and the State through the DLNR will commit to its part of this partnership between the County and State and the non-profit Trust for Public Lands, by applying for the \$1 million to help fund the purchase and protection of this area. Based on the proceeding, I believe the amount of State and County public funds raised will be sufficient funding to complete the acquisition as proposed.

Although the TPL has not yet signed a purchase agreement, because they have secured a letter of intent. And I'm confident that this agreement will happen if the funding is approved. As you know, these lands are subject to frequent fires and high erosion rates that negatively affect the water quality of the area and impact the health of our corals. Besides the current environmental strains, the proposed development of

these lands, should the funding fail, will significantly exasperate the stress that the runoff will have on the marine environment of Maalaea.

Besides the environmental benefits of this funding agreement, the purchase of these lands to preserve them from future planned development will also protect the vital transportation corridor of the Honoapiilani Highway from future traffic congestion. The highway, which is the only route in and out of West Maui is already under strain from traffic capacity issues. And if you've seen any accident or fire, already backs up traffic for hours, like last weekend. Should this deal fall through and the building of these proposed units are allowed to go forward, it will create absolute gridlock should an accident occur. And additionally, when a fire occurs again, not if, the evacuation of these new residential areas would almost certainly cause an absolute Armageddon.

I am committed to supporting DOFAW and the Trust for Public Lands and the community in their collaboration to protect and manage the lands of Maalaea. And should the opportunity arise for me to do so, I will work for additional State funding and legislation to help the reforestation and preservation of efforts of this area.

These bills also help to advance what I see as a new State-County model, where we work together collaboratively with non-profits to perform partnerships to make needed headway on longstanding critical issues. So, I'd like to say nothing happens in a vacuum. And as such, I believe the passage of these measures will also help advance the partnership models that this body has approved for the Maalaea area, as Ms. Lynn Britton attested to earlier. Mahalo, again, everybody for allowing me to testify in support of both of these measures. And I am available for questions, should there be any.

CHAIR LEE: Thank you, Representative.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Angus. Thank you for being here. And I really wanted to thank you for your support in helping us get the Legacy Lands grant from, for that Maalaea parcel that we're talking about. You mentioned the letter of intent has been signed. Did they, is there a date on that letter of intent as to when they want this purchase to be completed by? Cause I had heard earlier that, you know, they're trying to get everything finalized by September. But I haven't actually seen the letter myself.

REPRESENTATIVE MCKELVEY: I have not either, but I believe that is, that is the date in which they are trying to move forward. And time is of the essence on this, as was

alluded to earlier. And so, we stand ready on our end at the Legislature to facilitate this discussion and the signing of this letter.

COUNCILMEMBER KING: Okay. Well, thank you so much. It's been a great partnership on this piece, and then also on the Wastewater Reclamation Facility we're trying to do. And I really appreciate your both, yourself, your involvement and DLNR's support on both of these issues. Thank you, Chair.

REPRESENTATIVE MCKELVEY: Yeah, thank you so much. We're happy we were also able to get that grant-in-aid for the Maalaea Village Association.

COUNCILMEMBER KING: Yes. Thank you for that, for sure.

REPRESENTATIVE MCKELVEY: Thank you so much.

CHAIR LEE: Members, Members, are there any more questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Nice seeing you. Good morning. So, you just mentioned grant-in-aid. So, how much did the Maalaea Village Association, is that who got the grant-in-aid? And how much was it?

REPRESENTATIVE MCKELVEY: They got \$250,000 from the Legislature at the 11th hour. It was zero slated, but thanks to the work of the Maui Delegation, in particular, the GIA Chairs Senator Agaran and Representative Scott Nishimoto, we were able to pull down \$250,000 at the last minute to help get the ball rolling.

COUNCILMEMBER SUGIMURA: So, what was the grant-in-aid for? Just curious.

REPRESENTATIVE MCKELVEY: The Maalaea Village Association. It's for the preliminary work for water quality testing, lidar readings, and other data collection that would be needed for their plan to basically . . . in the area. Hopefully tie into the County municipal system down the road.

COUNCILMEMBER SUGIMURA: Oh, this is not, oh okay, so this is for the wastewater situation?

REPRESENTATIVE MCKELVEY: Yes. Yes.

COUNCILMEMBER SUGIMURA: Not--

REPRESENTATIVE MCKELVEY: But I brought it into, I brought it into the circle because of the fact that it highlights the ongoing partnership that we are having between the Legislature, between you at the County Council, the Administration, the Mayor's Office, as well as community non-profits. This is the new way I think we can really move the needle on a lot of issues that have been facing our . . .

COUNCILMEMBER SUGIMURA: Good job, Angus. Thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Yeah, I just, yeah, thank you, Chair. I just wanted to clarify for Member Sugimura that the Legacy Lands grant was \$1 million. And that's going towards that purchase that we're, we're doing at Maalaea. So, I think that's what you were asking about. It's a, it's a State, it's a State grant, but it's under a program called Legacy Lands.

COUNCILMEMBER SUGIMURA: No, I was actually asking about what he said, the GIA grant. And he said it's for the wastewater system. So, but thank you very much. Thanks for the clarification.

REPRESENTATIVE MCKELVEY: Thank you, so much, Member.

CHAIR LEE: Anybody else, Members? If not, thank you--

REPRESENTATIVE MCKELVEY: And mahalo.

CHAIR LEE: --Representative--

REPRESENTATIVE MCKELVEY: Have a good weekend.

CHAIR LEE: --McKelvey. Thank you again. Good seeing you.

REPRESENTATIVE MCKELVEY: You too. Aloha.

CHAIR LEE: Aloha.

Madam Clerk.

COUNTY CLERK: Chair, we do not have any other testifiers noted. If anyone has not testified, but would like to do so, please identify yourself now. This is the last call for testifiers. We have one, one testifier, Chair.

MR. JASEE LAU (testifying on Resolution Nos. 22-86, 22-108, and 22-109):

The next contestant on Hollywood Squares is Jasee Lau from Kula . . . Waiakoa ahupua'a. I'm on page 4, for L. Resolutions. Let's see, No. 22-86, approving the appointment of Helene Kau, Director of Water Supply. Thank you, Helene, for working for the County of Maui No Ka Oi.

No. 22-108, authorizing acceptance of the donation of one autonomously controlled aerial vehicle from the Maui Police Foundation to the Department of Police. Aerial vehicle? Is that a flying police car?

And, oh, here it is, No. 22-109, authorizing settlement of Donald S. Guzman v. County of Maui. I knew he wasn't out for the count yet. Yeah, if we could get him settled, and then put him in that flying car, then he could fly around and catch the bad guys. He . . . come back to the County. Thank you all. Nice to see you again.

CHAIR LEE: Thank you, Jasee. Any questions, Members? If not, thank you very much. Have a great weekend.

MR. LAU: Alice, if you could get a cardboard cutout or a hologram up there on the Chair's desk, that would be nice.

CHAIR LEE: No, I'll be back in person.

Okay. That's it for testimony. Do we have anybody else signed up?

COUNTY CLERK: No, that's the last testifier. And Chair, we have received written testimony.

CHAIR LEE: Any objections to receiving written testimony into the record and to closing public testimony?

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Lynn Britton;
2. Lea Hong, Trust for Public Land;
3. Angus L. McKelvey, State Representative;

4. J. Scott Fretz, Department of Land and Natural Resources, Division of Forestry and Wildlife; and
5. Pamela Tumpap, Maui Chamber of Commerce.

CHAIR LEE: Oh, all kinds of feedback. Okay. So, ordered.

Members, we have minutes, and then you want to take an early lunch, or you want to go till 12.

COUNCILMEMBER KAMA: Early lunch.

COUNCILMEMBER JOHNSON: Early lunch sounds good to me.

COUNCILMEMBER KING: Early lunch.

CHAIR LEE: Early lunch? So, let's say--

VICE-CHAIR RAWLINS-FERNANDEZ: Then come back at one.

CHAIR LEE: No. We're talking about maybe return at 12:30, oh one, we got 1:00.

VICE-CHAIR RAWLINS-FERNANDEZ: One.

COUNCILMEMBER KAMA: Till one.

VICE-CHAIR RAWLINS-FERNANDEZ: 1:00 p.m.

COUNCILMEMBER KAMA: Till one.

VICE-CHAIR RAWLINS-FERNANDEZ: Cause we have to go away from this place to get food.

CHAIR LEE: Oh, okay.

COUNTY CLERK: Excuse me, Chair. Did you want to adopt the minutes first?

CHAIR LEE: Wait, wait. I'm just trying to decide what the majority wants. And it sounds like most people want 1:00, right? Okay.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Okay, let's, let's finish with the minutes and then take our lunch break.

COUNCILMEMBER KAMA: Yes.

COUNTY CLERK: Chair, proceeding with minutes.

## MINUTES

The minutes of the Council of the County of Maui's regular meeting of February 18, 2022, was presented at this time.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Been moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Temp Tasha Kama, to approve the regular minutes, the regular meeting minutes of February 18, 2022.

Any discussion? No discussion. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Oh, I heard Member Tasha Kama's aye. So, nine "ayes", zero "noes"; motion carries.

Okay, Members, please come back at 1:30 *[sic]*. We are now in our lunch recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:36 A.M., AND WAS RECONVENED AT 1:02 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Maui County Council regular Council meeting of May 6, 2022, please reconvene.

Madam Clerk, let's, let's move.

COUNTY CLERK: Chair, we're with, we're on "I. ACTIONS ON THE CONSENT CALENDAR", county communications.

## ACTION ON THE CONSENT CALENDAR

### COUNTY COMMUNICATIONS

NO. 22-103 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated April 19, 2022)

Transmitting the Fiscal Year 2022-2023 certification of the net taxable real property valuation for the County of Maui.

NO. 22-106 - SCOTT PARKER, CHAIR, SALARY COMMISSION,  
(dated April 13, 2022)

Relating to salary increases for the Mayor, Council Chair, and Councilmembers.

NO. 22-107 - MICHAEL P. VICTORINO, MAYOR,  
(dated April 18, 2022)

Informing of a vacancy on the Cost of Government Commission due to the resignation of Susan Pu, effective April 15, 2022.

NO. 22-108 - MICHAEL P. VICTORINO, MAYOR,  
(dated April 22, 2022)

Informing of a vacancy on the Maui County Cultural Resources Commission due to the resignation of Emily Spenser, effective April 18, 2022.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL ITEMS ON THE CONSENT CALENDAR.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Whose raspy voice was that? Member Paltin? Sounded like you. Okay, moved by Vice-Chair Rawlins-Fernandez, second by Member Paltin, to file, I mean, to, yeah, to file all these items.

VICE-CHAIR RAWLINS-FERNANDEZ: File.

CHAIR LEE: Yeah, file all these items on the Consent Calendar. Any more discussion? Any discussion? No discussion? All those in favor of the motion, raise your hand and say "aye".

CHAIR LEE: Okay, Member Tasha Kama?

COUNCILMEMBER KAMA: Aye".

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

NOES: NONE.

CHAIR LEE: Okay, only one is necessary. Nine "ayes", zero "noes"; motion carries.

COUNTY CLERK: Moving on with item "J. COMMUNICATIONS". Proceeding with county communications for referral. The following communications are recommended for referral to the following Committees as noted:

## COUNTY COMMUNICATIONS

NO. 22-109 - HELENE KAU, ACTING DIRECTOR OF WATER SUPPLY,  
(dated April 21, 2022)

Transmitting the State of Hawaii Commission on Water Resource Management water use reports for February 2022 for all registered well reporters in the County of Maui.

The recommended action is that County Communication No. 22-109 be referred to the Infrastructure and Transportation Committee.

NO. 22-104 - SANDY BAZ, MANAGING DIRECTOR,  
(dated April 20, 2022)

Transmitting the Fiscal Year 2022 3<sup>rd</sup> Quarter CIP Reports.

The recommended action is that County Communication No. 22-104 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-105 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated April 26, 2022)

Transmitting two reports on the settlement of claims as of March 31, 2022.

The recommended action is that County Communication No. 22-105 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-110 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,  
(dated April 26, 2022)

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

The recommended action is that County Communication No. 22-110 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-111 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated April 29, 2022)

Transmitting a list of approved unbudgeted equipment requests for Fiscal Year 2022, from January 1, 2022 to March 31, 2022.

The recommended action is that County Communication No. 22-111 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-112 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,  
(dated April 29, 2022)

Transmitting the Budget Implementation Report as of March 31, 2022 (Fiscal Year 2022 Third Quarter).

The recommended action is that County Communication No. 22-102 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Any objections to these referrals, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Madam Clerk.

COUNTY CLERK: Moving forward with item "L. RESOLUTIONS".

## RESOLUTIONS

RESOLUTION  
NO. 22-86

APPROVING THE APPOINTMENT OF  
HELENE KAU AS THE  
DIRECTOR OF WATER SUPPLY

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If there are no objections, may I request the Clerk call up Resolution 22-120?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

RESOLUTION  
NO. 22-120

DISAPPROVING THE APPOINTMENT OF  
HELENE KAU AS THE  
DIRECTOR OF WATER SUPPLY

CHAIR LEE: Member Molina.

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

MOVE TO DISCHARGE THE GOVERNMENT RELATIONS,  
ETHICS, AND TRANSPARENCY COMMITTEE FROM  
FURTHER CONSIDERATION OF RESOLUTION 22-86.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Any discussion?

Member Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. Section 6-2, 6-2.5 and 8-11.5 of the Charter provides the Director of Water Supply must be appointed by the Mayor with the approval of the Council, and that the Council must confirm or deny the appointment within 60 days after receiving notice of the appointment by the Mayor.

Accordingly, the Council's deadline to confirm or deny the appointment is May 15, 2022. And if the Council does not take action today, the appointment will automatically be deemed confirmed, which is the reason for today's discharge request. Thank you very much, Madam Chair.

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

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Member Kama, I can see you now.

COUNCILMEMBER KAMA: I can see you too.

CHAIR LEE: Madam Clerk.

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA:

YEAH, I'D LIKE TO MAKE A MOTION TO WAIVE THE  
REQUIREMENT OF COMMITTEE REFERRAL AND REPORT  
IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE  
COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. As I mentioned earlier, this matter is time sensitive, which is the reason why we request for the, to waive the requirement of Committee referral. Thank you.

CHAIR LEE: Anymore discussion? All those in favor of the motion raise--

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Real quick, we also took this up in Committee and discussed it. So, I wanted to add that to the record, that we're not just waiving referral, that we actually did take it up in Committee. Mahalo, Chair.

CHAIR LEE: Did I see another hand? Member King, did I see your hand? No?

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

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

NOES: NONE.

CHAIR LEE: Member Molina. Nine "ayes", zero "noes"; motion carries.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTION 22-86 AND TO FILE  
RESOLUTION 22-120.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, second by Member Sugimura, to adopt the resolution.

And discussion, Member Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. The GREAT Committee met on Tuesday, excuse me, Wednesday, May 4, to discuss the Mayor's appointment of Ms. Kau as the Director of Water Supply. And during our meeting, the Committee interviewed Ms. Kau and clarified her qualifications to fill this role. These discussions were paired with the experience listed in Ms. Kau's resume, which is available on

Granicus, and her willingness to serve in a position the Administration may otherwise have difficulties filling. So, to make me feel more confident on Ms. Kau's ability and dedication to lead the Department towards a sustainable and productive future. So, with that said, I ask for the Members full support of this motion. Thank you.

CHAIR LEE: Thank you. Any other comments or questions? All those in favor of the motion, raise your hand and say "aye".

COUNCILMEMBER JOHNSON: Can we do a roll call, Chair?

CHAIR LEE: Okay. Roll call. Roll call, Madam Clerk. Somebody has two microphones on.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, Member Paltin had her hand up earlier too, to speak.

CHAIR LEE: Okay, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. And I can't support the motion. But, you know, similar to when we approved Director Pearson, and Acting Director Kau said that he was a good man and, you know, dedicated. It's not for those reasons. I think Acting Director Kau is, is a good person and, and it's just that I, I don't, I don't think it's the best fit for us. And I understand the difficulty in possibly finding the best fit for us with only a guarantee of eight months. And that's part of the reason I supported the concept of the professional managing director. Because this won't be a first, or last time that we're put in this position, where it's difficult to find someone with such a short shelf life of a important position that we have.

The reason that I don't feel comfortable in supporting the motion is, from what we heard, it's likely that she will continue in her role as Deputy Director. And with the eight-month guarantee that we have left, more or less guarantee, I think consistency and continuity is most important. So, my no vote is a vote to have her continue in the role that she currently is for consistency and continuity, and not switching it up to a different role with only eight months to go.

Managing Director Baz indicated it's possible that the current Deputy Director may be put up. And in my research, I've seen that this is not his first stint as Deputy Director of the water, Department of Water Supply. And I'm not sure that I can vote to confirm him, but I'm just voting for consistency and continuity for this Department. So, if an explanation was needed, that's my explanation. Thank you.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I want to echo Councilmember Paltin's. This is nothing personal. I just can't support the nominee at this time. When I asked her about the affordable housing projects and how much, you know, creative thinking we want to work, you know, we want to work together on this, I was not happy with the answers. She said she support projects that are viable. But we have to think outside the box, and it can't only be this body. It has to be the departments. It has to be the Administration.

We, this body has worked really hard to try to solve the affordable housing crisis. We've done a lot of creative legislation, and we voted to support things. And we need the Admin on board to also think of creative solutions, and also to help us carry the load. So, nothing personal, just not at this time, I can't support. Thank you, Chair.

CHAIR LEE: Thank you. Any other comments or questions?

Member Sugimura, then Member King.

COUNCILMEMBER SUGIMURA: Thank you. I'm supporting Helene Kau's appointment, as I said during Committee discussion, as I worked with her not only this, you know, during this term, but previous, actually, from when I first got elected. And for myself, I cannot speak for everybody, but we have eight months. We have somebody who is going to be taking on the leadership role. And as all of you know, it will be hard to change the world in eight months. So, with the kind of dedication that I've seen her while I was working with her, I, I know she's going to do this and maybe even more, being in the leadership or director's role.

But I believe that eight months, she's going do her very best. And I don't think in eight months we or I cannot expect her to change the whole Department. But I will vote for her knowing that she's going to work as hard as she can, give as many hours as she can with the balance of her family, as I said during Committee work, cause I've got to meet that part of her life and I'm impressed with that too. But I stand by her. I'm going to give her every single chance I can. Water is really, really important to my community, Upcountry. And I look forward to working with her as we take steps in these last eight months, and then hopefully, to continue forward. So, thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I'm going to support Ms. Kau, and ironically for the same reasons that Member Paltin gave for consistency. Because I feel like that's how we're going to get consistency to the end of the year. But, and I don't think that, I don't think it's, I don't think we're going to get somebody who's more qualified that will take this job for the final seven or eight months that we have left.

And the other thing is that I feel like this, these, the administrative directorships are, are following directions from the Administration. And so, you know, I understand what Mr. Johnson says. But this is a, this is a problem throughout the Administration, getting all of the directors on board with the, on message to collaborate. We have not had good collaboration with this Administration. And that's why these messages . . . like they're falling on deaf ears sometimes. But I don't think it's necessarily always the fault of the director. I do think that, that, you know, there, there could be stronger qualifications for the director of this position, but we don't have that person in front of us. And so, I have appreciated the work of Ms. Kau over the years. And I think this is, you know, acceptable choice for the, to finish out the end of this term. Thank you.

CHAIR LEE: Anyone else? Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. I just had a clarifying question for maybe Member Molina. Should Ms. Kau not be confirmed, then we wouldn't have time to have another candidate come before this body?

COUNCILMEMBER MOLINA: Madam Chair, if I--

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: --if I may ask that question, I mean, respond to that question. I believe once the rejection is made official, assuming if, you know, she does not pass, then I believe the Administration may have possibly up to ten days to submit another nominee. But we may want to get that clarified with Corporation Counsel.

CHAIR LEE: Corporation Counsel?

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you, Chair. Thank you, Councilmember Molina. So, this is Section 6-2 of the Charter. It's within, the Council shall confirm or deny the appointment within sixty days after receiving notice. If the Council does not act, etc. If, if the appointment is denied, the Mayor shall make a new appointment within sixty days of the Council's denial, and then your time clock would start again.

CHAIR LEE: Does that answer your question, Member Sinenci?

COUNCILMEMBER SINENCI: Yeah. So, sixty, sixty days to put forth a second name? Okay, thank you, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Yeah, while we have Ms. Thomson, Corp. Counsel, could you just confirm whether we, because this was a big issue a couple of terms ago, that I think we settled the issue of naming, if somebody isn't affirmed, confirmed for a position, that they cannot be acting director. Is that, is that true, Ms. Thomson?

FIRST DEPUTY CORPORATION COUNSEL: Yes, that is our interpretation of the Charter.

COUNCILMEMBER KING: Okay.

FIRST DEPUTY CORPORATION COUNSEL: That they cannot remain as a temporary.

COUNCILMEMBER KING: Okay, so that, that would just be, well, somebody else would have to be appointed acting director if that happened? Okay. Thank you. Thank you, Chair.

CHAIR LEE: Pro Temp Kama, did I see your hand up?

COUNCILMEMBER KAMA: Yes, you did, Chair. Thank you so very much. You know, during the interview, when she came to our Committee, one of the things she talked to us about was, and we actually queried her about morale in that Department. And one of the things I wanted her to do was to ensure that she took care of that. I mean, in eight months, if you don't take care your people in your department, then nothing happens. And if nothing happens, that means none of things that . . . to do here as Council with affordable housing, they may not move forward either. If we continue to always look for another person, another person, the people in the department will get more frustrated. No projects will move forward.

And we have eight months, only eight months to do something. So, I'm going to confirm her today, and believe, and have faith that for the next eight months, that we're going to, she'll be able to do what she needs to get done, just so that we can continue to move forward. So, thank you, Chair.

CHAIR LEE: Thank you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I will be supporting the motion to confirm Acting Director Kau. As I stated in Committee, she and former Director Pearson were very responsive to a lot of my ideas, as crazy as they can be sometimes and, you know, committed to working with me on making them less crazy, so that it's something that I can bring before the Council, and the public, and then we can support that. So, I really appreciated that. And I would appreciate continuing, continuing to work with her on legislation that will be introduced either later this year or next year.

I, I agree with Member Kama, that those are my thoughts exactly. That we all know it's a kakou effort that not much gets done without a team. And to be successful, you need a strong team. And if Acting Director Kau can inspire and motivate her Department and staff, to get the work done that needs to be done on behalf of our County, then we'll all be successful. Mahalo, Chair.

CHAIR LEE: Thank you. Anyone else?

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair, for my second and final time. First, a clarifying question to Corporation Counsel, followed by my comments on the nominee for Ms. Thomson. I worked for the previous Administration and when there was a rejection, we were told that we had ten days to get a new nominee in. Now, is that applicable only for people on boards and commissions? Just so we get that straight, cause it does get a little confusing at times. So, this would not apply for directors or individuals applying for directorships? Am I correct?

FIRST DEPUTY CORPORATION COUNSEL: Thank you, Councilmember Molina. Yes. So, there's sixty days. So, the Mayor shall make a new appointment within sixty days of the Council's denial. And then the Council shall confirm or deny within sixty days after that.

COUNCILMEMBER MOLINA: Okay, so then for all of our boards and commissions, if an individual gets rejected by the Council, then the Mayor has ten days to submit a nominee to the Council to replace that rejected individual? That is correct, right?

FIRST DEPUTY CORPORATION COUNSEL: Yes, that's and you're correct, Councilmember, that is where the ten days comes in.

COUNCILMEMBER MOLINA: Okay, thank you. Good, good thing we asked. Thank you, Member Sinenci, for that question.

Alright, and now with my comments on the nominee. I will support Ms. Kau. Certainly, it was a set of unfortunate circumstances that the Water Director, Mr. Pearson, chose to go elsewhere during a, prior to a very, very business time, which is prior to the budget session. But it is what it is. The Administration did tell us at our meeting on the 4th that they did not consider anyone else. Now, I don't know if that meant no one else applied, or they just decided to go with the individual that's presently in. But I, in my opinion, Ms. Kau, she certainly has the, shows the initiative that she can learn and, and acknowledged that there may be some things she doesn't know. But it's, she's in

a, I guess the Administration and her, they're kind of put in a difficult position. And with Mr. Agawa, he could probably lend some expertise, assistance to Ms. Kau, so I'll support her.

But at the same time, I certainly respect and understand the, the comments from my other individuals who will not support her. So, it's a difficult balancing act when we have to consider directors. But due that, due to the fact this may be only what, eight months left in the term, I just feel it's better to have someone who has existing knowledge of what's going on with water to leave that person in there. So, I will support Ms. Kau's nomination. Thank you, Madam Chair.

CHAIR LEE: Thank you. Anyone else? Final comments?

Okay, roll call, Madam Clerk.

COUNTY CLERK: Item number, Reso No. 22-86, approving the appointment of Helene Kau as the Department of Water Supply Director.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

COUNTY CLERK:

Councilmember Mike Molina.

COUNCILMEMBER MOLINA:

AYE.

COUNTY CLERK:

Councilmember Kelly T. King.

COUNCILMEMBER KING:

AYE.

COUNTY CLERK:

Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON:

NO.

COUNTY CLERK:

Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN:

NO.

COUNTY CLERK:

Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA:

AYE.

COUNTY CLERK: Council Pro Temp Tasha Kama.  
COUNCILMEMBER KAMA: YES.  
COUNTY CLERK: Council Vice-Chair Keani Rawlins-Fernandez.  
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.  
COUNTY CLERK: And Chair Alice L. Lee.  
CHAIR LEE: AYE.

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

NOES: COUNCILMEMBERS JOHNSON AND PALTIN.

COUNTY CLERK: Seven "ayes", three "noes", oh, I'm sorry, two "noes", and none excused.  
Motion carries.

CHAIR LEE: Okay. Alright. Next item.

RESOLUTION  
NO. 22-108

AUTHORIZING ACCEPTANCE OF THE DONATION OF  
ONE AUTONOMOUSLY CONTROLLED AERIAL VEHICLE FROM THE MAUI  
POLICE FOUNDATION TO THE DEPARTMENT OF POLICE, PURSUANT TO  
CHAPTER 13.04A, MAUI COUNTY CODE

The recommended action is that Resolution No. 22-108 be referred to the Government Relations, Ethics, and Transparency Committee.

(RESOLUTION NO. 22-108 WAS ADOPTED LATER IN THE MEETING. See pages 68 and 69 for discussion and action.)

RESOLUTION  
NO. 22-109

AUTHORIZING SETTLEMENT OF DONALD S. GUZMAN  
V. COUNTY OF MAUI, ET AL., CIVIL NO. 21-00202 DKW-RT

The recommended action is that Resolution No. 22-109 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION  
NO. 22-110

AUTHORIZING DISTRIBUTION OF COVID-19 SUPPLIES TO THE PUBLIC,  
PUBLIC HEALTH AGENCIES, MEDICAL PROVIDERS AND NON-PROFIT  
ORGANIZATIONS

The recommended action is that Resolution No. 22-110 be referred to the Human Concerns and Parks Committee.

RESOLUTION  
NO. 22-111

APPROVAL OF COST ITEMS FOR BARGAINING UNIT 02,  
SUPERVISORY, BLUE-COLLAR EMPLOYEES

The recommended action is that Resolution No. 22-111 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Any objections to these referrals, Members?

COUNCILMEMBER SUGIMURA: No objections.

CHAIR LEE: Member Molina.

DISCUSSION RELATING TO  
RESOLUTION NO. 22-108

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. I have two considerations.  
First, for 22-108.

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

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, second by Member Sugimura, to waive the Rules of  
the Council, Rule 7.G.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. Chapter 13.04A,  
Maui County Code, authorizes the Council to accept gifts and donations on behalf of  
the County. And I encourage the expedition of providing this authorization to the Maui  
Police Department. Thank you, Madam Chair.

CHAIR LEE: Anymore discussion on, on waiving the Rule? Okay, all those in favor of the  
motion, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO, TO ADOPT RESOLUTION 22-108.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Molina, second by Member Sinenci to adopt the resolution.

Member Molina, discussion?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Resolution 20-108 *[sic]* authorizes the Department of Police to accept the donation of one autonomously controlled aerial vehicle, otherwise known as a drone. The donation from the Maui Police Foundation is valued at approximately \$8,000. I ask for the Members full support of this motion. Thank you.

CHAIR LEE: Anymore discussion? If not, all those in favor of the motion to adopt the Resolution 22-108, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Member Molina.

DISCUSSION RELATING TO  
RESOLUTION NOS. 22-78 AND 22-114

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. I would like to ask for your consideration related to Resolution 22-14 *[sic]*, which is authorizing settlement of Lynch, Donna v. Ka Hale A Ke Ola. So, therefore, with that said, may I also request the Clerk call up Resolution 22-78?

CHAIR LEE: Madam Clerk.

COUNCILMEMBER SUGIMURA: No objections.

COUNTY CLERK: Yes. I'm going to also call up Resolution 22-14, 114.

CHAIR LEE: Yeah.

RESOLUTION  
NO. 22-114

AUTHORIZING SETTLEMENT OF LYNCH, DONNA V. KA HALE A KE OLA  
HOMELESS RESOURCE CENTERS, INC.; ET AL., CASE 09-21-5673-8

CHAIR LEE: And the other one?

RESOLUTION  
NO. 22-78

AUTHORIZING SETTLEMENT OF LYNCH, DONNA V. KA HALE A KE OLA  
HOMELESS RESOURCE CENTERS, INC.; ET AL., CASE 09-21-5673-8

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO DISCHARGE THE GOVERNMENT RELATIONS,  
ETHICS, AND TRANSPARENCY COMMITTEE FROM  
FURTHER CONSIDERATION OF RESOLUTION 22-78.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Molina, second by Member Sinenci, to discharge the  
Committee of 22-78.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. This item is time-sensitive and was  
placed on the Council agenda for action at the request of the Department of  
Corporation Counsel. Thank you.

CHAIR LEE: Anymore comments or questions on the discharge? If not, all those in favor of the motion, please say "aye" and raise your hand.

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

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

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, second by Member Sugimura, to waive the Rules of the Council regarding this item.

Any further discussion?

COUNCILMEMBER MOLINA: Yes, Madam Chair.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Again, this matter, this matter is time-sensitive, which is the reason for the discharge request. Thank you.

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

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTION 22-14 [SIC] AND TO FILE  
RESOLUTION 22-78.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, moved by Member Molina, seconded by Member Sinenci, to adopt, well,  
file 22-78, adopt 22-114.

Any more discussion?

COUNCILMEMBER MOLINA: Yes, Madam Chair. Resolution 22-114 authorizes settlement  
of the case. The complaint was filed with the U.S. Department of Housing and Urban  
Development on June 4, 2021, against the County of Maui and alleges discriminatory  
housing practices under the Federal Fair Housing Law.

The Department of the Corporation Counsel has requested authority to settle this case  
in amount not to exceed \$10,000. And since the settlement amount has been clarified  
in executive session, it is no longer necessary. So, and Resolution 22-78 can be filed.  
Thank you.

CHAIR LEE: Any more discussion, Members? If not, all those in favor of the motion. Oh, we  
have a question?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to ensure that the issues were resolved in the discrimination, that it won't happen again, and we won't be back again to settle? Have steps been taken by Ka Hale A Ke Ola?

CHAIR LEE: Corp. Counsel? Corporation Counsel?

FIRST DEPUTY CORPORATION COUNSEL: Thank you very much. Brian Bilberry is also available for questions. In terms of the Departments working with the provider, I think that those should be taken up as a separate informational item, perhaps a direct inquiry to the Department.

DEPUTY CORPORATION COUNCIL BRIAN BILBERRY: Hi. This is Brian. I'm here. Can you all hear me?

CHAIR LEE: Yes.

DEPUTY CORPORATION COUNSEL BILBERRY: Okay. Well, what I can let you know is this, this matter landed on my desk after the settlement, and I was involved with piecing together the settlement documentation. And it, it is true that, to answer Councilmember Paltin's question, let me just pull up the document here, so I can get the name right, that the lessee service provider, and this would be Ka Hale A Ke Ola Homeless Resource Center Services, Inc., has agreed to sponsor and attend training on fair housing discrimination. And the County is also doing its own separate training. But the respondent of, that's allegedly responsible for the discrimination, is being required to attend training as part of the settlement with the U.S. Department of Housing and Urban Development.

You know, whether that ensures future compliance with the Fair Housing Act is, you know, it's nothing that can be guaranteed. But again, the allegations that were made are just that, allegations. So, there's really no definitive, no definitive termination has been made that the allegations brought by the complainant are actually true. I don't believe that the respondent has admitted liability. So, I don't know if that answers your question? But this is under a settlement agreement with the Department of Housing and Urban Development. And they certainly will be following up to make sure that the respondent does the training that's been required.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Just one follow-up. Is it going to be an annual training, or is it a one-time and done type of training event?

DEPUTY CORPORATION COUNSEL BILBERRY: Annual training for each year of the duration of the settlement terms, and that's two years. So, they'll do a training this year, and then they'll be required to do a training next year. That will include their employees.

COUNCILMEMBER PALTIN: Okay, thank you. Thank you so much for the information.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so the difference between this Resolution 22-114 and 22-78, is in 114 there's the amount that's being settled for. Is that the only difference? And is that because the \$10,000 was after the resolution was sent to the Clerk?

CHAIR LEE: Corporation Counsel?

DEPUTY CORPORATION COUNSEL BILBERRY: Yeah, that's not a question I can answer for you. I, I'm not sure what the process is regarding your consideration of these resolutions in that regard.

CHAIR LEE: Oh, Member Molina, you have any idea?

COUNCILMEMBER MOLINA: Yeah, I knew that question would come to me. You know, I was, it was just brought to my attention by Committee staff that this was a time-sensitive matter and it needed to be acted on upon the request of Corporation Counsel. Maybe Ms. Thomson or Ms. Lutey might be better qualified to respond to Vice-Chair Rawlins-Fernandez question. Thank you.

CHAIR LEE: Ms. Thomson? Ms. Lutey is on, on vacation. Ms. Thomson.

FIRST DEPUTY CORPORATION COUNSEL: Thank you, Chair. Thank you, Councilmember Molina. Yes, my understanding is that this was time-sensitive and also that there was not the need for executive session to discuss the \$10,000 recommended settlement amount. And so, it was placed in a, in a public resolution, rather than handled in executive session as is kind of the norm.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for the explanation, First Deputy Counsel Thomson. Mahalo, Chair.

CHAIR LEE: Anyone else?

DEPUTY CORPORATION COUNSEL BILBERRY: Yeah, I, this is Brian again. I don't know if this makes a difference, but my understanding is that that money is coming from the Department of Housing and Human Concerns and not out of the General Fund. I don't know if that has anything to do with the manner in which it's been presented to you, but it may.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Okay, that's fine. We don't have to know the source.

Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I was going to ask about the source, because most of what DHC has is General Fund. So, I don't understand what that distinction is.

CHAIR LEE: Yeah, that's what I'm saying. Most of the money that they have for these kinds of purposes would be General Fund funds and not their special funds.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, . . . correcting the record.

DEPUTY CORPORATION COUNSEL BILBERRY: Okay, well then, then that's, that's my misunderstanding and I apologize for that.

CHAIR LEE: Okay.

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

CHAIR LEE: Any more hands up? Any more questions?

DIRECTOR OF HOUSING AND HUMAN CONCERNS LORI TSUHAKO: Madam Chair.

CHAIR LEE: Do you want a roll call on this? I'm sorry, did I hear a name?

DIRECTOR OF HOUSING AND HUMAN CONCERNS: Madam, yeah, Madam Chair, this is Lori Tzuhako from the Department of Housing and Human Concerns. I just want to clarify that the proposed settlement amount is coming from our Section 8 Admin, because of the involvement of vouchers in the, in the total claim made by Ms. Lynch against Ka Hale A Ke Ola and the County. So, it's not, the settlement will not be paid out of General Funds, but will be coming out of Administrative Funds from the Section 8 Program. Thank you.

CHAIR LEE: Thank you for that clarification. That's highly unusual to use Federal Funds for that purpose, but times have changed.

Alright, any more questions, Members? All those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. That takes care of that resolution.

Madam Clerk.

COUNTY CLERK: Chair, continuing with Committee referrals.

RESOLUTION  
NO. 22-115

APPROVING COST ITEMS FOR NON-SUPERVISORY WHITE-COLLAR  
EMPLOYEES EXCLUDED FROM BARGAINING UNIT 3, SUPERVISORY  
WHITE-COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 4,  
AND PROFESSIONAL AND SCIENTIFIC EMPLOYEES EXCLUDED FROM  
BARGAINING UNIT 13

The recommended action is that Resolution No. 22-115 be referred to the Budget, Finance, and Economic Development Committee.

RESOLUTION  
NO. 22-116

APPROVING COST ITEMS FOR BARGAINING UNIT 3, NON-SUPERVISORY  
WHITE-COLLAR EMPLOYEES, BARGAINING UNIT 4, SUPERVISORY  
WHITE-COLLAR EMPLOYEES, AND BARGAINING UNIT 13,  
PROFESSIONAL AND SCIENTIFIC EMPLOYEES

The recommended action is that Resolution No. 22-116 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Members--

COUNTY CLERK: Recommended for--

CHAIR LEE: Keep going then. You can keep going.

RESOLUTION  
NO. 22-117

AMENDING RESOLUTION 18-210 AND AUTHORIZING THE  
DISPOSITION OF APPROXIMATELY 33.373 ACRES OF COUNTY REAL  
PROPERTY LOCATED IN LAUNIUPOKO, MAUI, HAWAII, TO THE  
DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII, FOR THE  
HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2

The recommended action is that Resolution No. 22-117 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION  
NO. 22-118

APPROVING THE FISCAL YEAR 2023  
OPERATING BUDGET FOR THE HAWAII STATE  
ASSOCIATION OF COUNTIES

The recommended action is that Resolution No. 22-118 be referred to the Government Relations, Ethics, and Transparency Committee.

(RESOLUTION NO. 22-118 WAS ADOPTED LATER IN THE  
MEETING. See pages 79 through 88 for discussion and action.)

RESOLUTION  
NO. 22-119

PROPOSING AN AMENDMENT TO THE  
REVISED CHARTER OF THE COUNTY OF MAUI  
(1983), AS AMENDED, TO ESTABLISH THE  
EAST MAUI COMMUNITY WATER AUTHORITY

The recommended action is that Resolution No. 22-119 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION  
NO. 22-121

APPROVING COST ITEMS FOR EMPLOYEES EXCLUDED FROM  
BARGAINING UNIT 11, FIRE FIGHTERS

The recommended action is that Resolution No. 22-121 be referred to the Budget, Finance, and Economic Development Committee.

RESOLUTION  
NO. 22-122

APPROVING COST ITEMS FOR BARGAINING UNIT 11, FIRE FIGHTERS

The recommended action is that Resolution No. 22-122 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Okay, was there any planned action by any, anyone?

Member Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. No planned action on my part. But I just had a question for 22-119, the referral to the GREAT. We did want to also do a 7.B. in the APT Committee, to help with explaining of the, the, this amendment.

CHAIR LEE: Are you requesting a dual--

COUNCILMEMBER SINENCI: This--

CHAIR LEE: --a dual referral?

COUNCILMEMBER SINENCI: Or I'm asking, is a dual required to do a 7.B in APT as well.

CHAIR LEE: Member Molina, you have any objections?

Vice-Chair Rawlins-Fernandez? Let's have Member Molina answer the question.

COUNCILMEMBER MOLINA: Yeah. Thank you, Madam Chair. No, I have no objections. I think it's a very good sound idea to provide additional, I guess, the education process as to why the reason for this proposed Charter amendment. And of course, as we know, GREAT, we've got a lot of other stuff. So, I really appreciate Member Sinenci looking in that direction. Thank you, Madam Chair.

CHAIR LEE: Any objections, Members, to referring this item to the APT Committee? No objections?

VICE-CHAIR RAWLINS-FERNANDEZ: No, that's not, Chair, point of order.

CHAIR LEE: Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: This item is going to GREAT. What Member Sinenci asked is if he could do a 7.B. But unlike our former process, which was requesting the subject matter be referred to Committee, doing a 7.B, all Committee Chairs have the power to just do a 7.B presentation. They don't need to ask the Council to do that. So, Member Sinenci, you're welcome to do it as the Committee Chair, you have the full power and authority to do that. Mahalo, Chair.

COUNCILMEMBER SINENCI: Thank you, Member Rawlins-Fernandez. With that, we'll just keep the, the referral to the GREAT Committee. Thank you.

CHAIR LEE: Thank you. That was simple. Very good. Very good, Mr. Sinenci.

Member King.

DISCUSSION RELATING TO  
RESOLUTION NO. 22-118

COUNCILMEMBER KING: Thank you, Chair. I'd like consideration on Resolution 22-118.

CHAIR LEE: Okay. Proceed.

COUNCILMEMBER KING:

OKAY, I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL FOR RESOLUTION 22-118.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member King, second by Member Sugimura, okay, to waive the Rule of the Council on this matter.

And discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. Members, Section 21 of the HSAC, Hawaii State Association of Counties, if, for anyone who doesn't know what that acronym is, Bylaws requires each County Council to approve the HSAC operating budget for the upcoming fiscal year prior to the HSAC annual meeting.

HSAC President Chock has requested each County Council send a copy of their approved resolutions by Friday, June 10, 2022. And if we can pass the waiver, then I'll refer you to the ASF which should have come out.

CHAIR LEE: Okay. Any more comments or questions on this matter, on this motion? If not, all those in favor, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes".

Member Kama? Member Kama?

VICE-CHAIR RAWLINS-FERNANDEZ: I voted "aye", Chair.

CHAIR LEE: Okay. No, I didn't see your hand, sorry. Nine "ayes", zero "noes"; motion carries.

Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO, TO ADOPT RESOLUTION 22-118.

CHAIR LEE: Second, somebody?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Sugimura, to adopt Resolution 22-118.

Discussion, Member King?

COUNCILMEMBER KING: Thank you, Chair. I'd like to refer Members to the ASF for this motion. Hopefully everybody has gotten that, the Resolution 22-18 *[sic]*, "APPROVING THE FISCAL YEAR 2023 OPERATING BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES", dated May 6.

CHAIR LEE: Everybody got the ASF? Okay, it seems like it. Seems like it.

COUNCILMEMBER KING: Okay.

SO, I, I MOVE TO AMEND RESOLUTION 22-118 BY  
SUBSTITUTING ITS CONTENTS FOR THE PROPOSED FD1  
VERSION, ATTACHED TO THIS FORM.

COUNCILMEMBER SUGIMURA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Member Sugimura. Okay.

Member King, moved by. Motion made by Member King, seconded by Member Sugimura, to substitute the resolution.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you, Member Sugimura. The beginning balance, showing the amount in the bank account, has been updated to reflect more accurate numbers, and has been relocated from the top line to "line 9", and renamed "Fund balance".

The fund balance is the amount in the bank at the beginning of the fiscal year. This amount is now being included as revenue.

A column has been added called "Fiscal Year 22 Budget Projections". This column estimates what the fund balance will be at the end of the fiscal year so we can estimate how much money will be in the bank at the start of Fiscal Year 23.

The net shown at the bottom is now reflecting a positive amount as the fund balance has been included as revenue. This shows that the budget for the Fiscal Year 23 will leave a remainder of \$54,635 in the bank account.

The justification sheet remains the same, as none of the line items for expenses or revenues has changed. Only the bank fund balance and net have changed.

CHAIR LEE: Any questions or comments? Discussion?

COUNCILMEMBER KING: Questions?

CHAIR LEE: I guess not. All those in favor of the motion, raise your hand and say "aye".

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I had my hand up earlier before we voted.

CHAIR LEE: You did? Okay. Let's suspend that, that vote.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have a question for Member King regarding the reserves. Would you please speak to the amounts and why it's as high it is it?

COUNCILMEMBER KING: Well, it's actually a little bit lower than it was previously. But we've always carried over a pretty high amount, somewhere around 60-70,000. And this is, this kind of goes way back to early days when they were able to raise a lot of money on sponsorships for previous conferences. And then, every year, we try to make the expenses fit the, the current revenues, so that we kept that reserve in there. But the reserves in there, we've actually dipped into it for a little bit for, to try to get this, the next conference going. And also, because we, we hired a part-time executive director. So, the idea is now we have to look for ways to promote our, our, or to, to raise more revenue for our executive director, because we're realizing . . . hours.

Oh, it looks like Mason's on. Okay, Mason was going to, if anyone has any questions, speak to the changes. Because when he took it to his Council, was when we figured out that the, the, it was showing a negative balance because we weren't showing the amount in there as revenue. So, he has to take it back to his Council. And then, Chair Waters of Honolulu, the C&C, has to take it back to his Council for a revote on the new budget. Do you want to speak to that, Mason, the?

CHAIR LEE: Hi Mason.

COUNCILMEMBER MASON CHOCK: Hey, Aloha, Chair, Councilmembers. Mason Chock, Kauai County Council and current HSAC President. Happy Aloha Friday. I hope you folks have a great meeting today. Real quick, I just wanted to, you know, Kelly asked me to come on board and explain the change. We did ask for amendment because the budget that was submitted, while nothing has changed in our revenue and expense forecast, it was a little bit obscure in terms of the reserve as presented. So, we wanted to make sure that it was more clearly, you know, articulated about what the current reserve will, is and would be. Which by the way, we would be continuing to, because of COVID, utilizing the fund reserve. So, we have revised the budget, and I'm hoping that the revised version is something you folks might consider.

CHAIR LEE: Thank you. Are there any questions for Mason?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And aloha, Councilmember Chock. Mahalo for joining us and for answering our questions. I'm supportive of the budget, and I'm really appreciative of the three-page HSAC budget justifications that come along with it that explain each line item. My question is for line 31, the HSAC Executive Assistant. Is she an assistant or is she an executive director? Because I've heard her referred to as executive director, but in the budget it's executive assistant.

COUNCILMEMBER CHOCK: Yeah, mahalo nui for the question. She is an executive assistant by contract. So, she's not an employee specifically with, with HSAC. You know, my assessment is, is that she's done well as an executive assistant. And we'd like to move forward in securing an executive director in the future. Hopefully our fundraising efforts will, will be able to substantiate that moving forward. And in addition to that, as you can see, we still have our lobbyist on board. Some of those, those two positions that are currently on contract, you know, could potentially in the future be combined into an executive director position. But currently, the title is executive assistant.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification. And I think your current executive assistant is amazing, and I hope she stays on and would be able to serve as a executive director. Mahalo, Councilmember Chock. Mahalo, Chair.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Are there any more questions? Yes, Member King.

COUNCILMEMBER KING: Before Mr. Chock leaves, I, I just wanted to point out one other thing on the budget. And if you look on the attachments that's titled "HSAC Budget Justifications", you'll see that there's, under number 15., the, did NACo dues differently this year where we actually, used to be NACo dues came out of the HSAC Budget. And we decided to do was to tack those on for each County to pay their own dues because the dues are based on population. So, if you look at the little spreadsheet that's under number 15, you'll see that Maui County's share of the dues are 2,893. So, that's an additional amount for the County to pay.

And then, and just, Members, I did let the Chair know, and so we don't need to add anything to our County budget, because this, this monies can be taken out of our current County Council budget. And, and also, she generously offered to use her, her Chair's Contingency Fund if, if that didn't work. So, thank you so much, Chair.

And then, if you look at that spreadsheet, you'll see the City and County is paying 19,064. So, their, the, the equitability of the NACo dues is more reflective in doing it this way.

CHAIR LEE: Thank you. Thank you for that explanation. So--

COUNCILMEMBER KING: If anybody's got any questions about that, they can ask Mason.

CHAIR LEE: Cause we'll, we have to let the, the Councilmember go. Any more questions for Mason? If not, thank you so much, Mason. Have a, a great Aloha Friday yourself.

COUNCILMEMBER KING: Thank you for coming on.

COUNCILMEMBER CHOCK: Okay. Thank you, everybody. Aloha.

CHAIR LEE: Okay. Thank you. Any more questions for Member King, before we take the vote? Is it necessary to have a roll call? If not, all those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

COUNCILMEMBER KING: Thank you, Members.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair--

CHAIR LEE: Anymore--

COUNTY CLERK: --the main motion as amended.

CHAIR LEE: --floor actions? Otherwise--

COUNTY CLERK: Chair, can you clarify that that was the main, main motion?

CHAIR LEE: What do you mean? We did a substitution. We need another motion? If, if so, I'd be happy to take one so we can move it along.

COUNCILMEMBER KING: So, moved.

COUNTY CLERK: She withdrew her--

COUNCILMEMBER KING: Pardon?

CHAIR LEE: Can you say what you're, explain what you're saying, Madam Clerk? Madam Clerk, are you asking me to take another vote? I'd be happy to do that so we can move it along.

COUNTY CLERK: Yes, Chair.

CHAIR LEE: Okay.

COUNTY CLERK: Yes, Chair.

CHAIR LEE: Very good. So, we need another motion.

COUNCILMEMBER KING: Actually, Chair, I think that we already had that motion on the floor and then I made an amendment to it.

CHAIR LEE: Okay.

COUNCILMEMBER KING: So, it's the main motion as amended.

CHAIR LEE: Okay, very good. All those in favor of the main motion as amended, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Very good. Excellent. Motion carries; nine "ayes", zero "noes".

Madam Clerk.

COUNCILMEMBER KING: Thank you, Members.

COUNTY CLERK: Chair, proceeding with bills for referral. The following bills are recommended for referral to the following Committees as noted.

CHAIR LEE: Oh, wait, wait, wait. I think we skipped a step. I don't think I asked everybody if there are any objections to the referrals listed. Any objections to, to, any objections to the referrals as outlined by and as stated by the County Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered. Okay.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Now we can do--

Yes, Member King.

COUNCILMEMBER KING: Sorry, another, another monkey wrench. Do I need to move to waive Rule 19.C. of the Rules of the Council so that we can adopt the resolution today for the HSAC bill, budget bill? It's on my, it's on my notes, I just realized. So, because we changed it, and we're voting on it same day.

CHAIR LEE: On, on the, you mean the \$2,000? Which one?

COUNCILMEMBER KING: Oh no, just the, the voting on the entire budget since I made that amendment and we're not supposed to vote on those kinds of changes. Is that, I'm just asking. I'm asking OCS because they wrote it into my notes to move to waive the Rule 19.C. of the Rules of the Council to enable us to adopt the resolution as amended today.

CHAIR LEE: Okay, maybe we can get a ruling, either, oh, David? David, are you on the line?

VICE-CHAIR RAWLINS-FERNANDEZ: Madam Clerk is ready to respond to you, Chair.

COUNTY CLERK: That would be appropriate, Chair.

CHAIR LEE: Thank you, Vice-Chair. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: You're welcome.

CHAIR LEE: But it's not necessary. Aye yai yai.

VICE-CHAIR RAWLINS-FERNANDEZ: You're welcome.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Should I make my motion?

CHAIR LEE: Okay, proceed.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO WAIVE RULE 19.C. OF THE RULES OF THE COUNCIL, WHICH WOULD ENABLE US TO ADOPT THE RESOLUTION AS AMENDED TODAY.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by member King, seconded by Member Sugimura, to waive the Rules of the Council. Discussion?

Member King.

COUNCILMEMBER KING: No discussion, just so that we can finalize this today.

CHAIR LEE: Okay. Any discussion on anybody, from anybody else? All those in favor of the motion, raise your hand, say "aye".

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

NOES: NONE.

CHAIR LEE: Okay. Motion carries; nine "ayes", zero "noes".

Member King.

COUNCILMEMBER KING: That's all. Thank you.

CHAIR LEE: That's all?

COUNCILMEMBER KING: I think, I think that's all the loose ends, Chair. Sorry about that.

CHAIR LEE: I think we're doing it a little backwards, but that's okay. It is backwards. I don't know, is that, I wonder if that's legal?

Anyway, Madam Clerk.

COUNTY CLERK: Chair, proceeding with bills for referral. The following bills are recommended for referral to the following Committees as noted:

**BILLS**

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 79 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 14.06A.080, MAUI COUNTY CODE, RELATING TO EXEMPTIONS FOR AGRICULTURAL WATER CONSUMERS FROM RESTRICTIONS OR MANDATES DURING WATER SHORTAGES

The recommended action is that Bill No. 79 (2022) be referred to the Agriculture and Public Trust Committee.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 83 (2022)

A BILL FOR AN ORDINANCE AMENDING TITLE 14, COUNTY WATER CODE, TO ESTABLISH A CATEGORY OF WATER RATES FOR AGRICULTURAL CONSUMERS ON LOTS WITH NO DWELLINGS

The recommended action is that Bill No. 83 (2022) be referred to the Agriculture and Public Trust Committee.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 84 (2022)

A BILL FOR AN ORDINANCE TO AMEND THE EXCLUSION FOR GRADING AND GRUBBING PERMITS FOR TRENCHING FOR UNDERGROUND UTILITIES

The recommended action is that Bill No. 84 (2022) be referred to the Agriculture and Public Trust Committee.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 80 (2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS RELATED TO THE ACQUISITION OF A LICENSE FOR ACCESS, BUFFER, AND PARKING FOR THE UALAPU'E FIRE STATION, KAUNAKAKAI, HAWAII

The recommended action is that Bill No. 80 (2022) be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Member Molina--

COUNTY CLERK: To your--

CHAIR LEE: --would you like to handle this now?

COUNCILMEMBER MOLINA: Madam Chair, yield the floor to Vice-Chair Rawlins-Fernandez.

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

(Councilmember Kama was excused from the meeting at 2:01 p.m.)

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR BILL 80 (2022), IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to waive the Rules of the Council regarding Bill 80. Discussion?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Members, this easement was a request from the Department of Fire and Public Safety in order to widen the narrow 8-foot road to accommodate the size of the fire truck. There has already been a DHHL beneficiary consult, consultation meeting. I've hosted town hall meetings on this and a public Hawaiian Homes Commission meeting to receive their approval of this easement. The GREAT Committee has a very full agenda and I would not want to hold up the forward movement of construction on this formality. Mahalo, Chair.

CHAIR LEE: Any other discussion? Okay, all those in favor of the Rule waiver, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Nine "ayes" *[sic]*, zero "noes"; motion carries.

Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: It's eight. It's eight.

COUNCILMEMBER PALTIN: Oh, Chair, Member Kama is excused.

COUNCILMEMBER SUGIMURA: Member Kama, yeah, excused.

CHAIR LEE: Oh, she left? When did she leave?

COUNCILMEMBER SUGIMURA: Yeah, she just left now. She'll come right back.

CHAIR LEE: Okay. Let's take that vote again. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 80 (2022) ON FIRST READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass Bill 80 on first reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, this bill would authorize the Mayor to enter into a intergovernmental agreement with the State of Hawaii, Department of Hawaiian Home Lands, for the non-exclusive right to use real property tax, real property identified as tax map key nos. (2) 5-6-002:001 (por.) and (2) 5-6-002:036 [sic] (por.) for ingress, egress and buffer zone, as well as parking for the recently acquired site of the Ualapu'e Fire Station in Kaunakakai, Molokai.

This agreement would grant a license to the County of Maui for the use of the land in exchange for a one-time lump-sum fee of \$1.42 per square foot for the total area covered by the License.

The total License area will be determined through a certified professional survey conducted by the Department of Fire and Public Safety's direction and expense. I respectfully ask for the Members support of this motion. Mahalo, Chair.

CHAIR LEE: Members, any more discussion? All those in favor of the motion, raise your hand and say "aye". So, is Member Kama still gone?

COUNCILMEMBER SUGIMURA: Yes, gone. I mean, she's excused.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, so eight "ayes", zero "noes", one "excused"; Member Kama. Okay, that passes first reading.

Alright. Madam Clerk.

COUNTY CLERK: Bills for referral.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 81 (2022)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 20.45, MAUI COUNTY CODE, ADOPTING A ZERO WASTE PLAN

The recommended action is that Bill No. 81 (2022) be referred to the Infrastructure and Transportation Committee.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 82 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.26, MAUI COUNTY CODE, RELATING TO PERMITTED USES IN THE M-2 HEAVY INDUSTRIAL DISTRICT

The recommended action is that Bill No. 82 (2022) be referred to the Planning and Sustainable Land Use Committee.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 85 (2022)

A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO DEPARTMENT OF FINANCE, COUNTYWIDE, OTHER PROJECTS, BOND FUND, COUNTYWIDE EQUIPMENT

The recommended action is that Bill No. 85 (2022) be referred to the Budget, Finance, and Economic Development Committee.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 86 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF FINANCE,  
COUNTYWIDE, COUNTYWIDE EQUIPMENT

The recommended action is that Bill No. 86 (2022) be referred to the Budget, Finance, and Economic Development Committee.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 87 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,  
OPERATING BUDGET – CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF FINANCE

The recommended action is that Bill No. 87 (2022) be referred to the Budget, Finance, and Economic Development Committee.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 88 (2022)

A BILL FOR AN ORDINANCE AMENDING  
CHAPTER 3.48, MAUI COUNTY CODE, RELATING  
TO LAND CLASSIFIED AND USED FOR AGRICULTURE

The recommended action is that Bill No. 88 (2022) be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

DISCUSSION RELATING TO  
BILL NOS. 85 (2022), 86 (2022), AND 87 (2022)

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR BILLS 85, 86, AND 87 (2022), IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to waive the Rules of the Council regarding Bills 85, 86, 87.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. These bills amend the Fiscal Year 2022 Budget, which ends on June 30, 2022. Approval of my motion by a two-thirds vote of the entire membership of the body will enable us to consider the proposed bill today.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

Madam Clerk. Or, Vice-Chair Rawlins-Fernandez, sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILLS 85, 86, AND 87 (2022) ON FIRST READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to move Bills 85, 86, 87, on first reading. Is it first reading?

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, these bills would amend the Fiscal Year 2022 Budget, Appendix C and Appendix D, Capital Improvement Projects, Department of Finance, to correct the placement of one dump truck from Molokai Landfill to the Central Maui Landfill; to change one wheel loader for the Molokai Landfill to one loader backhoe.

Representatives from the Administration are available to answer any questions the Members may have. I respectfully ask for the Members support of this motion. Mahalo, Chair.

CHAIR LEE: Members, questions? If not, all those in favor of the motion, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

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

So, Members, do you have any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Madam Clerk.

## ORDINANCES

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 30 (2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A  
OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –  
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022,  
AFFORDABLE HOUSING FUND (KILOHANA MAKAI PROJECT  
(WELA STREET EXTENSION))

COUNCILMEMBER KING: Chair?

COUNTY CLERK: Bill 35 (2022)--

CHAIR LEE: Yes?

COUNTY CLERK: --entitled "A BILL FOR AN ORDINANCE--

COUNCILMEMBER KING: I can't hear what she's saying. And it sounds like she's breaking up.

CHAIR LEE: Yeah. I had that problem earlier. Madam Clerk, could you speak a little bit louder? Maybe face the microphone.

COUNTY CLERK: Yeah, I'll try a little louder.

CHAIR LEE: Okay.

COUNTY CLERK: Would you like me to repeat that or continue on?

CHAIR LEE: Member King, what, what did you miss?

COUNCILMEMBER KING: Are you still on Bill 30?

COUNTY CLERK: I just completed Bill 30.

COUNCILMEMBER KING: Okay. Yeah, I was following along with . . . but it's always not exactly the same wording as it is on the agenda. But I'm fine. You can move on.

CHAIR LEE: Okay. Bill 35.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 35 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,  
DEPARTMENT OF MANAGEMENT,  
WAILUKU-KAHULUI COMMUNITY PLAN AREA,  
60 SOUTH CHURCH STREET BUILDING RENOVATIONS

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 36, CD1 (2022)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5219,  
BILL NO. 48 (2021), RELATING TO THE ISSUANCE OF GENERAL  
OBLIGATION BONDS OF THE COUNTY OF MAUI  
ISSUANCE, SALE AND DELIVERY OF SAID BONDS  
(DEPARTMENT OF MANAGEMENT – 60 SOUTH  
CHURCH STREET BUILDING RENOVATIONS)

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 37 (2022)

A BILL FOR AN ORDINANCE DETERMINING THAT PART OF  
THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE  
COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS  
OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH  
SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD  
NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING  
SUCH PROCEEDS TO OTHER PUBLIC IMPROVEMENTS  
OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 38, CD1 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
DEPARTMENT OF MANAGEMENT,  
WAILUKU-KAHULUI COMMUNITY PLAN AREA,  
GOVERNMENT FACILITIES, BOND FUND,  
60 SOUTH CHURCH STREET BUILDING RENOVATIONS;  
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

COUNTY CLERK: Bill 59, Committee Draft 1, Floor Draft 1--

CHAIR LEE: Okay--

COUNTY CLERK: --2022--

CHAIR LEE: --Madam Clerk? Madam Clerk?

COUNTY CLERK: Uh huh?

CHAIR LEE: Okay, let's stop right over here. And I'll call on Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 30 (2022), BILL 35 (2022) THROUGH  
BILL 38, CD1 (2022), AND BILL 76 (2022) ON SECOND AND  
FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Okay, I don't think she read. Madam Clerk, can you read Bill 76? I stopped  
you right after Bill 38, right? Oh, as you were talking about Bill 59.

COUNTY CLERK: Yes.

CHAIR LEE: Okay.

COUNTY CLERK: So, I'll call on bill--

CHAIR LEE: Why don't you, yeah, call up Bill 76, please.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 76 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO ESTIMATED REVENUES;  
OFFICE OF THE MAYOR,  
ECONOMIC DEVELOPMENT PROGRAM, FERAL ANIMAL RELIEF AND RECOVERY  
GRANT PROGRAM FOR FARMERS AND RANCHERS  
TOTAL OPERATING APPROPRIATIONS;  
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

(Councilmember Kama returned to the meeting at 2:12 p.m.)

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. You want me to make the motion again?

I MOVE TO PASS BILL 30 (2022), BILL 35 (2022) THROUGH  
BILL 38, CD1 (2022) AND BILL 76 ON SECOND AND FINAL  
READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second? Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to move the bills as stated on second and final reading.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 30 (2022) amends the Fiscal Year 2022 Budget, Appendix A, Part II, to add an appropriation under the Affordable Housing Fund for the extension on Wela Street, including street lighting, signage, striping, and landscaping for the Kilohana Makai Project in an amount of \$825,000.

Bill 35 through 38 amend the Budget bill, the Appendix C bill, the Bond Authorization bill, and the Lapsed Bond bill to correct the name of the project to 60 South Church Street, and to add \$7,000,000 in bond funding under the Department of Management for 60 South Church Street Building Renovations.

Bill 76 (2022) amends the Fiscal Year 2022 Budget to allocate 1.5 million in additional Transient Accommodation Tax revenue to assist small farmers and ranchers with mitigation fencing and other necessary measures to provide relief and protect their property from feral animals. And ask for the Members continued support of these items. Mahalo, Chair.

CHAIR LEE: Members, questions? No questions? All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Madam Clerk. You can go back to Bill 59.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 59, CD1, FD1 (2022)

A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.20B,  
MAUI COUNTY CODE, AND ESTABLISHING A NEW CHAPTER 16.20C,  
MAUI COUNTY CODE, RELATING TO THE PLUMBING CODE

CHAIR LEE: Member Sugi--

COUNTY CLERK: And Bill 77--

CHAIR LEE: Well--

COUNTY CLERK: Oh, sorry.

CHAIR LEE: Let's have Member Sugimura. We can't hear you.

COUNCILMEMBER SUGIMURA:

I MOVE TO PASS BILL 59, CD1, FD1 (2022) ON SECOND AND  
FINAL READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay. Moved by--

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: --Member Sugimura, seconded by Pro Temp Kama, to pass Bill 59, CD1, FD1  
(2022) on second and final reading.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Discussion?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Member Kama, for the second. Thank you,  
Chair. Your Infrastructure, Transportation Committee met on March 22, 2022, to  
discuss a proposed bill to update the County's Plumbing Code to incorporate the  
Uniform Plumbing Code 2018 Edition, with additional revisions recommended by the  
Department of Public Works.

At this meeting, your Committee noted each county may amend the State Building  
Code as it applies to their respective jurisdiction, without approval from the State  
Building Code Council, within two years after the adoption of the State Building Code.  
The deadline for counties to adopt, thank you, adopt their plumbing code is  
May 19, 2022, or the State Building Code will prevail.

Your Committee also noted the Plumbers and Fitters Local 675 reviewed the bill with union and industry partners, including the plumbers, Plumbing Contractors Association, all of whom were in full support.

At this time, if there are no objections, I would like to proceed with a proposed amendment, which I think the Clerk submitted the ASF to the Members.

SO, AT THIS TIME, I'D LIKE TO MOVE TO AMEND SECTION 3 ON PAGE 32, BY DELETING PROPOSED SUBSECTION 1210.1.6.1 AND 1210.1.6.2 BY MOVING A BOLDED CLOSING BRACKET TO THE END OF SUBSECTION 1210.1.6.2.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Moved by Member Sugimura, seconded by Member Kama, to amend the main motion.

And then, Member Sugimura for discussion.

COUNCILMEMBER SUGIMURA: Yeah, thank you. The Director of Public Works has recommended the proposed new Plumbing Code to be enacted by this bill be amended to delete Subsections "1210.1.6.1 Conduits with Open *[sic]* End Terminating Outdoors" and "1210.1.6.2 Conduit with Both Ends Terminating Indoors".

The deletion of these subsections were inadvertently not included in the bill. The Amendment Summary Form distributed by the County Clerk includes the document submitted by the Director of Public Works to illustrate the amendment.

At this time, Chair, if you would allow, I would like to ask and invite Public Works Director Jordan Molina to provide comments if the Members have comments, questions.

CHAIR LEE: Well, do the Members have questions?

COUNCILMEMBER SUGIMURA: No?

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to clarify Member Sugimura, I don't think I need the Department, but that was supposed to have been in the previous draft of the bill, this deletion? Or did, what, did this just come up?

COUNCILMEMBER SUGIMURA: No. So, what happened was that the end bracket was placed at the wrong place inadvertently.

COUNCILMEMBER KING: Oh, okay. So, it was just a, it was just a mistake?

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER SUGIMURA: Yeah. And we did have the Plumbers Union look at this again, so that, you know, there was no discrepancy. Cause they were involved with the Department coming up with this, with the amendments. So--

COUNCILMEMBER KING: Okay.

COUNCILMEMBER SUGIMURA: --it was corrected. Thank you for that good question.

CHAIR LEE: Okay, Members, any more comments or questions? All those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Okay, nine "ayes", zero "noes"; motion carries.

So, the main motion as amended. Any more discussion?

COUNCILMEMBER SUGIMURA: I move. Oops.

CHAIR LEE: You're going to move again?

COUNCILMEMBER SUGIMURA: Yeah.

I MOVE TO WAIVE 19, RULE 19.C. TO ALLOW THE BILL TO  
BE PASSED ON FINAL READING AT THE SAME COUNCIL  
MEETING WHERE IT IS AMENDED.

I need a second.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Member Kama--

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: --to waive the Rule of the Council.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Because of the sensitive nature of this, which is that we have to pass this before the May 19, 2022 deadline to amend the Plumbing Code, I would like to, that's why I would like to waive the Rule and pass the bill as amended today.

CHAIR LEE: Alright, any more discussion? All those in favor of the motion on the Rule, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

So, now, we're at the main, main motion as amended.

COUNCILMEMBER SUGIMURA: As amended.

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

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Madam Clerk.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 77 (2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A  
OF THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –  
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2022,  
OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND  
SCENIC VIEWS PRESERVATION FUND  
(POHAKEA WATERSHED LANDS (ALSO KNOWN AS MA'ALAEA MAUKA))

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 78 (2022)

A BILL FOR AN ORDINANCE AMENDING  
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI  
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,  
OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES,  
AND SCENIC VIEWS PRESERVATION FUND  
(POHAKEA WATERSHED LANDS (ALSO KNOWN AS MA'ALAEA MAUKA))

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KING: Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'll defer to Member King.

CHAIR LEE: Member King.

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

I MOVE TO PASS BILL 77 AND BILL 78 ON SECOND AND  
FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member King, second by Member Sugimura, to pass Bill 77 and 78 on second and final reading.

Member King, discussion.

COUNCILMEMBER KING: Okay, I'll try to make it quick, cause I know you've heard the same thing from all the testifiers. Members, Bill 77, 78 (2022) purpose is to amend the Fiscal Year 2022 Budget to provide for the land acquisition of the Pohakea Watershed Lands, also known as Ma'alaea Mauka, through a grant to the Trust for Public Lands.

Bill 77 amends Appendix A, Part II, Special Purpose Revenues – Schedule of Revolving/Special Funds for Fiscal Year 2022, Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund as follows: under Condition (7) decrease the appropriation by 5,450,000 for land acquisition; and add Condition (8) for \$6,200,000 grant to the Trust for Public Lands for the acquisition of two, 257.7 acre, acres for the Pohakea Watershed Lands identified as TMK (2) 3-6-001:018.

Bill 78 amends Appendix D – Conditional Language, Open Space, Natural Resources, Cultural Resources, and Scenic Views Preservation Fund by amending Condition 1.7 and adding, I mean, sorry, I(7) and adding Condition I(8) to correlate with the language in Appendix A, Part II for this project.

This effort is supported by the Council by the, through the adoption of Resolution 22-55, FD1, by an 8-0 vote at its February 18, 2022 meeting. I respectfully ask for the Council's support in passing these bills today.

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

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

NOES: NONE.

CHAIR LEE: Aye and hallelujah. Nine "ayes", zero "noes"; motion carries. Congratulations.

COUNCILMEMBER KING: Alright. Mahalo, Members.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, continuing, continuing with agenda item "P. UNFINISHED BUSINESS".

### UNFINISHED BUSINESS

### COUNTY COMMUNICATIONS

NO. 22-98 - TASHA KAMA, PRESIDING OFFICER PRO TEMPORE,  
(dated April 13, 2022)

Transmitting a proposed amendment to Bill 39, CD1 (2022), entitled "A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 5.30, MAUI COUNTY CODE, RELATING TO ELECTRIC GUN DEALER LICENSING".

CHAIR LEE: Presiding Officer--

COUNTY CLERK: Bill--

CHAIR LEE: --Pro Temp Kama. Are we going to--

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: Yes?

COUNCILMEMBER KAMA: Are you calling on me?

CHAIR LEE: Yes, I am.

COUNCILMEMBER KAMA: Okay. Thank you. So, if there are no objections, I'd like to ask that Bill 39, CD1 (2022) be taken up at this time as well.

CHAIR LEE: Any objections, Members? Well, this--

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: . . . we are taking up. We are taking up this item.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: Okay. As well as 39. You want?

COUNCILMEMBER KAMA: 39 CD1 and--

CHAIR LEE: Should, should we have the Clerk read that too?

COUNCILMEMBER KAMA: Yes, please, Chair.

CHAIR LEE: Bring it up, Madam Clerk.

## BILLS

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 39, CD1 (2022)

### A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 5.30, MAUI COUNTY CODE, RELATING TO ELECTRIC GUN DEALER LICENSING

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, if there are no objections, I would like to proceed with the proposed amendment posted on today's agenda as County Communication 22-98. And also, at this time, if there are no objections, I would like to proceed with the proposed amendment. And I'm hoping that the Clerk's would have distributed to our Members. Not yet?

COUNTY CLERK: Excuse me, Chair.

CHAIR LEE: Did everyone? Yes, Madam Clerk--

COUNTY CLERK: Councilmember--

CHAIR LEE: --are speaking?

COUNTY CLERK: Councilmember Kama needs to turn that into a motion.

CHAIR LEE: Okay. Could you make a motion--

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: --Member Kama? I think she was asking if everybody got the ASF? Did every, did everybody, okay that's--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: --the problem.

COUNTY CLERK: Not--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

COUNTY CLERK: Not yet.

CHAIR LEE: Okay, so that's the problem.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The Clerk's will distribute the ASF after Member Kama makes her motion. Mahalo, Chair.

CHAIR LEE: Okay, after the motion. Alright. Member Kama, would you like to make your motion?

COUNCILMEMBER KAMA: I certainly would.

SO, I, I MOVE TO PROCEED WITH THE PROPOSED AMENDMENT TO BILL 39, CD1, RELATING TO ELECTRIC GUN DEALER AND LICENSING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, but what, what is the amendment, exactly?

COUNCILMEMBER KAMA: Thank you, Chair. CD1, Bill 39, CD1 (2022) provides for the sale and transfer--

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: Yes, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: We need a main motion first.

CHAIR LEE: Okay. She was about to try and make a motion, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: The main motion is to adopt Bill 39.

CHAIR LEE: Okay, wait, wait. Could you stop? We got a County Clerk.

Madam Clerk, can you clarify the, the vote, or the motion that Member Kama needs to make?

COUNTY CLERK: Motion to adopt a bill for an ordinance establishing, oh, I'm sorry, a motion to pass Bill 39, CD1 (2022)--

COUNCILMEMBER KAMA: Yes.

COUNTY CLERK: --on first reading, on second reading.

CHAIR LEE: Okay, that's her motion? Okay, Member Kama, could you just repeat your motion?

COUNCILMEMBER KAMA: Yes, I will. Thank you.

I MOVE TO PASS BILL 39, CD1 (2022) ON SECOND READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. It's been moved by Member Kama, seconded by Member Sugimura, to pass Bill 39 on second, on second reading.

And Member Kama, discussion?

COUNCILMEMBER KAMA: Thank you. So, Members, Bill 39, CD1 (2022) provides for the sale and transfer of electric guns and cartridges in the County, as required in conformity with Chapter 134, Hawaii Revised Statutes.

The proposed FD1 version of Bill 39, CD1 (2022) incorporates, incorporates technical amendments related to insurance and other requirements as recommended by the Department of the Corporation Counsel based on recent research and the other amendments included in County Communication 22-98. And I'm so hoping that you've all received it.

So, Members, the motion that I made, I was going to make it at this time, was to pass Bills 39. So, we already did the motion, it was seconded.

SO, I, MY NEXT MOTION, MEMBERS, IS TO MOVE TO  
SUBSTITUTE THE ATTACHED PROPOSED FD1 VERSION OF  
BILL 39, CD1. AND THAT'S THIS.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, Member, wait, we have a question.

Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you very much, Madam Chair. We just received this ASF--

COUNCILMEMBER KAMA: Yes.

COUNCILMEMBER MOLINA: --now and it's, I don't want to call it complex, but would it be okay if we could take a short recess, so that Members can review, and then come back for decision making?

CHAIR LEE: Okay, absolutely.

COUNCILMEMBER KAMA: Thank you, Mr. Molina.

CHAIR LEE: Okay, Madam Clerk, remind me where we were. We, first, she made the motion to pass the, the item on second reading and now she's, we have this ASF to substitute. So, just remind me where we left off, Madam Clerk.

And, Members, if there are no objections, is five minutes enough, Member Molina? Ten?

COUNCILMEMBER MOLINA: Maybe ten.

COUNCILMEMBER KAMA: I think ten, Chair.

CHAIR LEE: Ten? Okay, so let's make it 2:40. Alright, no objections to recess until 2:40. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:30 P.M., AND WAS RECONVENED AT 2:41 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Maui County Council regular Council meeting of May 6, 2022, please return to order. Reconvening at 2:42 p.m.

So, Member Kama.

COUNCILMEMBER KAMA: Yes, Chair. So, this is--

CHAIR LEE: We, just to recap.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: You made a motion. You made a main motion. And then--

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: --you made another motion to substitute. So, we have an amendment on the main motion.

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: And we're in discussion right now. So, you can tell us exactly what we're doing.

COUNCILMEMBER KAMA: Okay. So, before we continue, I just wanted to ask the Members, is after reading their ASF, and if they had any questions, and we could ask that question because Mr. Whittaker is here. And if there are any questions that needed to be answered in exec session, if you are all okay with it, we will do that. If that's okay with you, Chair?

CHAIR LEE: Okay. We can get to the question as soon as you just give us a, a short summary of what, what we have before us, which is the substituted, the substituted matter and which is your amendment. Just give us a brief description of that.

COUNCILMEMBER KAMA: Okay. I'm going to pass this on to Mr. Whittaker, because my Pentecostal in me wants to talk long. So, Mr. Whittaker, if you would please, brief summary for our Members? Thank you, Chair.

DEPUTY CORPORATION COUNSEL KEOLA WHITAKKER: Sure. Thank you, Council Pro Temp Kama. And I just want to thank you and all of your staff for your hard work on this bill, and for working with us to make sure this is legally sound and strikes a right balance between regulation and people's rights. So, thank you so much for that.

So, as all of you know, State law legalizes electric gun sales and ownership. State law also makes the counties in charge of issuing permits to those people wishing to sell electric guns. So, counties are allowed, under State law, to add on to those requirements for obtaining a permit to sell electric guns. That's what you're doing with this bill.

This bill puts the Department of Finance in charge of issuing permits and State regulations. So, since the first reading of this bill, we continued to learn quite a bit about, about the law that prompted the amendments before you today. I will go over the main changes and the reasons they're recommended.

The first main amendment has to do with the insurance requirements. We were able to speak in detail with our internal risk analyst, as well as outside insurance brokers, both of whom recommended removal of the insurance provisions. The reason is this particular type of insurance may be difficult to obtain, given how new electric gun sales are here and the relatively low volume of sales we expect in Maui County in comparison to other places. Our risk department, therefore, doesn't believe the requirements are necessary or advisable. Given what we have learned, we believe that on balance, it is better to remove the specific insurance requirements from this bill. Should the facts change, and should new insurance requirements make sense, we will keep you informed, and you may decide to add those later.

The other change recommended has to do with the role of the Police Chief. Since the first reading, we had details, detailed discussions with Chief Pelletier about the bill and electric guns. He suggested that the Police Chief not be involved in the permitting process since that, since it's the Department of Finance that is the issuing authority and that Department should therefore make the changes relating to permitting. So, we recommend that the duty of determining which safety classes are approved for purposes of obtaining a permit not fall to the Police Chief, but instead, to the Director of Finance.

We spoke with the Department of Finance and with Lito specifically from the Department, and he's already drafted permit applications. And the Department with our Department's assistance has approved two electric gun safety courses. The Department is capable of taking on this task, and it does not have to fall to the Police Chief.

Finally, we learned that other counties have started selling electric guns without a county ordinance, adding on additional requirements above and beyond what's required under State law. I can't guess why they did that, but I just wanted to alert you of that additional fact.

If you have questions about the litigation that was filed against Council and the County by some people who wanted to start selling electric guns earlier, we need to do that in executive session. But what I can share with you in open session is that we've had productive conversations with their attorneys, and we believe that this amended bill strikes a good balance between reasonable regulation and the rights of those seeking to own electric guns in Maui County. Thank you for the time, Chair.

CHAIR LEE: Questions, Members, of Corp. Counsel?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just had one question. Mr. Whittaker, you mentioned that the County could add on additional requirements, but it looks like some of these, we've, we've deleted an entire fifth page of it. Is, do we still need the State approval if we're, we're taking out things from the, from the bill?

DEPUTY CORPORATION COUNSEL WHITTAKER: Thank you for that question, Member Sinenci. So, this bill includes both what is required under State law and adds on to that, adds additional County requirements. The insurance requirements, which are currently in there, which did take up a lot of verbiage, those, that is what's deleted and that was something that the, the County was considering adding on. It's not required under, under State law.

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

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I'm curious about the lawsuit and I wonder if we need to go into executive session or if he can tell us about it?

DEPUTY CORPORATION COUNSEL WHITTAKER: I want to be very careful to not reveal anything in open session that's privileged. But we did have productive conversations with the attorneys representing the Plaintiffs. They're two mainland attorneys. And we, we hope that this will resolve everything and that essentially their case will be mooted because people will be able to sell electric guns in the County once this is signed into law. If you want details about the discussions, we can go into closed session.

COUNCILMEMBER SUGIMURA: So, I'll, I'll wait to see what the majority would like to do. But I, I'm interested, thank you, since we were mentioned.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I want to thank Member Kama for this ASF. And thank you for allowing us the time during the recess to review all of the, all of the details. For me, I'm satisfied with what I've seen and upon hearing Mr. Whittaker's assessment in that there seems to be some agreement on both sides. So, for me, I have no need to go into executive session. Thank you, Madam Chair.

CHAIR LEE: Thank you.

Member King.

COUNCILMEMBER KING: Just wanted to reiterate, to iterate my agreement with Member Molina. I'm satisfied with the change. I think Mr. Whittaker did an excellent job of summarizing the changes and the work that they did, so I, I don't personally have a need to go into executive session either. Thank you.

CHAIR LEE: Thank you. Anybody else have an opinion on that? Anybody else wants to go into executive session? Apparently not.

Alright, so Member Kama, do you have anything to add?

COUNCILMEMBER KAMA: Not to the discussion.

BUT I WOULD LIKE TO MAKE ANOTHER MOTION TO WAIVE  
RULE 19.C.--

CHAIR LEE: Okay.

--SO THAT WE CAN HEAR THE BILL AND PASS IT TODAY.

CHAIR LEE: Member Kama, just want to make sure--

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: --no, no one else has comments or questions. Members, while Corp. Counsel is here, anymore comments or questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I guess I was the only one who was interested in exec session. And I just, I just would like to say that I was concerned because we were being sued, and of the parties that were suing us, and I was concerned as all of you know, that the parties, one of em was on our Maui Police Commission. And so, I wondered about that. And I did bring it up during earlier discussions. So, if Corp. Counsel would talk about it, if it's possible. And if not, I'm fine if nobody else wants to go into exec session. Thank you.

DEPUTY CORPORATION COUNSEL WHITTAKER: Thank you, Chair. I don't think there's anything more to add. There's not necessarily an ethics issue with the Police Commissioner selling guns. You know, there, it's a potential ethics issue, but it's not necessarily an ethics issue. Just want to say, we, we could have discussions with people without filing lawsuits and hopefully that's the way people operate in the future, cause lawsuits do cost the County time and money.

COUNCILMEMBER SUGIMURA: I agree. Thank you very much.

CHAIR LEE: Alright. Seeing no further questions, Member Kama, please proceed with your motion.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO WAIVE RULE 19.C. TO ALLOW THE BILL TO BE  
PASSED ON FINAL READING AT THE SAME MEETING  
WHERE IT IS AMENDED.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by--

COUNTY CLERK: Excuse me, Chair?

CHAIR LEE: Yes?

COUNTY CLERK: This is Kathy, County Clerk.

CHAIR LEE: Yes.

COUNTY CLERK: The amendment, the amendment to the main motion should be dealt with first, so that you have something to waive.

CHAIR LEE: Oh, well, you know, during the recess, we checked with OCS, and we were advised that the steps that Member Kama is following are correct. That you, first the main motion, then the motion to substitute, then discussion, then the 19.C. waiver bill, the 19.C. waiver, then the main motion as amended. And then, finally--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, we need to take a vote.

CHAIR LEE: And then, and then, the finally, the motion to file at the end, the CC.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: That's, that's what we've been advised, Madam Clerk. Okay?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: So, what the Clerk and OCS are saying is the same thing, that the steps are correct, but we have to take the vote. And then, we'll amend it and then we'll do the motion for Rule 19.C.

CHAIR LEE: No. According to, David, are you on the call?

VICE-CHAIR RAWLINS-FERNANDEZ: That, that's the steps that you just outlined.

CHAIR LEE: Well, what I, what I outlined is what I just said, right?

VICE-CHAIR RAWLINS-FERNANDEZ: Right. And it's correct.

CHAIR LEE: We, we finished--

VICE-CHAIR RAWLINS-FERNANDEZ: But we have to take a vote.

CHAIR LEE: We have to take the vote on the 19.C.

VICE-CHAIR RAWLINS-FERNANDEZ: After the amendment. It's like you said, main motion, amendment, 19.C. You gave it in that order, that's correct.

CHAIR LEE: No, no. I, this is what I said. I said, main motion, motion to substitute which is the amendment, discussion, vote on 19.C., and then main motion as amended. That's what I'm reading.

VICE-CHAIR RAWLINS-FERNANDEZ: Exactly.

CHAIR LEE: I mean, you know, I'm not, I'm not--

VICE-CHAIR RAWLINS-FERNANDEZ: Exactly. That's correct, Chair. But you have to take the vote.

CHAIR LEE: That's exactly what I said.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, you're correct.

CHAIR LEE: But she's trying to make the--

VICE-CHAIR RAWLINS-FERNANDEZ: You just have to call for the vote.

CHAIR LEE: She's trying to make the motion to, on the 19.C. waiver. That's what she's trying to do.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, we need to take the vote and then she'll make that motion for the 19.C.

CHAIR LEE: Okay, here we go again for the last time. We, she passed, I mean, she made the motion on the main motion, right? Main motion. Amendment, which is the substitution. Third, discussion. And before the vote, before the vote, she makes the motion on 19.C. After that passes, then we vote on the main motion as amended. Then--

VICE-CHAIR RAWLINS-FERNANDEZ: 19.C. is not relevant until we amend it.

CHAIR LEE: It, it can be done before or after, okay? Now, this is the advice I'm getting from our attorneys. So, I would like to proceed with what we were doing.

Member Kama, please proceed with your motion on 19.C.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, can we call up Mr. Raatz then, if that's who, who's advice that you will listen to?

CHAIR LEE: No, we can't. No, we can't.

VICE-CHAIR RAWLINS-FERNANDEZ: Well, it's the wrong order. You need to--

CHAIR LEE: I am not recognizing you, so that's it.

Member Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: You're not my mom.

COUNCILMEMBER KAMA: Chair, can we have a recess, please?

CHAIR LEE: Can you please act as a professional? Otherwise, I'm going to call a recess.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm trying to, Chair.

CHAIR LEE: I'm going to call a recess until you can settle down.

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. No objections.

CHAIR LEE: Recess for five minutes.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:55 P.M., AND WAS RECONVENED AT 3:01 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the meeting, the Council meeting of May 6, 2022, please reconvene.

Now, Members, I'm going to repeat what we are going to do. Member Kama made her main motion, and then the motion to substitute, right?

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: So, that would be an amendment. We can vote on 19.C. at any time, at any time. So, Member Kama, you can make your motion. You were starting to say, to vote on the 19.C. waiver, so you may proceed with that.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

I MOVE TO APPEAL--

CHAIR LEE: I am not recognizing you.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO APPEAL THE DECISION OF THE CHAIR.

CHAIR LEE: You know, you have been very disruptive today. I don't know why. We're trying to accommodate you. Trying to--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I made a motion to appeal your decision, because that's incorrect.

CHAIR LEE: Okay. May I have Corp., I mean, not Corp., but Dave? OCS, please come on the line.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, if we don't amend it, there's no reason to waive Rule 19.C.

CHAIR LEE: Can you wait for a second?

David, I'm recognizing you. Can you explain that Rule 19.C. can be waived at any time? Proceed.

DEPUTY DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Council Chair. Yes, that, based on how the Council has used Rule 19.C. in the past, we've seen it, a motion to waive Rule 19.C., which again, generally Rule 19.C. prohibits final action on the same day the Council amends a bill or resolution, but by a two-thirds vote, that

limitation can be waived. The Council has sometimes waived it actually after the main motion was completed, before amendments, after amendments. So, as long as it's on the record, we feel like, by, before the end of the meeting at least, that the ultimate action of passing an amended bill or resolution on final reading the same day of the amendment, then you'll be in compliance with the Rules of the Council. Thank you, Chair.

CHAIR LEE: We've had a ruling from our OCS attorney.

Let's proceed. Member Kama, you were about to make a motion on 19.C.

COUNCILMEMBER KAMA:

I MOVE TO WAIVE RULE 19.C. TO ALLOW THE BILL TO BE  
PASSED ON FINAL READING AT THE SAME MEETING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, it's been moved by Member Kama, seconded by Member Sugimura, to waive Rule 19.C.

Any discussion, Member Kama?

COUNCILMEMBER KAMA: Chair, I think I'd like to be able to pass this today so there's no time wasted. So, that we can, as our Corp. Counsel has told us earlier, that in resolving this actually mitigates the lawsuit against us. So, I'd like to be able to get this off our desk and out of my hair as fast as possible. Thank you, Chair.

CHAIR LEE: Okay, any more discussion on this matter?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, what I heard from our OCS Deputy Director is that Rule 19.C. is mainly done after amendments are made. It's not necessarily wrong to do it before an amendment is made, but it's not really, doesn't make the most sense. Because if we rule, if we waive Rule 19.C. and then the motion to amend does not pass, then we're waiving it for no reason. So, that's the only thing. And you just don't want to accept it because I am urging you to do it and it's coming from me and I, and I get that. So, if that's how we want to do it, that's how we're going to do it so that we can end the meeting today. Mahalo.

CHAIR LEE: Okay. Any more comments, Members? We heard our OCS attorney and he advised us that we are proceeding in a correct manner. Now, for the vote on 19.C., we need a two-thirds vote. All those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries.

Okay, now the main motion. Well, let's vote on the amendment.

Member Kama.

COUNCILMEMBER KAMA: Thank you.

SO, I MOVE TO PASS BILL 39, CD1, FD1 (2022), AS  
AMENDED, ON SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: It's been moved by Member Kama, seconded by Member Sugimura, to pass the main motion as amended.

So, Member Kama, do you have any more discussion?

COUNTY CLERK: Excuse me, Member Kama, Council Chair. The vote for the substitution has not occurred yet.

CHAIR LEE: Oh, okay. I'm sorry. I'm sorry. Member Kama, you have to vote on--

COUNCILMEMBER KAMA: Okay. Yes.

CHAIR LEE: --you have to make the motion on the amendment.

COUNCILMEMBER KAMA: Yes. Okay. Yes. Mem, I move to substitute the attached--

CHAIR LEE: So, let's, let's withdraw. Let's withdraw the motion on--

COUNCILMEMBER KAMA: To pass Bill 39.

CHAIR LEE: Right. And then, the seconder--

COUNCILMEMBER KAMA: Okay, we'll do the substitute.

CHAIR LEE: --will withdraw.

COUNCILMEMBER SUGIMURA: Agree.

CHAIR LEE: Agree? Okay, let's go.

COUNCILMEMBER KAMA: I move to--

VICE-CHAIR RAWLINS-FERNANDEZ: Call for the question. There's a motion already on the floor.

COUNCILMEMBER KAMA: That's right.

VICE-CHAIR RAWLINS-FERNANDEZ: Call for the question.

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Wait. Well, the, the Clerk said no. Madam Clerk? You just said--

COUNTY CLERK: Yes, the motion, the motion is on the, is open on the floor, but the vote hasn't taken place yet.

CHAIR LEE: Oh okay. Alright. Okay, we have to take the vote then. This is the vote on the amendment then, I presume. Alright. All those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Okay. Thank you. Motion passes 9-0. Motion carries.

Now, the main motion as amended. Member Kama.

COUNCILMEMBER KAMA:

I MOVE TO PASS BILL 39, CD1, FD1 (2022), AS AMENDED,  
ON SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: We already have a main motion as amended on the floor.

CHAIR LEE: Oh, I'm sorry. Madam Clerk? Madam Clerk, how come you didn't, you just said we didn't vote on the amendment?

COUNTY CLERK: Correct. Now, now you have to vote on the main motion as amended.

CHAIR LEE: And that motion was already on the floor?

COUNTY CLERK: That, yes, from the beginning, from early on.

CHAIR LEE: Okay, I'm assuming you're correct. The main motion as amended.

Wait, wait, wait, wait. Madam Clerk, did you just say something?

COUNTY CLERK: No.

CHAIR LEE: Okay, so, so for the last time, the main motion as amended.

COUNTY CLERK: Correct.

CHAIR LEE: Correct?

COUNTY CLERK: Yes.

CHAIR LEE: All those in favor of the main motion as amended, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine, nine "ayes", zero "noes"; motion carries.

Wow, that was heavy duty wasn't it, Member Kama?

COUNCILMEMBER KAMA: We're not done.

CHAIR LEE: Now, you, I know you have one more. You have one more motion.

COUNCILMEMBER KAMA: Ready everyone?

CHAIR LEE: Yeah, this is the big.

COUNCILMEMBER KAMA: Rock and roll.

CHAIR LEE: This is the big one.

COUNCILMEMBER KAMA:

I MOVE TO FILE COUNTY COMMUNICATION 22-98.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Kama, seconded by Member Sugimura, to file County Communication 22-98.

Discussion? No discussion. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. Hallelujah.

Okay. Madam Clerk.

COUNTY CLERK: We have one more bill before the body.

ORDINANCE NO. \_\_\_\_\_  
BILL NO. 40 (2022)

A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2022  
BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO  
APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES,  
DEPARTMENT OF FINANCE,  
ELECTRIC GUN DEALER LICENSE

CHAIR LEE: Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO PASS BILL 40 (2022) ON SECOND AND FINAL  
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Kama, seconded by Member Sugimura, to pass Bill 40 on second and final reading.

Any discussion? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Members, Bill 40 (2022) establishes the application fee and annual license fee to sell, offer for sale, distribute, or otherwise transfer electric guns or cartridges to a person in the County, either at wholesale or retail at \$50 starting on July 1, 2022. The application fee and annual license fee expiring on June 30, 2022, is set at \$20. And I respectfully ask for the Councilmembers support of this final motion. Thank you.

CHAIR LEE: Very good. Any more discussion? All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Terrific. Nine "ayes", zero "noes"; motion carries.

Madam Clerk.

COUNTY CLERK: Chair, there is no further business before the Council.

CHAIR LEE: Members, any final parting remarks?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to let folks know that on June 23, HSAC will be holding a legislative webinar, and explaining the bills that passed and didn't pass that were on our legislative agenda and/or on our legislative priority agenda. I won't be able to be there, but Member Paltin will be there. And this is open to all Councilmembers, or even other HSAC members throughout the State, so that we can also get input on, you know, get a start on the next legislative session. So, if you have any ideas on bills you'd like to see, that will be a good time to bring them to HSAC as well. So, that's going to be June 23. I believe we're scheduled at noon unless something changes. But I, I want to thank Member Paltin for taking my place there too.

CHAIR LEE: Okay. Meanwhile, have a great trip.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Safe, safe travels.

COUNCILMEMBER KING: I will be thinking of all of you as I'm also concocting new climate action bills to come--

CHAIR LEE: Very good.

COUNCILMEMBER KING: --to the Council.

CHAIR LEE: Go get em.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Okay, Members, anybody else? If not, this meeting--

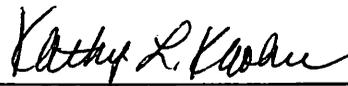
Oh, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Happy Mother's Day to all the mothers. Have a wonderful weekend.

CHAIR LEE: Yeah. And to you too. Anybody else? If not, this meeting is adjourned.

### ADJOURNMENT

The regular meeting of May 6, 2022, was adjourned by the Chair at 3:14 p.m.



---

KATHY KAOHU, COUNTY CLERK  
COUNTY OF MAUI, STATE OF HAWAII

RECEIVED

May 6, 2022

2022 MAY -5 PM 4: 34

RE: Bill 77 and 78 pertaining to Maui County Open Space funds

Aloha Maui County Council Chair Alice Lee and Members,

OFFICE OF THE  
COUNTY CLERK

My name is Lynn Britton. I am a Maui resident since 1973 and Maalaea owner since 1985. I am founder and immediate past president of the Maalaea Village Association and previous president and director for the former Maalaea Community Association which served Maalaea from 1988-2018.

Today is a very special day. Today, I hope you will approve Bills 77 and 78 to extend and increase funding for purchase of Maalaea Mauka/Pohakea with County open space funds. Time is of the essence as the landowners are eager to sell and have prospective buyers waiting in the wings.

The Council's and Mayor's support will preserve Maalaea Mauka/Pohakea for posterity. It's an amazing accomplishment for the Maui community. The Trust for Public Land is facilitating the purchase and transfer to DLNR Division of Forestry and Wildlife (DOFAW). DOFAW will create a forest reserve to manage the entire 5,000 acre watershed to control sedimentation and wildfire impacts. This is a major step in restoring Maalaea Bay. DOFAW will work with community nonprofit organizations to develop plans for the future to protect and enhance these valuable natural and scenic resources and open space for Maui's people and expand the historic Lahaina Pali Trail.

Along with purchasing these lands, your leadership in supporting SRF funding for a County owned and operated wastewater system in Maalaea will provide a holistic approach to restoring the once pristine waters of Maalaea Bay. Both actions combined will address the two known sources of pollution - sedimentation and injection wells.

Protecting the precious jewel of Maalaea Bay and its vast natural and environmental resources is a must for preserving our quality of life. The future of Maui is based on our ability to malama the land and the ocean and care for our people, and attract those visitors who will value same.

Mahalo!  
Lynn Britton



**HAWAII**  
 1164 Bishop St., Ste. 1512  
 Honolulu, HI 96813  
 tpl.org

RECEIVED

2022 MAY -4 PM 3:44

**THE TRUST FOR PUBLIC LAND'S TESTIMONY  
 IN SUPPORT OF BILL 77 (2022) AND 78 (2022) RELATING TO POHAKEA  
 WATERSHED LANDS (ALSO KNOWN AS MA'ALAEA MAUKA)  
 COUNTY OF MAUI  
 Council of the County of Maui  
 Regular Meeting, May 6, 2022 9:00 a.m.**

**HAWAII BOARD**

**Steve Kelly, Chair**  
 James Campbell Company LLC

**Blake Oshiro, Vice Chair**  
 Capitol Consultants of Hawaii

**Dr. Noa Emmett Aluli**  
 Molokai General Hospital

**Stanford S. Carr**  
 Stanford Carr Development

**Kā'eo Duarte**  
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**Mahina Paishon-Duarte**  
 The Waiwai Collective

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**Chris Hochuli**  
 Merrill Lynch

**Mark Linscott**  
 Conservationist

**Earlynn Maile**  
 Young Brothers

**Kurt Matsumoto**  
 Pūlama Lānaʻi

**John Meier**  
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**Mino McLean**  
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 Title Guaranty

**Brad Punu**  
 Anatha

**Kirstin Punu**  
 AES

**Race Randle**  
 Lendlease Americas

**Tom Reeve**  
 Conservationist

**Ka'iulani Sodaro**  
 Ward Village/Howard Hughes

**Jan Sullivan**  
 Oceanit

Aloha Council Chair Lee and Councilmembers:

The Trust for Public Land (TPL) strongly supports Bills 77 and 78 (2022) to amend the budget to support the protection of the Pohakea Watershed Lands at Ma'alaea, Maui.

TPL has been working closely with the State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) to apply for \$1 million of State Legacy Land Conservation Program to help fund the purchase and protection of these lands. The State Legacy Land Conservation Commission recommended this project for funding, and the Board of Land and Natural Resources is expected to approve the recommendation shortly.

TPL has also been working closely with the private landowner of the Ma'alaea lands, and has completed an appraisal valuing the property at over \$8.2 million (including water well infrastructure). Although TPL and the landowner have not signed a definitive purchase and sale agreement, TPL has been negotiating and discussing the conservation purchase with the landowner for over a year and both parties have signed a confidential letter of intent. Based on the letter of intent and continuing discussions with the landowner, TPL believes the total of public funds raised -- \$6.2 million from the County and \$1 million from the State -- will be sufficient to effect a purchase. TPL will transfer the lands to the State DOFAW for stewardship and management.

DOFAW has committed to collaborate with communities and conservation partners to protect and manage the lands at Ma'alaea. These lands are subject to frequent fires and high rates of erosion that negatively affect near shore water quality and corals. The lands located mauka of the Ma'alaea lands are unencumbered state lands that share the same wildfire and erosion challenges. DOFAW has committed to scoping set aside of these unencumbered lands and the Ma'alaea to the forest reserve system and include all the lands in the Mauna Kahalawai Watershed Partnership. This will improve DOFAW's ability to mitigate fire and erosion and will facilitate improved management of watershed resources.

Bills 77 and 78s will allow TPL to purchase of the subject lands from the private seller and transfer the lands to DOFAW for management and collaborative conservation efforts to address watershed protection, fire prevention and mitigation, and erosion control.

Mahalo to the Mayor and this Council for their leadership in protecting these lands.

Mahalo –

A handwritten signature in black ink that reads "Lea Hong". The signature is written in a cursive style with a large, decorative flourish at the end of the word "Hong".

Lea Hong

Associate Vice-President, Hawai'i State Director  
Edmund C. Olson Trust Fellow  
The Trust for Public Land



**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

**TESTIMONY IN SUPPORT OF BILLS 77 (2022) AND 78 (2022)  
RELATING TO POHAKEA WATERSHED LANDS (MA'ALAEA MAUKA)  
Maui County Council  
May 6, 2022 9:00 a.m.**

Aloha Councilmembers,

By way of introduction, my name is Angus L.K. McKelvey and as the State Representative whose district includes Ma'alaea, I am submitting this testimony in my official capacity in support of Bill 77 and 78, which would amend the County budget to allocate funds to support the protection of the Pohakea Watershed Lands at Ma'alaea, Maui.

If approved, Bills 77 and 78s will allow Trust for Public Lands (TPL) to purchase the subject lands from the private seller. They would then transfer the lands to the State Department of Forestry and Wildlife for management and collaborative conservation efforts to address watershed protection, fire prevention and mitigation, and erosion control.

The Legislature allocated funds to the State Legacy Land Conservation Program for critical projects like this to protect and preserve our precious, dwindling open space areas. If this body approves these bills, then the State, through the Department of Land and Natural

Resources, will commit to its part of the partnership by applying for \$1 million to help fund the purchase and protection of these lands.

Based on the preceding, I believe the amount of State and County public funds raised will be sufficient funding to complete this acquisition. Although the TPL has not yet signed a purchase agreement because they have secured a letter of intent, I am confident that this agreement will happen if the funding is approved. Once concluded, I understand that TPL will then transfer the lands to the State DOFAW for stewardship and management.

As you know, these lands are subject to frequent fires and high erosion rates that negatively affect the water quality of the area and impact the health of the corals. Besides the current environmental strains, the proposed development of these lands, should the funding fall, will significantly exacerbate the stress that run-off will have on the marine environment at Ma'alaea.

Besides the environmental benefits of this funding agreement, the purchase of these lands to preserve them from future planned development will also protect the vital transportation corridor of the Honoapiilani Highway from future traffic congestion. This highway which is the only route in and out of West Maui is already under strain from traffic capacity issues. As you have seen, any accident or fire already backs traffic up for hours. Should this deal falter and build these proposed units are developed, it will create absolute gridlock should an accident occur. Additionally, when a fire occurs again, the evacuation of these new residential areas would almost certainly cause an absolute "Carmageddon".

I am committed to supporting DOFAW in their collaboration with communities and conservation partners to protect and manage the lands at Ma'alaea and work for additional State funding and legislation to help in the reforestation and preservation efforts of the area.

These bills also help advance the new state-county model and non-profit partnerships needed to make headway on long-standing critical challenges. As I like to say, nothing happens in a vacuum, and as such, I believe the passage of these measures will also help advance the partnership models that this body has approved for the Ma'alaea area.

Mahalo again for allowing me to testify in support of these measures and I am available for questions.

DAVID Y. IGE  
GOVERNOR OF HAWAII



RECEIVED

2022 MAY -4 AM 11:13

OFFICE OF THE  
COUNTY CLERK



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF FORESTRY AND WILDLIFE  
685 HALEAKALA HIGHWAY  
KAHULUI, HAWAII 96732

May 4, 2022

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

KALEO L. MANUEL  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Maui County Council  
Regular Meeting of May 6, 2022  
Via Email

**SUBJECT: Testimony in Support for Bills No. 77 and 78, amending Appendices A and D of the fiscal year 2022 budget, as it pertains to the Open Space, Natural Resources, Cultural Resources and Scenic Views Preservation Fund for the protection of the Pohakea Watershed Lands (also known as Ma'alea Mauka).**

Dear Chair and Members:

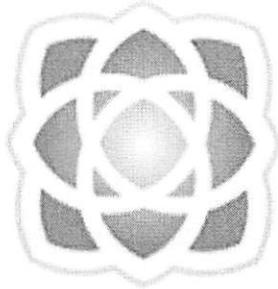
Thank you for the opportunity to testify on the subject measures. The State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife supports the Council's proposed Bills 77 and 78 to amend the budget in support of protection of the Pohakea Watershed Lands at Ma'alea, Maui.

The Division is pleased to collaborate with communities and conservation partners for the protection and management of lands at Ma'alea. The parcel proposed for purchase is one of several that pose important challenges for resource managers and affected communities due to the frequency of fires and high rates of erosion that affect near shore waters. The lands mauka of the subject parcel are currently unencumbered state lands that share those same challenges. To begin to address those issues, as part of a broader collaborative effort with partners, the Division is scoping set aside of the unencumbered lands to the forest reserve system and inclusion in the Mauna Kahalawai Watershed Partnership. Those actions will improve our ability to mitigate fire and erosion and will facilitate improved management of watershed resources. Purchase of the subject lands from the private seller will ensure that those lands will be included in collaborative conservation efforts to address watershed protection, fire prevention and mitigation, and erosion control.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Scott Fretz".

J. Scott Fretz, PhD  
Maui Branch Manager



# MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Maui County Council  
Alice Lee, Chair  
Keani Rawlins-Fernandez, Vice Chair  
Members of the Maui County Council

## Testimony in support of Bill 76 (2022)

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members of the Council,

The Maui Chamber of Commerce would like to testify in **support of Bill 76 (2022)** which allocates \$1,500,000 for feral animal relief and recovery program for farmers and ranchers.

Axis deer and feral pig populations on Maui County out of control and are causing damage to our agriculture and ecosystems. This bill provides for critical grants to farmers and ranchers to help deal with feral animals.

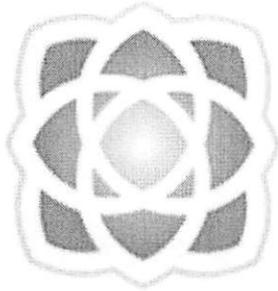
We wholeheartedly support this program and know Lokahi Pacific stands ready to help get these important grants out right away.

For these reasons we respectfully request **Bill 76 (2022) be passed.**

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



# MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Maui County Council  
Alice Lee, Chair  
Keani Rawlins-Fernandez, Vice Chair  
Members of the Maui County Council

## Testimony in support of Bill 30 (2022)

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and members of the Council,

The Maui Chamber of Commerce would like to testify in **support of Bill 30 (2022)** which allocates \$825,000 for the road extension of Wela Street. This roadway extension will help potential excess traffic that may be generated when the 28 affordable home Kilohana Makai project is built.

We are all aware that there is a crucial need for affordable and workforce housing and rentals for island families. Hawaii is now the State with the third largest population decline according a recent calculation by the U.S. Census Bureau and we consistently hear from our members that housing is a major challenge for their employees.

The Chamber strongly supports affordable and workforce housing initiatives and developments. We have faith that by working collaboratively with the County of Maui, developers and contractors, lenders and the community, Kilohana Makai can provide more critically needed homes for our families.

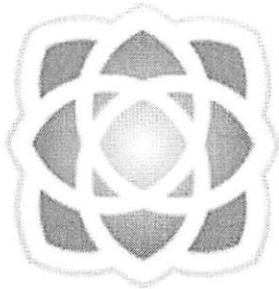
This is another example of the County stepping up with infrastructure improvements to help keep housing prices lower for our workforce. We applaud the Council and the Administration for working together with home builders to provide more affordable housing.

For these reasons we respectfully request **Bill 30 (2022) be passed.**

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



# MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Maui County Council  
Alice Lee, Chair  
Keani Rawlins-Fernandez, Vice Chair  
Members of the Maui County Council

## Testimony Regarding Resolution 22-119

Aloha Chair Lee, Vice Chair Rawlins-Fernandez and Members of the Maui County Council,

The Maui Chamber of Commerce would like to testify **regarding Resolution 22-119** which is proposing an amendment to the revised charter of the County of Maui (1983), as amended, to establish the East Maui Community Water Authority.

The Chamber would like to request that this resolution be deferred to the next Council term. We are already dealing with a big election year with more candidates due to redistricting as well as many Charter Amendment questions that already had significant testimony and input through the Charter Commission. This is a very complicated issue that needs *significant* vetting, exploration, and community input. We understand that the Board of Water Supply has spent a long time on this item but feel additional discussions and opportunities for public testimony through community outreach and education, public hearings and more is needed.

Also, there is a charter question on the current ballot that would require a financial analysis of any proposed amendments. This amendment has the potential to be very expensive in creating yet another new county agency and a full fiscal analysis is important. This analysis should be completed, with the analysis released to the public so they can understand all aspects of this proposal.

For these reasons we respectfully request that Resolution 22-119 be deferred to the next Council term.

Sincerely,

Pamela Tumpap  
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.