

# **GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE**

**Council of the County of Maui**

## **MINUTES**

**Online Only via BlueJeans Link**

**June 15, 2022**

**RECONVENE: 9:00 a.m.**

**PRESENT:** Councilmember Michael J. Molina, Chair  
Councilmember Keani N.W. Rawlins-Fernandez, Vice-Chair (arrived  
at 9:07 a.m.)  
Councilmember Tasha Kama, Member  
Councilmember Kelly T. King, Member  
Councilmember Alice L. Lee, Member  
Councilmember Tamara Paltin, Member  
Councilmember Shane M. Sinenci, Member  
Councilmember Yuki Lei K. Sugimura, Member

**EXCUSED:** Councilmember Gabe Johnson, Member

**STAFF:** Kasie Apo Takayama, Legislative Analyst  
David Raatz, Deputy Director of Council Services  
James Forrest, Legislative Attorney  
Shelly Espeleta, Supervising Legislative Analyst  
Brittney Sunderland, Legislative Analyst  
Pauline Martins, Committee Secretary

James Krueger, Deputy County Clerk

Denise Fernandez, Council Aide, Lanai Council Office  
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office

Axel Beers, Executive Assistant to Councilmember King  
Daniel Kanahele, Executive Assistant to Councilmember King  
Davideane Sickels, Executive Assistant to Councilmember Kama  
Dawn Lono, Executive Assistant to Councilmember Sinenci  
Ellen McKinley, Executive Assistant to Councilmember King  
Evan Dust, Executive Assistant to Councilmember Kama  
Gina Young, Executive Assistant to Councilmember Sinenci  
Jordan Helle, Executive Assistant to Councilmember Sugimura  
Kainoa Kaumeheiwa-Rego, Executive Assistant to Councilmember  
Rawlins-Fernandez  
Lois Whitney, Executive Assistant to Councilmember Kama  
Roxanne Morita, Executive Assistant to Councilmember Johnson  
Sarah Pajimola, Executive Assistant to Councilmember  
Rawlins-Fernandez

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

**ADMIN.:** Keola Whittaker, Deputy Corporation Counsel, Department of the Corporation Counsel  
Richelle Thomson, First Deputy Corporation Counsel, Department of the Corporation Counsel  
Caleb Rowe, Deputy Corporation Counsel, Department of the Corporation Counsel  
Sananda Baz, Managing Director, Department of Management  
Allison Cleghorn, Economic Development Specialist, Office of the Mayor  
Eva Blumenstein, Planning Program Manager, Department of Water Supply  
Michele McLean, Director, Department of Planning  
Johann Lall, Graphic Information System Analyst, Department of Planning  
Ipo Mossman, Executive Assistant, Office of the Mayor

**OTHERS:** Melissa Goldman, Deputy Attorney General, State of Hawaii  
Pane Meatoga  
Jonathan Likeke Scheuer  
Dick Mayer  
Jason Economou

**PRESS:** *Akaku Maui Community Television, Inc.*

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CHAIR MOLINA: . . .*(gavel)*. . . The recessed Government Relations, Ethics, and Transparency Committee meeting of June 7, 2022, will now come back to order. The date today is Wednesday, June 15, 2022. The time is 9:00 a.m. I'm Committee Chair Mike Molina, and I'll be your meeting facilitator today. And for the record, I am transmitting out of the Council Chambers here in the Maui County building. And currently there are no testifiers--as a matter of fact, we did close testimony. This is a recessed meeting. I had to catch myself there. So with that being said, let's do Committee roll call for this recessed meeting, and let's go to our Council Chair Alice Lee. Good morning and aloha.

COUNCILMEMBER LEE: Good morning. And this is from Ethiopia, Africa, the morning greeting is salam. Salam, everyone. I'm home alone in my office. I'll be going there later on, and for now there is just me. Thank you.

CHAIR MOLINA: Okay, mahalo, Chair Lee. And I want to go to my fellow Council colleague who is the Chamber with me this morning, West Maui Councilmember Tamara Paltin. Good morning.

COUNCILMEMBER PALTIN: Salam and aloha kakahiaka kākou. I almost pressed the wrong button, but I caught myself. So broadcasting live and direct from the Council Chambers

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

on the 8th Floor on this rainy Wailuku morning, what a blessing we're having from the designation yesterday. And with us in here we have four of us. No testifiers. It's plenty of physical distancing. Thank you.

CHAIR MOLINA: Mahalo, Member Paltin, and salam as well to you. Let's go up to Kula and check in on Councilmember Yuki Lei Sugimura. Salam and aloha.

COUNCILMEMBER SUGIMURA: Salam to you, and I am in Kula. And Chair, because normally you're under the Makawao virtual bridge, I decided to use that as my virtual background so that we will keep you grounded and with us at Upcountry. So good morning, and looking forward to this meeting. Thank you.

CHAIR MOLINA: All right, mahalo, Member Sugimura. Ho, you folks sassy this morning, I love it. We're all having a good time. And thanks for tolerating me, this is my third straight meeting I'm facilitating this week. All right, let's go now to...out to South Maui and check in on Councilmember King. Salam and aloha.

COUNCILMEMBER KING: Salam, Chair, and you're doing a great job showing your stamina this week. So I really appreciate the GREAT meetings that we've had this week so far. And looking forward to another juicy agenda today. But I also will report that I am in my home office, with my husband, Bob King, across the hall doing his meetings this morning. No one else is in the house with us. And there's no testimony today as it's a recessed meeting, so nothing from the District Office. Mahalo.

CHAIR MOLINA: Okay, mahalo, Member King. And let's go in and check in on the neighborhood, Councilmember Kama. Good morning and salam.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and salam to all of my colleagues. I am in my workspace, and I am alone. There's nobody here, not even a mouse. Looking forward to a wonderful meeting today, Chair. Thank you.

CHAIR MOLINA: Okay, mahalo and salam to you, Member Kama. Of course our colleague from Lānaʻi, Mr. Johnson, he's overseas right now, so he's excused. And Committee Vice-Chair Rawlins-Fernandez will be joining us at some point a little bit later on in the morning. So with regards to attendance from the Administration, we have from Corporation Counsel Keola Whittaker, as well as First Deputy Corporation Counsel Richelle Thomson, and Deputy Corporation Counsel Caleb Rowe. From the Department of Management we'll have Managing Director Mr. Sandy Baz. From the Department of Water Supply Planning Program Manager Eva Blumenstein. And then the Planning Department, we have Director Michele McLean joining us for two of our items on the agenda. And we will also have...scheduled to join us from the...it's the Deputy Attorney General Melissa Goldman. And now we...of course, I'd like to introduce our venerable hardworking staff members, Kasie Apo Takayama, Brittney Sunderland, both Legislative Analysts; our Legislative Attorney, James Forrest; Committee Secretaries Pauline Martins and Jocelyn Moniz; and Council Services Assistant Clerk, Lei Dinneen.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

Members, of course, today's meeting we're going to be...will be dedicated to the discussion of the Council-Initiated Charter Amendment Proposals and also, we will be including...I know we had...I had mentioned at the last meeting after testimony about deferring the last item today, which is a proposal from Member Paltin, but if there are no objections, I'd like to take up her item as well. I believe we have some time that we can take it up, and being that there is no time for public testimony, if there are no objections, Members, I'd like to take up Member Paltin's item. Any objections?

**COUNCILMEMBERS VOICED NO OBJECTIONS.**

CHAIR MOLINA: All right, very good.

**GREAT-10(1) COUNCIL-INITIATED CHARTER AMENDMENTS (PROMOTING CLIMATE  
CHANGE ADAPTATION) (CC 21-45))**

CHAIR MOLINA: Okay, we're going to start off with GREAT Item 10-1, which is a Council-Initiated Charter Amendment which Promotes Climate Change Adaptation being introduced by Member Kama. As a reminder, you know, the Charter Commission has already approved a total of 11 proposals, 2 of which also have alternative proposals added by the Council. The Clerk's Office will need the resolutions to pass two readings no later than July 15th. So anyway, I myself...I will have to leave today by 12:00, 12:30, so I believe we can complete business by then, so just an FYI for all of you. Well, with that said, let's start off with GREAT Item-10(1), and I'd like to recognize my colleague from the Kahului District, Member Kama, to introduce her Charter proposal. Member Kama, you have the floor.

COUNCILMEMBER KAMA: Thank you very much, Chair. And thank you, Members, for taking the opportunity to hear this today. Basically, I introduced this way back...a while back, and it was to be able...to help us to be able, as we first started working from home. And I thought what a great idea it would be if we could just make it permanent. And by putting it into the Charter would make it permanent. And it's only because I decided that to do it into the Charter instead of by ordinance is because we're kind of like telling the Administration how to manage their personnel. And so we can't do that by ordinance, but we can do that by Charter. And so the idea was that...to be able...and to put on the...to put it on the ballot, and I thought that the Charter or the reso was written in very clear language. Basically it says that we really want our people to work from home, it helps with the climate change, and it would be helpful to all of us, and there's only a win-win in this situation. So that is my proposal before all of us today, Chair.

CHAIR MOLINA: Okay. Thank you very much, Member Kama. From the Administration to provide comment, I had mentioned Mr. Baz from the Managing Director's office. Ms. Sunderland, is Mr. Baz or someone from the management office online to provide comment on Member Kama's proposal? I don't see anyone at this point.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

MS. SUNDERLAND: We received confirmation yesterday, Chair, that there would be someone here. I'm not seeing someone just yet.

CHAIR MOLINA: Okay, so we did put that out there for them to be here, yeah. Okay, well, hopefully at some point...I'm sorry.

MS. SUNDERLAND: Sorry, Chair. I'm sorry, I believe we have Allison Cleghorn.

MS. CLEGHORN: Thank you. Good morning. Thank you, Chair. Good morning. Salam. From the climate mitigation adaptation perspective, on the resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI, AS AMENDED, RELATING TO PROMOTING CLIMATE CHANGE ADAPTATION," from our perspective, the implementation of alternative work schedules and teleworking for eligible County employees could significantly reduce the County's greenhouse gas emissions. To be specific, it would reduce . . . *(inaudible)* . . emissions from commuting, office space needs, and energy required to support County offices. In regards to implementing this policy Countywide, however, that is a larger discussion with management in terms of maintaining efficiency and functionality of daily duties and, you know, discussing this on a larger scale. And so I have been in contact with Sandy on how to move forward on that, and I believe he is going to join us shortly. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Ms. Cleghorn. The Chair would like to extend his apologies to my colleague from East Maui. Mr. Sinenci, salam and aloha, and my apologies for not recognizing you earlier. Please, you have the floor.

COUNCILMEMBER SINENCI: No worries, Chair. Salam and aloha mai Maui Hikina. And just for the record, I have Staff with me, Gina, Mavis and Dawn. Thank you.

CHAIR MOLINA: Okay, mahalo, Mr. Sinenci. And also joining us is Committee Vice-Chair Keani Rawlins-Fernandez, salam and aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, mai Moloka'i Nui Ahina. I'm at the Moloka'i District Office, alone here. Mahalo, Chair.

CHAIR MOLINA: Okay, mahalo, Vice-Chair. Okay, Members, the floor is now open for questions either for Member Kama, or Ms. Cleghorn, and possibly Mr. Baz as it relates to GREAT Item-10(1), the Climate Change Charter Proposal. Questions, Members? Okay, we have Member King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to clarify something with Ms. Cleghorn, and thank you very much for being here. I really appreciate your presence and your statements, all very true. But the...so you mentioned that you would have to work with Administration to figure out how to go forward, but this proposal

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

allows...is allowing for, it's not mandating it, so you're in support...I'm assuming you're in support of the Charter amendment, you didn't really...

MS. CLEGHORN: Yes.

COUNCILMEMBER KING: Okay.

MS. CLEGHORN: From the CCR's perspective, we are in support, as long as Departments are able to maintain daily duties as efficiently . . .*(inaudible)*. . .

COUNCILMEMBER KING: Right, but the Charter amendment just allows it, it doesn't mandate it, so you...the Administration will have to figure that out, and has the freedom to do that on their own, so just wanted to clarify that point. And thank you very much for being here and saying all the things I was going to say about this bill. I appreciate it.

MS. CLEGHORN: Great. Thank you for your question. Yeah, it's a great question. And I did just see that Sandy joined us to weigh in on the management side.

COUNCILMEMBER KING: Okay, thank you. Thank you, Chair.

CHAIR MOLINA: Okay, thank you, Member King. Mr. Baz, would you like to provide additional comment on Member Kama's proposal? Okay, Mr. Baz, please proceed. It sounds like you're muted. Okay, tell you what, let's come back to Mr. Baz. In the meantime, Members, if you have questions for Ms. Cleghorn or Member Kama on this matter.

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

CHAIR MOLINA: Don't all raise your hands up at once now.

MR. BAZ: All right, thank you.

CHAIR MOLINA: Oh, sorry. Okay, Mr. Baz, is that you?

MR. BAZ: Yeah, that's me. I apologize.

CHAIR MOLINA: Okay, there we go, we can hear you now. Go ahead and provide additional comment. And right after you're done, we have a question for either you, Ms. Cleghorn, or Member Kama from Member Paltin. Go ahead, Mr. Baz.

MR. BAZ: Okay, yeah. Thank you, Chair. So the...as far as the teleworking goes, we have a policy in place now that is an Union consultant teleworking policy, and it's available for employees and managers to use as needed. We also, of course, you know, during the pandemic did an emergency telework policy, and we have...we're having some challenges right now with the IT side of things, but we're working on that, and have that capabilities as well. So we are in support of the idea of being to telework and fine with it being

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

something that's within the Charter.

CHAIR MOLINA: Okay. Thank you very much for your comments, Mr. Baz. Member Paltin, questions for Member Kama or our resource personnel.

COUNCILMEMBER PALTIN: Thank you, Chair. I think my question might be for Corp. Counsel, but if any of other resource personnel think that they're able to answer it. I just was wondering, you know, we all think this is a good idea, but if our electorate or the constituents don't like it, does that prohibit folks from...like if it gets voted down, would that prohibit telework?

MS. THOMSON: Huh-uh. No.

CHAIR MOLINA: Ms. Thomson.

MS. THOMSON: Thank you, Chair. Thank you, Member Paltin. No, it wouldn't. The telework policy would remain in effect.

COUNCILMEMBER PALTIN: Oh, okay. So it's either way, it depends on the Administration.

MS. THOMSON: It's either way. Yeah, right. I think that what this does is set forth a clear indication and instruction that both the Council and the Administration, since it would be in the Charter should, you know, implement where practicable.

COUNCILMEMBER PALTIN: But if it gets voted down by the people, that's an indication they want us to be here at like 9:00 to 5:00 or something?

MS. THOMSON: I don't know that I would take it that way, you know. Part of it may be education, you know, too, to explain the intent behind the Charter amendment, you know...that it's not a mandate, but that it's, you know, an encouragement to move in that direction where the County is able to.

COUNCILMEMBER PALTIN: Okay, I'm good. No more questions. Thank you.

CHAIR MOLINA: Okay, thank you very much, Member Paltin. Members, any other questions for Corporation Counsel, Department of Management, or Member Kama as it relates to this Charter proposal? Okay, seeing none. Then the Chair will offer a recommendation. The Chair will entertain a motion to recommend adoption of the proposed resolution, including any nonsubstantive revisions.

COUNCILMEMBER KING: So moved.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER KING: Second.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

CHAIR MOLINA: Okay. Moved by Member Kama, seconded by Member King. All right. Boy, we've got some excitement out there this morning. I love it. Okay. Member Kama, as the maker of the motion, you have the floor.

COUNCILMEMBER KAMA: Thank you, Chair, and thank you, Members. You know, I don't sit on the CARE Committee, but it doesn't mean that I don't care about our climate and everything that happens here regarding our environment, our ocean. You know, I'm a kanaka mauoli, I know, you know, from growing up here with what my grandparents taught me about taking care of our land and our oceans, and I get that, and I understand that. But I just wanted to do something for all of us that would make it easier for us to work from home, make it easier on us in terms of being gentle on our climate, and you know, having a very soft footprint, you know, and carbon imprint, you know, here in our place. We love this place. I...you know, we are all so very passionate about this place that we call our home, and we really go up and up and arm in arm, you know, to be able to fight to make sure that we keep this place the way it should be, clean and fresh, and pristine, the way that we got it when we were born, and our parents, and our grandparents. So I just want to say thank you to all of you for participating in the CARE Committee, and for caring about our island home enough to be able to do something like this. So thank you, Chair.

CHAIR MOLINA: Okay, thank you very much, Member Kama, for those very passionate words. Any other discussion on the motion that's on the floor? Member King.

COUNCILMEMBER KING: Thank you, Chair. And thank you, Member Kama, for proposing this Charter amendment. I think it was one of the few positive things that came out of the pandemic because we all realized that we could work this way. And I know that you were able to attach the climate...you know, our climate change issues to the resolution because going forward, pandemic or not, it will solve some of these problems as far as space, and expense, and greenhouse gas emissions, certainly. I keep asking the OCS if we can get an accounting of how much our mileage has been reduced over the last few years from the pandemic, and this is...fits right in. I also want to thank you for invoking Bridgette Shay, who is a good friend of ours from NACo, and also my Board President from ICLEI USA, and has been presenting on the amount of greenhouse gas emissions that her county has saved by telecommuting and teleworking. And I keep thinking, yeah, we've been doing the same thing, we just need to quantify it. So hopefully this will also result in us showing the reduction in greenhouse gasses from working this way. So anyway, I fully support it, and I thank you for that and, you know, you are still an honorary member of the CARE Committee, so you're welcome to attend anytime. Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member King. Members, any discussion as it relates to the motion on the floor? Seeing none. The Chair will call for a voice vote. Members, all those in favor, signify by saying "aye," and raising your hand.



# Council of the County of Maui

**June 15, 2022**

## COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: All those opposed? Okay. Chair will mark it eight “ayes,” and one excusal, Member Johnson.

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

**NOES:**     **None.**

**ABSTAIN: None.**

**ABSENT:** None.

**EXC.: Councilmember Johnson.**

**MOTION CARRIED.**

**ACTION: FIRST READING OF RESOLUTION.**

CHAIR MOLINA: Congratulations, Member Kama. This matter will move forward to the full Council.

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

CHAIR MOLINA: Thank you.

**GREAT-10(2) COUNCIL-INITIATED CHARTER AMENDMENTS (RESOLUTION 22-119,  
CHARTER PROPOSAL TO ESTABLISH THE EAST MAUI COMMUNITY  
WATER AUTHORITY)**

CHAIR MOLINA: Members, moving right along. We are on GREAT Item 10(2), which is a Council-Initiated Charter Amendment (Resolution 22-119, the Charter proposal to establish the East Maui Community Water Authority). Of course we had a discussion on that yesterday, so...and we've also had a presentation done in Mr. Sinenci's Committee. So for today's purposes, I'm not going to, you know, open it up for more questions and whatnot. The intent here is just to take whatever action, and I'll recognize Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, and aloha, Members. Yes, yesterday in my APT Committee I talked about presenting a Countywide version of the Water Authority

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

Bill. So again, mahalo to the GREAT Committee Chair and all of you for agreeing to meet next week. However, after discussions with our Legislative Staff, it looks like we can hear the Countywide version as a 7(B) presentation in our June 28th APT Committee meeting, and then we can present the ASF in the July 1st Council meeting. So that said, today's bill before you is just a basis of what the Countywide version will be built upon. But today's deliberations is necessary as a first step. It is the enabling legislation that will prelude the next legislative steps towards presenting this to our Maui County voters. Thank you, Chair.

CHAIR MOLINA: Okay, thank you very much, Mr. Sinenci. And we do have two individuals here as resources, so I'd like to get comment from them. First we'll start with Ms. Goldman, the Deputy Attorney General from State, for comments on this proposal. Aloha and good morning, Ms. Goldman.

MS. GOLDMAN: Good morning, Chair and Members of the Council. I'm just here to answer questions if anybody has any. Thank you.

CHAIR MOLINA: Okay, thank you very much, Ms. Goldman. And then we have Ms. Blumenstein from the Department of Water Supply. Any comments?

MS. BLUMENSTEIN: Aloha, Chair. No, I'm really just here as a resource person if you have any questions for the Department.

CHAIR MOLINA: Okay, thank you very much. All right. The Chair is going to open up the floor for questions. Chair Lee.

COUNCILMEMBER LEE: I was just wondering if there is going to be a new proposal on a Countywide water authority. Why, again, would we be working on this one today, as I would think we should file this one, as you are going to be introducing a new one in your Committee on June 28th, I believe. Mr. Sinenci?

CHAIR MOLINA: Mr. Sinenci, if you can respond to Chair Lee's question.

COUNCILMEMBER SINENCI: Thank you, Chair, for the question. Yeah, it looks like we need to...this one is necessary for us to build upon the Countywide version. If I could have Ms. Thomson . . .*(inaudible)* . . .

CHAIR MOLINA: Mr. Sinenci, do you need Corporation Counsel to add their thoughts into this conversation or question from Chair Lee?

COUNCILMEMBER SINENCI: Yes.

CHAIR MOLINA: Am I getting that from you? I think...go ahead, Ms. Thomson.

MS. THOMSON: Thank you. And I was actually going to maybe punt that question to David

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

Raatz, or the OCS attorneys if they're on the line, since that's more of a legislative procedure. I defer to OCS.

CHAIR MOLINA: I see Mr. Forrest on the line. Mr. Forrest, proceed and provide some thoughts and analysis on this.

MR. FORREST: Yeah, Chair can I just request a brief recess. I only need about five minutes. I just want to get it right.

CHAIR MOLINA: Okay. All right, will do. Okay, Members, the recessed GREAT Committee meeting of June 7th will now go into recess. Let's call it 9:30. The time is 9:23. Recess until 9:30 a.m. . . .*(gavel)*. . .

**RECESS: 9:23 a.m.**

**RECONVENE: 9:33 a.m.**

CHAIR MOLINA: . . .*(gavel)*. . . The recessed GREAT Committee meeting of June 7, 2022, will now come back to order. The date today is Wednesday, June 15. Time is 9:33 a.m. We were just discussing GREAT Item 10(2), that's related to the Charter proposal to establish the East Maui community water authority. And Chair is going to recognize Legislative Attorney Mr. Forrest to respond to a question that was asked by Chair Lee of Mr. Sinenci. Mr. Forrest.

MR. FORREST: Thank you, Chair. We did discuss this issue with Mr. Sinenci and OCS Staff. Basically you do have two options, which would be to move the bill forward...or the resolution forward for consideration at the July 1st Council meeting. At that time, you can also have a new resolution that's a Countywide water authority, and then you would need to waive the referral and the rules to consider that. And after discussing the issue with Mr. Sinenci, I believe his intent would be to move forward with the resolution today so that if it happens to pass, the Council would have it to consider at the next Council meeting, and then we would have to be working on the next resolution. Because that resolution hasn't really been drafted yet, and so it's sort of an unknown at this point, and because it is an unknown, I think he would want to proceed with this resolution. And I think you can ask him to basically explain that, or confirm that on the record.

CHAIR MOLINA: Okay, thank you, Mr. Forrest. So for the sake of Sunshine Law purposes then, we should minimize any discussion on a, you know, alternative proposal for Countywide, and just focus on the East Maui, what's on our agenda today; am I correct?

MR. FORREST: Exactly. Thank you.

CHAIR MOLINA: Okay, thank you. Okay, I saw Chair Lee with her hand up. Chair.

COUNCILMEMBER LEE: Thank you, Chair. So my understanding yesterday, after yesterday's

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

meeting, is that this matter was going to be taken up in the APT Committee in June, and whatever changes...or not changes, but the new proposal would be taken up at that time. Because as we discussed yesterday, the public hasn't been given sufficient notice on an expanded version of this East Maui water authority, and I thought we came to an agreement on that. So all of a sudden today, now it's changing again. It wouldn't hurt to file this item and bring up the brand new item in the APT Committee, where the people won't be confused by having...you know, if you post this item, then they're thinking that this is the item that they are going to speak on as opposed to the brand new one, which I would think most of you would want the public to know of the new version and have, you know, the chance to read it, to be able to testify on it, as opposed to just taking this up again, and then adding to it without anybody's knowledge, and then expecting the public to know by just reading...and I guess it wouldn't even be agendized. I'm not even sure how this would work. But the thing is, it would have been easier and cleaner to have the APT Committee take up the brand new proposal, and the public would have lots of time. They would have the Committee meeting. They would have first reading to discuss it. Now, it's not going to be that way. The public is not going to have an opportunity except at the Council meeting, where a change is going to be made at the Council meeting. And to me, I think that's not fair to the public, who should be...have the opportunity to discuss this thoroughly. Thank you.

CHAIR MOLINA: Okay. Thank you, Chair Lee. Before I recognize Member King, Mr. Sinenci, would you like to clarify...an opportunity right now to clarify your intent on the matter before us today?

COUNCILMEMBER SINENCI: Yes. Thank you, Chair. Right. So for today's meeting, which is focusing on the East Maui Water Authority Bill, we don't...as the OIP had opined yesterday, that we cannot speak to the Countywide one. And so we're just moving forward with the East Maui Community Water Authority Bill. We are, however, hearing...as Member Lee had suggested, that we hear it in my June 28th APT Committee meeting for discussion, and that is where we will hear from the other districts about having a Countywide version. However, we still would have to move this to the Council for the first reading of the East Maui Community Water Authority Bill.

CHAIR MOLINA: Okay. Thank you very much, Mr. Sinenci. Chair, we're going to recognize Member King, followed by Member Sugimura. Member King.

COUNCILMEMBER KING: Thank you, Chair. That was kind of what I was going to ask, was that we're still planning to hear it in the APT Committee. And, you know, we do this all the time in your Committee, in the GREAT Committee, where we have full discussions with the full intent of discharging something to the Council meeting because of time restrictions, especially when it comes to approving, you know, Boards and Commission applicants. So, you know, having it in the APT Committee for discussion, I think will be sufficient to bring in the public to hear what it's about. But also, keep in mind that what we're talking about is the Charter amendment, and so that goes on the ballot. There's going to be a lot of discussion, you know...if we pass this out, there's going to

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

be a lot discussion throughout the community on this issue going forward. But I'm comfortable that if we can hear it in...and just have that discussion, and then discharge it to the July 1st Council meeting, that that would be sufficient to involve the public and, you know, there's a lot of education, I think, going on right now in outreach. So that's my position. Thank you.

CHAIR MOLINA: Okay, thank you, Member King. Member Sugimura.

COUNCILMEMBER SUGIMURA: Richelle Thomson has her hand up.

CHAIR MOLINA: Okay, you'll yield the floor. Okay, Corporation Counsel Thomson, go ahead.

MS. THOMSON: Thank you. I just wanted to make sure...I know that OCS has been consulted on this. I'm a little concerned about having two Charter amendments with very similar subject matter on the July 1st Council agenda. I know that OIP opines that that Countywide wasn't, you know, properly noticed so, you know, that's why we're trying to get that straightened out and clear. But if the intent is to go Countywide, then it may be cleaner to file it that way. The notice is just for the Countywide water authority, and not for both the East Maui or the Countywide, unless that's the intention, Councilmember Sinenci, to have both options.

CHAIR MOLINA: Okay, thank you, Ms. Thomson. Member Sugimura.

COUNCILMEMBER SUGIMURA: I think for...thank you for this discussion. And I agree...or I am going to say that I think it's better that we are transparent and not have two Charter amendments that would be, you know, maybe confusing to the public. I do believe that a Countywide needs to be vetted and talked about just as much as the East Maui. And yes, East Maui is getting a lot of . . .(inaudible). . . on this, or communication that's going on, but not so with something new, and then just to have it introduced at the Council meeting because I think then we're going to be doing Council work in...I mean Committee work in Council. So if Member Sinenci would, you know, reconsider that, or I hope...I would like to have this filed, and for it to be brought up so a comprehensive discussion could be happen...could happen so that the public would understand what we're trying to do. It's already an important issue, and I think it deserves more discussion than just a Council meeting that we're going to slide in to include it. So that's my position.

CHAIR MOLINA: Okay, thank you very much, Member Sugimura. Member Paltin, followed by Member Sinenci.

COUNCILMEMBER PALTIN: Thank you, Chair. You know, the Sunshine Law is restrictive, and that's why we're running into these types of things. We can't all go someplace and talk story with everybody about things that we're proposing. And it was testimony from the Managing Director that suggested this. And I'm supportive; however, I know the struggle of the East Maui residents. And if a Countywide authority would slow their

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

roll, then I'd be willing to wait and just pass the East Maui authority if that's the only way. But I'm supportive of a Countywide one, but not at the expense of the East Maui residents. So that's how I feel.

CHAIR MOLINA: Okay, thank you very much, Member Paltin. Mr. Sinenci.

COUNCILMEMBER SINENCI: Sorry, yeah. I think if we file it today, Members, then we have nothing to vote on. So we want to keep the East Maui. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Sorry. So just...because it's sounding like it's starting to get murky, so I just want to clear it up for those that are watching, and for us, and for this discussion. Member Sinenci proposed the creation of an East Maui Water Authority in response to the need of his residency district or residency area, and that was what he was...he proposed. In proposing that idea, he heard feedback from the Managing Director, from Member Paltin, and from others that it's such a great idea that we want to make it Countywide, and not only for East Maui. And there was some support for that. But by making it Countywide, it substantially changes the bill to become a completely different bill. And so that's the struggle that we are up against right now. Member Sinenci, as I understand it, would like to have both the East Maui Water Authority Bill and the proposed Countywide Water Authority Bill on the Council agenda so that if the proposed Countywide water authority doesn't go through, perhaps the East Maui Water Authority will still have a chance. And that was the original intent from Member Sinenci. That was why he proposed that, but he's open to expanding. And I thank Member Sinenci for being open enough to basically redo his whole strategy and plan of proposing it just for East Maui so that the other areas in our County can benefit from this great idea. And so I think having these meetings be public, being responsive to our testifiers and to the feedback of our colleagues, is responsible of us to do, and I think moving this direction of completing our discussion on the original proposed bill of the East Maui water authority is a good idea, Member Sinenci, I support doing that, and that way we can have that option on the Council agenda, as well as the Countywide idea that was not his idea, but it was proposed, and he's open to having that as an option. And so having those two on the Council agenda for discussion on July 1st, I don't think it's confusing, I think it's fine. I think our public will be able to discern between the two, and we'll have our answer. All of these meetings have been public, so everyone beyond East Maui have the opportunity to hear us discuss this, and discuss the feedback that was received. Mahalo, Chair.

CHAIR MOLINA: Okay. Thank you, Vice-Chair, you certainly used quite an adjective that was...I was thinking of, that...murky. So with that said, so maybe OCS...

VICE-CHAIR RAWLINS-FERNANDEZ: No pun intended, right, Chair?

CHAIR MOLINA: No pun intended. Boy, you guys are good this morning with all of these

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

comebacks. Maybe give the Chair some guidance of this Committee. So if it is Mr. Sinenci's intent to post the East Maui Charter proposal, as well as the County proposal for your APT meeting, my question to Staff, what shall we do with this item that's sitting in the GREAT Committee here today? Filing, just leave it open? Staff, can I get...or maybe Mr. Forrest. I just want to be clear because, you know, it's murky.

MR. FORREST: Thank you, Chair. I think we've laid out the legal path to comply with OIP where you can have both of them move forward to the Council meeting on the July 1st agenda. This is purely a policy decision for you guys to make. I do think, from what I've been hearing, just to make it clear, is that Councilmember Sinenci does want to move forward today with consideration and a vote on the East Maui plan.

CHAIR MOLINA: Okay, thank you, Mr. Forrest. So we take action on this. Assuming it moves forward, then Mr. Sinenci would not need to post this item again for his APT meeting; am I correct?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MR. FORREST: Thank you, Chair. Sorry. That's correct. And, you know, that's up to him as how he wants to move forward with another version that could be posted on the Council agenda for July 1st.

CHAIR MOLINA: Um-hum. And of course, there's an option here today to file this out of the GREAT Committee, and then he could put this item, or create a new item related to this, in his APT Committee, as well as the proposed Countywide. So he has that option to consider as well.

MR. FORREST: He has that option. I think he said that he basically doesn't want to take the risk that if he files this one, and then the other one doesn't get approved, then East Maui wouldn't get the water authority. So I think that's basically what he's saying. He can confirm that.

CHAIR MOLINA: Okay, thank you, Mr. Forrest. Mr. Sinenci, is that your intent as explained by Mr. Forrest?

COUNCILMEMBER SINENCI: Yes, thank you. And also by the fellow Councilmembers that is...again, we're just trying to respond to those testifiers that was looking for an option. But for now, I think my community wants to see the East Maui Community Water Authority Bill, a version passed today.

CHAIR MOLINA: All right. Okay. Well, with that said, Mr. Sinenci, before we do that, Member Sugimura, before I go back to recognize Mr. Sinenci.

COUNCILMEMBER SUGIMURA: So I just want to ask Mr. Sinenci then, are you planning on scheduling an APT meeting to talk about island wide water authority?

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

COUNCILMEMBER SINENCI: Yes.

COUNCILMEMBER SUGIMURA: Is there another...are you going to have...I don't know, does it include East Maui or not?

COUNCILMEMBER SINENCI: No. Just the Countywide.

COUNCILMEMBER SUGIMURA: I'm sorry, Countywide.

COUNCILMEMBER SINENCI: Yes. Just Countywide...June 28. Yeah.

COUNCILMEMBER SUGIMURA: Would it substitute?

COUNCILMEMBER SINENCI: Just the Countywide on June 28th for discussion from...public discussion.

COUNCILMEMBER SUGIMURA: What is...would you eliminate this East Maui from that?

COUNCILMEMBER SINENCI: Thank you for the question, Member Sugimura. We don't want to get ahead of ourselves, and I think we're doing that today when we're trying to...so we just want to focus on this, on the East Maui Community Water Authority. And then you're bringing up some good points, and like Mr. Forrest said, options for us at a later time.

CHAIR MOLINA: Member Sugimura, if I could step in. My intent is just to go back to Mr. Sinenci and he will make a recommendation for this Committee to consider. Vice-Chair, you wanted to add something before we go to Mr. Sinenci?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm hoping I can help clear things up procedurally. Okay. So for today, we have the East Maui Water Authority Bill on the agenda, and that's what we will be discussing. Member Sinenci would like that to move forward to the July 1st Council agenda if we have the majority of votes to do that. Next Tuesday, was that June...oh, next APT meeting, June 28th, Member Sinenci will have the Countywide Water Authority Bill on his agenda for discussion, and it will also be posted on the July 1st Council agenda. So when we get to the July 1st Council meeting, we will have both the Maui County Community Water Authority Bill and East Maui Water Authority Bill. At that time we will file one of them, and one will move forward. I hope procedurally, that's clear.

CHAIR MOLINA: Clear enough for me. Well, let's see what Chair Lee has to say. Go ahead.

COUNCILMEMBER LEE: Yeah. Getting back to the word murky, that was about the fifth explanation of what's going on today. So that just supports the notion that the public will be confused. But we understand the idea of moving this forward today, so I speak



**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

for myself, but I would guess everybody is ready for the vote. Thank you.

CHAIR MOLINA: Yeah, thank you, Chair. So with that said, Chair is going to recognize Mr. Sinenci for a recommendation on GREAT Item-10(2). Go ahead, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yes, move to accept Resolution 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."

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay, motion made by Mr. Sinenci. Is there a second? Seconded by Committee Vice-Chair Rawlins-Fernandez. Mr. Sinenci, you have the floor as the maker of the motion.

COUNCILMEMBER SINENCI: Thank you, Chair. Members, this bill is just the small first step in a very long journey. Although Native Hawaiians have been fighting for water justice for generations, the County has just recently sought water economy for its residents and for its farmers. As a reminder, in 2019, a delegation of State Senators and Representatives toured portions of the East Maui water system. After that visit, then Representative, and now Gubernatorial candidate Kai Kahele, wrote a letter to the Mayor, stating it is in the County's best interest to secure a water lease and to free itself from private third-party operators who are not duty bound to uphold the public trust. That same year, the Board of Water Supply created a temporary investigative TIG to research the feasibility of acquiring the East Maui water system, and they too recommended that the County immediately apply for a long-term water lease. In 2021, the Department of Land and Natural Resources Land Division Agent stated in an APT Committee meeting that the County would not have to go through the competitive process against private interests, that the County has a higher priority as a public trust user. Then this January, this Council passed Resolution 22-4, urging the Mayor to enter into an intergovernmental agreement with the State for a long-term water lease. We also sent a letter to the Director of the Board of Land and Natural Resources, saying that the County would be an ideal candidate for these water leases. So Members, again, this legislation does not do anything on its own. It merely gives us the option. It gives our voters the options for us to research this opportunity to make an educated decision as we move forward towards securing Maui's water use. Thank you.

CHAIR MOLINA: Thank you very much, Mr. Sinenci. Before I recognize other Members for the motion on the floor, so Mr. Sinenci, the ASF that you submitted to Committee today--maybe I'll consult--Staff, the ASF that Mr. Sinenci submitted, which has to do with the Countywide that's in Committee today, what type of action, if any, should we take on that? Should...you know, should we do a separate motion? Because now that it's apparent that this...the Countywide matter will be taken to June 28th. So just a question on how we handle the ASF that was submitted. I see Corporation Counsel

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

Thomson, if you could please give us your thoughts.

MS. THOMSON: Thank you, Chair. So there are actually two ASFs. So that was...I popped on a little bit earlier. I wanted to make sure that the...that I understood which version. So there's three of them on Granicus right now. There is the original reso 22-119, and then two ASFs. So Mr. Sinenci...or Councilmember Sinenci, are you planning to offer an amendment and then adopt that first...the May 31st ASF?

COUNCILMEMBER SINENCI: Yes, Ms. Thomson. And the Granicus, the Countywide ASF is not...

MS. THOMSON: Then I don't think any action needs to happen to that ASF, it just would not be...it was just an amendment.

COUNCILMEMBER SINENCI: Yeah, thank you. And Chair, in that ASF, we move to amend the various sections in the proposed resolution by striking and inserting language replacing references to sections 8-19 with section 8, making the following changes. In Section 8-19.1, Organization, replace the list of Staff positions with the more general ...*(inaudible)*... the necessary staff to provide flexibility. And Section 8-19.2, Community Board, we changed the Board's seat to allow an Upcountry resident, and Corporation Counsel pointed out that we would...if we condemned the system, we would become the owner. Then, of course, in Section 8-19.3, Community Board Duties and Functions, strike duties relating to the agency's request for annual preparations, but to remove nonsubstantive redundancy and insert language to provide for meeting flexibility, including virtual meetings. In section 8-19.4, Administrator, to insert language relating to the...the process to be followed if the Mayor fails to submit a nominee within 60 days and...strike the durational requirement for the Administrator's experience, and replace with knowledge of Native Hawaiian Water Resource Management and ahupua'a connectivity systems. And Section 8-19.5, Powers, Duties and Functions of the agency, amend the title to read functions of the water authority, strike the water authority may prepare environmental impact statements, and when approved by Council by resolution, may enter into an intergovernmental agreement, acquire a property interest by use of eminent domain to reflect input from the Department of the Corporation Counsel. Strike the 12-month time limit for the required report to the Mayor and the Counsel, strike duties relating to the agency's request for annual corporations to remove redundancy.

CHAIR MOLINA: Okay, Mr. Sinenci. Yeah, thank you. Okay, so you've given us a whole rundown on the all the ASFs. But we have a motion on the floor. So now you're going to propose these amendments, correct, to this item?

COUNCILMEMBER SINENCI: So moved.

CHAIR MOLINA: Okay. Members, you want all of that read again, or...we don't have to take it one by one, right? I mean we can just do it...all three ASFs all in one motion. Okay,

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

Members...Committee Staff, or Mr. Forrest, any concerns with taking all three ASFs in one motion?

MR. FORREST: I believe, Chair, that it's one ASF, and it's been posted on Granicus.

CHAIR MOLINA: Is it one? Okay, I'm getting mixed messages here. Okay. All right, so it's just one ASF, all right. Okay, so that is the motion made by Mr. Sinenci on these amendments to the proposed Charter Amendment for the East Maui Water Authority. Okay, then who made the second? Who is making the second? Member Kama. Okay, any additional discussion?

COUNCILMEMBER KAMA: I had a question, Chair. Chair, I just have a question. When you're ready.

CHAIR MOLINA: Go ahead, Member Kama.

COUNCILMEMBER KAMA: I wanted to ask.

CHAIR MOLINA: Okay. Hang on...hang on, Member Kama.

COUNCILMEMBER KAMA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: I need a second on that amendment, okay, before I recognize you. Okay, the...seconded made by Vice-Chair Rawlins-Fernandez. Okay, now you have a question. Okay, Chair will recognize you, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I wanted to ask if the Chair and the Members would indulge me...I wanted to be able to take a look at the ASFs and read it. I don't see it on the APT Committee, and I wasn't there yesterday, so I'm asking just for time to read.

CHAIR MOLINA: Members...

COUNCILMEMBER SUGIMURA: That's fine.

CHAIR MOLINA: Well, the ASF was out what, six days ago? So I would like to just continue proceeding. And I know you're not a Member of the Committee, Member Kama, but still...well, let me get a pulse feel. How many Members would like to take a recess to allow Member Kama to review the ASFs? One, two, Member Kama, three, four, five...okay, tell you what. Let's do this, Members. Why don't we just take our morning recess a bit earlier than normal, and let's take a recess until 10:15 a.m. to give Member Kama time to review the ASFs, and then right after that we'll continue. We have a motion on the floor and...with proposed amendments from Member Sinenci as it relates

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

to GREAT Item 10(2) to establish the East Maui Community Water Authority. All right. So the recessed GREAT Committee meeting for June 7, 2022 will now stand in recess until 10:15 a.m. The date today is June 15. Meeting in recess. . . .(gavel). . .

**RECESS: 10:03 a.m.**

**RECONVENE: 10:20 a.m.**

CHAIR MOLINA: . . .(gavel). . . The recessed GREAT Committee meeting of June 7, 2022, will now come back to order. The time is 10:20 a.m. Today's date is Wednesday, June 15th. Okay, Members, we took our morning recess a little earlier than normal, and that had a double purpose. It gave Member Kama some time to review the ASFs. So again, we are considering just one ASF, to clear up any confusion whether we're reviewing two or three, so we are just addressing the one ASF that was submitted on May 31st. Correct, Mr. Sinenci? Mr. Sinenci, you're muted. Okay. Well, we'll take that as a yes. Okay, continuing the discussion with the motion on the floor. Mr. Sinenci has made an amendment according to the ASF from that May 31st document. Any discussion on the proposed amendment? Mr. Sinenci, additional discussion? I know you gave us a full rundown on it. Chair will recognize Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I speak in strong support of the motion to amend, and I have a friendly amendment to propose for Member Sinenci's consideration. And that if...

CHAIR MOLINA: Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. That in accordance with Charter Section 14-1.1 (*phonetic*), it proposes that subsection 5 of Section 6-2 of the Charter pertaining to appointment and removal of officers and employees be amended as follows: to add the water authority administrator to the list of Directors that are to be nominated and confirmed by the...nominated by the Mayor, and confirmed by the Council. And it's in the chat there, and it would delete the second sentence. If the Mayor fails to submit the name of the Administrator nominee within 60 days of the effective date of the Resolution or within the date of a vacancy in the position, the Council may nominate and approve the appointment of an individual to fill the vacancy. So it's just deleting that language from the bill, and adding the water authority administrator to the section with all of the directors listed for the nomination and approval process.

CHAIR MOLINA: Okay, Members, you've heard the proposed friendly amendment from Vice-Chair Rawlins-Fernandez. Any comments or questions...and it's also listed in the chat. Chair Lee.

COUNCILMEMBER LEE: Yeah, thank you, Mr. Chair. In regard to this amendment and the main motion when it comes up, I'll be voting no because I'm not necessarily against a water authority in East Maui, but I just believe that this effort is premature because

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

what needs to precede creating a water authority is a significant feasibility study. So that's my discussion. Thank you.

CHAIR MOLINA: Okay, thank you very much, Chair Lee. Members, any other discussion on the motion as amended...or the amendment, I should say, from Mr. Sinenci, as well as the proposed friendly amendment from Vice-Chair Rawlins-Fernandez. Any other discussion before the Chair calls for the vote on the amendment? Member Kama, followed by Member Paltin.

COUNCILMEMBER KAMA: Thank you, Chair. If Member Sinenci would okay this friendly amendment also, under Section 8 dash...dash point 2 (*phonetic*) under the Community Board, where it reads, the one member who is a representative of the Hawaiian Homes Commission, if we could just put the word after representative, add the words or beneficiary.

CHAIR MOLINA: Okay, Member Sinenci, that is a proposed friendly amendment. Comments, Mr. Sinenci?

COUNCILMEMBER SINENCI: Yeah, I'm open to that friendly amendment, Chair.

CHAIR MOLINA: Okay. All right, Members, any other questions for Member Kama as it relates to the friendly amendment before I recognize Member Paltin. Okay, Member Paltin.

COUNCILMEMBER PALTIN: Wow, I almost hit the wrong button again. My question was for Member Rawlins-Fernandez, just clarifying that it doesn't change the substance, just the organization. Is that what you're saying?

CHAIR MOLINA: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member Paltin, for the question. Yeah, it just makes it simpler, so that it follows the exact language as the other directors that go through the nomination and approval process.

COUNCILMEMBER PALTIN: Okay, I can support.

CHAIR MOLINA: Okay, thank you very much, Member Paltin. Members, any other discussion on the amendments, as well as the...well, the amendment as proposed by Mr. Sinenci and the friendly amendments from Vice-Chair Rawlins-Fernandez and Member Kama? All right, well...okay, Member Sugimura. Go ahead.

COUNCILMEMBER SUGIMURA: Thank you. So Member Kama, what section is yours amending in...

COUNCILMEMBER KAMA: Section 8\_2 (*phonetic*), it's actually headed under East Maui Water Community Authority, Section 8, under Organization, and then the...section...Section

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

2, Community Board. You come about three-quarters of the way down, maybe about three, four, about 14 or 15 sentences in...under the word Commission.

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER KAMA: Sentence 14. And so it's to insert--where it says one member who is a representative of the Hawaiian Homes Commission--is to insert after the word representative or beneficiary.

CHAIR MOLINA: Member Sugimura, is that clear for you?

COUNCILMEMBER SUGIMURA: Yeah, thanks.

CHAIR MOLINA: Okay, thank you. All right, Members, any other discussion on the proposed amendment? Seeing none. Then the Chair will call for a roll call vote. Ms. Sunderland, please proceed.

MS. APO TAKAYAMA: Chair, I can take the vote.

CHAIR MOLINA: Oh, is that Ms. Apo Takayama? Go ahead.

MS. APO TAKAYAMA: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. APO TAKAYAMA: I'm sorry, Councilmember Sugimura?

CHAIR MOLINA: Councilmember, was that a no? I didn't...couldn't hear it.

COUNCILMEMBER SUGIMURA: That was a no. Sorry about that.

CHAIR MOLINA: No. Okay, thank you. Go ahead, Ms. Apo Takayama.

MS. APO TAKAYAMA: Thank you. Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aye.

MS. APO TAKAYAMA: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. APO TAKAYAMA: Council Chair Alice Lee.

COUNCILMEMBER LEE: No.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

MS. APO TAKAYAMA: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aye.

MS. APO TAKAYAMA: Councilmember Tasha Kama.

COUNCILMEMBER KAMA: No.

MS. APO TAKAYAMA: Vice-Chair Keani Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Aye.

MS. APO TAKAYAMA: I'm sorry, Councilmember Gabe Johnson

CHAIR MOLINA: Excused.

MS. APO TAKAYAMA: Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aye.

MS. APO TAKAYAMA: Committee Chair Mike Molina.

CHAIR MOLINA: Aye.

MS. APO TAKAYAMA: That's five "ayes," three "noes," one excused. Motion...

CHAIR MOLINA: Thank you, Ms. Apo Takayama.

MS. APO TAKAYAMA: Sorry.

CHAIR MOLINA: Go ahead. Motion passes. The amendment passes. Okay, great.

## Council of the County of Maui

**June 15, 2022**

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

**NOES: Councilmembers Kama, Lee, and Sugimura.**

**ABSTAIN:     None.**

**ABSENT:** None.

**EXC.: Councilmember Johnson.**

**MOTION CARRIED.**

**ACTION: AMEND RESOLUTION 22-119.**

CHAIR MOLINA: All right. We are now back to the main motion as amended. Any other considerations, Members, before the Chair calls for the vote on the motion? Mr. Sinenci.

COUNCILMEMBER SINENCI: Chair, just for my final comments. Members, I wanted to stress that this legislation is just setting up the framework, giving us, the Council, just another tool in the tool kit...a tool that we've never had before. I hear some confusion. I can totally understand, especially when we've been conditioned to accept the status quo. It is warranted, when considering landmark legislation like this. However, there is no confusion, the constitutional mandates of the public trust. There is no confusion in Native Hawaiian water rights, nor is there any confusion in our pledge to the Hawaiian Homes. Because your decision today merely establishes a water authority for this Charter amendment in allowing our constituents, your constituents, to make that final decision. So with that, Members, your vote of confidence is no easy task, but you're all Maui Nui Strong representatives, and there is no great deed that you are unable to fulfill. We've heard from experts who can help us negotiate this task and navigate this process. We've heard from lineal descendants and water protectors that is a once in a generation opportunity to secure our water resources for generations to come. Mahalo, Chair.

CHAIR MOLINA: Okay, thank you, Mr. Sinenci. Speaking to the motion as amended now, Chair will recognize Chair Lee.

COUNCILMEMBER LEE: As I said earlier, I'll be voting no because I think this is premature. It appears from the multiple testimonies we received that the public is expecting the County to purchase the EMI system, and to manage and operate the system, and to control the water, the water leases. So, you know, that seems to be like a very expensive tool, especially when we don't know what the price tag is. So those are my reservations, and those are my concerns, and that is why I am voting no. Thank you.

CHAIR MOLINA: Okay, thank you, Chair Lee. Chair recognizes Member Sugimura to speak



**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

on the motion as amended. Go ahead, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. And as you all know this directly affects my community. So I care very much about what is happening here, and I do also...I submitted for OCS to do a look at the feasibility of acquiring this, and looking at what is this going to cost. And again, my community are the users, as well as East Maui, so it's not only East Maui, but it's Upcountry that gets affected by the water. But the cost is going to be shared by every single taxpayer in this County. So I care about everybody. I care how much this is going to cost, and what is it going to do to our water in the.....in the outcoming...in the final outcome of this. I think that this is a broad reach and that, you know, I look for more discussion on this before I can make a decision to support it. So I understand why Mr. Sinenci is doing this. I've heard from constituents on both sides, and that I really believe there is a deeper dive really to take to understand really what we are saying and...you know, and continue on the conversation. So I appreciate Mr. Sinenci opening this door up, but there is a huge unknown out there, and it's cost, and what is this going to cost the taxpayer. What is going to cost each and every one of us? It's not only East Maui, and it's not only water, and it's not only, you know, Upcountry, but it is...it has broad reaches. So I do support this concept, so thank you, Mr. Sinenci, for bringing it up because there is interest. But definitely, we haven't talked about it enough or gotten what the dollar and cents...what is the cost going to be? And all of us Councilmembers, that is one of our biggest responsibilities, is the budget. So we can pass policy, but we need to understand what is behind all of it that we are asking the community to do. So I'm going to be voting against it, and please...thank you for letting me expound on it.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. Member King.

COUNCILMEMBER KING: Thank you, Chair. We are going to lose a big opportunity if we don't put this on the ballot. And it is going on the ballot, there'll be a lot more discussion. As Mr. Sinenci said, this is not a budget proposal, that will come later, and there will be a lot of discussion around how much it will cost, what the maintenance will look at...will look like when we get to that point. But if we don't at least get this--first in front of the voters, for them to vote on--and if the political will is there, for us to move forward to look at all these things, we will have lost an opportunity probably for the next few decades to get control of our own water delivery systems. So I think this is an important first step. We...I like the idea of...and I do agree with Member Sugimura that this is...you know, it's going to be something that affects all the taxpayers, so I like the idea of having another proposal later on, but I'm not going to speak to that because I don't want to get in trouble with OIP. But I do know that it was supported by the Kula Community Association, so Upcountry does support this idea, and we heard directly from Dick Mayer about that. So I'm going to support this. I'm going to look forward to having the other option before us at some point, and I'm also going to look forward to the discussion that will happen within the community as we move forward. Hopefully it passes on the ballot, and then we have the detailed discussions that we're talking about. But we can't...you know, we can't get all that information unless we pass this

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

and have the option of moving forward. If we don't have the option, then there's not even any point in finding out all that information about the detail, about maintenance. But I also wanted to just give another shout out to Councilmember Sinenci for the excellent presentations in his Committee yesterday, and the information that we got from Dr. Scheuer was...my God, it was so clear to me about how important this is not just to our County, but to the DHHL, the Department of Hawaiian Home Lands. It could not have been clearer. So I'm going to support this. I'm going to look forward to having the other option and weighing those two, but we have to move forward with this option. We cannot let this pass us by. Anyway, thank you for that. Aloha.

CHAIR MOLINA: Okay, thank you, Member King. Members, any other discussion with regards to the motion on the floor as amended? Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair, so much for the opportunity to take the recess, for the opportunity to submit my friendly amendment. Thank you, Mr. Sinenci. And I thank my colleagues for the passion that's always expressed in things that are so difficult for us to say yes or no to. And especially you, Mr. Chair. Sometimes I know it's hard for you to tell us no, when you really want to say yes, or say yes when you have to say no. But, you know, the issue of water, for me, has always been longstanding. I mean, you know, I was born in...way before when we were still doing the Waioli issue with water, and the Kaua'i water issue with the sugar cane. But I tell you, the people that should be running so much of what's going on here is the Hawaiian people, and they're not here. Shane, Keani, me, Alice, you, Mike, but the majority of our people are so busy working that they don't have an opportunity to take a look at this issue and how much it is going to impact them. Those are the people I represent. Those who are not here, who can't come to the Council Chambers, that can't do a Zoom, that can't do an email, but they depend on us to do what's right. And so in my heart of hearts, as hard as it is for me to say no, Mr. Sinenci, because I know your heart is pure, but I also think that sometimes I have to say no. And this is one of those times, and it does break my heart. So thank you, Mr. Chair. So I will be voting no. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Kama. Members, any other discussion? Okay...oh, sorry, Vice-Chair Rawlins-Fernandez. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I'll let you have the last word. I echo the sentiments of my colleagues, and we all know that justice delayed is justice denied. And justice has been denied to so many people in our community for far too long. So I applaud Member Sinenci's effort, and his courage in putting this forward and I will be voting in strong support of this effort. Against the colonization that happened to our people. We have heard from a lot of our people that have been fighting...they've been fighting for so long. A lot of people aren't here anymore because they passed away already. They died fighting this fight, and so it's up to us to carry this mantle. I think I will call out the intentional conflating of the issue of this bill. This bill creates a water authority. This bill does not purchase the EMI, it doesn't take over the EMI, it creates a water authority. So separate those two for our public so that it's not being

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

intentionally confused to sabotage this effort. The public criticizes Government from moving too slow, and that is not unfounded. It's been too slow. And I thank Mr. Sinenci for stepping up and making this happen. Mahalo, Chair.

CHAIR MOLINA: Mahalo, Vice-Chair Rawlins-Fernandez. Okay, everybody has had their say. I think...oh, sorry, Member Paltin. Go ahead.

COUNCILMEMBER PALTIN: Thank you, Chair. I speak in support of the Charter amendment. I see a lot of similarities to our West Maui situation that was resolved to some extent yesterday. You know, in going back and watching some of the video testimony from our Ku Pa 'Āina, and people that live in the valleys, it's so similar. You know, how the people who were testifying, their ancestors were fighting the same fight and passed away, and they're still here barely struggling, hanging on, and still fighting it. And we did get some relief for West Maui yesterday, and many of us breathe a sigh of relief. And I want to support East Maui to get...and this is not a solution...I mean, it's not the end of the story for West Maui or East Maui, it's an option that can be a solution. If we're thinking that the County and the taxpayers cannot afford to manage our own water resources with the help of a water authority, which has the access to Federal monies and whatnot, how do we think that a private foreign entity will, you know? Who's the one that benefits from having water delivered to their hale? And, you know, I don't know if you're reading...some people thinking that there's going to be some sort of economic collapse, or recession coming about, but if that should occur, I know I don't want a foreign entity in charge of running our water source. People's pension funds in another country being responsible to maintain and operate our water here in Maui County. There's nobody that should be more concerned than our residents about a foreign company managing and operating our water, you know. So I like the idea of the transparency. I like the idea of us being able to get Federal funds. I like the idea of us having access to professionals who have done this in municipalities across the continent of America. And e ola ika wai. Thank you.

CHAIR MOLINA: Mahalo, Member Paltin. Okay. With that said, I believe everybody has had their say. Chair is going to call for a roll call vote. Ms. Apo Takayama, please proceed.

MS. APO TAKAYAMA: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. APO TAKAYAMA: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aye.

MS. APO TAKAYAMA: Member Tamara Paltin.

COUNCILMEMBER PALTIN: Aye.

## Council of the County of Maui

**June 15, 2022**

MS. APO TAKAYAMA: Council Chair Alice Lee.

COUNCILMEMBER LEE: No.

MS. APO TAKAYAMA: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aye.

MS. APO TAKAYAMA: Councilmember Tasha Kama.

COUNCILMEMBER KAMA: No.

MS. APO TAKAYAMA: Councilmember Gabe Johnson.

CHAIR MOLINA: Excused.

MS. APO TAKAYAMA: Committee Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aye.

MS. APO TAKAYAMA: Committee Chair Mike Molina.

CHAIR MOLINA: Aye.

MS. APO TAKAYAMA: That's five "ayes," three "noes," one excused. Motion passes.

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

**NOES: Councilmembers Kama, Lee, and Sugimura.**

**ABSTAIN:     None.**

**ABSENT: None.**

**EXC.: Councilmember Johnson.**

**MOTION CARRIED.**

**ACTION: FIRST READING OF RESOLUTION 22-119, CD1.**

CHAIR MOLINA: Okay. Thank you for very much, Ms. Apo Takayama. This matter will go to the full Council.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

**GREAT-10(3) COUNCIL-INITIATED CHARTER AMENDMENTS (RESOLUTION 22-144,  
CHARTER PROPOSAL TO AMEND SECTION 13-2)**

CHAIR MOLINA: Okay, Members. We are now on our next proposed Charter amendment, which is GREAT Item-10(3), which is a Council-Initiated Charter Amendment (Resolution 22-144, Charter proposal to amend Section 13-2). This matter is being introduced by Councilmember King. And so we'll have...after Councilmember King provides her introduction on this matter, Chair will recognize Planning Director Michele McLean to add further comments. With that said, Member King, you have the floor.

COUNCILMEMBER KING: Thank you, Chair. And I do have like...I do have an ASF, I don't know if you want me to speak to it first and then distribute the ASF. OCS has it ready to distribute.

CHAIR MOLINA: Member King, why don't you go ahead and provide your comments on it, and in the meantime we can get the ASFs distributed.

COUNCILMEMBER KING: Okay. So the Planning...the idea of individual Planning Commissions has been something that's been discussed for many years on this island. I think people like Dick Mayer have been working on it for decades to give a better voice to the communities who are lumped all together in one Planning Commission and have very little representation for the development projects that are happening in our areas. Quite frequently we have...we'll have 90 percent of folks coming out to testify on a project in South Maui, for instance, against it, and it'll get passed anyway because we don't really have critical mass on the Planning Commission who understands our community and understands the individual concerns of these different areas. We have...in the South Maui district, we have Makena, Wailea, Kihei, Ma'alaea and Pulehunui, and we rarely get more than one person on the Planning Commission. So I think East Maui has the same concern. I've heard concerns from...since I got on the Council, about the Planning Commission not paying attention to the recommendations out of the Advisory Committees. So this is an attempt to give a stronger voice to our communities. We already have that strong voice in Moloka'i and on Lāna'i who have their own Planning Commissions. South Maui, I want to point out, has three times the population of Moloka'i, and yet we don't have good representation when it comes to projects in our area. So I also...we have Dick Mayer here, who is still on as a resource from the previous meeting. And I'd like to, if possible, Chair, have him speak to his involvement in this issue dating back probably at least two or three decades since the first time I talked to him about this issue.

CHAIR MOLINA: Member King, I know Mr. Mayer is listed as a resource. I'd like to get...first to hear comments from the Director, and then at some point we can recognize Mr. Mayer and we can also get the ASF issued out to the Members.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

COUNCILMEMBER KING: Okay. So, I...

CHAIR MOLINA: So, I'd like to recognize Director McLean, and then at some point we'll go to Mr. Mayer to provide additional comment on the proposal.

COUNCILMEMBER KING: Would you like me to explain the ASF, or not at this point?

CHAIR MOLINA: Not at this time, yeah. I'd like to hear from the Department first, and then we can get to everything else. Good morning, Director. Please proceed.

MS. MCLEAN: Good morning, Chair and Councilmembers. Thank you. As we testified at the Charter Commission several times, the Planning Department does not support creating six Planning Commissions...actually seven Planning Commissions. I did a quick review of the agendas for the Maui Planning Commission in 2021, and they reviewed 11 projects in West Maui, 9 in South Maui, 5 each in Central Maui and Pā'ia-Ha'ikū, and 2 each in Upcountry and Hāna. That's not a sufficient volume to justify a Planning Commission for each region. All Commissioners would have to be trained in a wide variety of State and County land use and procedural law, as well as County policies, including zoning, community plans, Maui Island plans, State Land Use districts, County and State special use permits, conditional permits, bed and breakfast and short-term rental homes, special management area, shoreline rules, Native Hawaiian law, Sunshine Law, Code of Ethics, violence in workplace, sexual harassment, discrimination, and drug-free workplace. The Commissions that would have few projects to review each year could not be expected to retain this information if they do not have to apply it on a regular basis. Furthermore, there would be a lack of consistency of decisions among the different Commissions. And our experience has been that when there were few meetings of a Board or Commission, Members lose interest and stop attending. We think that the new Advisory Committees and their regional representation on the Maui Planning Commission should be given a chance. During the Charter Commission deliberations, we supported the idea of creating neighborhood boards that have a community voice and issues beyond Planning issues. The proposal does also call for--and this was a concern of mine that was also raised at the last discussion--double duty for the Chairs or Members of those Commissions to also serve on the Maui County Commission. It also does not address at all the role of the CPACs that if you have these Planning Commissions, are you also going to have CPACs tapping into the same community with 13 volunteers to do the community plan. And I understand the point that the community testifies in opposition to a project, but it gets approved, but that's because Planning Commissioners have to apply the law, and the law does not always allow them to deny a project if the project meets the criteria. So that's something that is not fully understood. Maybe the law can be changed to create better outcomes, but it's not because the community's voice isn't being heard. It's because the criteria from the law have to be applied to all the different kinds of permits that come before the Commission now. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Madam Director. Okay, at this point I'll ask Mr. Mayer to

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

provide comments, and then upon the completion of Mr. Mayer's comments, I do have a request to provide additional comment from Corporation Counsel Thomson and Legislative Attorney Mr. Forrest. In the meantime, Mr. Mayer, please provide your comments.

MR. MAYER: Thank you. I agree with some of the statements Michele just made, but I would like to add some things. I looked at the draft that you have in front of you, I would like to make some suggested recommended changes in that, in the wording of it, and if given the opportunity, I'll share my screen with you to do that. One of which is, and a major one, would be not to have a Maui Island or Maui County Planning Commission, that would reduce the number of Planning Commissions by one, but to allow each of the Planning Commissions to be able to comment on items, as Moloka'i and Lāna'i do. Lāna'i, with 3,000 population, is a very small area, small population relative to the great size of Central Maui, West Maui, South Maui, Upcountry, et cetera. And I think it would be just and fair for each of those communities to have their own ability to decide their own future, just as Moloka'i, Lāna'i have, and as East Maui has had for many years with their Advisory Committee. And so I'm going to recommend that we do that. I also think that there are some small changes that even in the draft that you have before you...I do not know what Councilmember King is going to be recommending in her version, I have not seen it. It may agree with what I'm saying or not, but there are a few other changes I think that would be helpful, and when the time comes I'd like to share those items as well. For too long, areas of the island have not been well represented by the Maui Planning Commission, Central Planning Commission, and I think this will be an opportunity for them to do so. Now, I'll answer questions later on when you get to look into the substance of the proposed amendment.

CHAIR MOLINA: Okay. Thank you very much, Mr. Mayer. Chair right now would like to recognize Corporation Counsel Thomson, followed by Legislative Attorney Mr. Forrest, for additional comments on this proposal. Ms. Thomson.

MS. THOMSON: Thank you, Chair. You know, one of the things I wanted to raise is that I think most of you know that I was advising the Charter Commission as they went through their process. And they did consider creating Planning Commissions for the community plan areas on the Island of Maui, and ultimately rejected that. The proposal that they did put forward that will be on the ballot is that the Maui Planning Commission must include at least one Member from each Council residency area. And their thinking on that was to ensure geographic representative on the Maui Island Planning Commission. It did not make changes to the Moloka'i or Lāna'i Planning Commissions. So one of the things I...you know, it is a policy call, but to keep in mind that the voters may be faced with two very similar Charter amendments. One of the issues that we have in terms of legal concerns is that if both pass, what happens? One...you know, one requires multiple Maui Planning Commissions; one preserves one Maui Planning Commission with different membership. We would need to take that to court and have a court weigh in on it because those two can't coexist if both pass. So...and that's a concern I wanted to raise. In terms of the current proposal by Member King, I have not

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

seen the ASF so, you know, obviously I'd like the opportunity to take a look at that. Multiple Planning Commissions for one island can also pose legal concerns when you're dealing with laws like the special management area laws. There are going to be projects that would span two community plan areas, so potentially you would have regional planning commissions with jurisdiction. So who makes the decision then? What if they make different or contrary decisions? There are...that's, you know, just one area of law that could be problematic. In terms of the transition, there's going to be...it'll be quite a cumbersome transition to go from one to six, and what do you do in the interim. You know, although there's a provision for transition, you know, that Council would create transitional provisions, that still doesn't deal with certain permits that have to be decided upon, you know, by law within certain time frames. Also, the Maui Planning Commission has its own administrative rules, those wouldn't automatically translate or apply to new Planning Commissions. Those would be new administrative agencies. So, you know, while this amendment does seem discreet, there are a lot of loose ends and legal concerns, and I think that's why the Charter Commission ultimately did not choose to push it through. Thank you.

CHAIR MOLINA: Thank you, Ms. Thomson. And Mr. Forrest, additional comments.

MR. FORREST: Thank you, Chair. I would just say that, you know, certain legal issues have come up regarding potential conflicts. I just want you to be aware that there are ways to draft around the conflicts if the Committee wants to do so. And the legal challenges that were brought up, I guess the easy way to put it, is that...that they're not fatal, if you guys want to proceed, we will be able to come up with language to make it, you know, work basically, and that's really it. And we're here for any questions if you might have them.

CHAIR MOLINA: Okay. Thank you very much, Mr. Forrest. All right, Members, before the Chair opens up the floor for any questions, Staff did inform me the ASF from Member King was received at 10:07 a.m. this morning. And I believe, Member King, you've already approved it...you've gotten it ready to have it distributed. I believe that...Staff, has it been distributed?

MS. APO TAKAYAMA: Chair, no. The ASF is going through final reviews, and then will need to be approved by Councilmember King before we can distribute.

CHAIR MOLINA: Okay. Thank you, Ms. Apo Takayama.

MS. APO TAKAYAMA: Thank you.

CHAIR MOLINA: All right. In the meantime, Members, the floor is now open for questions for our resource personnel or Member King. Any questions first before I go to Member King?

COUNCILMEMBER KING: Thank you, Chair. I'd like to just reiterate a point with Mr. Forrest,



**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

as far as the concern about there being two conflicting Charter amendments, because I believe we have other conflicting Charter amendments already approved by the Charter Commission and the Council. And the process, I was told, would be they'll be side by side, the one that gets the most votes essentially wins, so I just wanted to confirm that. I don't think that should be legal issue with these two Charter amendments. Because that's what...

CHAIR MOLINA: Member King, I see Ms. Thomson or...well, Mr. Forrest, go ahead first, and then we have Ms. Thomson to follow up to respond to Member King's question. Mr. Forrest.

MR. FORREST: Thank you, Chair. I definitely can defer to Ms. Thomson, but I think that there are alternative proposals on the ballot that came from the Charter Commission review. I don't think that there are conflicting Charter amendments because we really worked hard to make it so that does not happen. And again, I guess my point is that if there are areas that conflict, I would recommend that we considered drafting around them and come up with a solution at the Committee. There are ways for the courts to deal with conflicting Charter amendments that are proposed and approved by the voters. I don't recommend that we go that far, but I would definitely be interested to see what Ms. Thomson says.

COUNCILMEMBER KING: So Mr. Forrest...

CHAIR MOLINA: Thank you, Mr. Forrest. Ms. Thomson. I'm sorry, Member King, you have a question for Mr. Forrest? Go ahead, Member King.

COUNCILMEMBER KING: I wanted to clarify something. So when we're talking about alternative...we have alternative Charter amendments on the ballot already that were proposed, so is it possible that both of those would pass and both of them be applied, or is it going to be one or the other.

MR. FORREST: That's a good question. I believe it is one or the other, but I'm going to defer to Ms. Thomson.

COUNCILMEMBER KING: Okay, because I think that would be the same case in this case, it would be one or the other. Ms. Thomson...

CHAIR MOLINA: Ms. Thomson, go ahead.

MS. THOMSON: Thank you. So it's a different process going through the Charter Commission amendment process. So in that way the Charter Commission comes up with all of their amendments, they send them to you under State law, this is HRS, Chapter 50, you'd have 30 days within which to look at all of the Charter Commission amendments and propose your Council alternatives to them. It goes back in the Charter Commission, they have another 30 days to look at your amendments, and either adopt them and, you

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

know, get rid of their own, and then your Council alternative would appear on the ballot. Or in the case of two other Charter amendments, they chose to reject the Council's proposal, but to retain their original amendment, and those appear as alternatives. State law does give you a method of dealing with that in that scenario where there is a Charter Commission and a Council alternative. And in that one, the amendment that gets the greater number of affirmative votes would be law, and the other one would be rejected. That's not the case for Council-initiated Charter amendments. So that...it doesn't go the same way. It's not considered an alternative to a Charter Commission proposal that has the same territory in the Charter. So both of these amendments have to do with the makeup of the Planning Commissions. Member King's amendment establishes basically a super Maui County Planning Commission that would make Countywide decisions, and then you would have these regional Planning Commissions. It would demote Lānaʻi and Molokaʻi to being regional Planning Commissions rather than the more broad authority that they have right now. So these two amendments could pass. And as I said in my initial comments, we would need a court to help us determine what happens if both do pass.

CHAIR MOLINA: Okay. Thank you, Ms. Thomson. Just clarification, when you say demote, can you define that for me in terms of the, you know, Molokaʻi and Lānaʻi, how does that...characterize demote for me, if you could.

MS. THOMSON: So the way that I read this amendment is that there is a Maui County Planning Commission, so an umbrella agency, and then there would be regional Planning Commissions for each community plan area...so one of them being Lānaʻi and one being Molokaʻi.

CHAIR MOLINA: So it makes them more advisory then, in other words. So whatever decision they make then has to go to the super Maui County Planning Commission under this proposal?

MS. THOMSON: They would make decisions that are specific to their community plan area, such as an SMA permit that's for, you know, Molokaʻi application. However, if it's legislation, such as amendments to Title 19, some of the recent ones were regarding short-term rental homes, so Chapter 19.65, that would be a Countywide matter and that would go to the Maui Island Planning Commission, not to the regional Planning Commissions, because it would be a Countywide matter.

CHAIR MOLINA: I see. Okay, thank you for that clarification. Okay, Members, the floor is open for questions for either Member King, Mr. Mayer, Corporation Counsel, or Ms. McLean. Chair will recognize Member Paltin, followed by Member King.

COUNCILMEMBER PALTIN: Thank you, Chair. My question would be for Ms. Thomson. I wasn't clear with what she said by about demoting Molokaʻi and Lānaʻi Planning Commissions.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

CHAIR MOLINA: Okay, Ms. Thomson.

MS. THOMSON: So if you take a look at the amendment, it says there's going to be Maui County Planning Commission, and it is concerned with Countywide matters, so for all of the islands. And then you have...and rather than having three Planning Commissions, you would have...there would be eight because there's eight community plan areas, so you would have one for Lānaʻi, one for Molokaʻi, and there would be six on the Island of Maui. And those Planning Commissions would make decisions just about...you know, so say that the Kihei Planning Commission would make decisions about matters that happened in...you know, applications that...relevant to that community plan area. But neither the Kihei, you know, Planning Commission nor the Molokaʻi Planning Commission would weigh in on Countywide matters. And that's primarily legislation such as, you know, I mentioned the SCRH, but it would be other changes to Title 19, you know, height, zoning changes, you know, things like that.

COUNCILMEMBER PALTIN: Okay. I guess it's kind of confusing because we're not looking at what we're voting on if the ASF didn't come out yet, but the Charter Commissions, Charter amendment in regards to the Maui Planning Commission makeup doesn't allow for a Lānaʻi or a Molokaʻi resident on it, it only allows for residents of all the districts on Maui Island. And so that would be the conflict because there isn't...

MS. THOMSON: No. Chair, if I might. The...so the Charter Commission's amendment is pretty discreet. It didn't touch anything to do with the Lānaʻi or Molokaʻi Planning Commissions, it left those alone. It just addressed the geographic representation on the Maui Planning Commission so that, you know, it ensured that not everybody was picked from Kihei or Lāhainā or Upcountry, so every Council residency area on the Island of Maui has to be...at least have one representative on the Maui Planning Commission. The other Planning Commissions, Lānaʻi and Molokaʻi, still have to be made up of residents from those islands, so that was not changed. So the...

COUNCILMEMBER PALTIN: And they...all three Planning Commissions consult on policy issues.

MS. THOMSON: Yes. Right.

COUNCILMEMBER PALTIN: Regardless if it affects Lānaʻi or Molokaʻi, as long as it's a Countywide policy.

MS. THOMSON: Exactly. So right now, the process is that, you know, either an amendment is proposed by Council or, you know, an administrative amendment, and it will go to the...to all three Planning Commissions. And when it comes back to Council, you'd have the information from all three Planning Commissions.

COUNCILMEMBER PALTIN: Thank you, Ms. Thomson. I'm aware of that process.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

MS. THOMSON: Okay. Yeah, I know you are.

CHAIR MOLINA: All right. Thank you, Member Paltin. All right, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So the issue that Ms. Thomson brought up about the Lānaʻi and Molokaʻi Planning Commission being demoted was testified on by our Molokaʻi Planning Commission because it would take away that review of Countywide matters. But this discussion will become moot very soon when the ASF is proposed. So that has already been responded to. The second inconsistency is the makeup. So in Member King's proposal, it proposes seven members, and in the Charter Commission's proposal, it continues to be nine. And then it spells out if it...of its nine members, there shall be at least one, and no more than two members who reside in each community plan area on the Island of Maui. And it may not be verbatim because this is my notes that I wrote and not like the official report from the Charter Commission. But basically...so that's one of the inconsistencies. So my question to...for Ms. Thomson is, in Member King's proposal under number 7, on page 4...wait, one, two, sorry, page 3, in the middle, 7...the Council, by ordinance, may establish transitional policies for the creation or dissolution of a Planning Commission or the change in number of members to which the Planning Commission is entitled. So if the number 3 remain nine and not the proposed seven, to be consistent with the ballot question that is going...that is...has been approved by the Charter Commission, would that remain consistent, and at a future time if, by ordinance, the Council proposes to reduce the number from nine to seven, this section would enable the Council to do so. Is that a correct understanding?

CHAIR MOLINA: Ms. Thomson.

MS. THOMSON: Thank you, Chair. Thank you, Member Rawlins-Fernandez. That's...you know, that's one of the issues is the, you know, the number. I agree that's less of a concern in terms of how to deal with that. The problem is if you have two Charter amendments, and both of them end up passing, you have...and I...you know, I haven't seen the ASF, so I don't know what it says. But if it's still proposing six Planning Commissions for the Island of Maui, and...

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Ms. Thomson, I was taking them one at a time.

MS. THOMSON: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So the number first.

MS. THOMSON: Right. You still have the issue of, you know, one proposal having nine and one having seven. You know...

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, so my question was if Member King's proposal

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

keeps it at nine instead of proposing it to be seven, on page 3, in the middle of the original bill that's posted to the agenda, there's a number 7. Number 7 reads: The Council, by ordinance, may establish additional policies for the creation or dissolution of a Planning Commission, or the change in the number of Members to which the Planning Commission is entitled. So at a future time, by ordinance, the Council could reduce the number from nine to seven.

MS. THOMSON: Right. That looks like a...you know, I mean it is a separate power that would be included in the Charter if that passes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So my understanding of that is correct. Okay, mahalo. And then in that same section that I just read, with the number of Planning Commissions, if that alone stood, and not the proposal for one Planning Commission per community plan area, would that be consistent with the Charter Commission's proposal on the Planning Commission?

MS. THOMSON: Potentially. So, for this...you know, I think until I see the ASF, I'm really not going to know...

VICE-CHAIR RAWLINS-FERNANDEZ: No, this isn't an ASF, it's just a question on the bill or the resolution that's on the agenda, number 7, it gives Council, by ordinance, the power to create or dissolve Planning Commissions.

MS. THOMSON: If Member King's amendment was just limited to that, the number 7, the creation or dissolution of the Planning Commission, then yes, then that would allow Council to increase or decrease the number of Planning Commissions based on ordinance in the future.

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

CHAIR MOLINA: Okay. Mahalo, Vice-Chair Rawlins-Fernandez. Before I recognize Member Sugimura, Staff, what is the status of the ASF from Member King?

MS. APO TAKAYAMA: Chair, I believe the ASF is on its way to Councilmember King for approval.

CHAIR MOLINA: Okay, I'd like to get this done expeditiously. Chair is on a time clock today. And Members, I can extend my day until possibly 1:00. I'd like to get this moving forward. So, Staff, put a timer on everybody from here on in...three minutes, okay. Okay, Member Sugimura, followed by Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: I was going to ask for that too, Chair. So thank you.

CHAIR MOLINA: Okay. Thank you, Member Sugimura. All right. I'd prefer to get this over with. I know...Member Paltin, we've got her bill, her matter that I'd like to deal with

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

today, and I understand some of you also have some other commitments later this afternoon, so please bear with the Chair. Okay, any other questions for Member King before I recognize her, or any of our resource personnel. Okay, Member King, you have the floor. Oh, I'm sorry was it Vice-Chair Rawlins-Fernandez. I'm sorry. Sorry, Member King. Vice-Chair Rawlins-Fernandez, followed by Member King. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was going to offer to complete the meeting if you have to leave at 12:00, but it sounds like more than just you have to leave at 12:00, and so for consideration. But I support having a timer.

CHAIR MOLINA: Okay, thank you. Thank you for that offer as well, Vice-Chair. Okay, Member King, you have the floor.

VICE-CHAIR RAWLINS-FERNANDEZ: And then real quick, I have a question for Ms. Thomson regarding the geographic change of Kalaupapa. So that change was made in the Charter Commission's proposal, as well as Member King's proposal, which is consistent, but we did add something to the Charter Commission's proposal that is not in Member King's proposal. And so seeking your advice for consistency in amending Section 2-1, I believe, of the Charter. And that is where it talks about the boundaries, the geographic limits...oh, sorry, my dyslexia...it's Section 1-2, Geographic Limits, except that portion of the Island of Moloka'i known as Kalaupapa, Kalawau and Waikolu, and commonly known and designated as Kalaupapa Summit. So in Section 1-2, if Member King's proposal does go, should we also include that amendment in there?

CHAIR MOLINA: Ms. Thomson.

MS. THOMSON: Thank you, Chair. I believe that either way it would require...including Kalaupapa would require State law change. And with that removal...

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I'm sorry, Ms. Thomson, it's not to explicitly include, it's just not to explicitly exclude. That was the proposal that we made, yeah.

MS. THOMSON: I don't think that you need to add that language to Member King's proposal for it to be consistent that Kalaupapa would be included upon State action.

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

CHAIR MOLINA: Okay. Thank you, Vice-Chair. Member King.

COUNCILMEMBER KING: Thank you, Chair. I just...I was going to say if you wanted to move onto the next subject, but the ASF is...it has been transmitted. I just signed it, so I'm sending it back, and they should be able to send that through as soon as possible.

CHAIR MOLINA: And put it on Granicus, okay. All right. In the meantime, until we get that done, any additional questions for Member King, Corporation Counsel, Mr. Mayer on

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

this matter?

MR. MAYER: The ASF...

CHAIR MOLINA: Hang on, Mr. Mayer, yeah. Okay, Members, the status of the ASF is currently put in Granicus as to my understanding, okay. Okay, Members any questions for Mr. Mayer? Mr. Mayer, are you going to make a clarification? Because typically, a resource personnel, you're just to be there...you know, you're just there to respond to questions and you're not engaging, you know, other type of discussion. Is there...you need to make a clarification on something, Mr. Mayer?

MR. MAYER: I was just going to ask for the copy of the ASF, that's all.

CHAIR MOLINA: Okay, we'll be sure to get one distributed to you. Okay, Member King.

COUNCILMEMBER KING: Yes, thank you, Chair. I just wanted to inform Mr. Mayer that, you know, he had sent me a redlined version. After the last discussion on this issue, when the issue came up about Moloka'i not wanting to have the one Countywide Planning Commission, you know, we took that out, so that's what's in the ASF. So it doesn't diminish...I mean the idea...it wasn't a demotion, it was their feeling like they...it would diminish all nine of their members, or whoever shows up at the Moloka'i Planning Commission meetings, to be able to discuss Countywide issues rather than just the Chair. So we took that out...the idea of a Countywide so that the Countywide issues would go to the various Planning Commissions and, you know, if they felt it was relevant, they could hear and make comments. Sometimes what happens with the Planning Commissions that we have now is they don't get to an issue within the 120 days that the Charter says you have to get to, and then they either have to ask for an extension or their opinion doesn't go into the report. And...you know, and they're welcome to do that if they don't feel that their opinion is relevant. So the idea of each Planning Commission being able to comment as their individual Planning Commissions on Countywide issues would still be intact with this ASF. So it should be in...Staff, is that in Granicus yet?

MS. APO TAKAYAMA: Chair, we just received the signed version back, so we will be uploading now.

COUNCILMEMBER KING: Okay. So anyway, I just wanted to clarify with Mr. Mayer that if he had anything to add...because basically, you know, we worked on the concept and he sent me a redlined version, that's what the ASF is. So you do know...you actually do know what's in the ASF, Mr. Mayer, but you just haven't seen that version. And of course, we had some really good suggestions from Vice-Chair Rawlins-Fernandez too. But is there anything you want to clarify about your proposal since that's basically what the ASF is?

CHAIR MOLINA: Hang on, Member King. Let me do the asking, please. It's my meeting.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

COUNCILMEMBER KING: Oh, okay.

CHAIR MOLINA: Mr. Mayer, I'm going to have to limit...again, if this is just for clarification, I will do that, yeah, because just out of respect for the policy we have set for the usage of resource personnel. So I'll allow you to just maybe provide an additional clarification to what Member King has stated on the floor. Mr. Mayer. Sorry, Mr. Mayer, you're muted, if you could unmute.

MR. MAYER: One of the change, and that is the selection of the Members of the various Planning Commissions, where if there is seven members, two would be selected by the Mayor and five by the Council. That would be an insertion in there where it talks about how the various Planning Commissions would be established...that would be an addition.

CHAIR MOLINA: Okay. Thank you for that clarification, Mr. Mayer. Members, let's do this. I guess, Member King, if you'd like to go ahead and put out a motion or whatever your recommendation is for this matter, the floor is open. And then we can further discuss the ASF when it does come to us, and can propose that provided there is a motion on the floor. Member King, could you unmute? Sorry, we can't hear you.

COUNCILMEMBER KING: Sorry about that my...can you hear me now? My button wasn't working.

CHAIR MOLINA: Yeah, you're coming in loud and clear.

COUNCILMEMBER KING: Okay, thank you. So I move to pass the resolution that's on the floor...or that we're discussing to create Planning Commission...let me get the actual wording of the title of that. I move to pass Resolution 22-144 entitled, "PROPOSING AMENDMENT TO SECTION 13-2 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) AS AMENDED, TO ESTABLISH MAUI COUNTY PLANNING COMMISSIONS FOR ALL COMMUNITY PLAN AREAS ON MAUI, AND DISSOLVE THE MAUI PLANNING COMMISSION." And if I can get a second, I'll make the proposal for the amendment.

CHAIR MOLINA: Okay, is there a second?

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Okay, seconded made by Chair Lee. Okay, and Member King, before I recognize you to speak further on the motion, this would also include any nonsubstantive revisions as well.

COUNCILMEMBER KING: Yes, nonsubstantive revisions and filing of any County communications.



**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

CHAIR MOLINA: Okay, please continue and speak to the motion.

COUNCILMEMBER KING: Okay. Staff, is the ASF up yet? Loaded?

CHAIR MOLINA: Ms. Apo Takayama.

MS. APO TAKAYAMA: Chair, it's getting uploaded to Granicus now. Thank you.

CHAIR MOLINA: Okay. In the meantime, go ahead and speak to the motion prior to the ASF, otherwise --

COUNCILMEMBER KING: Okay.

CHAIR MOLINA: -- I'll recognize other Members who would like to speak to the motion.

COUNCILMEMBER KING: Okay. I think I've spoken to it quite a bit, but this is a concept that I think other communities besides South Maui...certainly Kula Community through Mr. Mayer have expressed the desire to have better representation in decision making. We tried to do it, as you know, Chair, through the Advisory Committees, which have not even gotten going yet, so it's unfortunate that we didn't have a chance to test them out. But really, what I have heard since I've got on the Council from East Maui folks is that they do have an Advisory Committee, but it often isn't...their recommendations aren't taken up by the Planning Commission. And so they don't feel represented by the Maui County Planning Commission...or the Maui Island Planning Commission, I should call it. So this is an opportunity for each community to have decision making in and by the folks in their community based on what they know and what they want for their community. And it's, you know, aligning ourselves, our other communities with what we've done for Lānaʻi and Molokaʻi, recognizing the uniqueness of those two communities, and for...well, I'll let Mr. Mayer, if he gets a chance to speak again, but I will be...hopefully the ASF is downloaded, then I can speak to that. I will be making a motion to amend.

CHAIR MOLINA: Okay, thank you, Member King. I'd like just some further clarification on the statement you just made with regards to the Hāna Advisory. If I could ask maybe Mr. Sinenci or Director McLean, is that correct, that folks from the Hāna Advisory Committees are saying, that I guess their matters are not being heard by the Maui Planning Commission, or taken seriously. Can you verify that or clarify that for us? I'll ask Director McLean first, and then go to Mr. Sinenci for additional comment. Director.

MS. MCLEAN: Thank you, Chair. It's true that the Advisory Committees haven't had a chance, and it was interesting to me that the statement was, they didn't have a chance to be tested to see how they were effective. Give them the chance. Going ahead and jumping ahead with this without even giving them as a chance...I mean, this is our Constitution. We don't even have the final language that you're going to be voting on posted today. When it comes to the Hāna Advisory Committee, I wrote a note, like what items did the

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

Maui Planning Commission not follow the Hāna Advisory Committee's recommendation on? I'd like to know specifically which ones. Because I think their recommendations are honored.

CHAIR MOLINA: Okay, thank you, Director. Let me go to Mr. Sinenci for additional thoughts on this. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And...yeah, as I understand it, our Advisory Committee just sends recommendations, but to the Maui Planning Commission. And so those...we don't make that final decision, the Planning Commission does, we just add recommendations. I believe what Member King was referring to...and I'm just saying that there has been, in the past, about the Nāhiku Community Association issues about that in the past. But I'll have other people speak to that.

CHAIR MOLINA: Okay. Thank you, Mr. Sinenci. So I'm just trying to get a handle on the statements made by Member King that folks from the Hāna Advisory...and now, Mr. Sinenci, you're saying Nāhiku, that their matters are not being heard on the Maui Planning Commission. So I mean if that...yeah, you know, I'm just trying to get that verified or clarified, if you will. Okay, I've just been informed by Staff the ASF is on Granicus now. So any other comments on the motion on the floor prior to the ASF that's going to be proposed by Member King? Member Paltin, is that your hand up? No.

COUNCILMEMBER PALTIN: No, I didn't get it, and then I refreshed and it popped up, so I was like no more, and then I was like thumbs up.

CHAIR MOLINA: Okay. All right. Chair will recognize Member King with the ASF proposal. Go ahead, Member King.

COUNCILMEMBER KING: Okay. Well, first...can I first just respond about...I wanted to follow up on Mr. Sinenci's comment because that came up in my first term on the Council, and I know Member Sinenci wasn't a member yet, but that was one of the complaints we had from the Hāna Advisory Committee that they had made a recommendation on the Nāhiku Community Association whether that should be allowed to go through, and they felt that their recommendation fell on deaf ears. So that was the first issue that I heard about as a Councilmember.

CHAIR MOLINA: Okay, Member King, was that something that was submitted in writing as a complaint; do you recall?

COUNCILMEMBER KING: It's probably in the records from back then. Yeah, there was a lot of testimony from folks in Hāna. So, you know, going back into the records.

CHAIR MOLINA: Okay. All right, Member King, go ahead with your proposal.

COUNCILMEMBER KING: Okay. So I'd like to propose...if I can get back to this. Okay, I'd

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

like to propose the passage of the amendment to the motion entitled, Government Relations, Ethics, and Transparency Committee, Amendment Summary Form with today's date, June 15, 2022, Resolution 22-144. So substitute the attached proposed CD1 version of Resolution 22-144 to remove redundancies, clarify the powers, duties and functions of the Maui Island Planning Commissions, extend the timeline for the Commissions to transmit proposed land ordinances and amendments to Council, and incorporate other revisions. One in the title...oh, should I wait for a second?

CHAIR MOLINA: Yeah. Okay, is there a second to the proposed ASF from Member King?

COUNCILMEMBER SINENCI: Second.

CHAIR MOLINA: Is the second coming from Mr. Sinenci. Okay. The amendment has been seconded. Proceed, Member King.

COUNCILMEMBER KING: Thank you, Chair. So the...amending the version of Resolution 22-144 to...among other revisions, incorporate the following. In the title, delete establish the Maui County Planning Commission. Two, in the first whereas clause, delete the Maui County Planning Commission, comma, establish. Three, in the second be it resolved clause, delete the Members of the Maui County Planning Commission must consist of its Chair, who must be appointed by the Council, and Chair or Chair's...or the Chair's designee of each other Planning Commission. And I guess that was 3(a), so 3(b) would be to delete of the between island and Planning Commission, and 3(c) would be to delete the Maui County Planning Commission shall be concerned with Countywide matters in the area encompassing the islands...Island of Maui and Kahoolawe, and all other islands lying within three nautical miles of the shores thereof and the waters adjacent thereto, except when in conflict with another Planning Commission's authority, and insert, each of Maui Island's Community Plan areas will have its own Planning Commission, each Planning Commission will be concerned with the area encompassing its community plan area and any islands lying within three nautical miles of the community plan shores and the waters adjacent thereto. The South Maui (Kihei-Makena)...because that's what our plan is called right now. The South Maui (Kihei-Makena) Planning Commission will have jurisdiction over matters on Molokini and Kahoolawe. And (d) insert a Citizen Advisory Committee after reviewing the general plan and revisions thereof prepared by the Planning Director. And (e) delete 120 and insert 180, which it gives the Planning Commissions more time to do reviews. Insert in the relevant community plan area after act as the authority. And 4, in the fifth be it resolved clause, delete establish the Maui County Planning Commission. So based on the testimony we received from the community that are being proposed to remove references to the Countywide Planning Commission, and only have district planning commission.

CHAIR MOLINA: Okay. Thank you, Member King. Members, any discussion on the proposed amendment from Member King?

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

COUNCILMEMBER KING: I'm open to any friendly amendment.

CHAIR MOLINA: Anyone? Okay, Vice-Chair Rawlins-Fernandez. Go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I don't support extending the 120 days to 180 days. I understand the purpose of this if we only had the one Maui Planning Commission. Because when there's just one, and there's such a full agenda every meeting, it is hard. But if we're creating more planning commissions to divide the work so that all that work isn't just on one planning commission, then hopefully...and I think part of the intention is that there would be...it would be less full, the agendas, and so they would be able to meet the 120 days if there are more planning commissions. So that would be one thing that I wouldn't be supporting.

COUNCILMEMBER KING: Are you requesting an amendment to go back to 120?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: Hang on, Member King. Okay.

COUNCILMEMBER KING: Okay. I accept.

CHAIR MOLINA: Yeah, let me recognize you first. Okay.

COUNCILMEMBER KING: Oh, I'm sorry.

CHAIR MOLINA: All right. So Member King, you're going to, I guess, go back to 120 then instead of the 180?

COUNCILMEMBER KING: Yes, accepted.

CHAIR MOLINA: Okay. All right. Okay, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member King. Mahalo, Chair. I'll yield to...I have more, but I'll yield to my colleagues.

CHAIR MOLINA: Okay, thank you. I see Member Paltin speaking to the proposed amendment.

COUNCILMEMBER PALTIN: I wanted to speak to the proposed friendly amendment. I'm not sure that I'm getting it correctly, so correct me if I'm not getting it correctly. But in this version, we're saying that Countywide policy decisions are going to go to each of the eight Planning Commissions, and we're wanting them to do that within 120 days. Like if we have something we did, like lowering the heights in P-2, then they have to give eight presentations to eight Planning Commissions in 120 days; is that correct, or am I wrong?

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

CHAIR MOLINA: Vice-Chair Rawlins-Fernandez, or Member King if you'd like to respond for clarity's sake to Member Paltin's question.

COUNCILMEMBER KING: Well, the...for the...

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

COUNCILMEMBER KING: Oh...

VICE-CHAIR RAWLINS-FERNANDEZ: Oh...

COUNCILMEMBER KING: Sorry, did you want to respond, Member Rawlins-Fernandez, I thought he asked me to respond, but...

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, since that was my proposal, I can...

CHAIR MOLINA: Yeah. Go ahead, Vice-Chair.

COUNCILMEMBER KING: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. Yes, so it would be...what is it, 120 days, four months basically, and so we're saying the difference between four months and six months. I think...yes, but it wouldn't necessarily be eight presentations, we're talking about how many Planning Commissions we would be setting up right now anyway because of the inconsistency of what's currently on...from the Charter Commission. So yeah, I wouldn't be supportive of...I understand the concern for the Planning Department's Staff. What I'm understanding your concern is...Member Paltin, is that we're, as the Council, asking them to do eight presentations in four months. And I guess it would be...it would be incumbent...it would...the current of the issue is how many presentations would be done. So if it was less, then your concern wouldn't be as strong?

COUNCILMEMBER PALTIN: It just seems like a lot -- . . . *(timer sounds)* . . .

CHAIR MOLINA: Timer bell went off. Go ahead, Member Paltin.

COUNCILMEMBER PALTIN: -- to do in 120 days with eight Planning Commissions. I've rushed the deadline...the 120 deadline with three Planning Commissions. I went ahead and then some people were...had feelings about that because I was like oh, 120 days, you know, and then there were some feelings. But there was only three Commissions at the time, and this time there would be eight Commissions. So if they are pushing...I mean, I got a 180-day deadline myself, so I know what it feels like to have deadlines.

CHAIR MOLINA: Okay. Thank you, Member Paltin. Any other questions as it relates to the proposed amendment from Member King. Okay, seeing none. Then Chair will call for

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

the vote.

MS. MCLEAN: Chair, may I provide some comments, please since --

CHAIR MOLINA: Go ahead, Director.

MS. MCLEAN: -- I would have to be administering it. And this exists in the original version too. When it talks about the...each community plan area having its own Planning Commission, then it ends with except when in conflict with another Planning Commission's authority. So how is it determined which community plan area or which Planning Commission prevails if there's a conflict between two of them?

CHAIR MOLINA: Okay, anyone would like to answer that question from the Director, whether the Vice-Chair, Member King, or Mr. Mayer, for clarity's sake.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR MOLINA: Go ahead, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. What I see on Member King's ASF is that section is deleted. Except when in conflict with other Planning Commission's authority is part of the proposal to be deleted, and then it says and insert each of the Maui Island's Community Plan areas will have, and then it goes all the way to the end. And that addition, or the replacement, removes that language of except when there's a conflict.

MS. MCLEAN: Okay, thank you.

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

MS. MCLEAN: Then the addition of Citizen Advisory Committee...the Citizen's Advisory Committee...and I do believe, if you're going to be talking about establishing six or eight or however many it is Planning Commissions, is the expectation to also have Community Plan Advisory Committees for each of those> So if that's what the intent is, then okay...but Citizen Advisory Committee doesn't need to be added where it's being added because that's already in a separate section of the Charter, and the process...

CHAIR MOLINA: Member King. I'll let Member King respond as the person proposing this matter. Member King, go ahead.

COUNCILMEMBER KING: Thank you, Chair. And thank you for the question, Director. The reference to Citizen Advisory Committee or Committees should probably not be capitalized because that just refers to the Planning Commissions listening to any Advisory Committees in that area. They could be Community Associations, they could like the Advisory Committee I set up for Climate Change, it's just referencing the fact

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

that they can and should also be communicating with other community groups basically. Unless Mr. Mayer had a different idea. That was my intent.

CHAIR MOLINA: Mr. Mayer, would you like to add additional clarity to that question from the Director?

MR. MAYER: Probably the Citizen Advisory Committee is an incorrect wording. It should have been Community Plan according to County Ordinance 2.80B, which describes these. These are called Community Plan Advisory Committees, not Citizen Advisory Committee. Colloquially we'd call them citizen, so the wording, if it's used, should be probably community plan.

MS. MCLEAN: Okay, so you are referring...you are referring to CPACs because those are already fully fleshed out in a different section in the Charter.

MR. MAYER: And...and...

MS. MCLEAN: Section 8-8.5 goes through the community or the Citizen Advisory Committees, which is what they're called in the Charter. They're called something different in the County Code. But this section that you're proposing to add Citizen Advisory Committee shouldn't have Citizen Advisory Committee in there. They don't play a role in this part of the Charter. That's my point.

CHAIR MOLINA: Okay. All right. Thank you, Director. Okay, Members any other questions as it relates to the proposed amendment before the Chair calls for the vote? Okay, we have Vice-Chair Rawlins-Fernandez, followed by Member King.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to make sure that I understand this correctly. So where it's being proposed in Section 2 is, the appropriate Planning Commission shall (2) review the general plan and revisions thereof prepared by the Planning Director, a Citizen Advisory Committee, or at the request of the Council. And so the expectation of this amendment is that a Citizen Advisory Committee or the CPAC as we, you know, colloquially call them, would continue to exist beyond its role of reviewing the community plan...or sorry...reviewing the community plan draft from the Department, and working with its community to develop a new draft that would then go to the Planning Commissions for their review, and then the Council for final approval. So that this is saying that CPAC would continue to be a standing body that could, in and of itself, send proposals to a Planning Commission for their review and approval. Is that the proposal, Member King?

CHAIR MOLINA: Member King.

COUNCILMEMBER KING: Thank you for that question. That...you know, originally that was not my intent because I know that the CPACs are dissolved after they're...they've completed the community plan review. So the intent was not to have them continue on

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

because I know that's another whole ball of wax, having eight more Community Plan Advisory Committees start convening. But it would be a reference to if there are any existing CPACs that are currently...like right now, it would be...we don't have a CPAC because the last two have been disbanded once the review is done. We will have one for Kihei, or for the South Maui area soon, and they could send proposals to the Planning Commission while they're seated. But as soon as they disband, then there is no more CPAC for that area.

CHAIR MOLINA: Okay.

MS. MCLEAN: Well, the suggestion is in...that within the six months the CPAC has to create a community plan or to update the community plan, that they would also be empowered to review other proposals?

COUNCILMEMBER KING: No. Chair.

CHAIR MOLINA: Go ahead, Member King.

COUNCILMEMBER KING: Sorry, I keep forgetting to ask you for...no, they would...they'd be welcome to send in any recommendations . . . *(timer sounds)* . . . ordinances that they might come up with during that time, but they would not be required to review the documentation that the Planning Commission is reviewing.

MS. MCLEAN: How would they...I'm not understanding how they would come up with proposals. Because we staff the CPACs, and we prepare their agendas, they're subject to the Sunshine Law, et cetera. They have six months to do their review. So how would other things come about...

COUNCILMEMBER KING: Well, when we're...

MS. MCLEAN: ...the Planning Commission.

COUNCILMEMBER KING: Chair.

CHAIR MOLINA: Go ahead.

COUNCILMEMBER KING: Okay. When we're...you know, when...like we are...we do when we're having Committee meetings and we want the input of different departments, and we would send out a letter to your department, or Parks, or Public Works, asking for comment on certain ordinance that we're concerning...or considering, you know, they could receive something like that if they were sitting CPAC, and they could decide to take it up or not. But, you know, there would be the opportunity to have that input for people who are at that time working on the community plan. So it's the same...it's kind of the same process that we use for our Committee work.



**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

CHAIR MOLINA: Okay. Thank you, Member King for responding to the Director. All right, Members, we've talked this amendment to death. Sorry, I'm ready to call for the question on the vote on the amendment that's on the floor. All right. Ms. Apo Takayama, roll call please.

MS. APO TAKAYAMA: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. APO TAKAYAMA: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aye.

MS. APO TAKAYAMA: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. APO TAKAYAMA: Council Chair Alice Lee.

COUNCILMEMBER LEE: No.

MS. APO TAKAYAMA: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aye.

MS. APO TAKAYAMA: Councilmember Tasha Kama.

COUNCILMEMBER KAMA: No.

MS. APO TAKAYAMA: Councilmember Gabe Johnson

CHAIR MOLINA: Excused.

MS. APO TAKAYAMA: Committee Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aye.

MS. APO TAKAYAMA: Committee Chair Mike Molina.

CHAIR MOLINA: Aye with reservations.

MS. APO TAKAYAMA: That's five "ayes", three "noes", one excused. Motion passes.

# Council of the County of Maui

**June 15, 2022**

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

**NOES: Councilmembers Kama, Lee, and Sugimura.**

**ABSTAIN:     None.**

**ABSENT:** None.

**EXC.: Councilmember Johnson.**

**MOTION CARRIED.**

**ACTION: AMEND RESOLUTION 22-144.**

CHAIR MOLINA: Okay, thank you very much. All right, Members we're now back to the main motion as amended. The floor is open for discussion. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have a question for Ms. Thomson.

CHAIR MOLINA: Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. In the proposal that was just passed, where it reads on page 4, each Planning Commission shall exercise powers, duties, and functions as follows...each of Maui Islands Community Plan areas will have its own Planning Commission. Does that language...is that language inconsistent with number 7? So if each community plan area is going to have its own Planning Commission, but the Council, by ordinance, can create or dissolve, then...I guess my question is, unless the community plan areas change, there wouldn't be any less than the number of community...there wouldn't be any less Planning Commissions than the number of community plan areas there are on Maui.

MS. THOMSON: I think I understand the question, and I was struggling with that area too. So as all of you know, the Community Plans or plan areas are set by ordinance, so they can change at any time. You can create more community plan areas, or decrease the number of community plan areas. So, you know, one of the things is that...well, there's a lot of issues that I have with this. But there is a reference to the South Maui Kihei-Makena Planning Commission. That may not exist, you know, so having that in the Charter is probably not where you'd want to place that. So I'd recommend removing that. It kind of sounds to me like the intent of number 7 is that Council, by ordinance, may establish the Planning Commissions. And if that's really the intent of this amendment, I would basically recommend getting rid of, you know, all of it, and just focusing on number 7, which is Council having the authority to either create or dissolve the Planning Commissions, and do it by ordinance.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

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

CHAIR MOLINA: Okay, mahalo Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I see Mr. Forrest may want to add, if I may. Mahalo, Chair.

CHAIR MOLINA: Okay, go ahead, Mr. Forrest, additional comment.

MR. FORREST: Thank you, Chair. I think that section is being misread. If you look at the language, it says that the Council, by ordinance, may establish transitional policies for the creation and dissolution. So it's not saying that by ordinance you can actually create a Planning Commission, but the transitional policies for when a Planning Commission is either created or dissolved.

CHAIR MOLINA: Okay, thank you, Mr. Forrest. All right, Members, any other discussion on the motion that's currently on the floor? Okay, Member King, this would be your second and last time.

COUNCILMEMBER KING: Actually I wanted to propose another amendment, Chair, if I may.

CHAIR MOLINA: Okay, so an amendment to this amendment?

COUNCILMEMBER KING: Right. Well, the amendment was already approved, so it would be an amendment to the motion as amended.

CHAIR MOLINA: Oh, motion on the floor, excuse me. Yeah, go ahead.

COUNCILMEMBER KING: Okay, so my proposal would be to change, in number 3, each Planning Commission for each community plan area may consist of, and then...or shall consist of, and then put the nine back in there.

CHAIR MOLINA: Okay, is there a second to the amendment? Is that the complete amendment, Member King, or you have more to add to that amendment?

COUNCILMEMBER KING: And I wanted to also take out the word shall when...or replace the word shall with may, where it says each community...each community plan area shall have a Planning Commission, and put in the word may. And that gives the flexibility to the Council, when they're creating it, to make changes if the changes to the districts happen, or if they decide to consolidate two districts into one Planning Commission, say.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

CHAIR MOLINA: Okay, so we can get clarity, so you want to add...you initially had seven as the underscored number. Now you want to put back the nine, yeah, and replace the word "shall" with "may"?

COUNCILMEMBER KING: Right.

CHAIR MOLINA: Okay. All right. Is there a second to the proposed amendment from Member King?

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Seconded by Vice-Chair Rawlins-Fernandez. Any further discussion on the amendment from Member King? Okay. Seeing none, Chair will call for the vote. Roll call vote, Ms. Apo Takayama.

MS. APO TAKAYAMA: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: No.

MS. APO TAKAYAMA: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aye.

MS. APO TAKAYAMA: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: I had to pause for the cause. Can you repeat the motion?

CHAIR MOLINA: Member King, go ahead and repeat the proposed amendment for Member Paltin.

COUNCILMEMBER KING: Okay, thank you. Member Paltin, for consistency, we're putting in...back in the nine member instead seven because the Council will have the authority to change that number if it so desires later on by the other clause that's in here. And then instead of saying that each Council district shall have a planning commission, we're putting...we're replacing that with may, so that if the Council decides to consolidate two districts or something later on, they can do that. So it gives the flexibility to the Council, who's creating the ordinances, to create these commissions.

COUNCILMEMBER PALTIN: Oh. Instead of by community plan area, it's going to be by Council District with flexibility.

COUNCILMEMBER KING: No, it will be community plan, but it will be may...it will be may...each community plan area may have a planning commission instead of shall have a planning commission, and that way...

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

COUNCILMEMBER PALTIN: Okay, aye.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR MOLINA: Okay. That was an "aye" from Member Paltin, yeah. Okay. Ms. Apo Takayama, continue with roll call.

MS. APO TAKAYAMA: Thank you, Chair. Council Chair Alice Lee.

COUNCILMEMBER LEE: No.

MS. APO TAKAYAMA: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aye.

MS. APO TAKAYAMA: Councilmember Tasha Kama.

COUNCILMEMBER KAMA: No.

MS. APO TAKAYAMA: Councilmember Gabe Johnson

CHAIR MOLINA: Excused.

MS. APO TAKAYAMA: Committee Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aye.

MS. APO TAKAYAMA: Committee Chair Mike Molina.

CHAIR MOLINA: Aye.

MS. APO TAKAYAMA: That's five "ayes," three "noes," one excused. Motion passes.

**Council of the County of Maui**

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

**ABSTAIN:     None.**

**EXC.: Councilmember Johnson.**

**ACTION: AMEND RESOLUTION 22-144.**

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, the deadline is August 25th.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

CHAIR MOLINA: Okay, I'm sorry. I was getting mixed with the Committee...the Committee's deadline. Okay.

MS. APO TAKAYAMA: Chair, this is Staff, if I may. The deadline that we received from the County Clerk was July 15th in order to prepare it...you know, for the information to be placed on...in the newspaper, and then also to prepare it for the ballot.

CHAIR MOLINA: Vice-Chair. So you're asking to go beyond July...not into August. Because the recommendation from the Clerk was July 15th.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, mahalo, Chair. I just...I feel like this is rushed with all the amendments that we're taking up and all the considerations that we're all trying to make with the feedback that we've received. And in being responsive to all the feedback that we're...being received, you know, I commend Member King and Member Sinenci for having that flexibility to incorporate everyone's, you know, input into their original proposals so that we can, you know, put on the ballot the best Charter amendment that we possibly can. I just...I don't feel like we're quite there yet.

CHAIR MOLINA: Okay, so you're...well, let me recognize Chair Lee first. Go ahead, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

COUNCILMEMBER LEE: Yeah. We need to double check with the Clerk's office then. Because we have to work backwards, and they are the ones that are tasked with the ballot...what goes on the ballot. So we need to know what their schedule is before we make a...you know, an arbitrary change on the deadline. So we need to get one of them on the call, either Kathy or James.

CHAIR MOLINA: Okay. Thank you, Chair Lee. So we are at a...we have to take a pause right now to wait for comments from the Clerk. In the meantime, until we get a call back, I'd like to recognize Member Paltin, who I guess...assuming you'd like to speak to the motion as amended?

COUNCILMEMBER PALTIN: Thank you, Chair. I'm not sure if it's to the motion, but I agree with Member Rawlins-Fernandez. However, you know, we have some people that have moved to our County that like to nitpick on each and every action regarding elections, and every single thing we do. And so I agree, but I don't know that pushing back the deadline is appropriate because I would hate for a mistake to be made because people were being rushed, so my --

COUNCILMEMBER LEE: . . .*(inaudible)*. . .

COUNCILMEMBER PALTIN: -- alternative would be for us to just buckle down and meet some more before the deadline. Which I don't really like either but, you know, it is what it is. So that's where I'm coming from because I...you know, there's folks out there that are

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

just waiting for folks to make mistakes, and when you're rushed, you can make mistakes. So that's where I'm coming from. I want to give people the proper amount of time to try and do the work that's being asked of them.

CHAIR MOLINA: Thank you, Member Paltin. If I could ask the Vice-Chair, so what...past July 15th, what are you suggesting?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I mean, I guess if we could figure out how to get everything to a...you know, as complete as possible before first reading, I would be open to that as well. I just know that we're really coming down to the wire as far as, you know, meeting dates in complying with Sunshine Law for, you know, six-day posting notice and...yeah. Oh, okay. It looks like Member...

CHAIR MOLINA: All right. I see Chair Lee might have a status update for us, and I think Mr. Krueger has joined the call. Chair Lee, before I recognize Mr. Krueger.

COUNCILMEMBER LEE: I just spoke with the Clerk, and she said the absolute deadline would be July 20th.

CHAIR MOLINA: So we could go as far as July 20th, an additional five days?

COUNCILMEMBER LEE: Yeah, well, additional three business days...additional five calendar days.

CHAIR MOLINA: Okay. There you have it. Mr. Krueger is on the line, any additional thoughts on this you would like to add?

MR. KRUEGER: Thank you, Chair Molina.

CHAIR MOLINA: Go ahead.

MR. KRUEGER: No, I do not have any additional...I don't have anything additional to add at this time. If the County Clerk said July 20th, then yes, that'll be our deadline.

CHAIR MOLINA: Okay, thank you, Mr. Krueger. All right, so July 20th, Members, the will of this body to go with July 20th? Vice-Chair Rawlins-Fernandez, followed by Member King.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, I don't think July 20th, pushing it out, would really help. I think...okay, so what I'm trying to accomplish is getting the Committee work done in Committee before the first reading, which is on July 1st. And I know that Member Sinenci asked if we could have another GREAT Committee meeting after the Chair's meeting next week Wednesday...no, on the 22nd, and that could...I mean, we would be asking Staff to get the Committee report done very quickly in order



**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

to be posted two days later...in order to get it on the Council agenda on July 1st. So I guess that could be an option, if the body would want it. Mahalo, Chair.

CHAIR MOLINA: Okay, thank you, Vice-Chair. Member King.

COUNCILMEMBER KING: Yeah, I was going to say the same thing, that the July 20th doesn't help us because our Council meeting is on the 15th anyway. But good to know we don't have a time deadline on the 15th. So, you know, my preference would be to, you know, vote on what's before us right now, the motion as amended, and then have a...you know, the clean copy will be at the first reading, it'll be posted ahead of time...it'll probably be shared with a lot of people around the community before then anyway. And I thought Mr. Sinenci said he was going to try to have a meeting on the 28th, and not the 22nd, and then it would already be just to discuss it...discuss his alternative, and then it would be discharged to the July 1st meeting. So, you know, I would like to...this issue is going to have a lot of discussion in the next two weeks if it passes out of this Committee and, you know, we can discuss if there are any additional changes as we are with the other...you know, the other Charter amendments. Thank you.

CHAIR MOLINA: Okay. Thank you very much, Member King. Let me ask a question of Staff. Procedurally, today, can we make a decision on the deadline of the Charter proposals?

MS. APO TAKAYAMA: Chair, you do not need to make a decision on the deadline. I mean the only way to extend your deadline on hearing this on...by July 20th would be to schedule a special Council meeting, because...yeah, as Councilmember Paltin and King mentioned, our Council meeting dates are July 1st and July 15th.

CHAIR MOLINA: Okay, thank you. All right, Members, we're on the main motion as amended for this Charter proposal from Member King. Any further discussion before the Chair calls for the question? Okay. Chair is going to offer his comments. Although...let me ask a quick question of Corporation Counsel. Would the amendments that have been made, how does...do you still see potential conflict if both of these Charter...should this Charter amendment pass, as well as the Charter amendment from the Charter Commission pass, even with these amendments, would there still be a potential conflict...Ms. Thomson?

MS. THOMSON: I believe so, Chair. I will have, you know, more time between the next meeting to hopefully look at the final version on any proposed amendments so that we can give you our best advice. It's really hard to do it on the fly like this, but you know, at this point, I do think there are conflicts between the Charter amendment...the Charter Commission's proposal and this current proposal...especially if the intent is that Council can change the number of Planning Commissions by ordinance.

CHAIR MOLINA: Okay. Thank you, Ms. Thomson.

MS. THOMSON: I would recommend a lot of changes to this current bill.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

CHAIR MOLINA: Okay, thank you. Member Paltin, followed by Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Thank you. For my comment on the motion on the floor as amended, I have reservations, but I don't see myself as the hindrance on passing the question on to the people to vote for it. So that's my comments, thanks.

CHAIR MOLINA: Okay, thank you, Member Paltin. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have a question for Ms. Thomson regarding the title of the resolution proposing an amendment to Section 13-2. I was thinking perhaps that would have been corrected on the ASF.

CHAIR MOLINA: Go ahead, ask your question. Ms. Thomson, you can respond.

VICE-CHAIR RAWLINS-FERNANDEZ: I think the appropriate title would be...and I don't know if it would be Ms. Thomson or Mr. Forrest, but I think Section 8 dash...8.4 or...no, because there's a few sections that are being amended. Okay, what section...or what should the language in the title be.

MS. THOMSON: It should be Chapter 8 of Article 8.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, okay.

MS. THOMSON: Related to the Planning Commissions.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I move to amend the title from Section 13-2 to Charter Section 8-8 point...oh, Charter Section 8-8.

CHAIR MOLINA: Okay. Is there a second to Member, Vice-Chair Rawlins-Fernandez's amendment?

COUNCILMEMBER LEE: Second.

CHAIR MOLINA: Second by Member Lee. Additional discussion, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. It doesn't amend Section 13-2. It amends Section 8-8. Mahalo, Chair.

CHAIR MOLINA: Okay. All right. Thank you for that clarification. Member King?

COUNCILMEMBER KING: Thank you. I'm so sorry, everything quit for a while, so I had to log back on. So I didn't hear if there was a prelude to that. But thank you, Vice-Chair Rawlins-Fernandez. I just wanted to hear from James Forrest on why 13-2 was put in there.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

CHAIR MOLINA: Mr. Forrest.

MR. FORREST: Thank you, Chair. It does look like it is a mistake, and I agree with Chapter 8-8.

COUNCILMEMBER KING: Thank you.

CHAIR MOLINA: Okay. Thank you, Member King, and thank you, Mr. Forrest. Members, any other discussion on the...I guess we still have the amendment on the floor, yeah, for Member...Vice-Chair Rawlins-Fernandez. Okay. All right. Let's call for the vote on that amendment. Members, you want a voice, shall we do a roll call then? Okay. Roll call, Ms. Apo Takayama.

MS. APO TAKAYAMA: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Yes.

MS. APO TAKAYAMA: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aye.

MS. APO TAKAYAMA: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aye.

MS. APO TAKAYAMA: Council Chair Alice Lee.

COUNCILMEMBER LEE: Aye.

MS. APO TAKAYAMA: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aye.

MS. APO TAKAYAMA: Councilmember Tasha Kama.

COUNCILMEMBER KAMA: Yes.

MS. APO TAKAYAMA: Councilmember Gabe Johnson.

CHAIR MOLINA: Excused.

MS. APO TAKAYAMA: Committee Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aye.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

MS. APO TAKAYAMA: Committee Chair Mike Molina.

CHAIR MOLINA: Aye.

MS. APO TAKAYAMA: That's eight "ayes", zero "noes", one excused. Motion passes.

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

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:   Councilmember Johnson.**

**MOTION CARRIED.**

**ACTION:   AMEND TITLE OF RESOLUTION 22-144.**

CHAIR MOLINA: Okay. Thank you very much, Members. Now, back to the main motion as amended. Any other considerations? Okay. Speaking to the motion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. No more considerations for today. I...I do have my reservations. There's a lot of amendments made that I wish we could have taken a little more time to talk through. I feel like our backs are up against the wall a bit, so I am supportive of passing this through Committee, and apologize to Chair Lee for Committee work that we'll likely be doing at first reading, but that's, I think, the direction that we will have to go. And then we can clean up whatever else needs to be cleaned up there. Mahalo, Chair.

CHAIR MOLINA: Okay, mahalo, Vice-Chair. Member Sugimura, followed by Member Paltin.

COUNCILMEMBER SUGIMURA: Thank you. So I'm going to be voting against this. And because we spent the time and the Charter Commission spent the time of doing their proposal and it passed, so therefore, I stand by the work of the Charter Commission, and appreciate the...Kelly King and Dick Mayer, who have been working on this. But I think it adds layers of confusion to the electorate, and they have two proposals like this, which will be counted separately, it won't be one or the other as it was discussed earlier.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

And I did hear the Planning Director talk about the amount of items that have come up over...I think the look back was one year, and I believe that this right now is overkill. Well, I stand by the proposal that was done by the Charter Commission. So I vote no on this. I will be voting no.

CHAIR MOLINA: Thank you, Member King...excuse me, Member Sugimura. Member Paltin.

COUNCILMEMBER PALTIN: I was just going to throw something out there, but it wasn't agendized, so we can't discuss it. But my throwing it out there is if anyone wanted to move the July 15th meeting to the...to July 20th. But maybe we can bring it up in the Chair's meeting.

CHAIR MOLINA: Good point. Thank you, Member Paltin. Chair Lee, followed by Member King.

COUNCILMEMBER LEE: I'm going to be voting no. However, I do appreciate all the work that Member King and Mr. Mayer and others who worked on this, you know, put in the time and effort, I appreciate that very much. I do see this somewhat as a duplication, and as a result it may be a little confusing for the average voter, so that's my reasons. But anyway, good job. Thank you.

CHAIR MOLINA: Thank you, Chair Lee. Member King.

COUNCILMEMBER KING: Thank you, Chair. I think this has been a long time coming, extending our authority, and our various communities have been growing so much and not feeling heard. And I just wanted to share with you that there are a lot of people actually that are watching, and that have emailed me, and one person said watching hearing on PCs, FYI, PCs can have joint meetings, so the Planning Commissions can have joint meetings if they want to review something together. The State Legislature does it all the time. So I think this can be a lot more efficient because the individual Planning Commissions will be focusing on their areas, and some of these issues won't have to take up the...you know, we won't have...we'll have more hands...many hands make light work is the way I look at it. But it also gives us better representation, and I think this really needs to be put to the people of Maui for the vote, and let them express whether they want this kind of representation, and how important it is to them. So strong support, and mahalo to Dick Mayer for...in his involvement. He is the organizer of all the community associations that have been pushing for this for a long time. Thank you, Chair.

CHAIR MOLINA: Okay, thank you, Member King. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I vote in support to take it to our constituents to vote on this Charter amendment. When considering my predecessors in East Maui, they've always wanted to establish a Planning Commission instead of an advisory board. So I'm hoping that they will come out and support. With it, we establish

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

more home rule for East Maui, so we get to opine on all the different discretionary permits brought before us. So I speak in support. Thank you.

CHAIR MOLINA: Okay, thank you, Mr. Sinenci. Anyone else would like to speak to the motion before the Chair reserves the right to speak last? Okay, seeing no one else. I'll just say I do have concerns about the potential conflict if we move this forward, and the other proposal from the Charter Commission moves forward as well. You know, we've heard from the people of Moloka'i expressing some concerns about it as well. I don't recall hearing anything from the folks out on Lāna'i. But I do, you know, first want to thank Mr. Mayer, who has worked very hard and feverishly on this, as well as Member King for introducing this. I'll just say out of respect for that...and we don't have Mr. Johnson unfortunately here today. So I will, with reservations, move this forward to first reading, assuming it gets there. However, I do reserve the right to potentially change my vote at Council. So, I'll just leave it at that. And of course, it'll give all of us more time to review other unintended consequences, should this be moved forward. And then, of course, we will...we all want to leave this to the public if it does get that opportunity, but I'm just stating for the record my hesitancy with this. But again, out of respect of the work of Mr. Mayer and also others who may be in support of this, I will support just moving it out of Committee into first reading, and how I will vote at that point, I'm not sure. But that is why I'm just supporting this with reservations to have it moved forward, if that be the case. Ms. Apo Takayama, roll call vote please.

MS. APO TAKAYAMA: Yes, Chair. Councilmember Yuki Lei Sugimura.

CHAIR MOLINA: Member Sugimura? I'm sorry. I didn't hear your vote.

COUNCILMEMBER SUGIMURA: Oh, it's no. I voted no.

CHAIR MOLINA: Okay, thank you.

MS. APO TAKAYAMA: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aye.

MS. APO TAKAYAMA: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aye, same as Member Molina.

MS. APO TAKAYAMA: Council Chair Alice Lee.

COUNCILMEMBER LEE: No.

MS. APO TAKAYAMA: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aye, no reservations.

## Council of the County of Maui

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

CHAIR MOLINA: You like power through. You guys stronger than me then. All right. Okay, hopefully we can get through this pretty fast, right, Member Paltin? All right.

**GREAT-57 BILL 92 (2022), RELATING TO A RESIDENCY REQUIREMENT FOR  
BOARD, COMMISSION, AND COMMITTEE MEMBERS (Bill 92 (2022))**

CHAIR MOLINA: Okay, Members. We are on GREAT Item 57, relating to a residency requirement for board, commission, and committee members. This is not a Charter amendment proposal, this is a bill that's being introduced by Member Paltin. After she provides her remarks on this, Chair will go to Planning Director McLean for additional comments. Member Paltin, you have the floor.

COUNCILMEMBER PALTIN: Thank you, Chair. Yeah, initially it was going to be a Charter amendment, but we discovered that it didn't need to be a Charter amendment because we've put requirements of Boards and Commissions through ordinance before. And in this virtual world that we're living in, we've seen possibly it happen already where people have moved away and still retained their seats on the Boards and Commissions. And you know, while that can be good that they're still, you know, committed to this area, I thought it was prudent for us to have Boards and Commissions of Maui County staffed by...or sat on by Maui County residents because ultimately, it's the residents who live with the decisions. And so that's my proposal. There's some leeway where if a person moves away, we can...and informs us, we can make the call. Like, you know, if there's only a couple months left, or if there is like a health issue where if they have to move and...but they don't intend to move away forever, and things like that. So there's some leniency built in for us to make the final call, but the general idea is for Maui County Boards and Commissions to be sat on by Maui County residents. Thanks.

CHAIR MOLINA: Thank you very much, Member Paltin, for that real abbreviated introduction. I like your speaking rate on that. Director McLean, any thoughts? And also, we have Mr. Mossman on the call as well from Administration. No? Okay. Let's recognize Mr. Mossman then, you can speak on behalf of the Administration.

MR. MOSSMAN: Chair, I'm sorry. I heard my name, and I didn't know if you were calling me, or if you just wanted to mention that I was on.

CHAIR MOLINA: Actually, we just wanted to get comments from you with regards to Member Paltin's bill related to residency on Boards and Commissions. You have any comments on behalf of the Administration?

MR. MOSSMAN: Thank you, Chair. We did have a situation with a specific Commission that had...during the COVID that did have two members that had moved away from the Maui County. And it went through Council Services...sorry, Corp. Counsel. We did speak about it. Both of these members were...still held their residence in Maui County. They



**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
**Council of the County of Maui**

**June 15, 2022**

---

were still holding their addresses, et cetera, and...but working out of two different areas--one in New Zealand, and one in Las Vegas. So based on what we got from our Corp. Counsel, it was basically stated that as long as they had residencies on Maui, they were fine. And so we've gone with that. So if that holds true, then it's just a matter of what we...I mean how we deal with that.

CHAIR MOLINA: Okay, thank you, Mr. Mossman. Questions for either Mr. Mossman or Member Paltin? I guess I had in here in my notes Director McLean, so I presume Mr. Mossman will be representing the Administration on this. Vice-Chair Rawlins-Fernandez, go ahead.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Director McLean wrote in the chat that she had to leave, so she's not on. But...so I have a question for Member Paltin, because I could be supportive of this because of the flexibility that it says unless Council waives the residency requirement by a resolution adopted by a two-third vote. I just...I wanted to confirm that my understanding of that section of the proposal would make room for examples such as the Conservation Planning Committee, as an example, where we had a seat for...oh, who was it. It was like a Land Trust, and so the person that we were going to approve was not a resident of Maui, like I think she is from Maui, her family is from Maui, but at the time she lived on O'ahu, but we were going to approve her because it was just like a very small pool of qualified and interested people. And then the other example...oh, I guess that was residency. And it would just be Countywide. So this would not then apply to the Healing Solutions Commission, where we require them to live in...live and work in the specific area that they would be representing. Chair, if Member Paltin can respond.

CHAIR MOLINA: Member Paltin.

COUNCILMEMBER PALTIN: Yeah, and it wouldn't affect, I guess, the Charter Commission's Charter amendment of residency requirement by...if it was district or community plan area. When there's other specific residency required, it's not meant to intrude into those requirements, it's just meant to say that, you know, in general, generally speaking, unless approved by two-thirds of the Council that they should be residents...not have a house here, but live here.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. So the definition of residency would be not necessarily own property, but you have a different definition, it would be where they would file their income taxes or...I guess do you have a definition of what residency would be in this context?

COUNCILMEMBER PALTIN: For me, it would be whether or not they own property they could qualify for owner occupation...homeowner exemption, those would be the criteria for me.

VICE-CHAIR RAWLINS-FERNANDEZ: What about rentals, like if they...

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

COUNCILMEMBER PALTIN: No, they don't have to be a homeowner, but that they would meet all the criteria that is laid out for homeowner exemption. So I mean, whether or not they actually get a homeowner exemption because they own property, those would be the criteria otherwise.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo for that clarification, Member Paltin. I guess...should I ask Corporation Counsel if that's understood as its written, or if we would need to add clarification of that intention?

CHAIR MOLINA: Yeah, that's a good request because I just want to get some verification from Corporation Counsel as well. So I guess that would be Ms. Thomson or Mr. Whittaker?

MR. WHITTAKER: Chair, it would be me.

CHAIR MOLINA: Go ahead, Mr. Whittaker.

MR. WHITTAKER: Richelle had to step away. Thank you, Chair. I'm not turning on my camera. I have an eye infection, so I'm saving you from looking at me. So our recommendation, when we first reviewed this, is to have a definition for residency because it's not defined here. I think the drafter left it vague on purpose so that the Council could kind of determine residency on a case-by-case basis. But if you wanted to make it specific so that the definition that Member Paltin indicated would apply, then it would need additional clarifying language.

CHAIR MOLINA: Thank you, Mr. Whittaker. Vice-Chair, does that...I guess does that provide clarity for you?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, thank you. That does answer the question that I had. So I guess we would need to amend it at some point. I don't have that amendment ready. But I know what Member Paltin's intent is, and I'm supportive of that language as the definition for residency. Mahalo, Chair.

CHAIR MOLINA: Okay. Should this move forward, are you open to at least...I mean, you could always propose an ASF at first reading as well too, Vice-Chair. Or do you have...you are ready to amend today?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I don't have that language. Member Paltin is --

CHAIR MOLINA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: -- just making a reference to the definition elsewhere in our code --

CHAIR MOLINA: Okay.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

VICE-CHAIR RAWLINS-FERNANDEZ: -- and so that could just be like cited in that amendment. Mahalo, Chair.

CHAIR MOLINA: Okay. All right, thank you. Members, any other questions for Member Paltin, or Corporation Counsel, or Mr. Mossman on this proposal? Member Paltin, I saw your hand go up. Additional comments?

COUNCILMEMBER PALTIN: Oh, just in the PSLU, usually if we state the legislative intent, that they'll make it happen like magic.

CHAIR MOLINA: Okay. All right. So with that...I don't see any other hands going up, then at this point Chair is going to offer a recommendation. So with that said, the Chair is going to entertain a motion to recommend passage of Bill 92 (2022) on first reading to include any nonsubstantive changes.

COUNCILMEMBER PALTIN: So moved.

COUNCILMEMBER KAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Okay. Moved by Member Paltin, seconded by Member Sugimura. Discussion? Additional discussion on the motion, Member Paltin?

COUNCILMEMBER PALTIN: So I move to amend the motion for the legislative intent that residency be defined as someone who can meet the requirements of a homeowner exemption, whether or not they own property or not.

CHAIR MOLINA: Is there a second to the motion to amend?

COUNCILMEMBER KAMA: Second.

CHAIR MOLINA: Was that Member Kama?

COUNCILMEMBER KAMA: Yes.

CHAIR MOLINA: Okay. Seconded by Member Kama. All right. Additional discussion on the amendment? No? Anything else? No? All right. Chair will call for the vote. Chair will just do a voice vote. All those in favor of the amendment as proposed by Member Paltin, signify by raising your hand and saying "aye."

**COUNCILMEMBERS VOICED AYE.**

## Council of the County of Maui

**June 15, 2022**

CHAIR MOLINA: Okay. Any opposition? Okay. Seeing no opposition, the amendment passes, eight "ayes," with one excusal, Member Johnson.

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

**NOES:** None.

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Johnson.**

**MOTION CARRIED.**

**ACTION: AMEND BILL 92 (2022).**

CHAIR MOLINA: We are now back to the main motion as amended. Any discussion? No discussion. Okay. All right. The Chair will call for a voice vote then. All right. All those in favor of the motion as amended to pass Bill 92 without...with any nonsubstantive revisions, please indicate by saying "aye," and raising your hand.

## COUNCILMEMBERS VOICED AYE.

CHAIR MOLINA: Any opposition? Okay. Seeing none. Vote total is 8-0 with one excusal, Member Johnson.

# Council of the County of Maui

**June 15, 2022**

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

**NOES:   None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Johnson.**

**MOTION CARRIED.**

**ACTION: FIRST READING OF BILL 92, CD1 (2022).**

CHAIR MOLINA: Congratulations, Member Paltin, and good job.

COUNCILMEMBER PALTIN: Thank you, Members.

CHAIR MOLINA: My golly, Members, this concludes our agenda. It is just about 12:30 p.m. on Wednesday, June 15th, which is a recessed date for our June 7th GREAT Committee meeting. Thank you for very much, Members. Staff, is there anything else the Chair needs to be made aware of? I see Mr. Forrest with his hand up. Mr. Forrest?

MR. FORREST: Yes. I hate to delay things, but can I ask for a brief recess?

CHAIR MOLINA: Okay. Members, just hang on. How long would you need, Mr. Forrest, about five minutes?

MR. FORREST: If you would give me five minutes at the max.

CHAIR MOLINA: Okay. All right. Five minute recess. This GREAT Committee recessed meeting of June 15th, 2022, is in recess until 12:35 p.m. . . .*(gavel)*. . .

**RECESS: 12:30 p.m.**

**RECONVENE: 12:35 p.m.**

CHAIR MOLINA: . . .*(gavel)*. . . The recessed GREAT Committee meeting of June 7th, 2022, will now come back to order. The time is 12:35 p.m., and today's date is Wednesday, June 15th. Members, we have a situation that arose, as discussed during the break, and apparently...maybe let's have Mr. Forrest provide comment on it. We did have an ASF from Member Paltin that we had not considered prior to taking the vote.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

Mr. Forrest, could you add further comment to the situation here.

MR. FORREST: Yes, thank you, Chair. And my apologies for postponing this a little bit more, but it is important. Councilmember Paltin had a necessary amendment. and so what we have discussed is the possibility of doing a motion to reconsider. and then putting that amendment before the floor. And I think Councilmember Paltin can explain further if you need.

CHAIR MOLINA: Okay. Thank you very much, Mr. Forrest. So with that said, I'm going to recognize Member Paltin for a motion to reconsider the action that was just taken on GREAT Item 57. So, Member Paltin, you have the floor.

COUNCILMEMBER PALTIN: Yeah, can I move to reconsider because I forgot to move to make the amend.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

COUNCILMEMBER PALTIN: Thank you.

CHAIR MOLINA: Okay. Motion made for reconsideration by Member Paltin, seconded by Member Kama [sic]. Any discussion on the motion to reconsider?

VICE-CHAIR RAWLINS-FERNANDEZ: Rawlins-Fernandez was the seconder.

CHAIR MOLINA: Hang on.

VICE-CHAIR RAWLINS-FERNANDEZ: Rawlins-Fernandez was the seconder.

COUNCILMEMBER PALTIN: Seconded.

CHAIR MOLINA: Okay. All right. Okay. So is that a clarification for the second? Was that Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR MOLINA: Okay. I thought it was Member Kama. Sorry about that. Okay. Member Paltin?

COUNCILMEMBER PALTIN: Yeah. I just forgot to move my ASF that's on Granicus. It's the June 7th posting.

CHAIR MOLINA: Okay. Thank you. Any other discussion on the motion to reconsider? Okay. Seeing none. All those in favor of the motion to reconsider, signify by saying "aye," and raising your hand. Aye.

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

**COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: All right. Any opposition? Okay. Seeing none. The vote is seven “ayes,” with two excusals, Member Sugimura and Member Johnson, and zero opposition. Okay, thank you.

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

**NOES:        None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:        Councilmembers Johnson and Sugimura.**

**MOTION CARRIED.**

**ACTION:      RECONSIDERATION.**

CHAIR MOLINA: All right. Now we’re back to the Item GREAT-57. Member Paltin, your proposed ASF. You have the floor.

COUNCILMEMBER PALTIN: Thank you, Chair. I move to amend Section 1 by deleting established by ordinance from proposed Maui County Code Section 2.60.040, and if I get a second, I can explain.

CHAIR MOLINA: Okay. Hang on, Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR MOLINA: Staff, should we have the...the motion is still alive then, right? We don’t have to do another formal motion and then do the ASF? Okay. All right. Okay. So we have the proposed amendment from Member Paltin. And who made that second, so I get it straight? Okay, Vice-Chair Rawlins-Fernandez. Okay, Member Paltin, proceed with discussion on the ASF.

COUNCILMEMBER PALTIN: Thank you. If my motion is approved, Section 1 of Bill 92 (2022) CD1 will read as shown below. The deleted text is shown in strikethrough in this Amendment Summary Form, but will not appear in the bill. And this was the one where it doesn't have to be a Charter amendment, it can just be a bill. Because we were going

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

to have a bill for Boards and Commissions established by ordinance, and a Charter amendment for Boards and Commissions established by Charter, but we just did it as a bill like how it was done for the Planning Commission and the conservationist requirements. So it's easier, less reading, and less text for our voters this way.

CHAIR MOLINA: Okay. Thank you for very much, Member Paltin. Any other discussion on the proposed ASF from Member Paltin? Okay. Seeing none. Then the Chair will call for the vote. All in favor of the amendment, signify by...Chair will do a voice vote. All in favor, signify by saying "aye," and raising your hand.

**COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: Okay. All those opposed. Okay, seeing none. Chair will mark it seven "ayes," with two excusals...Member Sugimura [sic]. The amendment moves forward.

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

**NOES:       None.**

**ABSTAIN:    None.**

**ABSENT:     None.**

**EXC.:        Councilmembers Johnson and Sugimura.**

**MOTION CARRIED.**

**ACTION:     AMEND BILL 92 (2022).**

CHAIR MOLINA: We are now back to the main motion as amended. Any other discussion? And again, this is to recommend passage of Bill 92 on first reading to include any nonsubstantive revisions. Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just point of order. Two excusals, Member Sugimura and Member Johnson. Mahalo, Chair. That's all.

CHAIR MOLINA: Oh, I'm sorry. I didn't say that earlier. Okay. Yeah, that's on the amendment vote, yeah? Okay. Just to add that to the record? Two excusals on the amendment, Member Johnson and Member Sugimura. Okay. Back on the, right now, the main motion as amended. Additional discussion? Okay. Seeing none. Chair will call for the vote. All those in favor, signify by saying "aye," and raising your hand.



**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

---

**COUNCILMEMBERS VOICED AYE.**

CHAIR MOLINA: All those opposed? Okay. No opposition. We have seven “ayes,” two excusals, Member Johnson and Member Sugimura. The measure passes officially now.

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

**NOES:       None.**

**ABSTAIN:   None.**

**ABSENT:    None.**

**EXC.:       Councilmembers Johnson and Sugimura.**

**MOTION CARRIED.**

**ACTION:     FIRST READING OF BILL 92, CD1 (2022).**

CHAIR MOLINA: Congratulations, Member Paltin. Staff, any other thing the Chair needs to be made aware of before we adjourn?

MS. APO TAKAYAMA: Chair, there's no further business before the Committee.

CHAIR MOLINA: Okay. Seeing none. All right. Very good.

MS. APO TAKAYAMA: Just for our record, can I please clarify who the second was on the ASF?

CHAIR MOLINA: I believe that was Vice-Chair Rawlins-Fernandez; am I correct?

MS. APO TAKAYAMA: Okay.

CHAIR MOLINA: Yeah, that is correct.

MS. APO TAKAYAMA: Thank you.

CHAIR MOLINA: Hey, all right. Well, thank you very much, Members, for all of your hard work, to Committee Staff, to Administration, also to Mr. Mayer and everyone else who participated on the recessed June 7th meeting of 2022 dealing with Charter amendments, as well as the bill from Member Paltin. We have a postponement of the

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

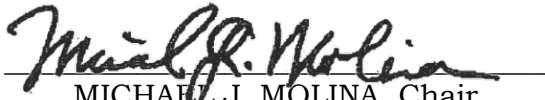
**June 15, 2022**

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Budget and Finance meeting for today. Thank you very much, Vice-Chair Rawlins-Fernandez, for giving the Members some time off here that we can do other things. And tomorrow we have a Land Use meeting, courtesy of Member Paltin, starting at 9:00 a.m. So I look forward to seeing you all again. And thank you, Members, for bearing with your Committee Chair, you had to deal with me for three straight days as your meeting facilitator, so thank you very much for all of your hard work. So with that said, the time is 12:41 p.m. The recessed GREAT Committee meeting of June 7th, 2022, will now come to a close. The time...excuse me, the time is 12:41, I'll restate that again, and today's date is June 15th, 2022. This meeting is now adjourned. . . .(gavel). . .

**ADJOURN: 12:41 p.m.**

APPROVED BY:

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

great:min:220615r

Transcribed by: Terianne Arreola

**GOVERNMENT RELATIONS, ETHICS, AND  
TRANSPARENCY COMMITTEE**  
Council of the County of Maui

**June 15, 2022**

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CERTIFICATION

I, Terianne Arreola, hereby certify that pages 1 through 75 of the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 29th day of July 2022, in Wailuku, Hawai'i



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Terianne Arreola