

TRANSCRIPTION

Council of the County of Maui on 2022-07-01 9:00 AM - Regular Meeting

[GAVEL] >> WILL THE MAUI COUNTY COUNCIL REGULAR COUNCIL MEETING OF JULY 1ST, 2022, PLEASE COME TO ORDER. IT IS APPROXIMATELY 9:06 A.M. GOOD MORNING EVERYONE. THE MORNING GREETING IS CHA LE FROM AFRICA. MADAM CLERK. >> CHAIR, PROCEEDING WITH ROLL CALL. MEMBERS PARTICIPATING FROM NON-PUBLIC LOCATIONS SHOULD STATE WHO, IF ANYONE IS PRESENT WITH THEM AS PART OF THE ROLL CALL. COUNCIL MEMBER SHANE SINENCI?\r\n\r\n>> CHA LE, CHAIR AND ALOHA KAKAHIKA. I'M GLAD TO SEE EVERYBODY HERE IN THE COUNCIL CHAMBERS. LOOK FORWARD TO A GREAT MEETING TODAY. ALOHA. >> THANK YOU. >> COUNCIL MEMBER MIKE MOLINA. >> ALOHA AND CHA LE, MADAM CHAIR AND FELLOW COLLEAGUES AND EVERYONE ELSE JOINING US FOR THE COUNCIL MEETING TODAY.\r\n\r\nFOR THE RECORD, I'M TRANSMITTING FROM MY RESIDENCE IN MAKAWAO AND MY WIFE IS IN THE OTHER ROOM AND NO TESTIFIERS IN THE PA'IA DISTRICT OFFICE. ALOHA. >> COUNCIL MEMBER KELLY TAKAYA KING. >> ALOHA KAKAHIKA AND ALL THE FOLKS WATCHING FROM GHANA. I'M REPORTING FROM OUR DISTRICT OFFICE IN SOUTH MAUI AND WE HAVE NO TESTIFIERS TODAY. GOOD TO BE HERE. >> >> COUNCIL MEMBER GABE JOHNSON.\r\n\r\n>> CHA LE, CHAIR AND COUNCIL MEMBERS. I'M HOME ALONE IN MY WORK SPACE ON LANA'I. AND THERE ARE NO TESTIFIERS AT THE LANA'I DISTRICT OFFICE. MAHALO. >> THANK YOU. >> COUNCIL MEMBER TAMARA PALTIN. >> CHA LE, KAKOU AND ALOHA KAKAHIKA. I'M BROADCASTING LIVE AND DIRECT FROM HILO TOWN IN THE HOUSE WITH ME ARE MY PARENTS, MY HUSBAND AND MY KIDS.\r\n\r\nAT THE TABLE WITH ME IS MY BROTHER, DAVID PALTIN. >> GOOD TO SEE YOU. >> THERE ARE NO TESTIFIERS AT THE LAHAINA DISTRICT OFFICE AT THIS TIME. THANK YOU. >> THANK YOU. >> COUNCIL MEMBER YUKI LEI SUGIMURA. >> CHA LE EVERYBODY, AND IT'S GOOD TO BE HERE IN THE COUNCIL CHAMBERS, BUT I REALLY WANT TO SAY I'M GLAD TO SEE SO MANY PEOPLE HERE TO TESTIFY, BECAUSE IT'S USUALLY VERY LONELY HERE IN THE CHAMBERS.\r\n\r\nSO WELCOME EVERYBODY THAT HAS MADE THE EFFORT TO BE WITH US. APPRECIATE YOU A LOT. . THANK YOU, CHAIR. >> THANK YOU. >> COUNCIL PRO TEM TASHA KAMA. >> EXCUSED. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ.\r\n\r\n>> ALOHA KAKAHIKA CHAIR, MY MAUI NUI AKINA AT THE COUNCIL BUILDING. I UNDERSTAND THERE ARE NO TESTIFIERS IN THE MOLOKA'I DISTRICT OFFICE. >> COUNCIL CHAIR ALICE L. LEE. >> CHA LE EVERYBODY AND THANKS FOR EVERYONE COMING. WE LOOK FORWARD TO A GREAT MEETING THIS MORNING. MADAM CLERK. >> CHAIR, THERE ARE EIGHT MEMBERS PRESENT, NO MEMBERS ABSENT AND ONE MEMBER EXCUSED.\r\n\r\nA QUORUM IS PRESENT TO CONDUCT THE BUSINESS OF THE COUNCIL. FOR THE RECORD, I'M COUNTY CLERK, KATHY KAOHU AND ALSO PRESENT FROM THE OFFICE OF THE COUNTY CLERK, LEGISLATIVE DIVISION STAFF JOYCE MURASHIGE, LAUREN SALDANA AND DELL YOSHIDA AND JOINING THE MEETING FROM THE OFFICE OF CORPORATION COUNSEL IS CORPORATION COUNSEL LUTEY AND DEPUTY COUNSEL RICHELLE THOMPSON. >> OPENING REMARKS THIS MORNING WILL BE PROVIDED BY COUNCIL MEMBER GABE JOHNSON. >> MAHALO, CHAIR. ALOHA COUNCIL MEMBERS AND COMMUNITY MEMBERS. I WOULD LIKE TO START THE OPENING REMARKS ON WHAT I LEARNED ATTENDING THE INTERNATIONAL HOUSING FESTIVAL IN HELSINKI, AND I LEARNED VARIOUS WAYS THAT MUNICIPALITIES ARE DEALING WITH THE LACK OF AFFORDABLE HOUSING. I LEARNED THAT HOUSING RIGHT WAS A KEYSTONE TO THE CONFERENCE PROUD OF THIS BODY, BECAUSE WE WROTE A RESOLUTION ENTITLED, "ESTABLISHING AN ITEM FOR HOUSING FOR MAUI COUNTY RESIDENTS ON NOVEMBER 1ST OF THIS YEAR, OR LAST YEAR," PARDON ME.\r\n\r\nWHAT WE ARE DOING, WHAT HELSINKI IS TELLING THE REST OF THE WORLD TO DO, HELSINKI FINANCES MUCH OF ITS AFFORDABLE HOUSING THROUGH BONDS AND USE LAND TRUST AND RUN

THEIR OWN WAITING LIST AND FOLLOW THE HOUSING FIRST MODEL. THE RECENT LEGISLATION THIS BODY PASSED POINTS THE ISLAND IN THE RIGHT DIRECTION. HOWEVER, THERE'S MUCH MORE WORK TO DO. SOMEONE ASKED IF THE SOCIAL HOUSING FESTIVAL HOW THE HOUSING FIRST MODEL WORK WHEN THERE ARE NO HOUSES? HELSINKI, FINLAND INVESTS IN ITS PEOPLE AND LISTENED TO A TAXI DRIVER TELL US HOW THE GOVERNMENT HELPED THEM REACH THEIR OWN POTENTIAL. EVERYONE IS ASSIGNED A SOCIAL WORKER. THERE IS ROOM FOR MAUI COUNTY TO IMPROVE.\r\n\r\nIT TOOK HELSINKI 15 YEARS TO TURN THE HEAVY HARBOR INTO A MIXED COMMUNITY OF MARKET-RATE AND AFFORDABLE HOMES FULL OF RESTAURANTS AND BEAUTIFUL ROOFTOP GARDENS IF YOU GOOGLE SEARCH FINLAND, YOU WILL SEE SOME CITY PLANNING THAT IS VERY IMPRESSIVE. OVERALL I LEARNED HOW THE COMMON GOOD MUST BE RECODIFIED AND THAT ALL TENANTS TO BE WORTHY TO HAVE A LONG-TERM HOUSE. I LEARNED ABOUT THE DECOMMODIFICATION OF HOUSING AND JOINT VENTURES AND CONSTRUCTION COOPERATIVES AND FEEL CONFIDENT THAT THE LEGISLATION WE HAVE BEEN PASSING OUT OF THE COMPREHENSIVE AFFORDABLE HOUSING PLAN HAS GIVEN US -- THAT WILL LEAD US TO A NEW VISION ON HOW WE SOLVE OUR AFFORDABLE HOUSING CRISIS. MAHALO, CHAIR. I YIELD THE FLOOR THANK YOU, MEMBER JOHNSON. NOW EVERYONE, PLEASE JOIN ME IN RECITING THE PLEDGE OF ALLEGIANCE. I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA, AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.\r\n\r\nBEFORE WE PROCEED WITH TODAY'S AGENDA, MAY I PLEASE REQUEST THAT EVERYONE KEEP THEIR MICROPHONES MUTED, UNLESS OF COURSE, IT'S YOUR TIME TO SPEAK. DECORUM SHALL BE MAINTAINED AT ALL TIMES. MEMBERS, AT THIS TIME, WE'LL SET THE CONSENT CALENDAR AS A REMINDER, THE CONSENT CALENDAR CAN STILL BE ADJUSTED EVEN AFTER IT'S SET. THERE ARE ANY REQUESTED CHANGES TO THE CONSENT CALENDAR AT THIS TIME? I SEE NO HANDS. OKAY. MEMBERS, ARE THERE ANY OBJECTIONS TO SETTING THE CONSENT CALENDAR?\r\n\r\n>> NO OBJECTIONS. >> NO OBJECTIONS. >> NO OBJECTIONS, SO ORDERED. THE CALENDAR IS SET. MS. CLERK, PLEASE PROCEED WITH TESTIMONY. >> CHAIR, PROCEEDING WITH THE PRESENTATION OF TESTIMONY, MEMBERS OF THE PUBLIC MAY TESTIFY IN THE COUNCIL CHAMBERS AT COURTESY TESTIMONY SITES OR REMOTELY THROUGH THE INFORMATION LISTED ON THE MEETING AGENDA.\r\n\r\nINDIVIDUALS IN THE CHAMBER MAY TESTIFY WITH A STAFF MEMBER LOCATED AT THE DESK IN THE 8TH FLOOR LOBBY AND INDIVIDUALS AT COURTESY TESTIMONY SITES MAY SIGN UP WITH STAFF AT THE SITE. INDIVIDUALS PARTICIPATING REMOTELY MAY SIGN UP IN THE MEETING CHAT. IF YOU ARE CONNECTED TO THE MEETING BY PHONE, AUTOMATICALLY BE ADDED TO THE TESTIFIER LIST. INDIVIDUALS CONNECTED BY PHONE ARE CURRENTLY ON MUTE, AND UNMUTED WHEN IT'S THEIR TIME TO TESTIFY. INDIVIDUALS CONNECTED BY VIDEOCONFERENCE SHOULD KEEP BOTH THEIR VIDEO AND MICROPHONES OFF, AND SHOULD TURN THEM ON ONLY WHEN IT'S THEIR TIME TO TESTIFY. TESTIMONY IS LIMITED TO THE ITEMS LISTED ON THE AGENDA. INDIVIDUALS MAY TESTIFY FOR UP TO THREE MINUTES WITH ONE MINUTE TO CONCLUDE PER ITEM.\r\n\r\nWHEN TESTIFYING, PLEASE STATE YOUR NAME AND THE NAME OF ANY ORGANIZATION THAT YOU REPRESENT, AS WELL AS THE ITEMS ON WHICH YOU WILL BE TESTIFYING. PLEASE ALSO IDENTIFY TO THE COUNCIL IF YOU ARE A PAID LOBBYIST. AFTER YOUR TESTIMONY IS CONCLUDED, PLEASE DISCONNECT FROM BLUEJEANS AND ONCE THE TESTIMONY PERIOD IS CLOSED ONLY COUNCIL MEMBERS, STAFF AND DESIGNATED RESOURCE PERSONS WILL BE CONNECTED TO THE MEETING. ALL OTHER INDIVIDUALS WILL BE DISCONNECTED. THE REMAINDER OF THE MEETING WILL BE VIEWED ON AKAKU CHANNEL 53 OR MAUICOUNTY.LEGISTAR.COM. INDIVIDUALS MAY BE DISCONNECTED AT ANY TIME FOR BREAKING DECORUM. CHAIR, THE FIRST PERSON TO TESTIFY IS -- FOLLOWED BY SANDY BAZ.\r\n\r\n>> HELLO, GOOD MORNING I'M HERE ON OF MYSELF, MY CHILDREN AND FUTURE GENERATIONS.

THERE'S NO REASON THAT FOREIGN CORPORATIONS HAVE TO HAVE OWNERSHIP OF OUR WATER AND URGE YOU TO PLEASE LEAVE IT HERE WITH US THE PEOPLE AND IF YOU ARE FOR THE PEOPLE, YOU WILL ENSURE IT STAYS THAT WAY. THANK YOU. >> THANK YOU. MEMBERS ANY QUESTIONS? MEMBER KELLY KING. >> THANK YOU, CHAIR.\r\n\r\nI JUST WANTED TO CLARIFY THAT YOU'RE SPEAKING ON 22-47? THE WATER AUTHORITY. OKAY. >> I'M SORRY. >> THAT'S OKAY. I JUST WANTED TO MAKE IT CLEAR, IN SUPPORT. THANK YOU. >> ANY MORE QUESTIONS?\r\n\r\nIF NOT, PLEASE PROCEED. >> ALOHA. >> MY NAME IS CHAD ADOLFO AND I'M TESTIFYING ON BEHALF OF MYSELF, MY FAMILY, MY KIDS, MY ANCESTORS AND FUTURE GENERATIONS. WATER IS LIFE AND IT NEEDS TO STAY WITH THE PEOPLE, FOR THE PEOPLE AND NOT FOR THESE BIG CORPORATIONS THAT CONTINUE TO STEAL OUR RESOURCES FOR THEIR GAIN. MAHALO. >> THANK YOU. QUESTIONS?\r\n\r\nNO QUESTIONS. THANK YOU. THANK YOU FOR COMING. NEXT TESTIFIER. >> THE NEXT TESTIFIER IS SANDY BAZ, FOLLOWED BY CHIEF JOHN PELLETIER. >> MR. BAZ IS ONLINE.\r\n\r\nGOOD MORNING. >> CHA LE AND GOOD MORNING EVERYONE. ALOHA KAKAHIKA. SO YES, SANDY BAZ, TESTIFYING ON BEHALF OF MAYOR VICTORINO ON A NUMBER OF ITEMS RELATED TO TODAY'S AGENDA. FIRST, I WOULD LIKE TO -- I DIDN'T PUT THIS DOWN, BUT I WOULD LIKE TO OFFER SUPPORT FOR CR22-55, WHICH IS RELATED TO THE IDEA OF BEING ABLE TO HAVE IN CHARTER REQUIREMENT, THE ABILITY TO TELEWORK AND ALTERNATIVE WORK SCHEDULES. I THINK IT'S A GOOD WAY MOVING FORWARD. THANK YOU, MEMBERS, FOR ADDRESSING THAT ITEM.\r\n\r\nALSO WE'RE IN SUPPORT OF ALL OF THE COST ITEMS, AND APPRECIATE YOU TAKING THESE UP IN A TIMELY MANNER FOR THE COLLECTIVE BARGAINING AGREEMENTS WITH WANTING PEOPLE TO MOVE FORWARD AND PAY OUR EMPLOYEES THESE NEW RATES BASED ON THOSE COST ITEMS. THANK YOU FOR YOUR SUPPORT IN THAT AS WELL. NOW I DO WANT TO OFFER OUR POSITION, AND I APOLOGIZE FOR THE CHANGE HERE. I'M ACTUALLY OVER AT HGEA IN ARBITRATION HEARING AND WANTED TO MAKE SURE WE TESTIFY ON THESE ITEMS. SO RELATED TO COMMITTEE REPORT 22-56, THIS IS RELATED TO THE WATER AUTHORITY, AND I UNDERSTAND IT'S COUNTY COMMUNICATION TO ADJUST THAT AS WELL. THE MAYOR IS IN OPPOSITION TO THIS FOR VARIOUS REASONS. ONE OF THE BIGGEST ONES IS THAT BELIEVING THAT THIS ITEM CAN BE RESOLVED WITH -- HE BELIEVES THE ITEM CAN BE RESOLVED WITH COUNTY CODE CHANGES, AND NOT NECESSARILY NEEDING IT TO BE ON THE BALLOT WITH SO MANY OTHER ITEMS ON THE BALLOT AS WELL.\r\n\r\nTHE SECOND ITEM TO PROVIDE OUR POSITION TO IS 22-57, AND THIS IS RELATED TO THE PLANNING COMMISSIONS FOR EVERY COMMUNITY PLAN AREA. WE FEEL THAT THIS WILL CREATE -- THE MAYOR FEELS THIS WILL CREATE A DISCONNECT BETWEEN OUR COMMUNITIES, BECAUSE THERE WON'T BE -- ESPECIALLY ON THE ISLAND OF MAUI, YOU KNOW, MOLOKA'I AND LANA'I ALREADY HAVE THEIR PLANNING COMMISSIONS, AND THEY DO THE AUTHORITY RELATED TO THEIR SPECIFIC ISLANDS. BUT WHEN IT COMES TO MAUI ISLAND, HAVING A MAUI PLANNING COMMISSION THAT OVERSEES ALL OF THE COUNTY IS A REAL BENEFIT TO OUR COMMUNITY. IF THERE ARE SEPARATE PLANNING COMMISSIONS FOR EACH DISTRICT, WE FEEL THERE MIGHT BE A DISCONNECT BETWEEN THEM, AND ALSO THE MAYOR'S OFFICE HAS CHALLENGES IN GENERAL GETTING BOARD AND COMMISSION MEMBERS AND ADDING FIVE OR SIX MORE COMMISSIONS WILL CREATE MORE CHALLENGES TO THAT. I UNDERSTAND THERE'S LESS COMMISSION MEMBERS PROPOSED, BUT STILL, THAT MIGHT BE A CHALLENGE. WITHIN THOSE SPECIFIC DISTRICTS, . AND THE LAST ITEM, AND YOU WILL HEAR A LOT FROM THE COUNTY DEPARTMENTS IS RELATED TO CC 22-154 AND I BELIEVE BILL 21 AS WELL, RELATED TO OUTDOOR LIGHTING. THERE ARE SOME CONCERNS THAT OUR DEPARTMENTS HAVE AND THEY WILL SHARE THOSE WITH YOU.\r\n\r\nBUT REALLY WHAT WE'RE ASKING FOR IS SOME MORE TIME TO WORK WITH THE CHAIR OF THE COMMITTEE. SO IF WE COULD GET THAT BACK TO COMMITTEE-LEVEL, AND THEN WE CAN WORK WITH DEPARTMENTS ON THE CHALLENGES

THAT YOU WILL HEAR FROM THEM TODAY. SO THANK YOU, CHAIR, FOR THE TIME. I APPRECIATE THE OPPORTUNITY, AND OPEN FOR ANY QUESTIONS AT THIS MOMENT, IF YOU HAVE? >> THANK YOU. QUESTIONS, MEMBERS? MEMBER KING.\r\n\r\n>> THANK YOU, CHAIR. THANK YOU FOR BEING HERE, SANDY, WELL, VIRTUALLY. A QUESTION ABOUT THE 22-57. SO BASICALLY WHAT YOU'RE SAYING THE MAYOR IS OKAY WITH THE MOLOKA'I DISTRICT AND LANA'I DISTRICT HAVING THEIR OWN PLANNING COMMISSIONS, BUT NOT THE DISTRICT ON THE ISLAND OF MAUI, WHERE WE HAVE SEVEN DISTRICTS, SEPARATE DISTRICTS? >> YES, CORRECT. AGAIN, THE IDEA OF MOLOKA'I AND LANA'I BEING THEIR OWN ISLAND AND COMMUNITIES AND SOVEREIGNTY WITH LAND USE AT THE PLANNING COMMISSION-LEVEL, I THINK -- HE THINKS IS A GOOD THING. BUT WHEN IT COMES TO MAUI ISLAND, YOU KNOW, AND THE COMMUNITIES AND HOW INTEGRATED THEY ARE, AND SHOULD BE, AND SHOULD REMAIN, THAT IS WHY HE FEELS THE PLANNING COMMISSION AT THE MAUI ISLAND-LEVEL SHOULD REMAIN. >> AND WITH BASICALLY NINE PEOPLE REPRESENTING THE BULK OF THE POPULATION?\r\n\r\nOKAY. THANK YOU. >> AS IT'S SET-UP NOW. THANK YOU. >> MEMBER PALTIN AND MEMBER SINENCI. >> THANK YOU, CHAIR. I JUST WANTED TO CLARIFY, I THOUGHT I HAD HEARD DIRECTOR BAZ SAY THAT THE MAUI PLANNING COMMISSION OVERSEES THE COUNTY OF MAUI, AND I JUST WANTED -- THAT IS THE ISLAND OF MAUI, YOU MEANT; RIGHT?\r\n\r\n>> I APOLOGIZE, IF I MISSPOKE. YES, THE ISLAND OF MAUI. >> THANK YOU. >> MEMBER SINENCI. >> THANK YOU, CHAIR AND MAHALO DIRECTOR BAZ FOR YOUR TESTIMONY THIS MORNING. I WAS JUST CHECKING YOU MENTIONED ABOUT THE WATER AUTHORITY BEING CREATED BY CODE. SO I WAS JUST CURIOUS IF -- WOULD THE MAYOR BE OPEN TO SUBMITTING LEGISLATION?\r\n\r\n>> SURE. WE COULD DISCUSS WITH YOU THE INTENTIONS, AND I MEAN, WHETHER THE MAYOR SUBMITS, OR IT'S SUBMITTED BY COUNCIL, BY YOU AS THE CHAIR OF THE COMMITTEE, YOU KNOW, WE CAN WORK ON THE LANGUAGE OF THE CODE WITH CORPORATION COUNSEL TO MAKE SURE IT ADDRESSES THE CONCERNS THAT CORP. COUNSEL HAS HAD WITH IT, AS WELL AS THE MAYOR. SO THAT WE CAN RESOLVE THIS, AND MOVE FORWARD IN WHAT YOUR DESIRES ARE. >> THANK YOU FOR THAT COMMENT. THANK YOU, CHAIR. >> ANY MORE QUESTIONS?\r\n\r\nIF NOT, THANK YOU VERY MUCH, MR. BAZ. GOOD LUCK WITH THE NEGOTIATIONS. >> OKAY. THANK YOU, CHAIR. THANK YOU, MEMBERS. >> OUR NEXT TESTIFIER IS CHIEF JOHN PELLETIER, TO BE FOLLOWED BY NAPUA.\r\n\r\n>> GOOD MORNING CHIEF. >> ALOHA, IT'S AN ABSOLUTE HONOR TO BE HERE AND PRETTY EXCITING DOING THIS IN PERSON, VERSUS AN IPAD OR SCREEN. IT MEANS MORE THAN I REALIZE. I KNOW I HAVE GOT THREE MINUTES AND I'M HERE TO TESTIFY ON ITEM 21. THE TEMPORARY LIGHTING, OR THE LIGHTING ISSUE. AND WHAT I'M ASKING FOR IS THAT WE PLACE THE PUBLIC SAFETY EXEMPTION BACK IN. IT'S IMPERATIVE AS WE MOVE FORWARD IN A COMMUNITY, AND WE REALIZE THAT FOR 12 OF 24 HOURS WE HAVE LOW-LIGHT CONDITIONS. AND CRIME AND ISSUES WITH PUBLIC SAFETY DON'T JUST STOP FOR THOSE 12 HOURS.\r\n\r\nAND WHAT WE NEED TO DO IS MAKE SURE THAT OFFICERS AND OTHER FIRST-RESPONDERS HAVE ACCESS TO LIGHTS AND EQUIPMENT TO FACILITATE AND ALLOW THEM TO DO THEIR JOBS. WHAT AM I TALKING ABOUT SPECIFICALLY? EMERGENCY RESPONSE TO CAR ACCIDENTS, DUI POINTS, ATTEMPTS TO LOCATE SUSPECTS, BARRICADES OR HOSTAGE RESCUES. JUST THINK ABOUT THIS, IF YOU HAVE SOMEBODY WHO JUMPS A FENCE, BREAKS INTO A HOUSE, AND HOLDS SOMEBODY HOSTAGE, WE NEED TO HAVE OUR TACTICAL TEAMS AND OUR FIRST RESPONDERS TO LIGHT THAT SITUATION UP, AND THAT NEEDS TO BE BRIGHT. WE CAN'T HAVE PUBLIC SAFETY COMPROMISED FOR THIS. SO WE'RE NOT TALKING ABOUT A WHOLE LOT OF SITUATIONS, BUT WE'RE TALKING ABOUT THE SPECIFIC ONES THAT WOULD BE USED FOR FIRST RESPONDERS. WE WERE NOT IN THE COMMITTEE ON THE BEGINNING, OR I MYSELF WASN'T. I WOULD BE MORE THAN HAPPY TO VOLUNTEER MYSELF, OR MEMBERS OF MY STAFF, IF WE COULD GET THIS TO GO

BACK?\r\n\r\nWE COULD GET IT RECOMMITTED, OR HOWEVER WE CHOOSE TO DO THAT? I WANT TO MAKE SURE THAT OFFER IS THERE, AND I'M HUMBL Y ASKING THAT WE COULD HAVE A PUBLIC SAFETY EXEMPTION ADDED TO THIS, SHOULD IT MOVE FORWARD? THAT'S IT. THANK YOU. >> THANK YOU. MEMBER KING. >> THANK YOU, CHAIR.\r\n\r\nTHANK YOU FOR BEING HERE, CHIEF. >> THANK YOU. >> WE DO HAVE THE PUBLIC SAFETY EXEMPTION ADDED BACK IN THE SUMMARY OF THE AMENDMENT, THE AMENDMENT SUMMARY FORM TODAY. SO THAT WILL GO IN. I ALSO WANTED TO ASK YOU, BECAUSE THE LOWER BLUE WAVELENGTH DOES NOT NECESSARIL Y AFFECT BRIGHTNESS. YOU COULD STILL HAVE BRIGHT LIGHTS AND WHILE WE HAVE THAT EXEMPTION GOING FORWARD TO EXPLORE IF THERE ARE LIGHTS THAT QUALIFY THAT FIT YOUR NEEDS GOING FORWARD? BECAUSE THOSE LIGHTS ARE AVAILABLE NOW, BUT I UNDERSTAND THERE ARE LIGHTS THAT YOU DON'T HAVE IN INVENTORY.\r\n\r\nSO WE DID MAKE THAT EXEMPTION. >> GREAT. >> WE PUT THAT BACK IN. >> THANK YOU. >> MEMBER SUGIMURA. >> I WOULD -- I'M GUESS I'M SURPRISED THAT YOU WEREN'T ASK TO COMMENT ON THIS SINCE YOU PLAY SUCH A BIG ROLE IN THIS COMMUNITY. THANK YOU FOR OFFERING YOUR EXPERTISE BECAUSE YOU HAVE A SPECIAL PLACE IN OUR COMMUNITY.\r\n\r\nI APPRECIATE THAT. IF THERE'S AN ASF, WHICH IS AMENDMENT SUMMARY FORM, WHICH IS OUR FORMAT, WHEN WE HAVE CHANGES TO A BILL. BUT I REALLY WOULD LIKE TO HAVE THIS DISCUSSED GREATER. SO THAT WE MAKE SURE WE GET YOUR PUBLIC SAFETY CORRECT, YOU KNOW? AND WHAT WOULD THAT INVOLVE? BECAUSE YOUR EXAMPLE OF THE IMPACT IS HUGE. THANK YOU VERY MUCH, AND I DON'T KNOW IF THERE'S A UNIVERSAL WAY OR DEFINITION OF "PUBLIC SAFETY." BUT I THINK IT GOES DEEPER THAN TWO WORDS.\r\n\r\nTHANK YOU VERY MUCH FOR OFFERING THAT. I WOULD LIKE TO OFFER -- TAKE YOU UP ON YOUR OFFER. THANK YOU. >> THANK YOU. IN ANY WAY TO FACILITATE THAT, WHETHER IT'S ONE-ON-ONES OR BREAKOUTS OR HOWEVER IT GOES TO COMMITTEE? IF WE CAN BUILD A MORE ROBUST MECHANISM TO GET THAT INFORMATION, MORE THAN HAPPY TO DO THAT. THANK YOU.\r\n\r\n>> THANK YOU. >> VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO, CHAIR. ALOHA, CHIEF PELLETIER. MAHALO FOR BEING WITH US AND FOR YOUR TESTIMONY THIS MORNING. SO I'M NOT A VOTING MEMBER OF THE CARE COMMITTEE AND I WASN'T IN ATTENDANCE FOR THIS DISCUSSION. I CAN STILL ATTEND, I'M STILL WELCOMED TO.\r\n\r\nJUST NOT A VOTING MEMBER. SO I'M WONDERING, I'M JUST LEARNING ABOUT THE AMENDMENT THAT WAS MADE. DO YOU KNOW IF ANYONE IN THE POLICE DEPARTMENT WAS CONSULTED OR HAD AN OPPORTUNITY TO REVIEW THE PROPOSED AMENDMENT FOR THE AMENDMENT SUMMARY FORM THAT WILL BE INTRODUCED LATER TODAY? >> MY UNDERSTANDING WAS NO ON THE BEGINNING, BUT I'M HEARING THAT THERE SEEMS TO BE A DESIRE TO DO SO NOW. SO I HOPE THAT ANSWERS THAT. >> OKAY. THE ANSWER IS THAT YOU DIDN'T GET AN OPPORTUNITY.\r\n\r\n>> NO OPPORTUNITY AT THE BEGINNING, BUT I THINK IT APPEARS THAT THE COMMENTS ARE BEING HEARD NOW. >> YES. AND I GUESS I KNOW YOU'RE OUT IN THE FIELD, AND BUSY BEING AROUND. I GUESS, CONCERNED, IF I HAVE QUESTIONS, WHEN THE AMENDMENT SUMMARY FORM COMES UP LATER, LIKE WOULD SOMEONE BE ABLE TO SERVE AS A RESOURCE IF IT DOESN'T -- IF THE LANGUAGE DOESN'T DO ENOUGH TO ADDRESS THE CONCERNS THAT YOU'RE SHARING WITH US IN TESTIMONY? >> ABSOLUTELY. AND IT'S IMPORTANT ENOUGH THAT I'M HERE TODAY. SO I WILL MAKE SURE THAT THAT TAKES PLACE.\r\n\r\n>> MAHALO, CHIEF. MAHALO, CHAIR. >> CHAIR, JUST ONE LAST. >> MEMBER KING. >> THANK YOU. SO WE DID -- I JUST GOT A NOTE FROM OFFICE OF COUNCIL SERVICES, BECAUSE WE DID TRY TO CONTACT THE POLICE DEPARTMENT. WE SENT A LETTER FEBRUARY 24TH TO YOU, CHIEF, AND UNDERSTANDING IF YOU DIDN'T GET IT.\r\n\r\nBUT WE HAVE BEEN WORKING ON THIS BILL OVER SEVERAL COMMITTEE MEETINGS AND STARTED EARLY ON CONTACTING THE DEPARTMENTS. >> FEBRUARY 24TH WAS THE DAY TERRY JONES DIED AND THINGS THAT WE DIDN'T NORMALLY GET PROCESSED THROUGH. SOME OF OUR LETTERS WERE A

LITTLE BACKLOGGED. BUT I PERSONALLY DIDN'T GET IT. AGAIN, IT'S NOT AN EXCUSE, WHICH IS WHY WE'RE HERE TODAY TO SEE IF WE CAN'T GET THIS RIGHT. >> I APPRECIATE THAT. THANK YOU.\r\n\r\n>> THANK YOU. >> ANY MORE QUESTIONS? IF NOT, THANK YOU, CHIEF. >> MAHALO, THANK YOU. >> CHAIR, YOUR NEXT TESTIFIER IS NAPULA, FOLLOWED BY KEVIN BELL. >> ALOHA CHAIR AND COUNTY COUNCIL MEMBERS. I'M TESTIFYING ON CR56. I AM A 7TH GENERATION KALO FARMER OF EAST MAUI AND COMMUNITY ORGANIZER OF THE RESTORATION PROJECT.\r\n\r\n\r\nTHIS IS MY FOURTH TIME TESTIFYING ON THIS MATTER AND MY 34TH YEAR ADVOCATING FOR WATER USE THROUGH MY LIFE-LONG PERPETRATION OF TARO FARMING. MY ANCESTOR WAS THE FIRST IN MY FAMILY TO ADVOCATE FOR WATER JUSTICE IN 1881. WHICH SPEAKS WE HAVE BEEN COMMUNICATING THE IMMINENT HARM TO KALO FARMERS AT THE CONTINUED MISMANAGEMENT OF WATER RESOURCES. THE STATE OF HAWAI'I CONTINUES TO PLACE CORPORATE NEEDS OF THE PEOPLE, AND WE'RE 141 YEARS OVERDUE FOR RESOLUTION. I APPRECIATE THIS RESOLUTION PUT FORWARD BY MR. SINENCI THAT AIMS TO PROVIDE A VOICE TO THE PEOPLE OF MAUI COUNTY TO PRESENT CONCERNS AND NEEDS AND DATA AND INFORMATION FROM THEIR RESPECTIVE AREAS. PRIOR TO THE MEASURE THE GOVERNMENT RECEIVED MOST OF THEIR DATA FROM THE CORPORATION THAT DIVERTS THE WATER FOR COMMERCIAL FARMING NEEDS, WHICH HAS HAMPERED THE ABILITY OF OUR SMALL AND INDIGENOUS FARMERS TO SUSTAIN THEIR OWN FOOD PRODUCTION NEEDS AND OBJECTIVES. IT'S IMPERATIVE THAT THIS PROPOSED COMMUNITY WATER AUTHORITY BE FORMED, SO THAT COMMUNITY MEMBERS CAN BE HEARD.\r\n\r\n\r\nHISTORICALLY EAST MAUI'S CONCERNS AND NEGOTIATIONS HAVE BEEN REPRESENTED BY ONE NONPROFIT ORGANIZATION, WHICH HAS OFTEN TIMES MUTED THE PREDICAMENT AND CONCERNS COMING FROM SMALLER TARO FARMING AHUPUA'A; IT'S IMPORTANT TO GIVE A VOICE TO THE ENTIRE COMMUNITY, SO WE MAY HEAR THAT INTRICACIES OF THE EFFECTS PROPOSED ON OUR ALL OF OUR FARMERS AUTHENTIC NOT EXCLUSIVELY LIMIT THE CONVERSATION TO THE LARGER FARMING COMMUNITIES THAT HAVE THE CAPACITY TO FORM AND MAINTAIN NONPROFIT ORGANIZATIONS. FARMERS SHOULD NOT BE EXCLUDED FROM ACCOUNTING BASED ON THEIR LACK OF 501(C)(3) REPRESENTATION. MANY OF OUR ISLAND RESIDENTS COME OUT TO EAST MAUI TO FORAGE FOR FOOD AND SUPPLEMENT THEIR NEEDS BECAUSE EAST MAUI HAS AN ABUNDANCE OF FOOD RESOURCES AND QUALITY FOOD RESOURCES. EAST MAUI ALSO GROWS MORE NUTRITIOUS FOOD THAN CENTRAL MAUI IS PRODUCING, BUT THE CONTINUED WATER WITHOUT CORPORATE ACCOUNTABILITY HAS ALREADY AND CONTINUED TO KILL OFF THE VITALITY OF OUR ABILITY TO CONTINUE PRODUCING WATER, FOOD RESOURCES AND INDIGENOUS FOOD RESOURCES SUCH AS KALO. WE NEED TO EMPOWER EAST MAUI FOR THE UPSTATE TO FEED OUR COUNTY WITHOUT THE NEED OF DIVERTING WATER FROM THE SOURCE AND HARMING OTHER FARMERS IN THE PROCESS. EAST MAUI WAS THE BREAD BASKET AND LARGEST FOOD PRODUCING REGION OF THIS ISLAND AND THE INFRASTRUCTURE TO FEED HAWAI'I EXISTS IN EAST MAUI. THE ONLY THING MISSING IS THE WATER AND SUPPORT OF OUR POTENTIAL.\r\n\r\n\r\nIT IS LOGICAL TO STOP DIVERTING THE MAJORITY OF WATER OUT OF EAST MAUI TO FARM IN THE CENTRAL MAUI PLAIN. THERE'S MORE THAN ENOUGH WATER FOR COMMERCIAL AND RESIDENTIAL NEEDS BUT WE NEED BETTER MANAGEMENT. PLEASE SUPPORT CR56 TO HELP BALANCE THE WATER MANAGEMENT ON OUR ISLAND BECAUSE IT'S TOO LATE. I WANTED TO NOTE THAT MAYOR VICTORINO IS LIKELY ONLY IN OPPOSITION TO THIS DUE TO HIS REPEATED CAMPAIGN DONATIONS FROM ALEXANDER & BALDWIN THE CORPS THAT HAS UNRIGHTFULLY CONTROLLED OUR WATER TO-DATE. MAHALO. >> THANK YOU. MEMBERS, ANY QUESTIONS?\r\n\r\n\r\nIF NOT, THANK YOU VERY MUCH. MADAM CLERK. >> OUR NEXT TESTIFIER -- [READING SPEAKERS' NAMES] >> ALOHA, COUNCIL CHAIR. THANK YOU FOR PUTTING THIS ON TODAY. ONE THING I WANT TO TALK ABOUT IS TRANSPARENCY OR THE LACK THEREOF. I FOUND OUT ABOUT THIS A FRIEND CAME.

THANK YOU FOR NOTIFYING US THIS WAS GOING ON.\r\n\r\nCOUNCIL MEMBER SINENCI, [SPEAKER NOT UNDERSTOOD] BY REQUIRING THESE LEASES THE COUNTY HAS THE OPPORTUNITY TO MANAGE THE WATER RESOURCES OF THE PUBLIC TUFT, ENSURE EQUITABLE RATES FOR ALL THE FARMERS AND FURTHER THE COUNTY'S AND STATE'S GOALS OF FOOD SECURITY AND SUSTAINABILITY FOR OUR LOCAL FARMERS. FOR OVER A CENTURY, A&B AND NOW A&B AND MAUI PONO ARE TRYING TO CONTROL OUR WATERS. I'M IN FAVOR OF CR56 AND PER HAWAI'I STATE CONSTITUTION, WATER NEEDS TO BE MANAGED IN PUBLIC TRUST. NOT BY A PRIVATE FOREIGN ENTITY OR A PRIVATE CORPORATION. WE NEED TO HAVE A VOICE, AND IT'S TIME THAT WE START STANDING UP, AND START SHOWING UP TO MORE OF THESE, AND VOICING OUR OPINIONS, AND WE NEED TO STAND UP FOR OUR PEOPLE, FOR OUR KIDS, AND FOR GENERATIONS TO COME. BECAUSE WE HAVE SEEN WHAT THE LARGEST LAND BUY IN HISTORY HAS DONE, TURNED OUR CENTRAL VALLEY INTO A GIANT DUST STORM EVERY DAY AND LOCAL FARMERS ARE STRUGGLING PAYING 100% OF WHAT MAUI PONO IS PAYING FOR THE WATER RIGHT NOW. SO IT'S TIME THAT MORE PEOPLE STAND UP FOR OUR CHILDREN, LIKE I SAID, AND STAND UP FOR OUR LOCAL FARMERS.\r\n\r\nWE WERE ONCE FOOD INDEPENDENT AND WE CAN BE CLOSE TO THAT AGAIN AND WE CAN START MOVING THE WHEELS IN MOTION FOR CHANGE, AND BEING FOOD INDEPENDENT, AND SECURING FUTURES FOR OUR CHILDREN. THANK YOU. >> COULD YOU WAIT, PLEASE, MR. BELL? VICE-CHAIR RAWLINS-FERNANDEZ HAS A QUESTION. >> MAHALO, CHAIR. ALOHA, MR.\r\n\r\nBELL, MAHALO FOR YOUR TESTIMONY. I UNDERSTAND THAT YOU JUST RECENTLY LEARNED ABOUT THIS. THERE ARE TWO PROPOSALS ON TODAY'S AGENDA. CR22-56, WHICH YOU TESTIFIED IN SUPPORT OF, AND THAT IS THE ESTABLISHMENT OF AN EAST MAUI COMMUNITY WATER AUTHORITY. MEMBER SINENCI ALSO PROPOSED COUNTY COMMUNICATION 22-151 TO ESTABLISH A MAUI COUNTY COMMUNITY WATER AUTHORITY AND A MAUI REGIONAL BOARD. DID YOU HAVE AN OPPORTUNITY TO REVIEW THE COUNTY COMMUNICATION >> I'LL REVIEW IT AND MAYBE WE CAN TALK-STORY AFTER. >> MAHALO.\r\n\r\nMAHALO, CHAIR. >> ANYONE ELSE? MEMBERS? IF NOT, MADAM CLERK. >> OUR NEXT TESTIFIER IS MICHAEL KEHANO. >> GOOD MORNING, MY NAME IS MICHAEL KEHANO, THE SOLID WASTE CHIEF FOR THE COUNTY OF MAUI, TESTIFYING ON COMMITTEE REPORT 22-47, AMENDMENTS TO OUTDOOR LIGHTING CODE. THE PROPOSED BILL REMOVES THE EXEMPTION FOR TEMPORARY LIGHTING, SINCE OUR COUNTY LANDFILL BEGINS OPERATIONS BEFORE THE SUNRISES AND AFTER THE SUN SETS, WE UTILIZE TEMPORARY LIGHT TREES TO LIGHT THE LANDFILL.\r\n\r\nWITHOUT THE TEMPORARY LIGHT TREES ONLY THE LIGHTING FROM THE EQUIPMENT OR REFUSE TRUCKS IN THE WORKING AREA, WHICH MAKES IT DIFFICULT TO SEE WHEN IT'S DARK. WE ALSO HAVE OUR LANDFILL ATTENDANTS ON THE GROUND, THAT HAVE TO DIRECT THE TRUCKS, PROPER DUMPING AREAS. WITHOUT TEMPORARY LIGHTING, THOSE EMPLOYEES ARE HARD TO SEE, UNLESS THEY ARE DIRECTLY IN THE LIGHTS OF THE TRUCK OR EQUIPMENT. WHILE THE SOLID WASTE DIVISION SUPPORTS THE INTENT OF THE BILL TO PROTECT SEABIRDS, WE'RE REQUESTING THAT YOU AMEND THE BILL TO ALLOW FOR EXEMPTION FOR TEMPORARY LIGHTING. THANK YOU FOR YOUR TIME. >> ANY QUESTIONS, MEMBERS? IF NOT, THANK YOU, MR.\r\n\r\nKEHANO. >> THANK YOU. >> WHAT IS CAUSING THE FEEDBACK? MR. KEHANO? OKAY. PLEASE CALL THE NEXT TESTIFIER.\r\n\r\n>> OUR NEXT TESTIFIER IS DENNIS O'SHEA, FOLLOWED BY DICK MAYER. >> COUNCIL, CHAIR. THANKS FOR HAVING US THIS MORNING. I'M HERE THIS MORNING REAL QUICKLY TO TALK ABOUT SOMETHING THAT I LEARNED ABOUT ACTUALLY YESTERDAY. I HAVE HAD SOME CONVERSATIONS WITH LOCAL FARMERS, SMALL FARMERS FROM KULA, HAIKU LAST SUNDAY I'M HERE TO ASK YOU TO VOTE FOR THE 22-56, MAINLY BECAUSE WHAT CONCERNS ME IS ANY TIME YOU HAVE A FOREIGN ENTITY, OR A CORPORATION IN CHARGE OF PUBLIC WATERS, IT NEVER SEEMS TO GO WELL. I READ SEVERAL OTHER STUDIES FROM OTHER STATES AND THE FARMERS THEIR MAIN

CONCERN I TALKED TO THEM ABOUT IS MAUI PONO, A CANADIAN CORPORATION, IS ALLOWED TO CONTROL THE WATER THE NEXT 20-50 YEARS, SMALL FARMS FROM KULA TO HANA WILL - THEY ARE PROVIDING HEALTHY FOODS LIKE THE FOOD HUB IN KAHULUI. SO THAT GIVES ME GREAT CONCERN.\r\n\r\nANY TIME A CORPORATION IS IN CHARGE OF ANYTHING, ESPECIALLY A FOREIGN CORPORATION ISN'T A GOOD IDEA. WHEN I HEAR PEOPLE FOR THAT, IT MAKES ME WONDER WHAT THE MOTIVATION IS? HOW YOUR MOTIVATION CAN BE TO TAKE SOMETHING LIKE THAT FROM THE PEOPLE AND GIVE IT TO A CORPORATION, ESPECIALLY A CORPORATION NOT FROM HERE AND AS I WITNESSED NOT DOING GREAT THINGS. REMEMBER DRIVING THROUGH CENTRAL MAUI AS A LIFEGUARD COMING FROM PA'IA TO WORK AND IT WAS GREEN, OBVIOUSLY, BECAUSE WE HAD SUGARCANE, BUT WE DO NOT. IT TURNS INTO A DESERT AND MY HOUSE IS DIRTIER THAN IT'S EVER BEEN. I BELIEVE TRULY THIS IS BECAUSE OF SOME OF THE ACTIONS FROM THE CORPORATE FARMING ENTITY, BY FENCING OFF AREAS CAUSING WILD ANIMALS TO GO UP COUNTRY AND BECOMING NUISANCES. WITH REGARD TO 22-151, WHAT I WOULD ASK ALSO IS TO HAVE THIS BOARD, THAT IS GOING TO BE CREATED, IF WE GO THIS DIRECTION, HAVE THE BOARD MEMBERS BE ELECTED BY THE PEOPLE AND NOT SELECTED BY THE GOVERNMENT OR ANY CORPORATE ENTITY BECAUSE WE ALL KNOW HOW THAT GOES.\r\n\r\nI HAVE APPLIED A COUPLE OF TIME FOR SOME COMMITTEES AND WHEN THE GOVERNMENT SELECTS THOSE PEOPLE, INSTEAD OF BEING ELECTED, IT TENDS TO GO A CERTAIN DIRECTION AND THAT GIVES ME CONCERN AS A CITIZEN AS WELL. ANY HOW, THAT IS ALL I GOT TO SAY, I JUST HOPE YOU WILL VOTE IN 12:42:26 THE RIGHT DIRECTION FOR THE PEOPLE AND BRING THE WATER RIGHTS BACK TO THE PEOPLE. PEOPLE KNOW WHAT IS BEST AND CORPORATIONS ONLY DO WHAT IS BEST FOR THE CORPORATION. THAT IS MY CONCERN. I APPRECIATE YOUR TIME. >> MEMBERS, ANY QUESTIONS? MEMBER KING.\r\n\r\n>> THANK YOU, CHAIR. I JUST WANTED TO IF YOU COULD CLARIFY WHAT BOARDS AND COMMISSIONS YOU HAVE APPLIED FOR? SOUTH MAUI PLANNING COMMISSION? >> OH, PLANNING COMMISSION. WE DON'T HAVE A PLANNING COMMISSION YET. >> THE CPAC. >> OH, CPAC, THAT HAS NOT BEEN APPOINTED YET.\r\n\r\n>> I HAVE APPLIED FOR IT. I HAVE NOT HEARD BACK. >> NOBODY HAS HEARD BACK SOON. >> WILL WE HEAR BACK SOON? >> YESTERDAY WAS THE DEADLINE AND WE'LL BE GOING THROUGH THE APPLICANTS. >> HOPEFULLY I HEAR BACK SOON. THANK YOU.\r\n\r\n>> WE HAVE ONE MORE QUESTION, MEMBER PALTIN. >> SORRY. I MISSED WHAT WAS YOUR NAME? >> DENNIS O'SHEA. >> OKAY. THANK YOU. >> YES, MA'AM.\r\n\r\n>> THAT'S ALL. ANYBODY ELSE? IF NOT, THANK YOU, MR. O'SHEA. >> THANK YOU, HAVE A GOOD DAY. >> CHAIR OUR NEXT TESTIFIER IS DICK MAYER, FOLLOWED BY RAYMOND JORDAN. >> GOOD MORNING, COUNCIL MEMBERS, CAN YOU HEAR ME?\r\n\r\n>> YES. >> I WOULD LIKE TO SPEAK ON WOULD TWO CHARTER ITEMS THAT WILL BE ADDED TO OUR NOVEMBER BALLOT. THE FIRST DEALS WITH THE PLANNING COMMISSIONS. AS YOU HAVE HEARD FROM ME BEFORE, I STRONGLY SUPPORT THE IDEA OF HAVING EACH OF OUR DISTRICTS ON MAUI HAVE ITS OWN PLANNING COMMISSION. ONE OF THE OBJECTIONS OF THE ADMINISTRATION, THE PLANNING DIRECTOR IS THAT THIS IS GOING TO BE DIFFICULT TO GET PEOPLE TO DO THIS. WHAT IS HAPPENING IS WE'RE GOING FROM HAVING ONE ADVISORY COMMITTEE IN HANA, SOUTH MAUI AND ONE IN NORTH MAUI WITH THE MEMBERSHIP AND ONE CENTRAL PLANNING COMMISSION. WE'LL BE REDUCING THAT DOWN NOW TO SEVEN MEMBERS ON EACH OF THESE BOARDS.\r\n\r\nWE NO LONGER WILL HAVE THE CENTRAL MAUI PLANNING COMMISSION. SO I DON'T THINK THE ADDITION - IT WILL NOT BE MUCH MORE OF A BURDEN TO GET THE PEOPLE TO REPRESENT THEIR AREA, BUT THE DECISION-MAKING WILL BE GREATLY ENHANCES HAVING PEOPLE KNOWLEDGEABLE WITH THE ISSUES IN THEIR AREA AND GIVING THEM THE ABILITY TO MAKE DECISIONS AND ALLOW MEETINGS TO BE HELD IN THE EVENINGS. SO THE CITIZENS OF MAUI WILL BE ABLE TO PARTICIPATE. SO I WILL STRONGLY URGE THAT YOU PUT THIS BALLOT AND

ALLOW THE VOTERS OF MAUI TO DECIDE. MOLOKA'I AND LANA'I HAVE PLANNING COMMISSIONS AND BOTH HAVE LESS POPULATIONS THAN MAUI AND I THINK IT'S TIME FOR EACH OF THE DISTRICTS OF THE COUNTY TO HAVE A VOICE IN THEIR OWN COMMUNITY'S DEVELOPMENT AND CHANGES. SO PLEASE SUPPORT THAT. THE SECOND CHARTER AMENDMENT IS THE ONE DEALING WITH THE WATER AUTHORITY.\r\n\r\nTHERE ARE TWO ITEMS ON THE AGENDA TODAY. I'M GOING TO URGE YOU TO SUPPORT 22-151, THE COMMITTEE COMMUNICATION ALLOWING FOR A WATER AUTHORITY FOR THE COUNTY WITH A PROVISION THAT EAST MAUI WOULD BE ABLE TO ESTABLISH ITS OWN ADVISORY BOARD INITIALLY. SUBSEQUENTLY OVER THE YEARS, IT MAY TURN OUT THAT WEST MAUI OR MOLOKA'I, OR LANA'I FOR THAT MATTER, EACH OF THE OTHER AREAS WHERE THERE'S WATERSHEDS COULD ESTABLISH THEIR OWN WATER COMMISSION. I THINK THE BASIS OF THAT AT THIS TIME WITHOUT MAKING A PERMANENT COMMITMENT, BUT THAT IS IN THE HANDS OF THE COUNCIL TO SET THOSE BODIES UP WHEN THE TIME COMES. 22-151, WHICH SEVERAL PEOPLE HAVE SPOKEN TO IS EXCELLENT. ONLY 22-56 IS THE ONE THEY SPOKE UP FOR ONE. 22-151 IS BETTER BECAUSE IT INCLUDES EAST MAUI AND SETS UP THE CENTRAL WATER AUTHORITY.\r\n\r\nI'M SAD TO HEAR THE ADMINISTRATION, SANDY BAZ AND THE MAYOR OPPOSING THESE THINGS BECAUSE THESE ARE PROGRESSIVE IDEAS THAT WILL MOVE MAUI FORWARD AND BE ABLE TO TAKE CARE OF TWO MAJOR CONCERNS THAT WE HAVE IN THE COUNTY, GOOD PLANNING AND OUR WATER, AND ADMINISTRATING OUR WATER. SO PLEASE PUT THESE ON THE BALLOT. TODAY IS THE FIRST TIME I HAVE SEEN OVER 100 PEOPLE IN THE CHAT AREA FOR THIS MEETING SHOWING THE STRONG INTEREST OF THE GENERAL PUBLIC IN WHAT YOU'RE DOING TODAY. THANK YOU. >> THANK YOU. MEMBERS, QUESTIONS? NO QUESTIONS.\r\n\r\nTHANK YOU, DICK. >> THANK YOU. >> OUR NEXT TESTIFIER IS RAYMOND JORDAN, FOLLOWED BY LESLEE MATTHEWS >> THANK YOU. APPRECIATE YOUR TIME. I'M HERE ON 22-56. I THINK MANY MEMBERS HERE IN ATTENDANCE HAVE VOICED THEIR SUPPORT, OR OPPOSITION TO THIS. I'M NOT EVEN SURE HOW WE GOT TO THIS POINT, WHERE THIS IS ACTUALLY BEING PUT UP ON THE BALLOT FOR A FOREIGN ENTITY CONTROLLING OUR WATER SUPPLY IS MADNESS. AND I HOPE THAT THE MEMBERS HERE UNDERSTAND THAT, ALLOWING THAT TO GO FORWARD IS BORDERLINE TREASON.\r\n\r\nDO YOU UNDERSTAND THIS? SO I WOULD ENCOURAGE EVERYBODY AND I ENCOURAGE THE POSITION OF PUTTING IT TO A LEGISLATIVE VOTE. AS A EAST MAUI RESIDENT MYSELF, YOU KNOW, I'M FOR HANDING THIS TO THE PEOPLE, WHERE IT ALWAYS SHOULD HAVE BEEN, AS WELL AS A NUMBER OF OTHER THINGS THAT I'M SEEING POPPING UP OVER AND OVER AND OVER, WHERE WE'RE SYSTEMATICALLY HAVING OUR RIGHTS AND OUR INHERITED BENEFITS STRIPPED FROM US THROUGH VARIOUS MEANS. I APPRECIATE ANY QUESTIONS. >> VICE-CHAIRPERSON RAWLINS-FERNANDEZ. >> MAHALO, CHAIR AND ALOHA, FOR YOUR TESTIMONY. I WANTED TO CLARIFY THE PORTION IN YOUR TESTIMONY WHERE IT WASN'T CLEAR IF YOU UNDERSTOOD THAT RIGHT NOW THE EMI IS CONTROLLED BY MAUI PONO CURRENTLY?\r\n\r\n>> CURRENTLY. THIS IS PART OF THE PROBLEM. >> HENCE THE PROPOSAL >> YES. >> I JUST WANTED TO CLARIFY THAT. MAHALO. MAHALO, CHAIR. >> THANK YOU.\r\n\r\nANY MORE QUESTIONS? IF NOT, THANK YOU VERY MUCH. NEXT TESTIFIER. >> CHAIR, YOUR TEXT TESTIFIER IS LESLEE MATTHEWS, FOLLOWED BY JAY PENNIMAN. >> GOOD MORNING, LESLEE. >> GOOD MORNING, SORRY I COULDN'T HEAR. GOOD MORNING COUNCIL MEMBERS.\r\n\r\nMY NAME IS LESLEE MATTHEWS AN ATTORNEY AND SOCIAL WORKER AND I HAD A FEW ITEMS I WANTED TO TEST TESTIFY ON IN WAKE OF THE DEVASTATING OPINION OF THE SUPREME COURT OVERTURNING ROE V. WADE AND I'M IN STRONG SUPPORT OF A WOMEN'S RIGHT TO CHOOSE AND HAVE AUTONOMY OVER THEIR BODY. I SUPPORT THE LEGISLATION THAT HAS BEEN CODIFIED AT THE STATE LEVEL TO SUPPORT A WOMAN'S RIGHT TO CHOOSE AND A PERSON'S RIGHT TO CHOOSE. THE CONSTITUTION WAS WRITTEN BY PEOPLE THAT WERE ENGAGED IN INTERNATIONAL HUMAN

TRAFFICKING, GENOCIDE, AND BY PEOPLE THAT DIDN'T LOOK LIKE ME AND THOUGHT PEOPLE LIKE ME -- THAT PEOPLE SHOULD HAVE THE RIGHTS TO BODILY AUTONOMY OVER THEIR OWN BODIES, AND I WOULD JUST LIKE TO REQUEST THAT THE PEOPLE THAT THE RESOLUTION IS GOING TO BE EXPANDED TO THE SPEAKER OF THE HOUSE, THE PRESIDENT OF THE SENATE, AND ALSO SENATOR MANCHIN, WHO IS ONE OF THE ONLY DEMOCRATIC SENATORS WHO VOTED AGAINST CODIFYING ROE INTO LAW. I THINK THEY NEED TO KNOW THAT THEY HAVE SUPPORT FROM PLACES LIKE MAUI COUNTY. IT'S JUST REALLY DEVASTATING THAT SOMEBODY FOUND A TIME CLOCK TO GO BACK IN TIME, WAKING UP WITH LESS RIGHTS THAN WHAT WE WENT TO SLEEP. I ALSO AM VERY GRATEFUL THAT WE PUT IN HOW THIS DISPROPORTIONATELY IMPACTS NATIVE HAWAIIAN WOMEN BLACK, LATINO WOMEN. ABORTION WILL ALWAYS HAPPEN AND PEOPLE WILL FIND A WAY TO GET ACCESS.\r\n\r\nTHOSE THAT ARE WEALTHY WILL HAVE ACCESS TO -- IT'S A REPRODUCTIVE JUSTICE ISSUE. MOVING ON TO 22-166, ABOUT THE CAMPING, ENCOURAGING THE DEPARTMENT OF THE PROSECUTING ATTORNEY TO WORK WITH DLNR. A LOT OF WHAT WAS MENTIONED IN THE RESOLUTION HAS TO DEAL WITH OUR COMMUNITY OF HOUSELESS FRIENDS, AND IT DOES NOT INCLUDE ANY SOCIAL SERVICE AGENCY TO WORK IN COLLABORATION WITH THE DEPARTMENT OF PROSECUTING ATTORNEY, OR DLNR. I THINK IT'S A BAD RESOLUTION THAT IS MISPLACED THAT THE PROSECUTOR'S OFFICE AS A LAW ENFORCEMENT AGENCY AND DLNR IS A LAW ENFORCEMENT AGENCY. WE DO NOT NEED LAW ENFORCEMENT TO HELP PEOPLE THAT ARE IN CRISIS. THE 80 PEOPLE THAT WERE DISPLACED FROM THEIR HOMES THERE'S NOW A LAWSUIT THAT HAS BEEN LEVIED AGAINST THE COUNTY FOR THE HORRIBLE WAY THAT THEY TREATED PEOPLE AND THEIR BELONGINGS AND THEIR THINGS. SO WHEREAS, WE DO HAVE AN ISSUE WITH, PERHAPS, USING CAMPING AND THINGS LIKE THAT FOR, YOU KNOW, TOURISM, THE ISSUES THAT ARE SPECIFICALLY MENTIONED IN THE RESOLUTION HAVE TO DO WITH OUR HOUSELESS FRIENDS.\r\n\r\n\r\nSO WE SHOULD AT LEAST INVOLVE SOME SOCIAL SERVICE AGENCY THAT IS PARTICIPATING, AND CERTAINLY NOT LAW ENFORCEMENT. WE DO NOT NEED MORE LAW ENFORCEMENT TERRORIZING OUR FRIENDS THAT HAVE FALLEN ON HARD TIMES. AND THEN ALSO MOVING ON TO 22-56, AND 151. I AM IN STRONG SUPPORT OF -- WE'RE TALKING ABOUT BODY AUTONOMY AND JUST CONTROL OVER YOUR OWN RESOURCES. SO LOOKING AT WATER, YOU KNOW, WATER IS LIFE AND THIS IS THE HISTORIC DATES, RETURNING THE MOST PRECIOUS OF OUR RESOURCES TO FUTURE GENERATIONS, AND TO STOP WATER THEFT BY CORPORATIONS LIKE A&B, MAUI PONO. THIS HAS GOOD IMPLICATIONS ON CLIMATE CHANGE, FOOD SECURITY, AND POPULATION GROWTH. SO I SUPPORT WHETHER IT'S AT A COUNTY-LEVEL WITH THE DESIGNATION FOR EAST MAUI, BUT I DEFINITELY THINK THERE SHOULD BE A PRIORITY FOR EAST MAUI. WHEN I GO WITH MY AUNTIES [INAUDIBLE] >> LESLEE, WE CAN'T HEAR YOU.\r\n\r\n\r\nCOULD YOU TURN YOUR VIDEO OFF? MAYBE THAT WILL HELP? >> CAN YOU HEAR ME? >> YES, WE CAN. >> THANK YOU. SO JUST FROM A PERSONAL PLACE OF WATCHING MY FAMILY ON THEIR FARMS HERE ON MAUI, AND SEEING HOW THE RESOURCE OF WATER HAS BEEN SO MISMANAGED, AND THERE'S BEEN A PRIORITY OF CORPORATION OVER THE PEOPLE. IT'S REALLY DEVASTATING, ESPECIALLY IN A TIME WHERE WE KNOW THAT MAUI CAN GROW ENOUGH FOOD TO FEED OUR PEOPLE, AND SO I WANTED TO SPEAK ABOUT THAT.\r\n\r\n\r\n\r\nSO WHETHER THAT, LIKE I SAID, IS IN 56 OR 22-151, AND I'M IN SUPPORT FOR PROTECTING OUR SEABIRDS WITH LIGHTING. I WOULD JUST HOPE THAT THE COUNTY DEPARTMENTS THAT HAVE CONCERNS ABOUT THESE ISSUES, US REGULAR FOLKS HAVE TO KEEP UP WITH THE AGENDAS, AND MAKE SURE THAT WE'RE STAYING ABREAST OF THE ISSUES. THESE THINGS ARE JUST SO IMPORTANT THAT EVERYBODY HAS A VOICE IN OUR GOVERNMENT, AND BE INVOLVED AND RESPOND TO REQUESTS FROM COUNCIL MEMBERS. SO THAT WE CAN MOVE THE LEGISLATION FORWARD TO HELP PROTECT OUR WILDLIFE, AND SO THANKS FOR PUTTING THIS FORWARD. REALLY IT'S JUST A DAY OF BEING ABLE TO CONTROL OUR BODIES, TO CONTROL OUR WATER, AND

TO TAKE BACK POWER FROM OPPRESSIVE THINGS. THANK YOU SO MUCH FOR THE OPPORTUNITY TO TESTIFY. >> THANK YOU.\r\n\r\nMEMBERS, QUESTIONS? MEMBER PALTIN. >> THANK YOU, CHAIR. THANK YOU, MS. MATTHEWS FOR YOUR TESTIMONY. I HAD A QUESTION REGARDING YOUR CONCERNS ON 22-166. IS IT -- IF IT WAS MORE AIMED AT THE FOLKS WHO WERE RENTING CAMPER VANS TO TOURISTS, RATHER THAN THE FOLKS THAT WERE DOING THE CAMPING, WOULD THAT SATISFY YOUR CONCERNS? >> YES.\r\n\r\nTHANK YOU FOR THE QUESTION. IF IT'S MORE GEARED TOWARDS UNLAWFUL TOURIST ACTIVITIES, WHICH AT PLACES LIKE UKU DESIGNATED AS COUNTY PARKS, THE LAW PROHIBITS THAT TYPE OF ACTIVITY FROM GOING ON WITHOUT A PROPER PERMIT. SO PERHAPS WE NEED TO BE LOOKING AT THAT, AND ENFORCING THOSE THINGS? BECAUSE I AM JUST LOOKING AT THE RESOLUTION AGAIN, AND IT'S TALKING ABOUT THE ISSUE, THAT ARE HAPPENING LIKE AT CUT MOUNTAIN, THAT HAPPENED AT KANAHA AND THOSE ARE ISSUES OF FOLKS THAT ARE HOUSELESS AND NOT BEING ABLE TO PROVIDE AFFORDABLE, ATTAINABLE HOUSING, AND A CONTINUUM OF CARE TO TAKE CARE OF THOSE PEOPLE, WHICH IS A COMPLETELY SEPARATE ISSUE FROM THE UNLAWFUL TOURIST ACTIVITIES THAT ARE HAPPENING BY THOSE COMPANIES. >> SO JUST TO CLARIFY, IF FOLKS ARE ENABLING SUPPOSED UNLAWFUL ACTIVITY FOR A PROFIT, THAT IS WHERE YOU WOULD LIKE US TO DIRECT OUR EFFORTS? >> YES, I THINK THAT WOULD BE GOOD. YOU KNOW, I HAVE PROSECUTED THOSE CRIMES WHEN I WAS AT THE PROSECUTOR'S OFFICE.\r\n\r\nI THINK THAT DEFINITELY CURBING THOSE ACTIVITIES, SO THAT PEOPLE CAN BE IN LINE, GET THE PROPER PERMITS, BE IN THE PROPER PLACES, BUT I THINK IT CONFLATES THE ISSUE, AND IT ALSO INVOLVES FOLKS THAT ARE HOUSELESS, WITHOUT THE RESOURCES. THERE'S NOTHING OF MENTION OF SERVICES, DEPARTMENT OF HOUSING AND HUMAN CONCERNS ISN'T MENTIONED IN THIS. SO I THINK THAT THERE ARE TWO DIFFERENT ISSUES. I CERTAINLY THINK THAT TOURISM HAS A BAD IMPACT ON PEOPLE THAT ARE HOUSELESS AND IT DRIVES UP THE PRICES AND THINGS LIKE THAT. BUT I THINK THEY ARE TWO SEPARATE ISSUES. >> THANK YOU. THANK YOU, CHAIR.\r\n\r\n>> ANY MORE QUESTIONS? IF NOT, THANK YOU VERY MUCH, LESLEE. MADAM CLERK. >> OUR NEXT TESTIFIER IS JAY PENNIMAN, FOLLOWED BY BYRON BROWN. >> ALOHA KAKAHIKA. CHA LE, CHAIR LEE, VICE-CHAIR RAWLINS-FERNANDEZ, MEMBERS OF THE COMMITTEE -- THE COUNCIL. I THINK EVERYBODY KNOWS HERE MY SUPPORT AND I DON'T REALLY NEED TO REITERATE MUCH OF THAT.\r\n\r\nSEABIRDS ARE CULTURALLY AND BIOLOGICAL EXTREMELY IMPORTANT AND THIS BILL IS ONE OF THE THINGS THAT THE COUNCIL CAN DO, BOTH THE COUNCIL AND THE ADMINISTRATION HAVE MADE EXCELLENT STATEMENTS ABOUT RESILIENCY, AND ADDRESSING CLIMATE CHANGE, AND THIS IS AN ACTUAL ACTION THAT WILL DO THAT. I WANT TO EMPHASIZE, TOO, THAT EXEMPTIONS ADDRESSED IN THE BILL AS IT'S PRESENTED FOR AN ORDINANCE UNDER SECTION 20.35.070, ADDRESS HOLIDAY DECORATIONS. THESE ARE BEEN RAISING SAYING THAT YOU WOULD NOT BE ABLE TO HAVE HOLIDAY DECORATIONS. THAT IS NOT TRUE. THERE'S AN EXEMPTION THERE. SAFETY AND SECURITY FOR WATER FEATURES. TEMPORARY ROAD AND EMERGENCY LIGHTING.\r\n\r\nTHE CHIEF SPOKE THIS MORNING ABOUT THE NEED FOR EMERGENCY LIGHTING THAT IS ADDRESSED IN THESE EXEMPTIONS. THE BILL IS READY FOR PASSAGE AS IT IS WRITTEN. I WOULD ALSO LIKE TO POINT THE MAUI HARBOR SHOPS, MAUI OCEAN CENTER HAS LED THE WAY THERE. THEY ARE INSTALLING COMPLIANT LIGHTING IN THAT PARKING LOT AS WE SPEAK. THEY ARE IN THE PROCESS, AND WITHIN THE NEXT SEVERAL MONTHS, THERE WILL BE COMPLIANT LIGHTING IN THAT PARKING LOT. A SIGNIFICANT STEP FORWARD FOR THE MA'ALAEA AREA RIGHT THERE BY THE WATER. THESE FIXTURES ARE AVAILABLE.\r\n\r\nI THINK YOU MIGHT HEAR LATER ABOUT AVAILABLE BULBS AND TESTING AND SPECS ON THAT. IT IS COMPLIANT. THERE'S A NATIVE HAWAIIAN WOMEN OWNED-AND-OPERATED SMALL BUSINESS KNOWN AS SOLAR BOLLARDS THAT HAVE SUPPLIED COMPLIANT LIGHTING ACROSS THE STATE. THERE IS L.E.D. HAWAI'I ON

THE BIG ISLAND THAT SUPPLIES COMPLIANT LIGHTING. THE OUTFIT SUPPLYING THE HARBOR SHOPS. WHILE THESE LIGHTS MIGHT NOT BE AVAILABLE TO EVERYBODY RIGHT NOW, THERE ARE VENDORS THAT PROVIDE THEM AND THERE WILL BE MORE AND PASSING THAT INTO AN ORDINANCE WILL SHOW ENTREPRENEURS THERE'S A BUSINESS OPPORTUNITY. SO I URGE YOU TO PASS IT TODAY ON SECOND READING.\r\n\r\nMAHALO. >> THANK YOU, QUESTIONS, MEMBER KING AND MEMBER SUGIMURA. >> THANK YOU, CHAIR. SOMEBODY TURN OFF THEIR PHONE. THANK YOU FOR BEING HERE, MR. PENNIMAN. CHAIR, IF THERE'S NO OBJECTIONS, TO ASK MR.\r\n\r\nPENNIMAN TO BE A RESOURCE PERSON AND IF HE WANTS TO GO HOME AND DO THAT VIRTUALLY, THAT IS FINE. BUT HE HAS SO MUCH EXPERTISE. >> BE GLAD TO DO THAT. >> MEMBERS, ANY OBJECTIONS? >> NO OBJECTIONS. >> LOOK FORWARD TO TALKING TO YOU LATER. >> THANK YOU.\r\n\r\n>> CHAIR? >> MEMBER PALTIN HAS A QUESTION FOR YOU. >> IT'S NOT A QUESTION. I CAN WAIT UNTIL THE ITEM COMES UP. SOMETIMES WE ASK PEOPLE TO STAY AS RESOURCE AND I CAN HOLD MY QUESTION IF WE CAN ENSURE THAT I WILL GET AN OPPORTUNITY TO ASK IT TO HIM WHEN THE ITEM COMES UP. >> WHY DON'T WE ASK NOW? GO AHEAD, MEMBER PALTIN.\r\n\r\n>> THANK YOU, CHAIR. I JUST, WHEN YOU SAID THE BILL IS READY TO GO RIGHT NOW, I HAD A QUESTION ABOUT THAT, BECAUSE THE BILLS EXEMPTION ONLY APPLY TO FIXTURES INSTALLED PRIOR TO THE ENACTMENT OF THE ORDINANCE. SO THE QUESTION IS REGARDING NEW HOUSE PROJECTS THAT HAVEN'T YET INSTALLED THEIR OUTDOOR LIGHTS, AND ARE IN THE OBTAINING PERMITS PHASE, AND THAT THE PUBLIC WORKS HASN'T YET DEVELOPED A CRITERIA BY WHICH THEY WOULD VERIFY COMPLIANCE WITH THE ORDINANCE. BECAUSE IT'S NOT YET INSTALLED, BUT THEY ARE GOING THROUGH THEIR PROCESS RIGHT NOW. SO I JUST WAS WONDERING IF YOU COULD SPEAK TO THAT IN REGARDS TO YOUR CLARIFYING YOUR COMMENT THAT THE BILL IS READY TO GO? >> SURELY. I DO BELIEVE THAT ANY LIGHT THAT IS PURCHASED CAN BE VERIFIED WITH AN INDEPENDENT LIGHTING INSTITUTES THAT DO THIS.\r\n\r\nTHESE LIGHTS ARE AVAILABLE. SO THERE SHOULD BE NO ISSUE WHATSOEVER IN BEING ABLE TO VERIFY THAT THE LIGHTS THAT WOULD BE INSTALLED AFTER THIS IS ENACTED ARE COMPLIANT. >> JUST TO CLARIFY, YOU'RE SAYING THAT THE LIGHT BULB ITSELF CAN GO INTO ANY FIXTURE? >> THERE ARE -- IT'S NOT JUST ANY FIXTURE. THERE'S A NUMBER OF DIFFERENT OPTIONS FOR THE WAY THAT LIGHTS ARE PUT UP, AND THERE ARE COMPLIANT LIGHT FIXTURES AVAILABLE FOR EVERY KIND OF LIGHTING APPLICATION. >> YES, BUT, IF THEY ARE CURRENTLY GOING THROUGH THE BUILDING PERMIT PROCESS, AND GETTING THEIR FIXTURES APPROVED, THE ORDINANCE TAKES EFFECT UPON APPROVAL FOR THOSE, AND THEN THERE'S A THREE-YEAR DELAY FOR THOSE THAT ARE GOING -- THAT ARE ALREADY IN. SO IF THERE'S NO CRITERIA DEVELOPED AT THIS TIME TO APPROVE THE FIXTURES, THEN IT COULD CAUSE A DELAY IN HOUSING BEING BUILT, OR IS THAT NOT HOW YOU SEE IT?\r\n\r\n>> I DO NOT SEE THAT IT WOULD BE A DELAY IN HOUSING BUILDING. YOU KNOW, I THINK THAT THERE ARE THESE FIXTURES AVAILABLE, THESE COMPLIANT LIGHTS AVAILABLE, AND IT WOULD JUST BE A MATTER OF PROCURING THOSE. >> THANK YOU. >> MEMBER SUGIMURA, THEN MEMBER KING, AND VICE-CHAIR. >> THANK YOU. SO BASICALLY, CAN YOU NAME AGAIN THE COMPANIES THAT ARE SELLING YOUR LIGHT BULBS THAT YOU ARE ADVOCATING FOR. >> C & W. >> ON WHAT ISLAND?\r\n\r\n>> ARIZONA. >> THE BIG ISLAND? >> THEY ARE THE ONES THAT SUPPLIED THE ISLAND FOR THE BIG ISLAND FOR THE MOST PART. >> SO THEY ARE NOT EVEN IN HAWAI'I SO THEY ARE SHIPPING THAT. >> WE CAN GET THAT INFORMATION WHEN YOU COME BACK. >> MEMBER KING. >> THANK YOU, CHAIR.\r\n\r\nI JUST WANTED TO MENTION FOR EVERYBODY'S EDIFICATION THAT THE ASF ALSO DELAYS THE EFFECTIVE DATE. SO THERE NOT BE EFFECTIVE UPON PASSAGE. >> OKAY. THEN VICE-CHAIR RAWLINS-FERNANDEZ HAD A QUESTION. >> MAHALO, CHAIR. ALOHA, MR. PENNIMAN, MAHALO FOR YOUR TESTIMONY THIS

MORNING.\r\n\r\nMY QUESTION IS REGARDING THE EXEMPTIONS THAT YOU LISTED. YOU MENTIONED HOLIDAY LIGHTINGS, EMERGENCY LIGHTINGS, AND I DIDN'T HEAR - - MAYBE I MISSED IT? THE LIGHTING FOR THE LANDFILL? I DON'T THINK IT WOULD BE CONSIDERED EMERGENCY. >> NO, I THINK THAT WOULD FALL UNDER THE EXEMPTION THAT STATES -- I DON'T HAVE THE WORDING HERE, BUT AGRICULTURAL OPERATIONS, AND IT SEEMED CLEAR TO ME THAT THE WAY TO LOOK AT 20.35.070, AND THAT IS WHERE IT'S LISTED OUT. THE WAY I READ IT THE LANDFILL WOULD BE COVERED UNDER THAT. >> MAHALO, MR.\r\n\r\nPENNIMAN. MAHALO, CHAIR. >> ANYBODY ELSE? IF NOT, WE'LL TALK TO YOU AGAIN LATER. THANK YOU. MADAM CLERK. >> OUR NEXT TESTIFIER IS BRYON BROWN, FOLLOWED BY BOB.\r\n\r\n>> GOOD MORNING, COUNCIL CHAIR. HOW ARE YOU? THANK YOU SO MUCH, COUNCIL FOR HAVING US. THIS IS IN REGARDS TO 22-151, AND 22-56. I'M A MAKAWAO RESIDENT UP COUNTRY. AND THIS WAS BROUGHT TO OUR ATTENTION AT THE HAIKU COMMUNITY CENTER THE OTHER EVENING, WITH COUNCIL MEMBER SINENCI. AND IT'S AMAZING, BECAUSE THIS VOTE JUST SO EVERYONE KNOWS, JUST GETS US TO JULY 15TH VOTE. THIS IS JUST A VOTE FOR A VOTE.\r\n\r\nWE'RE ASKING FOR SURE TO GET US THROUGH THIS ONE TO THE 15TH. I THINK A LOT OF OUR COUNCIL NEED TO KNOW THAT YOU REPRESENT US, UP COUNTRY, YOU REPRESENT UP COUNTRY IN THE KULA COMMUNITY ASSOCIATION, THAT REPRESENTS OUR FARMERS AND RANCHERS WANTS THIS AND WE WANT A WATER ASSOCIATION. THE IDEA THAT OUR WATER COULD BE IN THE HANDS OF A FOREIGN ENTITY FOR YEARS WE WILL ALL BE DEAD. OUR CHILDREN WILL BE ALIVE AND SAYING THAT THEY VOTED THIS AND THEY COULD HAVE HAD IT IN THE COUNTY. WE COULD HAVE BEEN IN CONTROL. IF YOU REMEMBER IN 2019, OUR MEMBER MIKE MOLINA GOT A LETTER FROM KAI KAHELE AND EXPLAINED HOW HE HAD THE OPPORTUNITY BECAUSE THE ONE-YEAR LEASES WERE COMING TO AN END AND THEY WERE GOING TO ALLOW FOR 30-50-YEAR LEASES ON WATER. THIS IS ALL TRUE.\r\n\r\nMIKE MOLINA DID NOT MAKE THIS CLEAR, I'M SORRY, I'M USING THE WRONG WORD. MIKE VICTORINO, I APOLOGIZE, MIKE MOLINA, I APOLOGIZE SIR. MAYOR VICTORINO DID NOT MAKE THIS LETTER AVAILABLE TO ANY OF US. HE DID NOT MAKE THE COMMUNITY AWARE THAT HE GOT THIS LETTER. IN FACT, HE HAS NEVER ADVOCATED FOR OUR COMMUNITY TO GET WATER BACK INTO THE COMMUNITY'S HANDS AND HAVE A WATER AUTHORITY. IN FACT, HE PARADED MAUI PONO AROUND TO THE OTHER COMMUNITY CENTERS. I'M ASKING THAT WE PASS THIS TODAY, TO GET US AT LEAST TO JULY 15TH, BECAUSE THAT IS ALL THIS IS.\r\n\r\nTHIS JUST GETS US TO JULY 15TH. I APPRECIATE SO MUCH THE INFORMATION THAT CAME FORWARD. SOME OF YOU ARE NOT AWARE THAT THIS IN THE HANDS OF THE COUNTY CAN ALSO MAKE THREE MILLION DOLLARS FOR THE COUNTY IN FEES AND COSTS. IT WILL NOT, IF WE SELL THE WATER, TO MAUI PONO AND TO OUR COMMUNITY AT THE RATES IT'S AT WITH MINOR UPGRADES. IT'S A PROFITABLE BUSINESS TO HAVE IN THE COUNTY. IT IS NOT A LOSS AS SOME OF OUR COUNCIL MEMBERS SAID IT WILL COST OUR COMMUNITY. IT WILL COST OUR COMMUNITY IF WE GIVE THESE RIGHTS AWAY TO A FOREIGN CORPORATION.\r\n\r\nAND THAT LONG? IMAGINE THE DETRIMENT TO OUR CHILDREN? SO I WANT TO THANK THE COUNCIL FOR HEARING ME. PLEASE GET US THROUGH TO THE 15TH, SO WE CAN LOOK AT THIS MORE. I ASK OUR UP COUNTRY COUNCIL TO REPRESENT UP COUNTRY RESIDENTS AS WE ELECTED YOU TO BE THAT. THANK YOU. MEMBERS, ANY QUESTIONS?\r\n\r\nMEMBER SUGIMURA. >> THANK YOU. THANK YOU VERY MUCH FOR TESTIFYING TODAY. DO YOU HAVE A COPY OF THAT LETTER? >> I DO. >> THAT WAS NEVER SHARED FROM CONGRESSMAN KAHELE. >> SURE, I DO.\r\n\r\n>> COULD YOU SHARE FOR US. I MEAN COULD YOU SHARE WITH THE COUNCIL? >> YOU DON'T HAVE IT? MOST HAVE IT. I CAN SEND YOU A COPY, IF YOU NEED A COPY. I HAVE IT. >> I'LL HAVE STAFF SEND IT.\r\n\r\n>> I BELIEVE YOU HAVE IT AS WELL. >> IN OTHER WORDS, SHANE SINENCI HAS IT. >> CHAIR, IT WAS INCLUDED IN THE BOARD OF WATER SUPPLY TIG REPORT. >> ALL

RIGHT. ANY MORE QUESTIONS, MEMBERS? >> THANK YOU. >> IF NOT, THANK YOU VERY MUCH.\r\n\r\n>> THANK YOU. >> CHAIR, OUR NEXT TESTIFIER IS BOB ADAMS, FOLLOWED BY KIMBERLY BROWN. >> MR. ADAMS. SCOTT ADAMS, OKAY. >> HELLO. >> OH, MAYBE THERE IS A ROBERT ADAMS.\r\n\r\n>> THERE IS A ROBERT ADAMS. YES. >> OKAY. ALL RIGHT. MR. ADAMS, PLEASE PROCEED. >> I SPOKE UP A WEEK AGO, AND SOME QUESTIONS HAVE BEEN PUT BACK TO ME AND I WOULD LIKE TO COMMENT.\r\n\r\nTHERE ARE ISSUES CONCERNING THE SAFETY OF SOME OF THESE LIGHTS, ENOUGH LIGHT FOR SAFE WORKPLACES. I WOULD LIKE TO POINT OUT ON THE BIG ISLAND, THE HARBOR HAS HAD FOR TEN YEARS AND THEY RUN 24/7. SO THE BRIGHTNESS AT NIGHT IS A CRITICAL FACTOR FOR LOADING, UNLOADING AND READING MANIFESTS. WE INSTALLED LIGHTS ON TEMPORARY STANDARDS FOR WORK SITES. SO I THINK THE CONCERN IS THIS BRIGHT ENOUGH? I THINK THEY ARE WELL-ANSWERED. I THINK THE CONFUSION COMES WHEN PEOPLE ARE LOOKING AT SOME OF THE STANDARD L.E.D.S. THE GLARE IS SO BRIGHT ON THEM, THAT YOU THINK IT'S BRIGHTER. IF YOU ACTUAL MEASURE THE LIGHT ON THE GROUND, PUT THE SAME AMOUNT OF LIGHT ON THE GROUND, BUT DON'T HAVE THE SAME DISCOMFORT WITH THE LIGHTS.\r\n\r\nAS WE MENTIONED BEFORE, HOW MANY OF YOU HAVE DRIVEN DOWN THE ROAD AND HALOGEN LIGHTS SHINING FROM THE OTHER CAR AND YOUR REACTION IS OH, MY GOD, GET THEM OFF THE ROAD? IT'S THAT SAME GLARE THAT GIVES THIS BRIGHT APPEARANCE. SO I THINK THAT THIS ISSUE OF CONCERN FOR INTENSITY IS SOMETHING THAT IS WELL-HANDLED. WHEN I TESTIFIED THE LAST TIME, I COMMENTED ABOUT A LIGHT BULB. I SUPPLIED SOME INFORMATION. I THINK COUNCIL MEMBER KING, SHE HAS SEEN IT OR HAS THE LIGHT BULB. BUT YOU COULD PUT UP, AN A-19, WHICH IS THE UNIVERSAL.\r\n\r\nTHANK YOU, MA'AM. THAT LIGHT SCREWS INTO MOST FIXTURES IN MY HOME IN THE COUNTRY. THERE'S OTHERS ON AMAZON. SO YOU CAN PICK YOUR CHOICE. ONE OTHER THING I MENTIONED THE LAST TIME, THAT I STILL FEEL IS A REALLY IMPORTANT FACTOR IS WHEN YOU START LOOKING AT HOW THESE LIGHTS ARE SUPPLIED, I FIRMLY BELIEVE YOU NEED TO HAVE AN APPROVED LIST. SO THAT THE LOCAL PEOPLE AND LOCAL VENDORS ARE NOT RESPONSIBLE FOR SEEING THAT IT MEETS AN ORDINANCE. I BELIEVE IT'S INCUMBENT UPON THE PEOPLE WHO SUPPLY THESE LIGHTS TO PROVIDE A TEST REPORT, AND COUNCIL MEMBER KING, SHE HAS SEEN SOME OF THE REPORTS.\r\n\r\nTHAT REPORT IDENTIFIES FAMILIES OF PRODUCTS THAT PASS THE ORDINANCE, WILL MEET THE SPEC AND CONTACT-- IN FACT, THE BIG ISLAND PUBLIC WORKS DEPARTMENT YOU CAN GO ONLINE, AND THEY HAVE A LIST OF APPROVED LIGHTS THAT YOU CAN USE. WHETHER IT'S THE HARBOR, OR WHETHER IT'S YOUR BACKYARD. I THINK IT WOULD REALLY HELP PEOPLE FEEL BETTER ABOUT IT. AGAIN, I APPRECIATE YOUR TIME. PEOPLE FEEL FREE TO CONTACT ME. I HAVE 20,000 LIGHTS ON THE BIG ISLAND AND BEEN THERE TEN YEARS. WE HAVE A GOOD FEEL WITH IT AND I HAVE BEEN WORKING WITH JAY THE LAST FIVE YEARS, PUSHING THE IDEA OF HOW TO MAKE THESE NIGHT LIGHTS FRIENDLIER TO THE ENVIRONMENT, BIRDS AND THE PEOPLE.\r\n\r\nTHANK YOU VERY MUCH. >> THANK YOU. MEMBERS, QUESTIONS? MEMBER SUGIMURA. >> THANK YOU. AS I TRIED TO GET EARLIER, I THINK YOU CAME AND TESTIFIED, BUT WHAT IS THE NAME OF YOUR COMPANY, SIR? >> C & W ENERGY SOLUTIONS.\r\n\r\n>> AND YOU'RE ON THE BIG ISLAND, YOU SAID? >> I HAVE LIGHTS ON THE BIG ISLAND. I MANUFACTURE THE LIGHTS IN ARIZONA. I'M A U.S. SUPPLY. I DON'T IMPORT FROM CHINA. >> SO YOU ARE THE ARIZONA COMPANY SELLING TO THE BIG ISLAND >> YES, THAT IS CORRECT. >> IF YOU HAVE DONE 22,000 LIGHTS ON THE BIG ISLAND, YOU STAND TO MAKE A LOT OF MONEY, IF THIS BILL PASSES.\r\n\r\n>> THERE ARE OTHER PEOPLE THAT SELL THE SAME KIND OF ELEMENTS AND IT WILL BE COMPETITIVELY BID. I'M NOT ONE THAT SUPPLIES LIGHTS OF THE AMAZON TYPE AND MINE ARE FOR RUNWAYS, PARKING LOTS AND THOSE LIGHTS WITH OUTPUT EFFICIENCY. AGAIN, IT'S A COMPETITIVE MARKET. >>

THE MAUI BILL, AS YOU KNOW IS FOR RESIDENTIAL AND COMMERCIAL. SO THE BUSINESS THAT YOU DO FOR THE BIG ISLAND IS PRIMARILY FOR COMMERCIAL? >> I HAVE DONE HOMEOWNERS. I HAVE DONE THE COUNTY, AIRPORTS, SHOPPING CENTERS.\r\n\r\n>> COMMERCIAL. >> YES. >> HOA, COMMERCIAL IN PUBLIC PLACES. THANK YOU VERY MUCH. >> ANY OTHER QUESTIONS, MEMBERS? IF NOT, THANK YOU VERY MUCH. NEXT TESTIFIER, JUST TO LET EVERYBODY KNOW WE'LL TAKE OUR FIRST BREAK AT 10:30. >> OUR NEXT TESTIFIER IS KIMBERLY BROWN, FOLLOWED BY NATHAN >> GOOD MORNING.\r\n\r\n\r\nAGAIN, I WANT TO THANK SHANE. I'M TESTIFYING ON BEHALF OF 22-56, AND 151. >> YOUR NAME AGAIN? >> KIMBERLY BROWN, REPRESENTING THE PEOPLE OF MAUI AND ESPECIALLY UP COUNTRY. I DID WATCH YOUR JUNE 15TH TESTIMONY AND VOTE FOR THIS. SO I KNOW WHERE YOU GUYS STAND, BUT I'M ASKING YOU TO GIVE THE PEOPLE THEIR VOICE, AND BE ABLE TO VOTE ON THIS. SO WE ALL HAVE A VOICE IN THIS. I THANKS SO MUCH, SHANE, FOR BRINGING THIS TO OUR ATTENTION.\r\n\r\n\r\nAGAIN, WE HAPPENED TO HAVE STUMBLED UPON IT, AND IT WAS SUCH A GREAT INFORMATIVE MEETING. I THINK EVERYONE NEEDS TO HEAR IT. BUT I JUST REALLY, REALLY THANK YOU AND I WANT TO CHAMPION YOU AS A MEMBER OF THE COMMUNITY REPRESENTING US ACCURATELY. I REALLY VALUE THAT. I'M IN SUPPORT AND ASKING ALL OF YOU TO VOTE YES TODAY TO GIVE THE PEOPLE THE OPPORTUNITY TO VOTE ON THE GENERAL ELECTION, I BELIEVE. YES. NOVEMBER.\r\n\r\n\r\nAWESOME. AND THEN JULY 15TH FIRST. SO THANK YOU GUYS. I APPRECIATE IT. ANY QUESTIONS? >> VICE-CHAIR RAWLINS-FERNANDEZ? >> MAHALO CHAIR.\r\n\r\n\r\nMAHALO, MS. BROWN FOR YOUR TESTIMONY. ALOHA. SAME QUESTION THAT I ASKED MR. BELL. THERE ARE TWO PROPOSALS AND I UNDERSTAND THAT MEETING WAS YESTERDAY -- NO, WEDNESDAY. SO YOU JUST RECENTLY LEARNED ABOUT IT?\r\n\r\n\r\n>> CORRECT. >> SO THERE ARE TWO PROPOSALS THAT ARE ON THE AGENDA. THE JUNE 15TH MEETING TO UNDERSTAND WHAT WE WERE TRYING TO GO. SO THAT THERE ARE TWO OPTIONS. >> YES. >> THERE'S ONE PROPOSAL, WHICH IS THE CR22-56, THAT IS THE EAST MAUI COMMUNITY WATER AUTHORITY. >> CORRECT.\r\n\r\n\r\n>> AND THEN THERE'S COUNTY COMMUNICATION 22-151. >> YES. >> WHICH IS THE MAUI COUNTY COMMUNITY WATER AUTHORITY AND EAST MAUI COMMUNITY REGIONAL BOARD. >> CORRECT. >> CAN YOU GET AN OPPORTUNITY TO READ THAT ONE AS WELL? >> NOT FULLY. I HAVE SEEN IT THROUGH, BUT THE WAY IT WAS EXPLAINED, I UNDERSTAND. >> AND WHICH ONE DO YOU SUPPORT?\r\n\r\n\r\n>> THE WATER AUTHORITY. >> CR22-56, WHICH IS THE EAST MAUI COMMUNITY AUTHORITY ALONE? >> BOTH. >> OR THE MAUI COUNTY COMMUNITY WATER AUTHORITY AND EAST MAUI COMMUNITY WATER? >> FOR THE PEOPLE TO HAVE THE CONTROL OVER IT, SO WE WOULD HAVE AUTHORITY. I DON'T WANT A PRIVATE ENTITY, A FOREIGN ENTITY; IT NEEDS TO COME BACK TO THE PEOPLE. WE HAVE BEEN WAITING HUNDREDS OF YEARS.\r\n\r\n\r\n>> MAHALO, MS. BROWN. >> THANK YOU. >> MAHALO, CHAIR. >> THANK YOU. MADAM CLERK. >> OUR NEXT TESTIFIER IS NATHAN STERBAR, FOLLOWED BY CHRISTOPHER FISHKIN.\r\n\r\n\r\n>> GOOD MORNING. >> GOOD MORNING. >> I'M NATHAN -- YOU PRONOUNCED MY LAST NAME CORRECTLY. THANK YOU. I REPRESENT MYSELF, MY WIFE, AND MY TWO KIDS HERE, PAGE AND CARTER. SORRY, I'M A LITTLE NERVOUS, INTERESTING. I HAVE BEEN A MAUI RESIDENT ALMOST 14 YEARS, AND AFTER THE LAST FEW YEARS OF WHAT HAS HAPPENED IN OUR WORLD, I HAVE NEVER REALLY BEEN CONCERNED WITH HOW THINGS ARE MANAGED, AND HOW THINGS WORK IN OUR COUNTY AND ON OUR ISLAND.\r\n\r\n\r\nBUT I AM STARTING TO REALIZE IT'S A HUGE DEAL. IT'S A REALLY BIG DEAL, ESPECIALLY FOR MY KIDS, AND THE NEXT-GENERATION COMING AFTER THEM. SO I'M TALKING ABOUT CR22-56. WITH THE WATER. I'M PERSONALLY GOOD FRIENDS WITH ABOUT FIVE DIFFERENT FARMERS THAT ARE PART OF THE HAWAII FARMERS UNION UNITED, AND I HAVE HAD THE OPPORTUNITY TO WORK WITH THEM DOING VIDEOGRAPHY FOR THEM AND LEARNING ABOUT PRACTICES IN FARMING

FOR OUR ISLAND. AND IF YOU WANT TO CHANGE OUR ISLAND, TALK TO THOSE GUYS, THE ONES THAT CAN SOLVE THE PROBLEMS. I HAVE HAD MULTIPLE MEETINGS WILL THE CENTRAL MAUI DUST BOWL AS WE ALL LIKE TO CALL IT. I HAVE SAT DOWN AND CHATTED WITH THEM, AND IT'S BEEN INCREDIBLE TO HEAR HOW SIMPLE THEIR SOLUTIONS ARE TO FIX THAT, AND TO BE ABLE TO HAVE OUR ENTIRE ISLAND SUSTAINABLE WITH FOOD IN MAYBE JUST A FEW YEARS?\r\n\r\nSO THE FACT THAT WE'RE IMPORTING CLOSE TO -- I THINK THE STATISTIC WAS AROUND 90% OF OUR FOOD? I MAY BE WRONG. TO BE ABLE TO GROW ALL OF THAT HERE WOULD BE INCREDIBLE. AND SO THAT WOULD -- I JUST WANT TO CREATE A BETTER FUTURE FOR OUR KIDS, FOR MYSELF, FOR ALL OF THE PEOPLE THAT ARE REPRESENTED HERE. SO PLEASE, PLEASE, PLEASE, GET TO VOTE YES, SO WE CAN VOTE ON IT AS PEOPLE. YOU REPRESENT US. WE REALLY, REALLY NEED TO HAVE THIS IN OUR HANDS, JUST FROM THE PURE IDEA OF BEING ABLE TO GROW OUR OWN FOOD AND HAVE CONTROL OVER THAT.\r\n\r\nTHAT WOULD BE ABSOLUTELY HUGE, AND I'M HONESTLY, HONESTLY CONFUSED WHY OUR MAYOR WOULD WANT TO PARTNER WITH A FOREIGN ENTITY, A FOREIGN CORPORATION OVER REPRESENTING OUR PEOPLE HERE? I DON'T UNDERSTAND HIS SLOGAN WHEN HE SAYS HE HAS A HEART FOR THE PEOPLE OF MAUI AND WOULD GO OFF AND DO SOMETHING LIKE THAT? THAT DOESN'T ALIGN WITH HIS SLOGAN? THAT MAKES NO SENSE. SO AS A MEMBER OF MAUI, I'M JUST APPALLED THAT THIS COULD BE POSSIBLE TO NOT HAVE CONTROL OVER OUR WATER. SO PLEASE VOTE YES. THANK YOU SO MUCH FOR YOUR TIME.\r\n\r\nMUCH APPRECIATED. >> THANK YOU. MEMBERS, QUESTIONS? NO QUESTIONS. THANK YOU VERY MUCH. YOU HAVE A QUESTION YES, QUICKLY. THANK YOU VERY MUCH FOR TESTIFYING.\r\n\r\nYOU'RE A VIDEOGRAPHER? >> YES. >> THANK YOU FOR THAT SPECIALTY AND ARE YOU ALSO A FARMER? >> I WISH. WELL, THESE KIDDOS ARE ACTUALLY LEARNING A LOT ABOUT THIS. WE LIVE IN WAIKAPU AND WE HAVE -- WE TURNED -- WE ACTUALLY, SORRY, KIDS WE TOOK OUT THEIR ABOVE-GROUND POOL AND PUT IN GARDENS. LUCKILY, THEY WERE ON-BOARD WITH THAT AND WE HAVE BEEN ABLE TO GROW A LOT OF OUR 13:27:56 OWN FOOD.\r\n\r\nSO THAT IS VERY GOOD. THANK YOU, CHAIR, WHEN WE GO INTO THIS ITEM, WE'LL CLARIFY SOME OF THE INFORMATION THAT WE'RE HEARING THAT TESTIFIERS ARE SAYING. THANK YOU. >> ANY MORE QUESTIONS, MEMBERS? IF NOT, THANK YOU. WE'LL TAKE ONE MORE. GO AHEAD.\r\n\r\nTHANK YOU VERY MUCH. >> THANK YOU. >> WE'LL TAKE ONE MORE TESTIFIER BEFORE OUR RECESS. >> OUR NEXT TESTIFIER IS CHRISTOPHER FISHKIN, AND WHEN WE RESUME AFTER THE MORNING BREAK, SHEILA WALKER? >> WHO IS? >> SHEILA WALKER. RIGHT NOW CHRISTOPHER FISHKIN.\r\n\r\n>> GOOD MORNING, COUNCIL MEMBERS. I AM TESTIFYING ON THE LAST ITEM, 22-56 AND ALSO ON THE BIRD BILL, THE LIGHTING BILL AND THE PLANNING COMMISSION. SO STARTING WITH THE LAST ONE, I WANT TO SUPPORT THE LAST TESTIFIER AND BYRON BROWN, VERY FIRMLY. I USED TO BE AN UP COUNTRY RESIDENT FOR MANY, MANY YEARS IN MAKAWAO AND IN KULA. I DO BELIEVE THAT THE COUNCIL MEMBER THAT REPRESENTS THAT AREA HAS AN OBLIGATION TO REPRESENT THE PEOPLE IN THAT AREA, AND THE PEOPLE WANT CONTROL OVER THEIR WATER. SO I'M IN VERY STRONG SUPPORT AND PLAN TO SUPPORT THAT STRONGLY WITH BOTH BRYON BROWN AND WHAT THE LAST TESTIFIER TESTIFIED TO ON 22-56. TO SUPPORT THAT FULLY. AND UNFORTUNATELY, TAKING AWAY RIGHTS AND GIVING THEM TO DEVELOPERS, AND CORPORATIONS HAS BEEN HISTORICALLY A PART OF THE ISLANDS, AND LIKE THE LAST TESTIFIER SAID, IN ORDER TO CHANGE THAT, WE REALLY DO NEED TO ACT ON THAT.\r\n\r\nI REALLY SUPPORT THE COUNCIL MEMBERS THAT SUPPORT THAT. AS FAR AS THE PLANNING COMMISSION, I WANT TO SUPPORT WHAT DICK MAYER SAID. BUT I ALSO WANT TO ADD THAT I HAVE BECOME VERY KNOWLEDGEABLE REGARDING SOME OF THE REAL ISSUES WITH PLANNING, AND I JUST WANT TO BRING TO THE COUNCIL'S ATTENTION THAT YOU KNOW, IT'S REALLY IMPORTANT TO DETERMINE WHO IS GOING TO WRITE THE RULES? SHOULD BE THE COUNTY COUNCIL MEMBERS.

REGARDLESS OF HOW MANY PLANNING COMMISSIONS ARE THERE, IF YOU DON'T WRITE THE RULES, THE PLANNING DIRECTOR HAS WAY TOO MUCH DISCRETION AND AUTHORITY OVER WHAT IS GOING ON. IF YOU READ THE RULES YOURSELF, YOU WILL SEE WHAT I MEAN. IT'S AN INORDINATE AMOUNT OF POWER FOR AN UNELECTED OFFICIAL TO HAVE.\r\n\r\nSO I WOULD ENCOURAGE THE COUNCIL MEMBERS WHILE THEY ARE DECIDING ABOUT THE PLANNING COMMISSIONS AND STRUCTURES TO FIND A WAY TO DETERMINE IT'S GOING TO BE THE MAUI COUNTY COUNCIL THAT ACTUALLY AND THEN REGARDING THE LIGHTING. YOU KNOW, I BELIEVE THAT THIS BILL SHOULD BE PASSED AS IT STANDS NOW. I THINK IT RESPONSIBLY ADDRESSES ALL THE CONCERNS OF HAWAIIAN ELECTRIC, ABOUT THE AVAILABILITY OF FIXTURES, AND AS FAR AS JORDAN MOLINA'S COMMENTS SUPPORTED BY COUNCIL MEMBER SUGIMURA IN THIS HEARING, WE SHOULD BE GROWING OUR OWN FOOD, BUT WE DON'T GROW AREA OWN LIGHT BULBS. THEY ARE ALL OUT SOURCED. THERE ARE NO LIGHT BULBS PRODUCED ON THE ISLAND THAT I'M AWARE OF AND IF YOU GO TO AMAZON.COM, WHICH IS HOW MANY PEOPLE DO A LOT OF THEIR SHOPPING. YOU WILL SEE THERE'S A TON OF LIGHT BULBS AND COMPANIES THAT ACTUALLY PROVIDE THE LIGHT BULBS THAT ACTUALLY ARE IN ACCORD WITH THE BILL'S RESTRICTIONS. AND I'M SURE JORDAN MOLINA SAID, IF YOU GO INTO AN ACE HARDWARE OR HOME DEPOT, YOU WON'T FIND A BULB LIKE THAT?\r\n\r\nYOU KNOW, IF YOU PASS THE BILL, THEY WILL BRING IN THOSE BULBS, NO. 1. AND NO. 2, YOU CAN GET THEM EVERYWHERE. SO I JUST WANT TO SAY THAT I REALLY BELIEVE THIS BILL HOW RESPONSIBLY ADDRESSES THE CONCERNS THAT WERE RAISED, AND THERE WAS A PAPER WRITTEN IN 2017 CONSERVATION BIOLOGY THAT THE SEABIRD MORTALITY INDUCED BY LAND-BASED ARTIFICIAL LIGHTS, THEY REVIEWED THE IMPACTS ACROSS THE GLOBE. IT IMPACTS 56 SPECIES 46% LISTED AS CRITICALLY ENDANGERED AND HAWAIIAN BIRDS HAVE A HIGH NUMBER OF REPORTED EVENTS OF FLEDGLINGS, THAT ARE ATTRACTED TO THE ELEMENT AND DIE THROUGH THE PROCESS OF FALLOUT. IT'S A GLOBAL PHENOMENON AND MAUI SHOULD TAKE THE LEAD AND PASS THIS BILL WITH SIMILAR THINGS DONE IN PACIFIC ISLANDS, AND IN THE NORTH SEA, AND EVEN IN PLACES LIKE MINNESOTA. SO I REALLY SUPPORT THE PASSAGE OF THE BILL AS IT'S WRITTEN.\r\n\r\nTHANK YOU, COUNCIL MEMBERS. I FINALLY, I DIDN'T GET TO SAY THIS, BECAUSE MY PHONE FELL INTO A BODY OF WATER BEFORE THE LAST HEARING. I JUST WANT TO BRIEFLY, IF YOU WILL ALLOW, I WANT TO THANK COUNCIL MEMBER TAMARA PALTIN AND APOLOGIZE FOR ANYTHING THAT I MAY HAVE SAID AT THE LAST HEARING THAT CAST DISPERSIONS ON HER EMINENT DOMAIN BILL. I'M IN FULL SUPPORT. THANK YOU SO MUCH. >> THANK YOU. MEMBERS, QUESTIONS?\r\n\r\nMEMBER PALTIN. >> THANK YOU. NO HARD FEELINGS. MY QUESTION IS IN REGARDS TO WHEN YOU SAID THAT WE SHOULD WRITE THE RULES FOR PLANNING. I WAS WONDERING IF YOU COULD CLARIFY THAT? WE WRITE LEGISLATION, WHICH IS THE CODE, TITLE 19, I AND NOT ALWAYS WRITE IT, BUT WILL BE THE ULTIMATE AUTHORITY IN PASSING IT. CAN YOU CLARIFY WHAT YOU SAID?\r\n\r\nI'M NOT SURE WHAT YOU MEANT BY WRITING THE RULES FOR PLANNING? >> THANK YOU, COUNCIL MEMBER. WHAT I WAS REFERRING TO AT SOME POINT THE PLANNING COMMISSION RULES WERE TAKEN AWAY FROM THE MAUI COUNTY COUNCIL AND GIVEN TO THE PLANNING COMMISSION TO WRITE IN CONJUNCTION, I GUESS WITH THE PLANNING DEPARTMENT AND THAT RESULTED IN AN INORDINATE AMOUNT OF POWER GIVEN TO THE PLANNING DIRECTOR FOR DIRECTION OVER A LOT OF THOSE RULES. >> SORRY TO INTERRUPT. ANOTHER CLARIFICATION. SMA RULES ARE GIVEN BY THE STATE TO HAVE SOLE OVERSIGHT AS THE PLANNING COMMISSION; AND WHEREAS, WE AS THE COUNCIL DON'T HAVE OVERSIGHT OF THE SMA AREAS. ARE YOU REFERRING TO THE SMA RULES >> YEAH.\r\n\r\nACTUALLY, THE FEDERAL ZONE MANAGEMENT ACT GIVES THE COUNTY THE ABILITY TO IMPLEMENT THE SMA LAWS, AND THE HAWAII STATE LAW. SO IT USED BE -- ALL OF THAT USED TO BE UNDER THE COUNCIL IS MY UNDERSTANDING. SO WHEN YOU SAY IT WAS GIVEN TO THE

PLANNING COMMISSIONS TO DO, THERE WERE RULES WRITTEN THAT USED TO BE UNDER THE PURVIEW OF THE COUNCIL NOW UNDER THE PURVIEW OF THE PLANNING COMMISSIONS. AND I THINK IT'S REALLY IMPORTANT THAT THOSE RULES, WHICH GIVE THAT DISCRETIONARY POWER BE IN THE HANDS OF THE COUNTY COUNCIL, THE ELECTED REPRESENTATIVES, NOT IN THE HANDS OF APPOINTED GOVERNMENT OFFICIALS. SO UNFORTUNATELY THE PEOPLE THAT ARE NOT EXPERTS AND DON'T HAVE THE POWER TO INVESTIGATE DON'T GET TO LEARN ABOUT HOW THE PROCESS WORKS AND YOU END UP HAVING A PLANNING DIRECTOR BASICALLY CALLING THE SHOTS OVER THE PLANNING COMMISSIONS. >> THANK YOU FOR THAT CLARIFICATION. I DON'T BELIEVE IT WAS THIS BODY, OR A PREVIOUS BODY THAT GAVE THAT AWAY.\r\n\r\nIT WAS NOT OUR DECISION. THANK YOU FOR CLARIFYING. THANK YOU, CHAIR. >> ANY MORE QUESTIONS, MEMBERS? IF NOT, THANK YOU, MR. FISHKIN. THIS MEETING WILL BE IN RECESS UNTIL 10:50 [GAVEL] [GAVEL] >> WILL THE COUNCIL MEETING OF JULY 1ST, 2022 PLEASE RECONVENE.\r\n\r\nMADAM CLERK, MAY WE HAVE THE NEXT TESTIFIER, PLEASE OUR NEXT TESTIFIER IS SHEILA WALKER, FOLLOWED BY MIKE MORAN. >> ALOHA, THANK YOU, CHAIR. THANK YOU, COUNCIL MEMBERS. I APPRECIATE THE OPPORTUNITY TO BE HERE TODAY. I'M SHEILA WALKER, HERE REPRESENTING MYSELF, AND I'M HERE TO SUPPORT BOTH CR56, AND 151. I WOULD LOOK FORWARD TO HAVING THE PEOPLE VOTE ON OUR WATER RIGHTS, AS OPPOSED TO CORPORATIONS MAKING THOSE DECISIONS. AND I WOULD ALSO SUPPORT THE PEOPLE /COMMISSION FOR THE EAST MAUI WATER, AND IN SUPPORT ALSO OF THAT BEING AN ELECTED BOARD FOR THAT COMMISSION. MAHALO.\r\n\r\n>> THANK YOU. MEMBERS, DO WE HAVE QUESTIONS? MEMBER SINENCI. >> THANK YOU, CHAIR. MAHALO, MS. WALKER, FOR YOUR TESTIMONY THIS MORNING. JUST TO CLARIFY, BOTH OF THEM WOULD ESTABLISH AN EAST MAUI BOARD.\r\n\r\n>> THANK YOU. >> AND THEN 22-56 WOULD JUST BE EXPANDING COUNTYWIDE, IF OTHER REGIONS WOULD WANT TO PURSUE THE SAME PATH. >> THANK YOU. THANK YOU FOR CLARIFYING. >> THANK YOU. THANK YOU, CHAIR. >> ALL RIGHT, ANY MORE QUESTIONS?\r\n\r\n>> MAHALO. >> THANK YOU. >> MEMBERS, I JUST WANT TO REMIND YOU, I KNOW THERE'S THE TENDENCY TO CLARIFY INFORMATION YOU WANT TO GIVE TO THE TESTIFIER AS OPPOSED TO CLARIFICATION FROM THE TESTIFIER. SO LET'S TRY, EVEN THOUGH THEY ARE GIVING WRONG INFORMATION, WE CAN'T CORRECT EVERYBODY. THANK YOU. >> OUR NEXT TESTIFIER IS MIKE MORAN, TO BE FOLLOWED BY DAVID HENKIN. >> GOOD MORNING, CHAIR LEE AND COUNCIL MEMBERS.\r\n\r\nMIKE MORAN FOR THE KIHEI COMMUNITY ASSOCIATION. AND WE WANT TO COMMEND THIS BODY FOR THE OUTSTANDING WORK YOU CONTINUE TO DO IN SO MANY FACETS. SO WE ARE AMONG THE MANY, MANY TESTIFIERS TODAY. SO I THINK YOU GUYS ARE GOING TO NEED A THREE-DAY WEEKEND TO RECUPERATE FROM THIS MEETING. SO WE'RE GOING TO START WITH 151, KCA IS IN TOTAL SUPPORT OF IT. YOU MAY RECALL WHEN 56 CAME UP, I DID MENTION THAT I PERSONALLY AND MANY INDIVIDUALS IN OUR COMMUNITY WERE IN SUPPORT OF THE ASSOCIATION, BECAUSE OF OUR BY-LAWS WE WERE RESTRICTED. WE DIDN'T FEEL IT APPLIED TO OUR LOGISTICS.\r\n\r\nSO WE'RE VERY PLEASED THAT -- NOT THAT THIS WAS THE REASON IT WAS DONE, MEMBER SINENCI, HAS 22-151, WHICH HAS EXPANDED COVERAGE OF BEING PART OF ADDRESSES THE REST OF US. SO THEN WE CAN FULLY SUPPORT 22-151 FOR THE REASONS THAT HAVE BEEN STATED BY MANY, WHETHER THEY WERE TALKING ABOUT THE OLDER ONE OR THE NEWER ONE. WE'RE IN TOTAL SUPPORT OF THAT. MOVING ON TO 22-55, THE CLIMATE CHANGE ADAPTATION, TOTAL SUPPORT. YOU KNOW, WE ALL SEE HOW TO OTHER GOVERNMENT ENTITIES ARE GOING IN THE OPPOSITE DIRECTION, DEVASTATINGLY SEEM TO HAVE FINALLY AGREED THIS IS SOMETHING REAL. CLIMATE CHANGE IS SOMETHING REAL. BUT THEY'RE STILL TRYING TO INHIBIT IT, WHERE THIS COUNCIL IS STEPPING FORWARD, AND GOING IN THE RIGHT DIRECTION.\r\n\r\nSO WE ARE IN TOTAL SUPPORT OF THAT ONE, TOO. NO. 3, 22-

58. LOOKING AT THAT LAND KEAWAKAPU. WE UNDERSTAND THE CONCEPT, AND WE JUST WANT TO REMIND EVERYONE THAT WHEN WE'RE LOOKING AT THE OVERALL SITUATION, GETTING LAND THAT IS PROBABLY GOING TO TURN INTO A PARKING LOT, WE HAVE TO DO THIS JUDICIOUSLY. OF COURSE, NO. 1, AS A PARKING LOT, DON'T PAVE IT. WE DON'T NEED MY MORE PAVING, PARTICULARLY NEAR THE SHORELINE.\r\n\r\nSO SOMETHING LIKE GRAVEL OR SOMETHING? ALSO THE CONCEPT OF EVERY TIME WE PUT IN A PARKING LOT, WE BRING IN MORE VEHICLES. SOME WILL BE INHIBITED, LET'S NOT DRIVE THERE, CAN'T FIND A PLACE TO PARK. NOW THERE'S A PARKING LOT, SO LET'S GO. SO THE NEGATIVE ASPECTS OF IT, MORE CARS ON THE ROAD, MORE TRAFFIC. SO WE HAVE TO JUDICIOUSLY LOOK AT THIS AND SAY ARE THERE ALTERNATIVES TO PUTTING IN MORE PARKING LOTS FOR MOTOR VEHICLES? AND WE TALKED ABOUT FOR YEARS, WALKING AND BICYCLE PATHS, MASS TRANSIT, OR AT LEAST CARPOOLING.\r\n\r\nSO EVERYBODY ISN'T GOING IN INDIVIDUAL CARS. SO WE JUST BRING THAT INTO DISCUSSION, NOT SAYING THAT WE SHOULDN'T DO THIS AND GET THAT LAND, BECAUSE HOW WE PROCEED WITH IT? OUR NEXT ONE IS 22-57, AND WE HAVE LONG SUPPORTED GETTING INDIVIDUAL PLANNING COMMISSIONS FOR INDIVIDUAL DISTRICTS. AND WE DID SUBMIT WRITTEN TESTIMONY ON THIS ONE, BECAUSE THERE HAD BEEN MANY DISCUSSIONS IN PRIOR MEETINGS ABOUT THE ATTITUDE OF ADVISORY BOARDS. WE INCLUDED TESTIMONY FROM JANUARY OF -- A FEW YEARS AGO. I THINK IT WAS 2020, FROM A LONG-TERM, A TRIPLE MEMBER OF THE HANA ADVISORY THAT WAS ADVISING US. HE SENT US AN INDIVIDUAL MESSAGE TO SOUTH MAUI AND TO MR.\r\n\r\nMIKE HERE. WE DON'T WANT MY MORE MISTAKES. FORGET ABOUT GETTING THESE ADVISORY BOARDS, BECAUSE YOU ADVISE THE PLANNING COMMISSION AND THEY JUST DISREGARD WHAT YOU SAY. HE SENT THAT IN AS TESTIMONY, AND DID CONTACT US. SO NOW WE SEE THIS IS PROCEEDING TWO-AND-A-HALF YEARS LATER, SINCE THAT HAPPENED. WE HAVE OUR FIRST SOUTH MAUI ADVISORY COMMITTEE HAS BEEN SCHEDULED FOR THIS MONTH. SO THAT TOOK TWO-AND-A-HALF YEARS TO GET THIS STARTED, AND WE'RE HOPING THAT THIS WILL DO WHAT WE THOUGHT IT MIGHT DO IS THEN FORCE TO THE NEXT STEP OF GETTING ACTUAL PLANNING COMMISSIONS FOR THE INDIVIDUAL DISTRICTS, SUCH AS OURS.\r\n\r\nWE FEEL THAT WE CAN SPEAK BETTER, AND I HAVE MENTIONED BEFORE CHALLENGES WE HAD AS A COMMUNITY ASSOCIATION TESTIFYING TO PLANNING COMMISSIONS. NOT THE SAME AS AN OFFICIAL BOARD, BUT WITH SOME SIMILARITIES WHERE OUR TESTIMONY WAS JUST DISCOUNTED AND NOT BECAUSE WE WERE ASKING THEM TO VIOLATE RULES OR LAWS, JUST BECAUSE OF ATTITUDE AND LACK OF KNOWLEDGE OF AN AREA. SO WE STAND IN SUPPORT OF THIS TO GET IT ON THE BALLOT, AND LET THE PUBLIC DECIDE ON THAT ONE. OUR NEXT ONE IS 22-164. I DON'T THINK ANYBODY ELSE SPOKE TO THIS. THAT IS THE SENIOR AFFORDABLE HOUSING PROJECT IN SOUTH KIHAI THAT NOW IS RUNNING INTO A POTENTIAL TIME LIMIT. IT'S HAPPENED SO MANY TIMES BEFORE, WHERE EVERYTHING IS DONE, AND GET ALL THE APPROVALS AND THEN THEY DON'T GO AHEAD AND BUILD. THIS IS SOMETHING THAT WE CERTAINLY NEED, MORE AFFORDABLE RENTALS AND PARTICULARLY FOR SENIORS, BUT WE FEEL THIS IS TAKING THE RIGHT ACTION.\r\n\r\nYOU CAN'T STRETCH THIS ON FOREVER. IF YOU ARE READY TO GO, AND THEY SAID THEY WERE READY TO GO, THEY TOLD OUR ASSOCIATION THAT YEARS AGO. THEY TOLD EVERYBODY THEY WERE READY TO GO. SO WE HOPE THEY WILL, BUT WE UNDERSTAND THE NEED TO PUT A TIME LIMIT ON THEM. IF YOU ARE NOT GOING TO PROCEED, YOU ARE NOT GOING TO LEAD, GET OUT OF THE WAY. AND THE LAST ITEM IS 22-47. AND WE ARE IN TOTAL SUPPORT OF THIS. WE HAVE HEARD THE DISCUSSIONS, AND AGAIN, THIS BRINGS BACK THAT EXPRESSION THAT THE VICE-CHAIR USED ON ANOTHER MATTER, AND ALSO EDUCATING ME ON THE ORIGIN OF IT THAT JUSTICE DELAYED IS JUSTICE DENIED.\r\n\r\nAND WE CAN'T KEEP PUSHING THIS DOWN THE ROAD, AND TELLING THESE ENDANGERED SPECIES WAIT A LITTLE BIT LONGER UNTIL WE CAN GET THE RIGHT BULB, RIGHT

HERE, RIGHT NOW. LET'S PROCEED WITH THIS. THE DISCUSSION HAS BEEN ON -- YOU HAVE HEARD FROM PROFESSIONALS THE TECHNOLOGY IS AVAILABLE. LET'S GET THIS DONE AND PROTECT OUR SEABIRDS, SO THEY CAN HELP PROTECT US. WE ARE PART OF NATURE. SO THANK YOU FOR THE OPPORTUNITY TO GIVE OUR INPUT ON ALL THOSE ITEMS TODAY. MAHALO.\r\n\r\n>> MAHALO, FOR ALL OF YOUR WORK. MEMBERS, QUESTIONS? NO QUESTIONS. THANK YOU VERY MUCH, MIKE. >> HUI HOU HAPPY LONG WEEKEND. >> YOU, TOO. >> OUR NEXT TESTIFIER IS DAVID HENKIN, FOLLOW BY ERIC MIYASATO.\r\n\r\n>> ALOHA A AND CHA LE, DAVID HENKIN, ATTORNEY WITH EARTH JUSTICE AND REGISTERED LOBBYIST. TOGETHER WITH EARTH JUSTICE, WE HAVE BEEN ADVOCATING FOR MANY YEARS TO PROTECT OUR NATIVE SEABIRDS. SO TESTIFYING IN STRONG SUPPORT OF BILL 21, WHICH CAME OUT THE CARE COMMITTEE. AND YOU KNOW, AS MANY HAVE DISCUSSED, WE'RE NOT BREAKING NEW GROUND HERE ON HAWAI'I ISLAND, THEY HAVE BEEN USING THESE LIGHTS. THE LIGHTS EXIST. THEY DON'T POSE ANY PROBLEMS FOR PUBLIC SAFETY. YOU KNOW, IT CAN BE DONE.\r\n\r\nIT HAS BEEN DONE, AND GRADATIONS OUT OF THE CARE COMMITTEE LONG DISCUSSION OF THE BILL AND AMENDMENTS TO THE BILL. ONE WAS TO ADOPT A DEFINITION OF THE "BLUE LIGHT CONTENT," THAT WOULD BE IDENTICAL TO THE ONE IN THE HAWAI'I ISLAND ORDINANCE. SO THERE WOULDN'T BE -- NOW THERE WOULD BE A UNIFORM STANDARD ACROSS TWO COUNTIES AND HOPEFULLY, THROUGHOUT THE STATE EVENT REQUEST TO PROTECT OUR NATIVE SEABIRDS. WE URGE THE FIRST COUNCIL TO PASS THIS ON FIRST READING, SECOND READING AND LET'S GET IT ON THE BOOKS. FROM THE EARLIER CONVERSATION, WE UNDERSTAND THERE'S A PROPOSED AMENDMENT TO SLIGHTLY DELAY THE EFFECTIVE DATE. SO THAT SOME OF THE PROJECTS THAT MAY BE IN PROCESS NOW CAN HAVE SOME ADDITIONAL TIME TO ADJUST UNDER THE THREE-YEAR GRANDFATHERING. THAT MAKES A LOT OF SENSE.\r\n\r\nADDRESSING THE POLICE CHIEF'S CONCERNS ABOUT SOME THE EMERGENCY LIGHTING, I THINK THAT MAKES A LOT OF SENSE. I ALSO HEARD THE TESTIMONY OF THE LANDFILL. OF COURSE, THIS BILL WOULD NOT OUTLAW THE SUPPORTABLE LIGHTING TO MAKE SURE THERE'S ADEQUATE LIGHTING TO PROTECTING THE WORKERS AT THE LANDFILL. IT WOULD JUST HAVE TO BE THE RIGHT SPECTRUM OF LIGHTING AND YOU HEARD FROM THE EXPERTS THIS IS SAFE LIGHTING. IT CAN BE DONE. IT HAS BEEN DONE. IT'S BEEN GOING ON THE BIG ISLAND.\r\n\r\nSO WE URGE THAT. I SAW SOME WRITTEN TESTIMONY FROM THE DEPARTMENT OF PUBLIC WORKS, RAISING CONCERNS ABOUT STREET LIGHTS THAT THEY PURCHASED AND WANTED TO INSTALL. AND THAT THEY WOULD NOT NECESSARILY COMPLY WITH THIS RIGHT NOW? I THINK IT'S REALLY IMPORTANT FOR THE COUNCIL TO BE AWARE THAT THE DEPARTMENT OF PUBLIC WORKS WAS TAKEN TO COURT AND FOUND TO HAVE VIOLATED THE HAWAI'I ENVIRONMENTAL POLICY ACT BY DOING NO ENVIRONMENTAL REVIEW BEFORE SPENDING MONEY ON THE STREET LIGHTS. HAD THEY DONE THAT REVIEW, THEY WOULD HAVE THE OPPORTUNITY TO GET FEEDBACK FROM EXPERTS AND HOPEFULLY CHOSEN MORE WISELY. THAT IS THE PURPOSE OF THE LAW TO MAKE INFORMED DECISIONS AND PURCHASE STREET LIGHTS LIKE ON THE BIG ISLAND THAT WOULD COMPLY WITH THIS ORDINANCE. SO I DON'T THINK WE SHOULD ALLOW THE FACT THAT HAD SOME AGENCIES VIOLATING THE LAW BE A JUSTIFY FOR THEM FAILING TO COME TO COMPLIANCE WITH A COMMONSENSE MEASURE NECESSARY TO PROTECT OUR NATIVE BIRDS.\r\n\r\nSO WE STRONGLY SUPPORT IN AND URGE YOU TO PASS IT. >> THANK YOU. QUESTIONS, MEMBERS? MEMBER KING. >> CHAIR, THANK YOU, CHAIR. THANK YOU FOR YOUR TESTIMONY, MR. HENKIN.\r\n\r\nI JUST WANTED TO ASK IF THERE'S NO OBJECTIONS IF YOU WOULD BE AVAILABLE TO BE A RESOURCE AT A LATER TIME TODAY? >> I WOULD BE HAPPY TO DO THAT. I HAVE A CONFLICT AT 3:00 P.M. YOU HAVE A LONG AGENDA, SO I GUESS IT WILL DEPEND A LITTLE BIT -- IF I CAN, I WOULD BE HAPPY TO. >> MEMBERS, ANY OBJECTIONS? >> NO OBJECTIONS. >> GREAT. THANK YOU.\r\n\r\nYES, IT'S HARD TO PREDICT WHAT TIME THAT WOULD BE. BUT I'M SURE MEMBER KING'S OFFICE WILL BE IN

TOUCH WITH YOU. >> WE'LL GIVE YOU A CALL. IT'S AT THE END OF THE AGENDA, SO WE'LL GIVE YOU A CALL. THANK YOU. >> ANY OTHER COMMENTS OR QUESTIONS? >> NOT FOR HIM, FOR YOU.\r\n\r\n>> THANK YOU VERY MUCH FOR YOUR TESTIMONY. >> THANK YOU >> CHAIR, HOW MANY MORE TESTIFIERS DO WE HAVE? I'M JUST CURIOUS? >> MADAM CLERK? >> OVER 35 RIGHT NOW. >> WOW, THANK YOU. >> I HOPE YOU ARE NOT CATCHING A PLANE.\r\n\r\nWE'RE GOING TO TAKE OUR LUNCH BREAK AT 12:00. SO LET'S GET IN AS MANY AS POSSIBLE. >> NEXT TESTIFIER IS ERIC MIYASATO. >> GOOD MORNING, COUNCIL. I WAS BORN AND RAISED MAUI AND GRADUATED FROM BALDWIN. I CURRENTLY LIVE ON O'AHU. REPRESENTING MYSELF. I'M CURRENTLY IN COVID QUARANTINE, CATCHING IT ON A LIGHTING CONFERENCE ON THE MAINLAND LAST WEEK, BUT I WANTED TO TESTIFY.\r\n\r\nI SUBMITTED TO THE COUNTY CLERK TWO DOCUMENTS. ONE IS THE CHAPTER 14 OF THE BIG ISLAND LIGHTING ORDINANCE. IN THAT DOCUMENT, I SPECIFICALLY GO OVER THE EXEMPTIONS THAT THE BIG ISLAND LIGHTING ORDINANCE HAS. ONE IS FOR PRIVATE RESIDENCES, WHICH HAVE A TOTAL LUMEN OUTPUT -- THE OTHER IS FOR OUTDOOR ADVERTISING SIGNS AND CLASS 1. IN THE BIG ISLAND ORDINANCE CLASS 1 MEANS LIGHTING USED FOR OUTDOOR SALES, ASSEMBLY, ADVERTISING AND BUILDING SIGNS, RECREATIONAL FACILITIES AND OTHER SIMILAR APPLICATIONS IN WHICH COLOR RENDITION IS IMPORTANT. THE LAST EXEMPTION I WOULD LIKE TO TALK ABOUT IS IN THE BIG ISLAND ORDINANCE THEY HAVE SECTION 14-53, WHICH EXEMPTS ALL EXISTING FIXTURES UNTIL THE FIXTURE BECOMES INOPERABLE. I'M KEEPING IT SHORT BECAUSE OF THE COVID. THE CURRENT MAUI BILL DOESN'T ALLOW THESE EXEMPTIONS.\r\n\r\nTHEY ACTUALLY TOOK OUT THE EXEMPTIONS FOR SAFETY AND TEMPORARY LIGHTING AND A COUPLE OTHER SECTIONS AND REWROTE IT TO TWO SUBSECTIONS. THE OTHER DOCUMENT THAT I SUBMITTED WAS A STUDY DONE SCIENTIFICALLY THIS YEAR IN 2022. IT WAS DONE BY HAWAII PACIFIC UNIVERSITY, AND THE U.S. FISH AND WILDLIFE STUDY. IT WAS AN 8-YEAR STUDY DONE FOR HAWAII KAI AND COMPARING SODIUM IN EXISTING OLD LIGHTS VERSUS THE NEW L.E.D.S IN 3,000 AND 4,000 K. IT'S A FULL TECHNICAL REPORT AVAILABLE ONLINE. I WOULD LIKE TO JUST TAKE ONE STATEMENT OUT OF THAT DOCUMENT "THERE'S NO EVIDENCE SUGGESTING THAT THE SHIELDED L.E.D. STREET LIGHTS IMPACTED THE NUMBER OF BIRDS AFFECTED THE BY FALLOUT OVERALL." I WISH THE COMMITTEE TO TAKE A LOOK AT THAT DOCUMENT, AND TO TAKE A LOOK AT THE BIG ISLAND ORDINANCE, AND TRY TO ADOPT THE MAUI BILL 21, CD, TO FOLLOW THAT EXAMPLE. THERE WAS MENTION OF BUYING BULBS ON AMAZON. THOSE BULBS WOULD PROBABLY BE AMBER TYPE, WHICH IS MONOCHROMATIC AND STILL HAVE TO PROVIDE THE PROPER DOCUMENTATION IN ORDER TO COMPLY WITH THE BLUE LIGHT CONTENT. THERE'S VERY LIMITED BLUE LIGHT CONTENT BULBS THAT ARE NOT MONOCHROMATIC.\r\n\r\nON THE FIXTURE SIDE, THERE ARE ONLY A FEW MANUFACTURERS THAT CAN PRODUCE THAT BLUE LIGHT CONTENT, SPECIFIC FOR THE BIG ISLAND. THE BIG ISLAND IS HAVING A HARD TIME FINDING FIXTURES. >> ERIC, COULD YOU PLEASE CONCLUDE YOUR TESTIMONY? >> I CONCLUDE MY TESTIMONY. THANK YOU. >> YOU CAN HAVE A MINUTE TO CONCLUDE. >> I'M FINE.\r\n\r\nTHE COVID IS GETTING TO ME. I HAVE BEEN WAITING THIS LONG TO TESTIFY, AND IF THERE ARE ANY QUESTIONS? >> ANY QUESTIONS, MEMBERS? IF NOT, THANK YOU VERY MUCH. I HOPE YOU FEEL BETTER. >> THANK YOU. BYE.\r\n\r\n>> BYE-BYE. MADAM CLERK. >> OUR NEXT TESTIFIER IS KATY BAILEY, FOLLOWED BY VICKY CORBETT. >> GOOD MORNING, COUNCIL. GOOD MORNING, CHAIR. >> HI. >> I AM HONORED TO BE HERE TODAY TO EXPRESS MY VOICE ON BEHALF OF THE PEOPLE CONCERNING THE WATER RIGHTS.\r\n\r\nI'M A RESIDENT OF MAUI, AND I'M A MAUI PASTOR FOR THE LAST TEN YEARS, AND I'M HERE TO TESTIFY IN FAVOR OF 22-151 AND 22-56. WATER AUTHORITY IS VITAL TO THE PEOPLE AND TO THE LAND, AND IT SHOULD NEVER BE IN THE HANDS OF A FOREIGN CORPORATION, NOR ANY OTHER AUTHORITY EXCEPT IN THE HANDS OF WE,

THE PEOPLE. IT IS A WATER INJUSTICE TO GIVE THE WATER RIGHTS TO A FOREIGN ENTITY, AND I'M SAD TO HEAR THAT OUR MAYOR SUPPORTS GIVING THE PEOPLE'S WATER RIGHTS TO A FOREIGN CORPORATION. THE VOICE OF A CORPORATION SHOULD NEVER DOMINATE THE VOICE OF WE THE PEOPLE. WHEN GOD CREATED THE HEAVENS AND THE EARTH, HE GAVE THE RIGHTS OF THE WATER AND THE LAND TO THE PEOPLE. AND I'M FINISHED. THANK YOU. >> THANK YOU.\r\n\r\nMEMBERS, QUESTIONS? IF NOT, THANK YOU VERY MUCH. CHAIR, OUR NEXT TESTIFIER IS VICKY CORBETT, FOLLOWED BY TONY EASTON. >> MY NAME IS VICKY CORBETT AND I THANK YOU VERY MUCH FOR LETTING ME BE HERE. I'M NEWLY RESIDENT AND I HAVE LIVED ON MAUI FOR ABOUT NINE YEARS, BUT I HAVE FAMILY THAT ARE NATIVE HAWAIIANS. AND I'M HERE TO ENCOURAGE ALL OF THE COUNCIL TO VOTE YES ON 22-56, AND 22-151. I'M KIND OF GOING TO READ IT, BECAUSE I HAVE A LOT TO SAY. I'M VERY PASSIONATE ABOUT THE LAND AND FOOD, EATING GOOD FOOD HAS PRETTY MUCH SAVED MY LIFE BECAUSE OF A HEALTH CONDITION.\r\n\r\nSO I HONOR AND RESPECT THE LOCAL FARMERS THAT GROW HEALTHY FOOD. AND HAWAIIANS HAVE SUCCESSFULLY FARMED THESE ISLANDS FOR HUNDREDS OF YEARS WITHOUT EXPLOITING THE LAND, THEY REMAIN TROPICAL ISLANDS. SINCE CORPORATIONS HAVE BEEN CONTROLLING THE WATER IN THE ISLANDS, NO LONGER A TROPICAL PARADISE, BUT MORE REMINISCENT OF OKLAHOMA DURING THE DUST BOWL, WHICH YOU HAVE SEE THE RED DUST EVERYWHERE, AFFECTING MY LUNGS. I CHALLENGE ANY OF YOU TO GO TO ANY LOCAL FARMER'S LAND, PICK UP A BUCKET OF REAL SOIL THAT HAS LIFE IN IT, AND YOU HAVE THAT WITH HOLES IN THE BUCKET. THEN GO DOWN TO THE VALLEY, PICK UP THE DIRT. IT'S NOT SOIL OF THESE CORPORATE FARMERS, WITH HOLES IN THE BUCKET. YOU POUR WATER IN A NATIVE HAWAIIAN, WHO KNOWS HOW TO GROW ON THE LAND, IT'S REAL SOIL.\r\n\r\nIT HOLDS THE. YOU POUR THE WATER IN THE BUCKET OF DIRT FROM CORPORATE FARMING, IT'S SIFTS RIGHT THROUGH. SO MY THING, CONSERVING WATER, PROPER WATER MANAGEMENT, WHY WOULD YOU GIVE CONTROL OF WATER TO SOMEONE WHO DOESN'T KNOW HOW TO USE IT? THEIR SOIL DOESN'T HOLD THE WATER. THE PLANTS NEED TO GROW. THE WAY OUR NATIVE FARMERS, OUR LOCAL FARMERS FARM THE LAND, THEY UNDERSTAND THAT. THEY KNOW THE SOIL.\r\n\r\nSO THEY PRODUCE -- THEY FEED THE SOIL. THEY USE THE SOIL IS A PRODUCT ITSELF. IT'S NOT TO BE EXPLOITED. THEY DON'T HAVE TO USE CHEMICAL FERTILIZERS. COMMERCIAL FARMING DOESN'T HAVE ANY NUTRIENTS IN THEIR DIRT. SO I'M VERY PASSIONATE ABOUT THE EXPLOITING OF THE WATER. MANY STUDIES HAVE BEEN DONE THAT MONOCULTURE, AND THE WAY THEY DO THIS CORPORATE FARMING USING MUCH MORE WATER THAN THE WAY OUR LOCAL FARMERS FARM THE LAND.\r\n\r\nSO THAT IS WHY I SAY THIS IS ABOUT WATER SECURITY, ABOUT WATER CONSERVATION SO I PRAY THAT YOU VOTE THAT THE WATER IS TURNED BACK TO THE PEOPLE OF MAUI. TO ME, IT'S IMMORAL FOR OUR LOCAL GOVERNMENT TO CONTINUE ALLOWING CORPORATIONS, ESPECIALLY FOREIGN CORPORATIONS TO NOT ONLY EXPLOIT THE HAWAIIAN'S WATER. I HAVE NEPHEWS PART HAWAIIAN AND WHEN I TOLD MY SISTER ABOUT THE CORPORATIONS TAKING OVER, THEY SAID THEY HAVE NO RIGHT TO USE THE NAME "PONO." THEY HAVE BEEN DOING FARMING THROUGHOUT THE WORLD. IN SOUTH CALIFORNIA THEY HAVE ALMOND GROVES AND DO YOUR RESEARCH? HOW IS THE WATER IN CENTRAL CALIFORNIA? WHAT HAPPENED TO THE FARMS THERE? BECAUSE SO MUCH WATER IS BEING USED FOR THE MONOCULTURE THING.\r\n\r\nIT'S WATER CONSERVATION AND THE FUTURE OF THE ISLAND. MY POINT IS THE CORPORATIONS ARE IN THE BUSINESS OF MAKING MONEY. THEY ARE GROWING A FEW CROPS THAT CANNOT FEED THE HAWAIIAN PEOPLE. THIS ISLAND FOR HUNDREDS OF YEARS FED THEIR PEOPLE WITH NOBODY SHIPPING FOOD HERE. THEY CAN DO IT AGAIN. THEY CAN GROW ALL OF THE FOOD THAT IS NEEDED FOR ALL OF THE PEOPLE. I'M BLESSED.\r\n\r\nI LIVE UP COUNTRY. I GO TO THE FARMERS' MARKET. I'M PRIVILEGED TO EAT REAL FOOD THAT IS NUTRITIOUS. THERE WAS A DR. BUSH THAT

DID A RESEARCH PROJECT ON O'AHU, HAWAIIAN CHILDREN, MANY THAT WERE PRE-DIABETIC, BECAUSE THEY WERE EATING GROCERY STORE FOOD THAT WAS VOID OF NUTRIENTS. THEY ARE PRE-DIABETIC AND OVERWEIGHT. FOR ONE YEAR, THEY GREW THEIR FOOD ORGANICALLY AT THEIR SCHOOL.\r\n\r\nTHEY LOST WEIGHT AND ARE NO LONG PRE-DIABETIC BECAUSE WHAT WE NEED IS IN OUR FOOD AND COMMERCIALY GROWN FOOD IS NOT NUTRITIOUS FOR OURSELVES AND OUR CHILDREN. EVERY TIME I COME DOWN COUNTRY, I SEE THE RED DUST IN THE AIR. THEY ARE TURNING A TROPICAL PARADISE INTO A DUST BOWL. THIS IS THE HAWAIIAN PEOPLE'S HOME AND THEY RESPECT IT. THEY FARM OUT OF LOVE BASED ON THEIR ANCESTORS AND THE FUTURE OF THEIR CHILDREN. I'M A MOM, A GRAND MOM AND VERY PASSIONATE ABOUT IT AND I TRULY PRAY THAT THE VOTE IS IN FAVOR OF THE HAWAIIAN PEOPLE. IT'S THEIR LAND, NOT CORPORATE CANADA'S LAND.\r\n\r\nTHANK YOU VERY MUCH. >> THANK YOU VERY MUCH. MEMBERS, QUESTIONS? IF NOT, THANK YOU. MAY WE HAVE THE NEXT TESTIFIER? >> OUR NEXT TESTIFIER IS TONY EASTON, TO BE FOLLOWED BY SCOTT ADAMS >> ALOHA, CAN YOU HEAR ME? >> YES.\r\n\r\n>> MY NAME IS TONY EATON. AND I'M ON THE BOARD OF WATER SUPPLY. I'M HERE TO TESTIFY ON ME OWN BEHALF. SO AT THE JUNE 15TH MEETING I WAS LISTENING TO YOU GUYS' MEETING AND I WAS SO DISAPPOINTED. THERE WAS SO MUCH MISREPRESENTATION, MISCONCEPTIONS ABOUT THE EAST MAUI WATER AUTHORITY. I'M GOING TO TALK ABOUT THREE, 22-56, 22-151 AND 22-155. BUT YOU MO, ABOUT THE EAST MAUI WATER AUTHORITY, SOME OF THE COUNCIL MEMBERS WERE UNDER THE IMPRESSION THAT WE HAVE TO BUY THE WHOLE SYSTEM. WE DON'T HAVE TO BUY THE WHOLE SYSTEM.\r\n\r\nTHE SYSTEM ON THE STATE LICENSE AREA IS ALREADY WITH THE STATE. THAT IS THEIR PROPERTY. IT SAYS IT THE 1800S. IT SAYS IT IN THE LAST 1973 MOU WITH THE BOARD OF WATER SUPPLY, MAUI COUNTY BOARD OF WATER SUPPLY. SO YOU GUYS GOT TO GET OUT OF YOUR HEADS. IT SOUNDS LIKE YOU ARE MORE INTERESTED IN PROTECTING THE FOREIGN ENTITIES THAN YOU ARE PROTECTING THE PEOPLE OF MAUI? ANOTHER MISREPRESENTATION IS THAT SOME OF YOU SAID THAT YOU HEARD FROM YOUR CONSTITUENTS. I DON'T KNOW WHAT CONSTITUENTS YOU ARE TALKING TO, BUT THE ONLY AUTHORITY NOT IN FAVOR IS THE COUNTY OF MAUI AND THEIR DEPARTMENT HEADS.\r\n\r\nSO THIS GETTING THIS MEASURE ON THE BALLOT AND YOU ARE HEMMING AND HAWING AND THE COST AND EVERYTHING. BUT IT'S NOT ABOUT YOU GUYS, BUT LETTING THE PEOPLE SPEAK. I WANT TO GET INTO THE UP COUNTRY WATER SHORTAGE RIGHT NOW. THE UP COUNTRY PEOPLE OF UP COUNTRY ARE SOLELY DEPENDENT ON SURFACE WATER COMING FROM EMI'S DITCHES. IF THIS DOESN'T GET ON THE BALLOT, THEY ARE GOING TO BE IN CONSTANT STATE OF WATER CONSERVATION. ON THE WATER METER LIST, THERE'S CURRENTLY 1400 PEOPLE ON THE LIST, AND IT'S POSTED ON THE DEPARTMENT OF WATER SUPPLY ENGINEERING SITE THE OLDEST APPLICANT IS FROM JANUARY 2003. AND THE LAST ONE ON THAT IS FROM DECEMBER 2012. SO I DON'T KNOW HOW UPDATED IT IS? IT SAYS IT WAS UPDATED IN JANUARY OF 2022. BUT I DON'T THINK THAT IS POSSIBLE.\r\n\r\nSO IF WE DON'T -- IF WE DON'T GET THIS MEASURE ON THE BALLOT, LET THE MAUI PEOPLE VOTE ON THE MEASURE, IT WILL BE DETRIMENTAL. DON'T YOU FIND IT IRONIC THAT THEY ARE ALWAYS ASKED TO CONSERVE WATER, BUT IT'S ONE OF THE WETTEST PLACES ON MAUI? THEIR NEEDS HAVE BEEN PUT ON THE BACK BURNER THE LAST 30 YEARS. SO ANOTHER MISREPRESENTATION IS THAT ONE OF YOU SAID THAT THE KANAKA MAOLI CANNOT COME IT THESE MEETINGS EITHER IN-PERSON OR VIRTUALLY. HAVE YOU SPEAKING ABOUT THE KANAKA MAOLI FIGHTING FOR THEIR SEATS FOR GENERATIONS, THE ONES WHO HAVE FAITH IN FELLOW KANAKA MAOLI TO DO THE RIGHT THING AND HAVE THEIR VOICES HEARD? THE SAME KANAKA MAOLI WHO VOTED FOR YOU ON THE SAME PLATFORM? DON'T YOU THINK THESE LINEAL DESCENDANTS THE TIME TO HAVE A SAY IS NOW.\r\n\r\nTHE WHOLE PURPOSE, AS STATED BEFORE, I'M ON THE BOARD OF WATER SUPPLY AND MY WHOLE PURPOSE OF JOINING THE BOARD OF WATER SUPPLY

WAS TO SEE OUR WATERS GET RETURNED TO THE STREAMS. THAT OUR 'OHANA FARMING KALO GET SUFFICIENT WATER FOR OUR PEOPLE AND TAKE IT OUT OF THE HANDS AND POCKETS OF THE CORPORATIONS WITH THE FAKE NAME. MAHALO, MEMBER SINENCI, MEMBER RAWLINS-FERNANDEZ, PALTIN, MOLINA AND KING, REALIZING THIS IS THE TIME TO TAKE CONTROL OF OUR PUBLIC TRUST RESOURCES. THIS IS FOR OUR KUPUNA, OUR 'OHANA, AND FOR THE FEW MEMBERS ON THIS COUNCIL TO DENY THEM THE RIGHT TO FINALLY GET THE WATER THEY DESERVE, YOU ARE DOING A DISSERVICE TO THE PEOPLE OF MAUI. SO THAT IS FOR 56 FOR 151 TOTALLY SUPPORT THAT. ALSO MAUI NEEDS TO TAKE CONTROL OF THEIR WATER, JUST LIKE O'AHU. THEY HAVE THE HONOLULU BOARD OF WATER SUPPLY, A SEMIAUTONOMOUS AGENCY AND MAUI CAN FOLLOW THEIR FOOTSTEPS.\r\n\r\nOUR WATER IS SO IMPORTANT AND NOBODY HAS EVEN DONE ANY STUDIES -- WELL NOBODY IN THE COUNTY HAS DONE ANY STUDIES, BUT NOW THE COUNTY IS SAYING THAT OH, WE CAN WORK THIS OUT. 144 YEARS, THESE GUYS HAD CONTROL OF OUR WATER. THEY HAD 144 YEARS TO FIGURE THIS OUT. IF THEY ARE NOT GOING TO FIGURE IT OUT, LEAVE IT TO THE PEOPLE OF MAUI. WE CAN FIGURE THIS OUT. THE LAST THING I WANT TO TALK TO YOU ABOUT IS 155. DIRECTOR -- DEPUTY DIRECTOR AGAWA WILL GIVE THE CWRM REPORT AND WE CAN SEE ALL THE COUNTY WATER SYSTEMS IN THE REPORTS THAT COME OUT EVERY MONTH TO THE BOARD OF WATER SUPPLY. I WOULD BE MORE INTERESTED IN THE SURFACE WATER REPORTING.\r\n\r\nCAN ANY OF YOU FIND THE SURFACE WATER REPORTING? EVEN ON CWRM, I CANNOT FIND THAT. WOULDNT YOU BE MORE INTERESTED IN FIGURING OUT HOW MUCH WATER IS DIVERTED FROM EVERY STREAM, AND KNOW WHERE IT'S GOING? BECAUSE THAT IS WHAT REPORT IS. BUT THIS IS ON GROUNDWATER, ON WELL SOURCES. THAT IS ALL I HAVE TO SAY. THANK YOU.\r\n\r\nMAHALO. >> QUESTIONS? IF NOT, THANK YOU VERY MUCH. MADAM CLERK. >> OUR NEXT TESTIFIER IS SCOTT ADAM, TO BE FOLLOWED BY JORDAN HOCKER. >> HELLO COUNCIL. SCOTT ADAM, A HAIKU RESIDENT, AND CONCERNED CITIZEN.\r\n\r\nAS WE KNOW, FOR A LONG TIME THE RALLY CALL ACROSS THE COUNTRY FOR MANY CULTURES HAS BEEN WATER IS LIFE. AND YOU KNOW, WATER IS AN ESSENTIAL PART OF OUR EXISTENCE, AND IT'S A BUILDING BLOCK AND HUMAN RIGHT. YOU KNOW, I REALLY BELIEVE THAT IT'S IMPORTANT FOR OUR ELECTED OFFICIALS TO REALLY, TRULY SERVE THEIR CONSTITUENTS AND SERVE THE PEOPLE THAT PUT THEM IN PLACE AND TO HAVE IN MIND FUTURE GENERATIONS AND BY GIVING THE RIGHTS OF OUR WATER OVER TO A CORPORATION, THAT IS A FOREIGN CORPORATION, THAT HAS POTENTIALLY AGENDAS OR POTENTIAL -- I GUESS INCENTIVES THAT DON'T ACTUALLY SERVE THE PEOPLE, OR THE FUTURE OF THE PEOPLE. IT'S SOMETHING THAT WE NEED TO CONSIDER INCREDIBLY, NEED TO MAKE THAT A VERY IMPORTANT PART OF WHEN WE'RE LOOKING FORWARD ABOUT MAKING THESE DECISIONS. AND IN ADDITION TO THAT, I REALLY FEEL THAT WE HAVE TAKEN THE RIGHTS OF PEOPLE AND THE TRANSPARENCY AND COMMUNICATION WITH THE PEOPLE IS REALLY LACKING. I REALLY CALL FOR IN THE FUTURE, IN GOING FORWARD, TO HAVE -- WHEN WE HAVE DECISIONS THAT ARE GOING TO AFFECT THE FUTURE OF OUR COMMUNITIES THAT IT WILL BE HELD IN PUBLIC TOWN HALLS, WHERE WE COULD HEAR PUBLIC DISCUSSIONS AND DECISIONS AND HAVE THIS COMPLETELY TRANSPARENT, INCLUDING THE LANGUAGE THAT THE MAJORITY OF PEOPLE CAN'T REALLY GRASP THE MANIPULATION THAT HAPPENS THROUGH LEGALESE AND THROUGH THESE BILLS. THIS NEEDS BECOME COMPLETELY TRANSPARENT, THROUGH REAL LANGUAGE AND FULLY AIRED PUBLICLY, SO THE PEOPLE ON ALL LEVELS CAN AIR THEIR UNDERSTANDINGS OF WHAT THESE BILLS TRULY ARE PUTTING FORWARD AS WE MOVE FORWARD TO MAKE DECISIONS ABOUT OUR FUTURE GENERATIONS.\r\n\r\nSO THAT IS REALLY ALL I WANT TO SAY. I WANT TO SAY WE NEED TO BRING THE POWER OF THE WATER BACK TO THE PEOPLE, AND SECURE THAT FOR FUTURE GENERATIONS. SO THANK YOU, SHANE, FOR DOING ALL THE WORK YOU DID ON THIS BILL AND FOR THE LANGUAGE THAT WE'RE TRULY

SERVING THE PEOPLE WITH THIS BILL. THANK YOU. ANY QUESTIONS? >> MEMBERS, DO YOU HAVE ANY QUESTIONS? THANK YOU.\r\n\r\n>> THANK YOU SO MUCH. >> NO QUESTIONS. >> OUR NEXT TESTIFIER IS JORDAN HOCKER, TO BE FOLLOWED BY LYNN BANKS. >> ALOHA COUNCIL MEMBERS. MAN, YOU HAVE QUITE THE AGENDA IN FRONT OF YOU. I HAVE QUITE A FEW TO TESTIFY ON. SO I WILL TRY TO KEEP IT BRIEF.\r\n\r\n\r\nSO I WOULD LIKE TO TESTIFY MY SUPPORT OF ALLOWING MEASURE 22-151 ONTO THE BALLOT AS A CHARTER AMENDMENT. I THINK THAT MAYBE THE HESITANCY ON BEHALF OF THE DEPARTMENT AND SOME OF THE ENTITIES WHO ARE NOT IN SUPPORT OF MAUI COMMUNITY WATER AUTHORITY AND ADVISORY BOARD FROM EAST MAUI, IS PROBABLY DUE TO ALL OF THE VOICES THAT WE HEARD TODAY, WHICH ARE VERY STRONGLY IN FAVOR OF THAT WATER BEING MANAGED, AND ACTUALLY CONSIDERED FOR THE PUBLIC INSTEAD OF AS WE HAVE HEARD A PRIVATE CORPORATION. SO I THINK THAT REGARDLESS OF WHERE ANYONE SITTING ON THIS BODY, WHERE YOUR LOYALTIES LIE, THE REALITY IS THAT THE PEOPLE ARE ASKING YOU TO LET US VOTE ON THAT, IN THE UPCOMING CHARTER AMENDMENTS. SO HEARING THE MAYOR'S ADMINISTRATION SAY THERE'S TOO MUCH GOING ON. I THINK WE ALL KNOW THAT WATER IS MOST IMPORTANT AND AS UP COUNTRY RESIDENT CURRENTLY ON RESTRICTION, WITH A LOT OF FOOD GROWING AROUND ME WE ALL FEEL THE BURDEN OF WATER MISMANAGEMENT. I'M NOT IN ANY PLACE THAT I'M WORRIED ABOUT AN EAST MAUI WATER AUTHORITY SOMEHOW TAKING AWAY MY WATER UP COUNTRY, BECAUSE WE'RE DEPENDENT COMPLETELY ON EMI SYSTEM. SO I WANT TO THANK COUNCIL MEMBER SHANE SINENCI FOR BRINGING THAT FORWARD AND URGE YOU FOLKS TO SIMPLY VOTE YES.\r\n\r\n\r\nSO THAT WE CAN VOTE ON IT COMING UP. SO I'LL MOVE ON TO BILL 21-CC 22-154. OR CC 47 IN REGARDS TO SEABIRD LIGHTING. WE HAVE HEARD A LOT OF REALLY GOOD TESTIMONY, I THINK, THIS BODY IS MORE THAN CAPABLE OF HEARING WHERE EXEMPTIONS ARE NEEDED. BUT YEAH, IN THE SAME WAY WITH WATER THAT WATER GETS OVERLOOKED. OUR ENDEMIC SPECIES GET OVERLOOKED AS WELL AND IF NOBODY IS GOING TO STEP FORWARD, THAT IS WHAT THIS BODY SHOULD BE DOING PRESERVING THE HEALTH OF SPECIES AND BIODIVERSITY GOING FORWARD, SO OUR CHILDREN CAN EXPERIENCE WHAT THAT IS LIKE, BIODIVERSITY MAKES A BETTER PLACE TO BE. IT MAKES IT HEALTHIER. THAT IS WHY I SUPPORT THIS INITIATIVE.\r\n\r\n\r\nI WILL MOVE ON TO CC 22-55 IN REGARDS TO THE COUNTY EXPLORING TELEWORK OPTIONS. IT SEEMS LIKE A NO-BRAINER. OUR TRANSPORTATION INFRASTRUCTURE IS SO HEAVILY BOMBARDED BY OUR VISITOR TRAFFIC, AS WELL AS OUR RESIDENT TRAFFIC. SO WE'RE IN A SITUATION, IF PEOPLE CAN WORK FROM HOME, YOU'RE MITIGATING OUR USE OF FOSSIL FUELS. YOU ARE ALLOWING PEOPLE A LITTLE MORE FREEDOM, AND POSSIBLY ALTERNATIVE IN THE CASE THAT COVID IS STILL HERE. PEOPLE ARE STILL GETTING SICK. I'M GETTING OVER A CHEST COLD HERE AND HAVING ALTERNATIVE METHODS OF BEING ABLE TO WORK AND BEING ABLE TO ACCESS AND STILL SHOW UP WITHIN MAUI COUNTY IS EXCEPTIONALLY IMPORTANT CONSIDERING LEAST ON MY END, IT'S BEEN A LOT EASIER TO PARTICIPATE IN LOCAL GOVERNMENTS BECAUSE OF THESE OPTIONS.\r\n\r\n\r\nSO I'LL MOVE TO BILL 92, WHICH IS SCHEDULED FOR FIRST READING REGARDING RESIDENCY REQUIREMENTS FOR COMMITTEES. I STILL SUPPORT IT AND STILL THINK IF I WAS MADE AWARE OF AN EXEMPTION FOR PEOPLE WHO ARE MOVING OR OTHER THINGS, AND I THINK THAT A RESIDENCY REQUIREMENT FOR COMMISSIONS IS NOT TOO MUCH TO ASK AND HOPE YOU THAT FOLKS VOTE YES ON THIS TODAY. I WILL MOVE TO RESOLUTION 22-162 REGARDING THE PURCHASING OF THE CROSSROADS BUILDING. WE HAVE HEARD A LOT ABOUT CORPORATIONS, A LOT ABOUT ENTITIES THAT ARE SORT OF NU MINING THE WAY THAT WE'RE LIVING. AND THE EVICTION OF AN ENTIRE GROUP OF PEOPLE FROM ONE BUILDING WOULD HAVE BEEN THERE FOREVER, PUTS US IN A REALLY UNIQUE SITUATION. BECAUSE THIS HAS BEEN HAPPENING TO INDIVIDUALS IN SINGLE 'OHANAS OR IN ONE LOCATION ALL THROUGHOUT THE PANDEMIC. PEOPLE HAVE BEEN PUSHED OUT.\r\n\r\n\r\nPEOPLE

HAVE THEIR RENTS DOUBLED. THIS IS A TREND AND IT'S UNDENIABLE. SO WHEN YOU ARE LOOKING AT THE PURCHASING OF AN ENTIRE BUILDING WHAT MAKES THIS UNIQUE, THE RESIDENTS WERE ABLE TO COME TOGETHER AND SAY IT WASN'T FAIR AND MULTIPLE VOICES AMPLIFIED RATHER THAN JUST FAMILY FACING RAISING RENTS. PURCHASING THIS BUILDING IS A PROPER USE OF WHAT I FEEL MY TAXPAYER RESOURCES TO KEEP KUPUNA HOUSED. AND SO SET A PRECEDENT THAT MAUI COUNTY IS WILLING TO STEP IN ON BEHALF OF OUR MOST VULNERABLE RESIDENTS, TO FIGHT THIS TREND. BECAUSE THE MARKET IS BOOMING. AND THE PEOPLE WHO HAVE THE MONEY TO INVEST IN OUR BUILDINGS AREN'T REALLY, I THINK, ARE IN A ETHICAL POSITION THINKING ABOUT HOW THAT IS AFFECTING OUR FAMILIES, THEIR CHILDREN, AND OUR KUPUNA?\r\n\r\nIT BEGS, WHEN WE TALK ABOUT HOW IMPORTANT OUR KUPUNA ARE, THAT HOW MUCH OF THAT IS LIP SERVICE? WHERE IS THE FOLLOW THROUGH? SO I THINK THAT THE COUNTY ACQUIRING THIS BUILDING IS A STEP IN THE RIGHT DIRECTION AT THE VERY LEAST FOR THESE RESIDENTS. SO I HOPE THAT YOU WILL SUPPORT THAT. AND THEN I'M GOING TO MOVE ON TO 22-166. REGARDING THE RESOLUTION URGING THE POLICE DEPARTMENT AND THE PROSECUTING ATTORNEY TO -- PROSECUTOR'S OFFICE TO WORK WITH DNLR IN TERMS OF ILLEGAL CAMPING ON UNENCUMBERED PUBLIC LANDS. SO THERE'S TWO THINGS IN THIS RESOLUTION THAT DON'T BELONG TOGETHER AND ARE NOT AT ALL IN THE SAME VEIN. I FULLY SUPPORT ENFORCEMENT FOR PEOPLE CAMPING ILLEGALLY WHO COME HERE ON VACATION AND NOT ONLY ARE THEY TRYING TO LOOK FOR THE CHEAPEST OPTION EVER AND IF I CAN FIND THE STUDY, WE HAVE MORE VISITORS THAN EVER, BUT DUE TO INFLATION, THEY ARE SPENDING THE SAME AMOUNT OF MONEY AS IN THE 1980S; RIGHT?\r\n\r\nSO WE HAVE THIS UNFETTERED SITUATION THAT ABSOLUTELY NEEDS TO BE ADDRESSED. HOWEVER, FOLKS COMING HERE TO CHOOSE TO RENT A CAMPER VAN IS NOT THE SAME THING AS UNHOUSED KANAKA HAVING TO CAMP. WITH A RESOLUTION LIKE THIS, WHO DO YOU THINK IS GOING TO BE MOST EFFECTED IN TERMS OF CRIMINALIZATION BY BOTH THE POLICE DEPARTMENT AND PROSECUTOR'S OFFICE? WHO DO YOU THINK THEY WILL GO AFTER; RIGHT? BECAUSE THE REALITY IS IN THE STATE OF HAWAII IT'S ILLEGAL TO SLEEP IN YOUR CAR BETWEEN THE HOURS OF 6:00 P.M. AND 6:00 A.M. AND IF I'M WRONG ON THAT, I DO APOLOGIZE. WE KNOW PEOPLE WHO ARE ILLEGALLY CAMPING IN THE CAMPING VANS THAT ARE HARASSED BY THE POLICE, THERE WOULD BE A HECK OF A LOT LESS OF IT GOING ON. SO I WOULD URGE YOU NOT TO ADOPT THIS RESOLUTION AS IT IS BY ANY MEAN AND TO FULLY PULL THE PARAGRAPH OF UNSHELTERED RESIDENTS OUT OF IT ENTIRELY AND INSTEAD CHOOSE THE FOCUS TO BE ON ILLEGAL CAMPING FOR.\r\n\r\n-n-PROFIT. WHEN I READ IT, MY HEART SANK, BECAUSE LAST THING WE NEED TO DO IS CRIMINALIZE HOMELESSNESS IN MAUI COUNTY. I WILL MOVE ON TO RESOLUTION 22-168. I APPRECIATE THIS BEING BROUGHT FORWARD IN THE WAKE OF THE SUPREME COURT OVERTURNING ROE V. WADE, AND THE REALITY, IT'S A HIGHLY CONTENTIOUS ISSUE AND MY OPINIONS MAY NOT BE OPINIONS SHARED BY MAUI COUNTY. IF YOU WANT TO LOWER THE RATE OF ABORTION, IT'S NOT THROUGH BANNING IT, BUT THROUGH AFFORDABLE HOUSING. IT'S THROUGH PAID MATERNITY LEAVE. IT'S THROUGH A LIVING WAGE. THERE ARE WAYS TO ENCOURAGE PEOPLE TO HAVE THE BABIES THAT THEY ARE CARRYING, BUT UNTIL OUR MATERNAL MORTALITY RATES AGAINST NATIVE HAWAIIAN WOMEN, WHICH ARE AT THE SAME STANDARD AS BLACK WOMEN IN THE UNITED STATES.\r\n\r\nnSO YOU'RE LOOKING AT WOMEN DYING AT A RATE OF 300% MORE GIVING BIRTH. IT'S NOT SAFE TO GIVE BIRTH IN OUR HOSPITALS RIGHT NOW, AND THOSE INEQUITIES HAVE NOT BEEN ADDRESSED. SO IF YOU REALLY CARE ABOUT THIS ISSUE FROM A DATA PERSPECTIVE THERE ARE THINGS THAT CAN BE DONE THAT HAVE AN AFFECT AND BANS ARE NOT ONE OF THEM. SO I APPRECIATE THIS GOING FORWARD. I APPRECIATE THIS BEING BROUGHT FORWARD, BECAUSE IT'S REALLY A PART OF FAMILY PLANNING AND IT'S REALLY NOBODY ELSE'S BUSINESS, BUT THE REALITY

IS THAT ROE V. WADE HAD TO GO ALL WAY TO SUPREME COURT IS BECAUSE WOMEN WERE DYING AND THAT IS THE BOTTOM LINE. THANK YOU. >> MEMBERS, QUESTIONS?\r\n\r\n>> NO QUESTIONS, THANK YOU VERY MUCH. >> OUR NEXT TESTIFIER IS BLAIN BANKS, FOLLOWED BY DAN JOHNSON. >> GOOD MORNING, AND THANKS, COUNCIL, FOR THIS OPPORTUNITY TO SPEAK ABOUT THE PROPOSED BILL 21, CD 1, CHANGES TO THE MAUI COUNTY'S OUTDOOR LIGHTING ORDINANCE. MY NAME IS BLAIN BANKS AND I'M THE HAWAI'I ENGINEERING MANAGER OF JOHNSON CONTROLS SUSTAINABLE INFRASTRUCTURE DIVISION WITH OFFICES ON MAUI AND OAHU AND MY COMPANY'S EXPERTISE MIGHT BE SUMMARIZED AS CUSTOMER-DRIVEN THROUGH EXCEPTIONAL CUSTOMER SOLUTIONS FOR MORE COMFORTABLE AND EFFICIENT AND MORE SUSTAINABLE BUILDINGS AND INFRASTRUCTURE. AS IT RELATES TO BILL 21, AN ORDINANCE TO MAKE SIGNIFICANT CHANGES TO THE REQUIREMENTS AND SPECIFICATIONS FOR OUTDOOR LIGHTING IN THE COUNTY. FIRST, I WOULD LIKE TO APOLOGIZE THAT WE DIDN'T COME -- WEREN'T ABLE TO COME SOON ENOUGH IN COMMITTEE TO PROVIDE INDUSTRY INPUT TO THE BILL AT THIS TIME. BECAUSE WE DO HAVE EXPERIENCE WITH THE INSTALLATION OF L.E.D. STREET LIGHTS AND OTHER OUTDOOR LIGHTS, SPECIFICALLY L.E.D. STREET LIGHTS FOR MULTIPLE GOVERNMENT AGENCIES IN HAWAI'I, INCLUDING THE CITY AND COUNTY HONOLULU, AND THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION.\r\n\r\nAND WE'RE VERY AWARE OF THE SENSITIVITY ABOUT OUTDOOR LIGHTING RELATING TO THE SURROUNDING NATURAL ENVIRONMENT AND ANY SPECIFICATION FOR OUTDOOR LED LIGHTING WOULD ASK ITEM AS SUCH AS COLOR, TEMPERATURE, SHIELDING, ET CETERA IN ORDER TO BE MINDFUL OF THE IMPACTS TO THE ENVIRONMENT. FURTHER, THAT WAS TO BE TO BE REPETITIVE, BUT THERE'S ALSO AN INDEPENDENT STUDY PUBLISHED ON MARCH 24, 2022 BY HAWAI'I PACIFIC UNIVERSITY AND THE U.S. FISH AND WILDLIFE SERVICE, WHICH STUDIES SEABIRD FALLOUT AROUND OUTDOOR LIGHTS ON THE HIGHWAY FOR A PERIOD OF EIGHT YEARS. WITH THE FIRST FOUR YEARS BEING THE OLDER HIGH PRESSURE SODIUM LIGHTS, THE ONES WITH LOW TO NO BLUE LIGHTS. THE SECOND FOUR YEARS BEING THE NEW SHIELDED L.E.D. STREET, THAT DO HAVE SOME BLUE LIGHT AND PRESSURIZED SODIUM, BUT IMPORTANTLY HAD A FULLY SHIELDED CUT-OFF DESIGN OF THE FIXTURE ITSELF AND ONE THING THAT STICKS OUT IN THE STUDY'S CONCLUSION, THERE'S NO EVIDENCE SUGGESTING THAT THE SHIELDED L.E.D. IMPACTS AFFECTED THE NUMBER OF BIRDS FROM FALLOUT. THANK YOU VERY MUCH FOR YOUR TIME, AND WE APPRECIATE THE OPPORTUNITY TO PROVIDE FEEDBACK, BECAUSE FIRST AND FOREMOST, WE WANT TO -- WE COMMEND THE COUNTY IN TAKING STEPS TO LOOKING AT THE EXISTING LAWS, EXISTING BILLS, AND TO TWEAKING AND STRENGTHENING THE COUNTY'S OWN ORDINANCE TO BE AS RESPONSIVE AS POSSIBLE. AND FURTHER, I WANT TO TAKE THIS OPPORTUNITY TO SAY THANK YOU THAT WE CAN PROVIDE SOME INPUT FROM THE INDUSTRY'S PERSPECTIVE AND THE EXPERIENCE THAT MYSELF AND MY COMPANY HAVE HAD AROUND THIS EXACT SAME ISSUE FROM OTHER HAWAIIAN ISLANDS IN THE STATE. THANK YOU VERY MUCH.\r\n\r\n>> >> MEMBERS, QUESTIONS? MEMBER KING. >> THANK YOU, CHAIR. ALOHA, MR. BANKS. THANK YOU FOR BEING HERE. I WAS WORKING WITH YOUR COMPANY BACK IN THE '90S WHEN I WAS ON THE BOARD OF EDUCATION.\r\n\r\nSO I KNOW ABOUT JOHNSON CONTROLS AS BEEN AROUND A LONG TIME. HAVE YOU DONE ANY WORK ON THE BIG ISLAND WITH THEIR REPLACEMENTS? THEY HAVE BEEN DOING THIS FOR TEN YEARS, AND USING THE SAME STANDARDS IN THIS BILL? >> I CAN'T SPEAK OF DIRECT EXPERIENCE WITH CONTRACTING WORK, INSTALLING WORK ON THE BIG ISLAND. I CAN'T SAY THAT MY COMPANY WAS CONTRACTED TO DO IT. WE WERE AWARE PRETTY EXTENSIVELY AROUND SOME OF THE ORIGINATION OF THE FIXTURE COMPLIANCE AND NEEDS DATING BACK TO WHEN THE OBSERVATORIES MAUNA KEA WERE VERY PARTICULAR ABOUT HAVING LIGHT POLLUTION AND AMBIENT LIGHT FILTERED OUT TO REDUCE THE BLUE LIGHT CONTENT, BECAUSE THE TELESCOPES WERE NOT TUNED TO HANDLE A LOT OF AMBIENT BLUE LIGHTS.

THAT WAS FROM THE TIME FROM THE TRANSITION FROM THE LOW PRESSURE SODIUM, ORANGE -- >> I JUST WANTED TO KNOW YOUR DIRECT EXPERIENCE, BECAUSE YOU MENTIONED HONOLULU.\r\n\r\nTHANK YOU. >> THAT IS MY EXPERIENCE. THANK YOU. >> ANY MORE QUESTIONS? MEMBER JOHNSON. >> THANK YOU, CHAIR. GOOD AFTERNOON, MR.\r\n\r\nBANKS. I WAS TRYING TO FIND YOUR STATEMENT IF YOU WERE FOR OR AGAINST THE BILL? CAN YOU CLARIFY THAT? >> LET ME CLARIFY BY SAYING THERE'S MORE INFORMATION, AND I HOPE SOME OF THESE THINGS, LIKE, THE INDEPENDENT SITE OF THE U.S. FISH AND WILDLIFE AND SOME OF THE EXPERIENCE FROM THE NEIGHBOR ISLANDS AND OTHER AGENCIES, PUBLIC AGENCIES IN THE STATE CAN BE CONSIDERED IN HELPING TO SHAPE THE FINAL OUTCOME, BECAUSE MY COMPANY IS INTERESTED IN BEING COMPLIANT; RIGHT? AS A DESIGN-BUILD ENGINEERING AND CONSTRUCTION FIRM, WE WANT TO MAKE SURE WE CAN DELIVER. >> OKAY. >> THANKS.\r\n\r\n>> LET ME REPHRASE MY QUESTION A LITTLE BIT. ON JOHNSON CONTROLS, NO RELATION, DO YOU HAVE THE SUSTAINABILITY WEBSITE, OR WEB PAGE AND SAYS AT JOHNSON CONTROLS WE HAVE BEEN DEDICATED TO PROTECTING THE ENVIRONMENT SINCE OUR INVENTION OF THE ELECTRIC -- IN 1985, PROVIDING ENERGY-EFFICIENT BUILDINGS AND ALL OVER THE WORLD, WE POWER CONSUMERS AND COMMUNITIES TO CONSERVE LESS ENERGY AND CONSERVE RESOURCES. DOES THAT STATEMENT HELP -- HOW DO YOU JUSTIFY YOUR STANCE ON THE BILL WITH THE STATEMENT THAT YOU ARE MAKING ABOUT HOW YOU ARE TRYING TO CONSERVE RESOURCES AND YOU HAVE A COMMITMENT TO THE ENVIRONMENT? >> YOU KNOW, EVERYTHING FROM THE AMOUNT OF ENERGY THAT A LIGHTING FIXTURE CONSUMES, WHICH HAS TO BE TAKEN INTO CONSIDERATION, THE WAY I LOOK AT IT, I SUPPOSE. AND CALCULATING WHAT A PAYBACK MIGHT BE OR OPERATIONAL COSTS LONG-TERM? COUNCIL MEMBER JOHNSON, I GUESS, IF I MAY SUMMARIZE, IT'S COMPLEX, SIR. A LOT OF INPUTS THAT NEED TO BE CONSIDERED, THAT IS REALLY ALL I'M SAYING, SIR.\r\n\r\n>> OKAY. MY FINAL QUESTION IS THEN TO CLARIFY, IS IT FINANCIAL -- IS IT IN YOUR FINANCIAL INTEREST FOR THIS BILL TO PASS? >> SO JOHNSON CONTROLS, JUST TO BE CLEAR, WE'RE NOT A MANUFACTURER OF LIGHTING FIXTURES. WE DO NOT HAVE A FINANCIAL INTEREST IN MANUFACTURERS -- WE DON'T. >> ALL RIGHT. THANK YOU SO MUCH THANK YOU, CHAIR. >> CHAIR, CAN I FOLLOW-UP? >> WE HAVE ONE MORE QUESTION.\r\n\r\nMEMBER SUGIMURA. >> THANK YOU. THANK YOU VERY MUCH FOR YOUR TESTIMONY. IF I RECALL, SO YOUR COMPANY AS MEMBER JOHNSON IS ASKING YOU ABOUT, AND THE WORK THAT YOU ARE DOING WITH US MAUI COUNTY, IF THIS BILL PASSES, WHAT IMPACT DO YOU SEE THEN? BECAUSE YOU ARE DOING INVENTORY FOR US. >> YES. SO RIGHT NOW WE'RE UNDERTAKING A PROCESS OF A STUDY OF PHYSICAL SITE SURVEY OF THE COUNTY BUILDINGS AND COUNTY FACILITIES AND INFRASTRUCTURE.\r\n\r\nHVAC AND LIGHTING AND OTHER THINGS, LIGHTING BEING ONE OF THEM. WE'RE IN THE MIDDLE OF THAT NOW. AS OF NEXT WEEK, WE'LL HAVE INVENTORY ON A LINE-BY-LINE SPREADSHEET FOR EVERY SINGLE LIGHTING FIXTURE, INTERIOR AND EXTERIOR OF THE COUNTY INFRASTRUCTURE. THE UPDATE AS OF THIS MORNING OUR TEAM IS TELLING ME THAT WE HAVE OVER 250 DIFFERENT TYPES OF EXTERIOR LIGHTING FIXTURES IDENTIFIED FOR COUNTY ASSETS. SO ANYTHING THAT WOULD BE RECOMMENDED FOR AN INSTALLATION PROJECT OR ENERGY SAVINGS PROJECT OR INFRASTRUCTURE UPGRADE PROJECT, YOU KNOW, WE'RE VERY INVOLVED WITH CODE COMPLIANCE AND WOULD BE ATTENTIVE TO THINGS AS THIS BILL DEVELOPS. THAT IS A LOT OF DIFFERENT FIXTURE TYPES. >> MEMBER SUGIMURA, DO YOU NEED MORE CLARIFICATION?\r\n\r\n>> BECAUSE HE IS BRINGING IN COSTS, I JUST WONDERED IF HE KNOWS WHAT THE COST IS TO THE COUNTY DOING THE INVENTORY? THAT IS WHAT I'M TRYING TO GET TO. >> HE GIVES KIND OF LONG ANSWERS. >> DO YOU HAVE A SHORT ANSWER FOR THAT QUESTION, MR. BANKS? >> THE COSTS? >> HOW MUCH IS IT GOING TO COST US?\r\n\r\n>> I DON'T HAVE THE ANSWER TO THAT RIGHT NOW. WE'RE STILL

DOING THE ANALYSIS. BUT WE WILL. >> THANK YOU. >> MEMBER KING. >> THANK YOU, CHAIR. I THINK YOU'RE PART IS DOING THE INVENTORY AND NOT REPLACEMENTS.\r\n\r\nBUT I JUST WANTED TO CLARIFY SOMETHING YOU SAID EARLIER ON THE STUDY YOU ARE REFERRING TO BECAUSE MY INFORMATION IS THE STUDY WAS ONLY ONE SPECIES OF SEABIRD AND DID CONCLUDE IN URGING THE REDUCTION OF BLUE LIGHT. CAN YOU CONFIRM THOSE TWO POINTS? >> I DIDN'T PARTICIPATE. I'M NOT SURE ABOUT THE BIRD SPECIES. I DON'T HAVE IT IN FRONT OF ME. >> OKAY. SO THAT WAS ONE OF THE STUDIES THAT WAS CONFIRMED ONLY ONE SPECIES THAT WAS COVERED AND THE ACTUAL STUDY DID URGE THE REDUCTION OF THE BLUE LIGHT.\r\n\r\nMAYBE CHECK ON THAT STUDY AGAIN, MR. BANKS? >> YES, IT'S PUBLICLY AVAILABLE. >> ANY MORE QUESTIONS, MEMBERS? MEMBER MOLINA. >> THANK YOU, MADAM CHAIR. ALOHA, MR.\r\n\r\nBANKS. SO JUST FOLLOWING UP ON THE PORTIONS, ARE YOU BASICALLY WITHOUT BEING DIRECT TELLING US MAYBE WE SHOULD HOLD OFF A DECISION TODAY UNTIL YOUR STUDY COMES OUT? IS THAT SOMETHING YOU WOULD PREFER? AT LEAST FROM THE INDUSTRY PERSPECTIVE TO BE IN COMPLIANCE WITH WHATEVER IS PRODUCED FROM THE COUNCIL? >> ANYTHING THAT ANYONE IS PROPOSING DESIGN ENGINEERING AND CONTRACTING IS GOING TO HAVE TO GET PERMITS OR WHATEVER THAT NEEDS TO BE IN COMPLIANCE; RIGHT? AND IT WOULD BE KIND OF TOUGH, RIGHT NOW, YOU KNOW, THAT'S WHAT I'M SAYING. SO, IF WE COULD, YOU KNOW, SOME OF THE EXEMPTIONS THAT I'M HEARING ABOUT, YOU KNOW, OUR PROJECT ENCOMPASSES THE PUBLIC SAFETY, THE PARKS AND REC, THERE'S A LOT OF DIFFERENT DEPARTMENTS, COUNCILMEMBER. SO, UM--COUNCILMEMBER MOLINA: OKAY.--OTHER INDIVIDUAL NEEDS. I'M ASKING, JUST AS AN FYI TO YOU, I WAS THE ORIGINAL AUTHOR OF THE FIRST OUTDOOR LIGHTING BILL BACK 2005 - 2006. WE HAD A SUB-COMMITTEE FORMED AND SO WE TOOK OUR TIME A LITTLE BIT WITH THIS TO MAKE SURE WE HEARD FROM ALL SIDES BEFORE WE PASSED THE BILL OUT. SO, I PERSONALLY FEEL IT'S IMPORTANT WE HEAR ALL PERSPECTIVE BEFORE WE PUT SOMETHING OUT THAT, YOU KNOW, AS A COST TO TAXPAYERS AND AT THE SAME TIME PROTECT, ADDRESSES THE ENVIRONMENTAL NEEDS IN OUR COMMUNITY. OKAY. I APPRECIATE YOUR INPUT, MR. BANKS. THANK YOU, MADAM CHAIR. ANYMORE QUESTIONS? I DON'T SEE ANY. THANK YOU, MR. BANKS. OKAY, OUR LAST TESTIFIER BEFORE WE TAKE OUR LUNCH BREAK. MADAM CLERK. THAT WOULD BE MR. DAN JOHNSON. ALOHA, COUNCILMEMBERS AND STAFF. THANK YOU FOR THE OPPORTUNITY TO SPEAK ON THE ISSUE. SPECIFICALLY, I'M HERE FOR 22-56. YEAH, I JUST WANTED TO SHARE ONE THING ON MY HEART FROM THE STATE LEGISLATURE. SO, WE HAVE A STATUTE 174C, IT RECOGNIZE THE WATERS OF THE STATE IS HELD FOR THE CITIZENS OF THE STATE. IT'S DECLARED THAT THE PEOPLE OF THE STATE ARE BENEFICIARIES AND HAVE THE RIGHT TO THE WATERS PROTECTED FOR THEIR USE. THE STATE WATER CODE SHALL BE LIBERALLY INTERPRETED TO OBTAIN A MAXIMUM BENEFICIAL USE OF THE WATERS FOR THE STATE PURPOSES SUCH AS DOMESTIC USES, AGRICULTURE USES, IRRIGATION, AGRICULTURE POWER DEVELOPMENT, COMMERCIAL AND OTHER INDUSTRIAL USES, HOWEVER THE ADEQUATE PROVISION SHALL BE MADE FOR THE PROTECTION OF TRADITIONAL AND CUSTOMARY HAWAIIAN RIGHTS AND PROTECTIONS AND PROCREATION OF FISH AND WILDLIFE. THE MAINTENANCE OF PROPER ECOLOGICAL BALANCE AND SCENIC BEAUTY AND PRESERVATION AND ENHANCEMENT OF THE WATERS OF THE STATE MUNICIPAL USES, PUBLIC RECREATION AND THESE THINGS DECLARE TO BE IN THE PUBLIC INTEREST. SO, WITH THAT BEING SAID, ON THE 22-56 THAT WE'RE LOOKING AT RIGHT NOW, I WOULD ENCOURAGE THAT WE CONTINUE TO MOVE FORWARD WITH THE FIRST READING BUT WITH THE SENTIMENT THAT THE PEOPLE SHOULD ALWAYS HAVE THE RIGHT TO THE WATER. HOWEVER, I THINK THERE SHOULD BE FURTHER AMENDMENTS ADDED TO IT EVENTUALLY TO REQUIRE THE COUNTY TO PURSUE THE LEASE, AT LEAST APPLY FOR THE LEASE FROM DLNR SO THAT THE COUNTY HAS THE HEADSHIP OVER THE WATER

RIGHTS, AND AT LEAST THE MANAGEMENT OF THOSE BENEFITS COMING ESPECIALLY FOR EAST MAUI AND UPCOUNTRY. I'M AN UPCOUNTRY RESIDENT AND I'VE SEEN A LOT OF THE ISSUES THAT THEY ARE HAVING WITH THE WATER DISTRIBUTION AND THE EFFECTIVE MANAGEMENT OF THAT. SO, I THINK THAT WE SHOULD MOVE FORWARD WITH A READING ON THIS AND ALSO REQUIRE THE COUNCIL TO APPLY FOR THE LEASE, AT A MINIMUM. THANK YOU. MEMBERS, QUESTIONS? I SEE NONE. THANK YOU VERY MUCH FOR YOUR TESTIMONY. MADAM CLERK, HOW MANY MORE TESTIFIERS DO WE HAVE? THIRTY-TWO TESTIFIERS SIGNED UP. SO, TESTIFIERS IF YOU COULD COME BACK AFTER LUNCH. LUNCH WILL BE, MEMBERS YOU WANT IT TO BE 1:15? 1:15? ANY COMMENTS? 1:30? SOLD, OKAY, ALRIGHT. WE DO HAVE OUR FORMER MAYOR, ALAN ARAKAWA IN THE AUDIENCE. WANT TO ACKNOWLEDGE HIM. THANK YOU FOR BEING SO PATIENT. I UNDERSTAND YOU HAVE SIGNED UP TO TESTIFY. AND IF YOU DON'T MIND COMING BACK. ARE YOU COMING BACK? OH, OKAY, VERY GOOD. THANK YOU. THANK YOU FOR YOUR PATIENCE. APPRECIATE IT. OKAY, MEMBERS AT THIS TIME WE WILL TAKE OUR LUNCH BREAK UNTIL 1:15, MEETING, I'M SORRY 1:30, 1:30. MEETING IS IN RECESS. (THE MEETING WAS RECESSED AND WAS RECONVENED WILL THE MAUI COUNTY COUNCIL REGULAR COUNCIL MEETING OF JULY 1, 2022, RECONVENE. IT IS APPROXIMATELY 1:39. MADAM CLERK LET'S RESUME TESTIMONY. COUNTY CLERK: CHAIR, OUR NEXT TESTIFIER IS PAUL DELAURIER, FOLLOWED BY LUCIENNE DE NAIIE. I THINK THEY'RE ONLINE. OKAY, WE CAN ALWAYS COME BACK TO THEM. OKAY. NEXT WILL BE MR. BILL GREENLEAF, TO BE FOLLOWED BY ROBIN KNOX. HI, I'M HERE. CAN YOU HEAR ME? HI, BILL. YES. OKAY. THANK YOU. I THINK THE TURNOUT ON THIS TESTIMONY IS A CREDIT TO THIS COUNCIL AND THE AGENDAS THAT YOU'RE PUTTING FORWARD. AND I LOVE THIS COUNCIL. THIS IS SO EXCITING. BILL, COULD YOU STATE YOUR NAME FOR THE RECORD, PLEASE? MY NAME IS BILL GREENLEAF AND WE'VE BEEN FARMING FOR SIXTEEN YEARS. WHEN I STARTED FARMING, I SAW THE ANNUAL POSTING THAT WE WERE GOING TO HAVE A DROUGHT RESTRICTION AND AFTER A COUPLE OF YEARS, I STARTED ASKING MYSELF, WHY AREN'T WE BUILDING MORE RESERVOIRS? WHY AREN'T WE FIXING THE WATERSHEDS? I GOT TOGETHER WITH A GROUP OF FARMERS AND RANCHERS ABOUT TEN YEARS AGO AND THIS IS A VERY IMPORTANT TOPIC, DAVE TAYLOR WAS THE WATER DIRECTOR. AND I WOULD LIKE TO GIVE YOU A LITTLE HISTORY ON WHAT IT'S LIKE TO BE A CITIZEN DEALING WITH PROBLEMS AND WHY I APPRECIATE WHAT YOU'RE DOING SO MUCH. WHEN WE TALKED TO MR. TAYLOR, ABOUT RESERVOIRS, HE ADVISED US ABOUT THE WAY THE WATER DEPARTMENT COULD MAKE IMPROVEMENTS WAS OUT OF ORDINARY INCOME AND PEOPLE DIDN'T HAVE A APPETITE FOR RAISING RATES. SO, WE RESEARCHED IT AND FOUND OUT THAT THE GENERAL OBLIGATION AND GENERAL FUND BONDS COULD IN FACT BE USED FOR INFRASTRUCTURE AND WE ADVISED HIM OF IT AND NEVER GOT MUCH FEEDBACK. AND ONE DAY I FOUND MYSELF COMING OUT OF COUNCIL TESTIFYING AND RIDING DOWN THE ELEVATOR ALONE WITH DAVID AND I ASKED HIM, YOU KNOW, WHAT ARE YOU DOING ABOUT THIS, AND HE ACTUALLY TURNED HIS BACK ON ME AND FACED THE CORNER OF THE ELEVATOR AS WE RODE DOWN AND DIDN'T SAY ANOTHER WORD TO ME. AND I WAS POLITE. I DIDN'T FEEL POLITE AFTER HE TURNED HIS BACK ON ME. WELL, WE'VE HAD ANOTHER WATER DIRECTOR THAT DIDN'T DO ANYTHING. WE'VE HAD MULTIPLE MAYORS THAT SAID THEY WERE GOING TO DO SOMETHING. WE'VE GOT A MAYOR NOW THAT SAID HE WAS GOING TO DO SOMETHING. WE'VE GOT A MAYOR'S SPOKE PERSON WHO SAID TODAY THAT THEY WANT TO HAVE SOME CONVERSATIONS ABOUT IT NOW THAT THEY KNOW IT'S IMPORTANT AND I THINK EVERY CITIZEN ON MAUI IS TIRED OF CONVERSATIONS ABOUT THINGS THAT DON'T GO ANYWHERE. I REALLY APPRECIATE THAT THIS IS A SECOND VOTE AND WE'RE ON OUR WAY TO A FULL VOTE AND WE'RE ON OUR WAY TO A CHARTER AMENDMENT AND I THINK THE PEOPLE SHOULD BE DECIDING THIS AND I APPLAUD ALL OF YOU THAT HAVE PUT THIS FORWARD AND TAKEN IT SO FAR AND REALLY GRATEFUL THAT MAUI

COUNTY CAN FINALLY HAVE A PLAN. I KNOW IT'S DIFFICULT. EVERYTHING WE EVER HEARD ABOUT TAKING OVER OUR WATER OPERATION WAS GOING TO HAVE A LOT OF CRITICS AND WHAT IF'S; AND HOW MUCH IS? AND I CAN SEE BY THE WORK THAT YOU HAVE PUT IN TO THIS RESOLUTION AND THIS BILL, THAT YOU'VE LOOKED AT ALL OF THAT AND YOU'VE COME UP WITH A COMPREHENSIVE PLAN THAT WILL WORK AND IT WILL BE GOOD FOR THE PEOPLE AND IT WILL BE FAIR TO THE CORPORATIONS. I APPLAUD YOU. THANK YOU. AND THE OTHER THINK I WANTED TO MENTION IS THE PLANNING COMMISSIONS. I REALLY LIKE WHAT DICK MAYER SAID, UM, I KNOW IN MY 22 YEARS HERE I'VE BEEN INVOLVED IN AGRICULTURE AND ACTIVISM, AND I'VE GOTTEN TO KNOW PEOPLE IN ALL PARTS OF THE ISLAND, AND THEY ARE ALL VERY DIFFERENT. AND I STRONGLY SUPPORT THAT WE REALIGN THE PLANNING PROCESS AND MAKE IT MORE LOCAL AND MORE RESPONSIVE TO THE COMMUNITIES THAT ARE AFFECTED DIRECTLY. AND THAT'S ABOUT IT. I YIELD TO--MEMBERS, QUESTIONS? --WHOEVER'S NEXT. WELL, LET'S SEE IF THEY, IF WE HAVE QUESTIONS FOR YOU. OKIE DOKE. ANYBODY? ANY MEMBER? LOOKS LIKE NO QUESTIONS. THANK YOU, BILL. GOOD SEEING YOU. THANK YOU, COUNCIL CHAIR. ALOHA, COUNCILMEMBERS. MADAM CLERK. CHAIR, THE NEXT TESTIFIER IS ROBIN KNOX. AND THEN I BELIEVE I SAW PAUL DELAURIERS ON THE CALL, SO IF YOU COULD CALL HIM AFTERWARDS. PAUL, CAN YOU WAIT TILL ROBIN IS DONE? OKAY? I THINK IT'S OKAY. JUST CALL ON ROBIN, PLEASE. COUNTY CLERK: OUR NEXT TESTIFIER IS ARE YOU READY FOR ME? YES, WE'RE READY FOR YOU, ROBIN. THANK YOU. MAHALO, COUNCILMEMBERS FOR ALLOWING US TO TESTIFY ON ALL THESE IMPORTANT ITEMS BEFORE YOU TODAY. I WANT TO GO ON RECORD AS SUPPORTING 22-55, 22-154, 22-59 AND 22-168. ALSO WANT TO COMMENT ON 22-151. I STRONGLY SUPPORT THIS. I THINK THAT HISTORICALLY, YOU KNOW, THERE'S BEEN CONFLICT ABOUT WATER AND WATER SHORTAGES THAT PERHAPS THAT DON'T HAVE TO BE OCCURRING DUE TO THE MANAGEMENT OF BOTH THE RESOURCE AND BY PRIVATE PARTIES AS WELL AS THE COUNTY. PROBABLY DO BETTER WITH INFRASTRUCTURE, BUT I THINK THAT THE COUNTY COULD HAVE MORE CONTROL OVER OUR WATER RESOURCES AND TAKE BETTER CARE OF THEM IF WE HAD THE WATER AUTHORITY AND THAT WE WOULD NOT BE DEPENDENT ON THE PRIVATE FOR PROFIT OFF-ISLAND ENTITY FOR OUR WATER SUPPLY. SO, I STRONGLY SUPPORT. IF FOR SOME REASON, 151 WOULD NOT PASS OUT OF THE COUNCIL ONTO THE BALLOT, I WOULD SUPPORT 22-56, TO HAVE ONLY THE EAST MAUI WATER AUTHORITY. WITH REGARD TO 22-57, THE PLANNING COMMISSION. OUR CURRENT PLANNING COMMISSION HAS REPRESENTATIVES, TWO FROM LAHAINA, ONE FROM KULA, TWO FROM MAKAWAO, AND THREE FROM WAILUKU, AND THERE ARE ZERO FROM SOUTH MAUI, WHERE I LIVE. THE MAUI PLANNING COMMISSION HAS BEEN MAKING A LOT OF DECISIONS FOR SOUTH MAUI THAT HAVE BEEN STRONGLY OBJECTED TO BY SOUTH MAUI RESIDENTS, PARTICULARLY BUILDING AFFORDABLE HOUSING, WATERWAYS AND GULCHES. AND THERE ARE SEVERAL PROJECTS PROPOSED AND THERE ARE REAL ESTATE AGENTS WHO ARE ADVERTISING WETLANDS FOR SALE, AND THEY EVEN SAY IN THE ADS, HEY THE COUNTY COUNCIL WILL APPROVE THE, SO IF YOU SAY YOU ARE BUILDING AFFORDABLE HOUSING. SO, YOU KNOW, I THINK THE PEOPLE WHO LIVE IN SOUTH MAUI DESERVE REPRESENTATION AND THE PLANNING COMMISSION DECISIONS GIVING THE PROFOUND IMPACTS SUCH AS, FLOODING, LOSS OF HABITAT AND INCREASE OF DISCHARGE OF FLOOD TO THE OCEAN. THE PEOPLE WHO ARE LIVING IN, YOU KNOW, MAKAWAO AND KULA AND LAHAINA AND WAILUKU DON'T HAVE TO DEAL WITH THE IMPACTS OF THESE DECISIONS LIKE THE PEOPLE WHO LIVE IN SOUTH MAUI DO. AND SO, YOU KNOW, I STRONGLY SUPPORT THAT EACH RESIDENCY AREA WOULD HAVE A PLANNING COMMISSION SO THAT WE CAN PROTECT THE QUALITY AND THE CHARACTER OF OUR COMMUNITIES BECAUSE RIGHT NOW, THINGS ARE BEING DECIDED BY PEOPLE WHO DON'T EVEN LIVE IN OUR COMMUNITY. THANK YOU VERY MUCH. THANK YOU, ROBIN. MEMBERS, QUESTIONS? NO QUESTIONS. THANK YOU AGAIN.

YOU'RE WELCOME. ALOHA. OUR NEXT TESTIFIER IS PAUL DELAURIERS, TO BE FOLLOWED BY LUCIENNE DE NAIE. PAUL ARE YOU THERE? LUCIENNE DE NAIE. ALOHA, I AM HERE. GOOD TO SEE YOU ALL AGAIN. I'LL BE TESTIFYING ON A BIT OF A LAUNDRY LIST TODAY BUT I WILL TRY TO BE BRIEF WITH EACH ONE BECAUSE IT HAS BEEN A LONG DAY. FIRST OF ALL, ON BEHALF OF THE SIERRA MAUI GROUP, I WOULD LIKE TO TESTIFY IN SUPPORT OF BILL 21, CD1 ALSO KNOWN AS 22-47 THE OUTDOOR LIGHTING ORDINANCE. I THINK THE MAIN DECISION THAT FOLKS NEED TO MAKE AND I KNOW THAT THERE'S, YOU KNOW, BEEN TESTIMONY PRO AND CON, IS WHAT THE ACTUAL FACTS ARE. YOU KNOW, ARE THERE APPROPRIATE EXEMPTIONS FOR OUR OUTDOOR BON DANCES? ARE THERE APPROPRIATE EXEMPTIONS FOR PUBLIC SAFETY? ARE THERE APPROPRIATE STANDARDS FOR ACTUALLY DOING SOMETHING THAT WOULD BENEFIT OUR VERY, VERY IMPORTANT NATIVE BIRD LIFE? THAT IS LIKE A CRUCIAL PART OF THE ECO-SYSTEM. THESE BIRDS AREN'T JUST NICE TO LOOK AT WHEN THEY FLY, BUT THEY HAVE A ROLE IN THE ECO-SYSTEM AND THEY'RE HAVING DIFFICULTIES BECAUSE OF THINGS THAT HUMANS HAVE DONE OVER THE YEARS. SO, I APPLAUD THE HARD WORK OF THE CARE COMMITTEE, BUT SIERRA CLUB SUPPORTS GOING WITH THEIR WORK. IT DOES APPEAR THAT THERE IS A RATIONAL BASIS TO TAKE THIS STEP AND THAT IT IS NOT GOING TO CAUSE THE MANY HARMS THAT ARE PROPOSED. ESPECIALLY IF THERE IS SOMEWHAT OF AN EXTENSION TO GIVE FOLKS MORE TIME TO LOCATE THE BETTER PRODUCTS. SO, MOVING ON ALSO BEHALF OF THE SIERRA CLUB, CHARTER AMENDMENT 22-56. THIS IS THE EAST MAUI WATER AUTHORITY. WE ARE IN STRONG SUPPORT OF THIS. WE HAVE BEEN IN AND OUT OF COURT FOR YEARS AND YEARS, IN FACT, JUST TO LET YOU GUYS KNOW, YOUR LAND BOARD THE OTHER DAY DECIDED THAT EVEN THOUGH THEIR ... OFFICER, THEIR CASE, RECOMMENDED THAT NEW REVOCABLE PERMITS COME WITH AN ADDITIONAL FEE FOR WATERSHED MAINTENANCE. YOUR LAND BOARD AND THEIR WISDOM SAID, NAH, WE DON'T HAVE TO DO THAT. THOSE WATERSHEDS, YOU KNOW, MAYBE IN ANOTHER YEAR OR TWO YEARS, WE COULD THINK ABOUT GIVING THEM SOME EXTRA MONEY. OH, REALLY, LIKE, I DON'T THINK ANYBODY ON MAUI WOULD SAY THAT. NOT ANY OF US THAT ARE WATCHING THE ALIEN SPECIES TAKE OVER OUR WATER SHEDS THAT WE ALL DEPEND UPON. SO, WE REALLY DO NEED, YOU KNOW, A LOCAL VOICE HERE. WE NEED PEOPLE WHO KNOW THIS LAND AND CAN SPEAK TO IT. IT CAN SPEAK TO PRACTICAL SOLUTIONS FOR IT. SO, THANK YOU FOR YOUR SUPPORT OF THAT. AND THEN TESTIFYING AS A PRIVATE INDIVIDUAL. I AM TESTIFYING IN SUPPORT OF THE OTHER CHARTER AMENDMENTS, 22-55. YOU KNOW, WE GOTTA GO WITH THE TIMES AND TELECOMMUTING DOES MAKE SENSE. ESPECIALLY SINCE WAILUKU IS LONG WAY AWAY FROM SOME OF THE PLACES WHERE OUR FOLKS LIVE. ALSO, 22-57, I PARTICULARLY JUST HAVE A PERSONAL PREFERENCE FOR THIS CHARTER AMENDMENT. THE TIME HAS COME TO LOOK AT MAUI AS A PLACE WHERE WE HAVE, YOU KNOW, DIFFERENT THINGS GOING ON IN DIFFERENT REGIONS OF OUR ISLAND. I MEAN, FOR ALL PRACTICAL PURPOSES, YOU KNOW, WEST MAUI IS ANOTHER ISLAND FROM CENTRAL MAUI. AND THEY USED TO HAVE AN ADVISORY COMMITTEE. THERE USED TO BE MORE SAY FROM WEST MAUI PEOPLE TO THE PLANNING COMMISSION. THEY REALLY DESERVE TO HAVE THEIR OWN PLANNING COMMISSION. SOUTH MAUI REALLY DESERVES TO HAVE THEIR OWN PLANNING COMMISSION. HANA REALLY DESERVES TO HAVE ITS OWN PLANNING COMMISSION AND ON AND ON. THIS IDEA THAT THERE WOULD NOT BE ANY CENTRAL OVERSIGHT, I BELIEVE THE BILL ADDRESSES THAT BY HAVING REPRESENTATIVES FROM THE MAUI ISLAND PLANNING COMMISSION FORM A OVERALL BODY THAT DEALS WITH ISLAND WIDE POLICIES. YOU'VE GOT A LOT OF EXPERTISE THERE. YOU HAVE EXPERTS FROM EVERY SINGLE REGION, GARANS, WE DO IT THAT WAY. SO, I AM IN VERY STRONG SUPPORT OF THAT. AND THEN THE CHARTER AMENDMENT 22-59, WE'RE FINE WITH RESIDENCY REQUIREMENTS FOR BOARDS AND COMMISSIONS, IS IN GENERAL A VERY, VERY GOOD IDEA BUT AS I DID TESTIFY BEFORE, I BELIEVE

THERE IS LANGUAGE IN THERE THAT DOES MAKE AN EXCEPTION IF THERE IS A PERSON WHO HAS EXTRAORDINARY SKILLS AND IS WILLING TO DONATE THEM. THERE CAN BE AN EXCEPTION MADE ON A CASE-BY-CASE BASIS. WHICH IS HOW IT SHOULD BE RATHER THAN IT IS THE NORM. GOING ON TO THE LAST COUPLE OF ITEMS. I'M IN STRONG SUPPORT AND I AM SURE EVERYONE IN THIS ROOM IS AS WELL, IN FINDING A RESOLUTION, THIS IS ITEM 22-162, FOR THE LAHAINA CROSSROADS RESIDENTS. WE'VE INTERVIEWED THREE OR FOUR RESIDENTS AT OUR STAND-UP MAUI MEETING THE OTHER NIGHT. IT'S JUST HEARTBREAKING THE STORY WHERE, YOU KNOW, THESE ARE HARD WORKING PEOPLE THAT PAY THEIR RENT AND DON'T HAVE A LOT OF OTHER OPTIONS CAUSE THEY'VE HAD AFFORDABLE RENT. RELATIVELY AFFORDABLE RENT FOR MAUI AND ALL OF A SUDDEN, YOU KNOW, THEY'RE GOING TO BE OUT ON THEIR EARS. HOPEFULLY, THERE COULD BE AN EXTENSION ON ANY, YOU KNOW, EVICTIONS BEING DONE FOR REMODELING AND THERE COULD ALSO BE A SOLUTION TO PURCHASE THE PROPERTY AND TRY TO KEEP IT AFFORDABLE CAUSE THE EASIEST AFFORDABLE HOUSING TO HAVE, IS THE ONES WE ALREADY HAVE THAT ARE WORKING AND SO WE DON'T HAVE TO DISPLACE PEOPLE. AND THEN TO END, WRAP THINGS UP, ITEM 111, SECOND AND FINAL READING. THIS IS ABOUT THE REVOLVING FUNDS FOR THE CESSPOOL CONVERSIONS, AND THIS IS SOMETHING THAT REALLY AFFECTS FOLKS IN THE HAIKU AREA OR HUELO AREA, WHERE I LIVE AND CERTAINLY ALL THE WAY UPCOUNTRY. MANY PEOPLE ARE GOING TO BE REQUIRED TO UPGRADE THEIR CESSPOOLS TO SEPTIC SYSTEMS OF SOME SORT AND IT WOULD BE GREAT FOR THE FAMILIES THAT ARE, YOU KNOW, LEGACY FAMILIES THAT HAVE LAND BUT NOT A LOT OF MONEY TO HAVE A HELPING HAND TO DO THAT. SO, MAHALO FOR YOUR CONSIDERATION FOR ALL THOSE THINGS AND I HOPE YOU GUYS GET TO VOTE TODAY. QUESTIONS? MEMBER SINENCI. THANK YOU, CHAIR. NO QUESTION FOR MS. DE NAIE, BUT I DID WANT TO ASK IF THERE ARE NO OBJECTIONS, IF SHE COULD STAY ON AS A RESOURCE? MEMBERS, ANY OBJECTIONS? LUCIENNE, CAN YOU STAY ON AS A RESOURCE PERSON? IF SOMEONE CAN KINDA TEXT ME WHEN IT COMES UP. CAUSE IT'S A GOOD PLANTING DAY AND I GOTTA GET OUT ON THE FARM A LITTLE BIT. SORRY. OKAY. SHANE VOLUNTEERED TO CALL YOU OR TEXT YOU. THANK YOU. THANK YOU VERY MUCH. ALRIGHT. THANK YOU. MADAM CLERK. OUR NEXT TESTIFIER IS ALEX DE ROODE, AND MR. DE ROODE WILL BE FOLLOWED BY THE TESTIFIER CALLING IN ON THE LAST FOUR DIGITS OF THE TELEPHONE NUMBER 9071. ALOHA, CHAIR LEE. ALOHA, COUNCILMEMBERS. CAN YOU HEAR ME, OKAY? YES, ALOHA. THANK YOU FOR THE OPPORTUNITY TO PROVIDE TESTIMONY TODAY. I'M HERE TO PROVIDE TESTIMONY IN OPPOSITION TO ITEM CR 22-47, CC-22-154, OTHERWISE KNOWN AS THE PROPOSED AMENDMENT TO BILL 21. OUR OFFICE AND CLIMATE CHANGE, RESILIENCY, AND SUSTAINABILITY IN THE OFFICE OF THE MAYOR, WE ARE CLEARLY IN SUPPORT OF PROTECTING NATIVE BIRDS. PROTECTING NESTING SEA TURTLE POPULATION, OTHER WILDLIFE, MINIMIZING IMPACTS OF DARK SKIES FOR NIGHTTIME HEALING. THESE ARE ALL THINGS THAT THE INTENT OF THIS BILL OR THE AMENDMENTS TO THIS BILL WE FULLY SUPPORT. OUR CONCERN IS THE COMMERCIAL AVAILABILITY OF LIGHTING THAT MEETS THE SPECIFICATIONS ACROSS A WIDE RANGE OF APPLICATIONS. AND SO, YOU HEARD TESTIMONY TODAY FROM JOHNSON CONTROLS, IN THEIR INVESTMENT GRADE AUDIT OF OUR COUNTY FACILITIES, THEY HAVE COME ACROSS OVER 250 DIFFERENT TYPES OF LIGHTING APPLICATIONS, EXTERIOR LIGHTING APPLICATIONS THROUGHOUT OUR COUNTY FACILITIES. FROM THEIR RESEARCH, THERE ARE NOT ADEQUATE OPTIONS THAT MEET THE SPEC FOR THOSE, FOR THAT FULL RANGE. IF YOU LOOK AT THE HAWAII COUNTY BILL THAT HELPED THEM FORM THIS BILL, MY UNDERSTANDING IS THAT THEIR BILL, OR CODE IS LIMITED TO PARKING LOT LIGHTING AND STREET LIGHTING. IF IT WAS MORE LIMITED IN SCOPE AS OPPOSE TO ALL EXTERIOR LIGHTING ACROSS BOTH RESIDENTIAL AND COMMERCIAL, WHICH . . . BILL 21 ARE PROPOSING THAT MIGHT BE EASIER TO COME ACROSS IN TERMS OF

COMMERCIALLY AVAILABLE OPTIONS. OUR RECOMMENDATIONS AND REQUEST IS THAT THIS GET REFERRED BACK TO COMMITTEE FOR FURTHER DELIBERATION, MORE INPUT FROM INDUSTRY WOULD BE HELPFUL AS WELL AS ENGINEERS ENTITIES LIKE AMERICAN INSTITUTE OF ARCHITECTS, MAUI CHAPTER. GETTING SOME MORE INPUT JUST SO THAT WE DON'T HAVE UNINTENDED CONSEQUENCES THAT THIS BILL MAY HAVE IN TERMS OF PUTTING PEOPLE IN A BIND AND NOT HAVING THEM BE ABLE TO PURSUE PROJECTS LIKE OUR ENERGY SAVINGS PERFORMANCE CONTRACTING PROJECT THAT WE'RE LOOKING TO IMPLEMENT TO SAVE ENERGY, REDUCE OUR DEPENDENCE ON FOSSIL FUELS AND THOSE SAVINGS THAT WE WOULD GET FROM EXTERIOR LIGHTING ARE ABLE TO THEN GO AND FUND OTHER PROJECTS LIKE ELECTRIFICATION OF TRANSPORTATION. RENEWABLE ENERGY PROJECTS FOR THE COUNTY. I THINK IF THERE WERE JUST SOME SLIGHT TWEAKS TO THE CURRENT PROPOSED BILL, IT COULD BE A VERY STRONG AND . . . WOULD BE WIDELY SUPPORTED. PARTICULARLY IDENTIFYING WHERE EXEMPTIONS MAKE SENSE AND ONE SUGGESTION MIGHT BE TO LOOK AT SOMETHING CALLED THE HARDSHIP EXEMPTION WHERE IF THERE IS NOT A COMMERCIALLY AVAILABLE LIGHTING THAT MEETS THE SPEC, THAT THERE COULD BE AN EXEMPTION MADE. AND WHEN WE LOOK AT COMMERCIALLY AVAILABLE, IT ALSO HAS TO BE WARRANTABLE; RIGHT? THAT WE HAVE TO BE ABLE TO HAVE AN ADEQUATE WARRANTY ON THESE PRODUCTS TO MAKE SURE THAT COULD THEY FAIL, THEY ARE COVERED UNDER A STANDARD, YOU KNOW, INDUSTRY STANDARD WARRANTY. THESE ARE THE TYPES OF FIXTURES WE WOULD WANT TO SELECT FOR COUNTY PROJECTS SO THAT IN CASE SOMETHING GOES WRONG, WE'RE COVERED. SO, I APPRECIATE THE OPPORTUNITY TO TESTIFY AND HAPPY TO ANSWER ANY QUESTIONS. MEMBER KING. THANK YOU, CHAIR. ALOHA, MR. DE ROODE. ALOHA. HAVE YOU READ THE BILL? I HAVE READ THE BILL, YES. OKAY. CAUSE THERE IS A SECTION THAT SAYS, LIGHTING FOR SPORTS AND ATHLETIC FIELDS ON STATE OF HAWAII, DEPARTMENT OF EDUCATION PROPERTIES, PRIVATE SCHOOL PROPERTIES, AND COUNTY PARKS AND FACILITIES MAY REMAIN EXEMPT BEYOND THE THREE-YEAR PERIOD IF AND FOR ONLY AS LONG AS THE COMPLIANT LIGHTING FIXTURES AVAILABLE THAT MEET INDUSTRY STANDARDS. SO, THAT EXCEPTION IS IN THERE. I ALSO WANTED TO ASK YOU IF YOU HAD CONTACTED ANYONE AT THE COUNTY OF HAWAII. I HAVE NOT BEEN IN TOUCH WITH ANYONE AT THE COUNTY OF HAWAII. I HAVE BEEN, INFORMATION HAS BEEN SHARED WITH ME ABOUT THE WARRANTY ISSUES THAT THE COUNTY OF HAWAII HAS FACED AND SOME OF THEIR BASEYARDS USING CHIP AND WAFER TECHNOLOGY AND THAT IN-- OKAY. BECAUSE I JUST WANTED TO KNOW YOU'RE PRESUPPOSING ABOUT THEIR BILL AND WE HAD ASKED PUBLIC WORKS TO CONTACT THE COUNTY OF HAWAII TO FIND OUT DIRECTLY, YOU KNOW, OVERHEARING ALOT PRESUPPOSING THINGS ABOUT THE COUNTY OF HAWAII'S BILL. SO, WE, YOU KNOW, WHEN WE WERE CREATING THIS BILL, WE ACTUALLY DID TALK TO THEM. OKAY. THAT'S ALL. THANK YOU. THANK YOU, CHAIR. OTHER MEMBERS WITH QUESTIONS? IF NOT, THANK YOU, ALEX. YOU'RE WELCOME. CHAIR, OUR NEXT TESTIFIER IS CALLING IN ON THE TELEPHONE WITH THE LAST FOUR DIGITS OF 4068. 4068 TO BE FOLLOWED BY SCOTT ROLLINS. OKAY, MOVING FORWARD WITH SCOTT ROLLINS, TO BE FOLLOWED BY KE'EAUMOKU KAPU. ALOHA. GOOD AFTERNOON, CHAIR LEE AND COUNCILMEMBERS. I'M SCOTT ROLLINS. I'M FROM THE COUNTY WASTEWATER RECLAMATION DIVISION. I WOULD LIKE TO TESTIFY ON BILL 21, THE PROPOSED OUTDOOR LIGHTING ORDINANCE. WE ARE IN SUPPORT OF LIMITING LIGHT POLLUTION, THE AFFECTS ON THE ENVIRONMENT AND WILDLIFE, TYPES OF LIGHTING AND THE INTENT OF THIS BILL. NONETHELESS, THERE ARE A FEW POINTS I'D LIKE TO MAKE THAT WOULD AFFECT OUR OPERATIONS AND THAT OF OTHERS. I HAVE PROVIDED SOME WRITTEN TESTIMONY BUT WANTED TO MAKE SURE YOU . . . ISSUES INTO ACCOUNT. ONE, ALLOW FOR A CLEAR EXEMPTION FOR TEMPORARY LIGHTING FOR WASTEWATER AND OTHER UTILITY ROADWAY PROJECTS THAT REQUIRE THE USE OF LIGHT TREES AND OTHER TEMPORARY LIGHTING FOR WASTEWATER AND OTHER CIP

PROJECTS. WE SEE THERE'S AN EXEMPTION FOR ROADWORK, BUT IT DOES NOT SPECIFICALLY INCLUDE UTILITY TYPE CIP PROJECTS THAT ARE SOMETIMES SCHEDULED AT NIGHT TO AVOID DAYTIME TRAFFIC CONGESTION BUT ARE NOT, OR NOT WITHIN ROADWAYS. OR FOR CRITICAL CONNECTIONS IN WORK THAT REQUIRES LOW NIGHTTIME WASTEWATER FLOWS TO AVOID POTENTIAL SPILLS. THE LIGHTING IS CRITICAL TO DO THE WORK AND TO KEEP OUR WORKERS AND COMMUTERS SAFE. SIMILARLY, LINE BREAKAGES, BLOCKAGES AND EMERGENCY REPAIRS ARE NOT LIMITED TO DAYTIME HOURS OR TO HELP ASSURE EVERYONE'S SAFETY AND TIMELY RESPONSE, AND TREE LIGHTING IS SOMETIMES NECESSARY FOR WORK. PERHAPS CHANGING THE WORDING IN SECTION 20.35.70C FROM ROADWAY CONSTRUCTION OR EMERGENCY TO ROADWAY AND UTILITY CONSTRUCTION OR EMERGENCY REPAIR. BESIDES THIS REMOVES THE NEED FOR A BROADER INTERPRETATION OF THE EXISTING LANGUAGE. AND THE SECOND POINT I'D LIKE TO MAKE IS, I THINK WE SHOULD CONSIDER DELETING THE REQUIREMENT FOR WALL SURFACES, IF BY LIGHT BEING ON REFLECTIVE SURFACES OR REQUIRE A MATTE PAINT, . . . SURFACES OR SURFACES HELP MINIMIZE THE NUMBER OF LIGHTS REQUIRED AND THE ENERGY CONSUMPTION FOR SECURITY AND OPERATIONS. HAD A NUMBER OF NIGHTTIME BREAK-INS AND THEFT FROM OUR COUNTY BASEYARDS THAT COST US TENS OF THOUSANDS OF DOLLARS. RECENTLY, WE'VE HAD CONVERTORS STOLEN, VEHICLES BROKEN INTO, VEHICLES STOLEN, EQUIPMENT STOLEN, SUPPLIES, GAS TANKS DRAINED. GOOD ALL AROUND LIGHTING IS NECESSARY AS A DETERRENT TO PREVENT FURTHER LOSS OF . . . FOOTAGE IDENTIFICATION. ALSO, NON-REFLECTIVE LIGHT IS ABSORBED THUS DURING THE DAY WHEN BUILDINGS ARE IN SUNLIGHT IT WILL ABSORB MORE HEAT WHICH WILL RESULT IN INCREASED ENERGY USE, CARBON FOOTPRINT INCREASE AND THE ASSOCIATED EXPENSE TO KEEP EQUIPMENT OR OCCUPANTS COOL. A THIRD POINT, . . . SHORT WAVELENGTH CONTENT NO MORE THAN TWO PERCENT OF BLUE LIGHT COULD BE ELIMINATED. WHILE WE'RE NOT EXPERTS IN LIGHTING, WE FOUND IT CURIOUS THAT THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF FORESTRY AND WILDLIFE, WHAT WE WOULD CONSIDER AN AUTHORITY ON WILDLIFE MANAGEMENT IN THE STATE DOES NOT RECOMMEND THIS CHANGE AND . . . MANY OTHER SUGGESTIONS. ALSO HAVING THIS ADDED RESTRICTION LIMITS OUR LIGHTING OPTION. LASTLY, I'D ASK YOU TO CONSIDER INCLUDING OUR COUNTY WASTEWATER FACILITIES THAT EXEMPT, MUCH LIKE OTHER SEVEN DAY A WEEK, 24 HOUR FACILITIES LIKE THE AIRPORTS AND THE HARBORS THAT ARE INCLUDED. THESE FACILITIES ARE FAIRLY LARGE IN NATURE, REQUIRE PERIMETER LIGHTING AND LIGHTING OF TREATMENT BASINS, PONDS, CHANNELS FOR MONITORING THE TREATMENT PROCESS SAFETY AND SECURITY. WE HAVE SEVERAL NIGHTTIME CALLOUTS WHERE STAFF HAS TO ENTER PLANTS AND THE FACILITIES AND WE'VE COME ACROSS INTRUDERS, SPILLS AND OTHER THINGS, AND WITHOUT LIGHTING IT WOULD BE DIFFICULT AND WOULD BE HAZARDOUS FOR OUR EMPLOYEES. AND WE, WE ALL AGREE THAT LIGHTING SHOULD BE LIMITED TO THE TASK AREA, AND FIXTURE SHIELDING . . . THAT WE SHOULD EMBRACE. THOSE ARE MY COMMENTS, I APPRECIATE THE TIME TO TESTIFY, AND THANKS FOR YOUR CONSIDERATION. THANK YOU, SCOTT. QUESTIONS. MEMBER KING. THANK YOU, CHAIR. I'LL DEFER TO MEMBER PALTIN, SHE HAD HER HAND UP FIRST. MEMBER PALTIN. THANK YOU, CHAIR. THANK YOU, MR. ROLLINS. THANK YOU, MR. ROLLINS. I JUST WAS WONDERING, I'M SORRY WE, WE DID RECEIVE PLENTY OF WRITTEN TESTIMONY IN SEVERAL TRAUNCHES AND I JUST WAS WONDERING IF I, I CAN'T RECALL EVERY TESTIMONY THAT WE READ, BUT I WAS WONDERING IF YOU HAD SENT YOURS IN IN WRITING. YES, THE QUESTION, I SENT IT IN IN WRITING, I SENT IT TO COUNTY CLERK LAST NIGHT. OKAY, OKAY. THANK YOU, I'LL CHECK THAT OUT MORE IN DETAIL. MEMBER KING, AND THEN MEMBER SUGIMURA. THANK YOU, CHAIR. THANKS FOR BEING HERE MR. ROLLINS. AND WE DID HEAR FROM SOMEBODY ELSE IN DEM EARLIER TOO IN SUPPORT OF THE BILL, INTENT OF THE

BILL. WE DID HAVE SUPPORT FROM MR. JEFF BAGSHAW FROM DLNR, SO I'M, I'M NOT SURE IF YOU'RE, WHY, I HADN'T SEEN ANY TESTIFY AGAINST THIS BILL FROM DLNR. BUT, I WANTED TO FIND OUT IF YOU WERE ABLE TO CONTACT ANYONE IN HAWAII COUNTY TO SEE HOW THEY COMPLY WITH THEIR, THEIR BILL, OR THEIR LAW. NO, WE COULD NOT HAVE AN OPPORTUNITY. YOU DIDN'T HAVE THE OPPORTUNITY? WELL, WE'RE EXPERTS IN WASTEWATER, NOT LIGHTING. WE DIDN'T CONTACT THE COUNTY OF HAWAII . . .OKAY. NO, I AGREE, YOU'RE NOT EXPERTS IN LIGHTING, THAT'S FINE. THANK YOU. THANK YOU, CHAIR. ANYONE ELSE? OKAY, SEEMS LIKE NOBODY ELSE. THANK YOU, SCOTT. NEXT TESTIFIER. OUR NEXT TESTIFIER IS KE'EAUMOKU KAPU, TO BE FOLLOWED BY SAMUEL MARVEL. ALOHA. CAN YOU HEAR ME? HI. YES, WE CAN. HI. ALOHA. WAILINA MAI NEI, CHAIR LEE, VICE-CHAIR KEANI RAWLINS AND THE MEMBERS OF THE MAUI COUNTY COUNCIL. MY NAME IS KE'EAUMOKU KAPU AND I'M TESTIFYING ON A FEW ITEMS: 22-57, 22-166, 22-47, 22-56, AND 22-151. AND I'D LIKE START, I'D LIKE TO START OFF WITH 22-47, THE LIGHTING BILL. I THINK, YOU KNOW, FOR THE LONGEVITY AND THE SAKE OF OUR INDIGENOUS SPECIES OUT THERE, ESPECIALLY THE BIRDS AND I'VE, I'VE COME ACROSS A FEW OF THEM IN THE PAST ESPECIALLY WHERE WE'RE LOCATED HERE IN LAHAINA. AND MY ONLY CONCERN TO THIS IS THAT, YOU KNOW, IN THE HISTORIC DISTRICT 1 WHERE WE ARE, WE HAVE NOT LIGHTING IN THIS AREA SO IT DETRIMENTAL THAT, YOU KNOW, IN THAT AREA THAT WE OPERATE, ESPECIALLY FOR MOKUULA, THERE IS NO LIGHTING; I THINK IT'S A GOOD OPPORTUNITY FOR THE BIRDS. BUT THEN IT'S A VERY BAD OPPORTUNITY FOR A LOT, A LOT OF THE TOURIST THAT GOING BACK TO THEIR CAR THAT CAN'T EVEN FIND THEIR CAR BECAUSE OF LIGHTING. SO I HOPE THAT IN THE EXEMPTION THERE BE SOME KIND OF CLAUSE WHERE WE CAN PUT SOME KIND OF LIGHTING THAT WOULDN'T AFFECT THE ENVIRONMENT OR THE ATMOSPHERE. NOW FOR THE PLANNING COMMISSION, THE 22-57. I STRONGLY SUPPORT THE PLANNING COMMISSIONS, WITHIN EACH COMMUNITY BECAUSE FOR LIKE HANA, ITS VERY COMPLICATED TO TALK ABOUT ISSUES AND WE'RE KIND OF WELL AWARE, ESPECIALLY FOR US THAT HAVE FAMILY THAT LIVE IN HANA, ARE BASICALLY LEFT OUT MANY TIMES WHEN IT COMES TO THOSE POINT OF FUTURE PLANNING. SO I REALLY STRONG, STRONGLY SUPPORT THE PLANNING COMMISSIONS TO BE PLACED IN THOSE DESIGNATED COMMUNITIES AS WELL. FOR 22-166, ON THE HOMELESS, ALL I CAN SAY IS YEAH, YOU KNOW, WE'VE BEEN ALWAYS TRYING TO FIGURE OUT WAYS ON HOW WE CAN PROVIDE AFFORDABLE HOMES, BUT I WANT TO KIND OF CAUTION THIS COMMITTEE, OR THE COUNCIL THAT, YOU KNOW, IF YOU ALLOW THESE HOMELESS, AND THERE'S A DEFINITION BETWEEN HOUSELESS AND HOMELESS. OUR PEOPLE, OUR KANAKA ARE HOUSELESS, THEY'RE NOT HOMELESS, THIS WILL ALWAYS BE THEIR HOME. VERSUS THE PEOPLE THAT LIVE HERE, THAT FIND AN EASIER WAY TO LIVE IN HAWAII AND BENEFIT OF ALL THE RESOURCES JUST BECAUSE THEY CLAIM TO BE KAMAAINA RATED. SO, I'D JUST LIKE TO CAUTION THIS COUNCIL TO MAKE SURE THAT IF WE DON'T ADDRESS THE HOMELESS POPULATION THERE'S A LAW IN HAWAII CALLED ADVERSE POSSESSION, THAT IF YOU ALLOW THESE PEOPLE TO COMMANDEER SO-CALLED AREAS FOR OVER 20 YEARS, THEY MIGHT BE ABLE TO JUST CLAIM THOSE PROPERTIES ON AN ADVERSE POSSESSION RULE. SO, I HOPE YOU GUYS CAN EXPEDITE SOMETHING REALLY, REALLY QUICKLY TO MAKE SURE THAT WE CAN ADDRESS THAT ISSUE AND ALSO TRY TO FIGURE OUT WHAT DO WE DO WITH THE TOURIST THAT WANT TO COME HERE THAT DON'T WANT TO GO TO HOTELS AND DON'T WANT TO GO TO BED AND BREAKFASTS AND ALL THOSE KIND OF THINGS. I MEAN YOU GUYS HAVE A HARD TASK AND WE LIKE TO ALSO STRONGLY BE INVOLVED, OUR COUNCIL'S AND GETTING BACK, I MEAN GETTING TO THE LAST TWO ITEMS. 22-56 AND 22-151, I THINK THIS IS STRONGLY RELATED. . . . I SUBMIT THIS TESTIMONY ON BEHALF OF THE WATER COMMITTEE OF AHA MOKU O MAUI INC., WHICH MOKU, AN AHA MOKU ISLAND COUNCIL WHICH INCLUDES ALL 12 MOKU OF MAUI. TO

. . . ELECT MAUI REPRESENTATIVES FROM THE ACTIVE MEMBERS AS WELL AS THE CHAIR, I'M THE CHAIR. ISLAND COUNCILS PROVIDE CONSULTATION REGARDING MOKU SPECIFIC GENERATIONAL KNOWLEDGE AND TRADITIONAL AHUPUAA RESOURCE MANAGEMENT. EACH MOKU HOLDS REGULAR MEETING WITH THEIR MEMBERS ON A MONTHLY, OR AS NEEDED BASIS. THE CHAIRPERSON AND 12 MOKU REPRESENTATIVES MEET QUARTERLY AS A COUNCIL. THE ?AHA MOKU O MAUI HAS SEPARATE MEETING OF ITS COMMITTEES FOR AINA (LAND), AIR, OCEAN, WATER, SHORELINE, AND IWI KUPUNA OR BURIALS. ?AHA MOKU O MAUI SUPPORTS ADDING A BALLOT ITEM FOR AMENDING THE COUNTY CHARTER TO ESTABLISH A COUNTYWIDE COMMUNITY WATER AUTHORITY, JUST AS WE PREVIOUSLY SUPPORTED THE CREATION OF AN EAST MAUI COMMUNITY WATER, WATER BOARD. WE BELIEVE THE VOTERS SHOULD BE ALLOWED TO EVALUATE THIS PROPOSED CHANGE TO THE COUNTY CHARTER AND EMPHASIZE THAT AS A LAHUI, WE MUST SEEK OPPORTUNITIES TO CODIFY INPUT AND REPRESENTATION FROM CULTURAL PRACTITIONERS AND THOSE WITH GENERATIONAL KNOWLEDGE OF WATER RESOURCES. AND HERE IS A TESTIMONY I WOULD LIKE TO READ FROM KYLE NAKANELUA WHO USE TO BE, AS NOW NO LONGER THE AHA MOKU ADVISORY COMMITTEE UNDER ACT 288. AND HE GOES TO SAY: "THROUGH THIS RESOLUTION IS WELL INTENDED AND A GOOD IDEA IN THEORY, MY CONCERN IS THAT NORMALLY WHEN THESE CRITICAL ITEMS GO TO THE BALLOTS, THE POLITICAL HAND TAKES CONTROL AND THE ORIGINAL INTENT SEEMS TO BE LOST IN THE MAKING. IN DOING SO, OFTEN TIMES, KANAKA MAOLI ARE SHUT OUT OF THE PROCESS AND DISMISSED FROM HAVING A SEAT AT THE DECISION-MAKING TABLE." "WE ARE GRATEFUL THAT OUR LAWS ARE STEEPED IN HAWAII UNIQUE PUBLIC TRUST DOCTRINE THAT IS ROOTED IN KANAKA MAOLI CUSTOM AND TRADITION. WE PRAY THAT IT BE ACKNOWLEDGED AND APPLIED WHENEVER POLICY IS FORMED AND THAT THE VOICES OF ANCESTRAL KNOWLEDGE OF THE MO?O FROM MAUI HIKINA, BE SOUGHT AFTER, HEARD, LISTENED TO, AND USED TO IMPLEMENT RESTORATIVE JUSTICE ON THE GROUNDS AND IN OUR COMMUNITIES." MAHALO, COUNCIL FOR THIS VERY OPPORTUNITY FOR ME TO TESTIFY BEFORE YOU. WE SUPPORT ALL THE BILLS THAT IS BEFORE YOU, ESPECIALLY THE RESOLUTIONS THAT ARE BEFORE YOU AND I MAHALO YOU FOR THIS OPPORTUNITY AND BE GLAD TO ANSWER ANY OF YOUR QUESTIONS. THANK YOU. THANK YOU. MEMBERS, QUESTIONS? IF NOT, THANK YOU VERY MUCH. THANK YOU. OUR NEXT TESTIFIER IS SAMUEL MARVEL. TO BE FOLLOWED BY BARBARA BARRY. GOOD AFTERNOON, CHAIR. GOOD AFTERNOON, COUNCILMEMBERS. MY NME IS SAM MARVEL, I'M THE DEPUTY DIRECTOR FOR THE DEPARTMENT OF PARKS AND RECREATION. I'M HERE TESTIFYING TODAY ON BEHALF OF OUR DEPARTMENT REGARDING AGENDA ITEM 22-47, BILL 21 AMENDMENTS TO THE MAUI COUNTY OUTDOOR LIGHTING ORDINANCE. OUR DEPARTMENT OPPOSES BILL 21 AS WRITTEN DUE TO ITS IMPACTS ON THE SAFETY, HEALTH AND FINANCIAL RESOURCES OF OUR COMMUNITY. IRST THE FINANCIAL IMPACTS. OUR DEPARTMENT HAS SPENT NEARLY \$4 MILLION IN THE LAST FIVE YEARS TO COMPLY WITH THE CURRENT OUTDOOR LIGHT ORDINANCE THIS INVOLVES CONVERTING A MAJORITY OF OUR LIGHTING FIXTURES TO ENERGY EFFICIENT LED. THIS BILL WOULD MAKE ALL OF THOSE FIXTURES NON-COMPLIANT. SECOND, SAFETY AND HEALTH. THIS BILL WOULD REQUIRE ALL OUTDOOR LIGHTING TO BE FULLY SHIELDED. THIS INCLUDES SPORTS LIGHTING FOR OUR OUTDOOR PLAYING FIELDS AND COURTS. THE FULLY SHIELDED REQUIREMENT IS GOING TO CREATE UNSAFE PLAYING CONDITIONS FOR OUR SPORTS SUCH AS BASEBALL, FOOTBALL, AND SOFTBALL. FULLY SHIELDED MEANS NO UPWARD POINTING LIGHT WHICH PLAYER NEED T. . . TRACK A BALL IN THE AIR. FOR EXAMPLE IN A BASEBALL GAME, THE OUTFIELDER WILL LOSE SIGHT OF A POP-FLY I THE AIR. THEY WON'T BE ABLE TO SEE AND TRACK THE BALL UNTIL IT'S TOO LATE. THIS IS SIMPLY NOT SAFE. OUR DEPARTMENT IS CONCERNED THAT BILL 21 MAY ELIMINATE ALL NIGHT SPORTS ON MAUI. THIS BILL ALSO REQUIRES A MAXIMUM OF TWO PERCENT BLUE LIGHT CONTENT. IN ORDER TO MEET THIS CRITERIA, COLOR OF THE FIXTURE WILL BE

LIKE THE LOW-PRESSURE SODIUM LIGHT. THE LIGHT WILL BE SIMILAR TO THE DARK YELLOW GLOW OF A STREETLIGHT. THIS IS NOT APPROPRIATE OR SAFE FOR SPORTS LIGHTING. NOT ONLY WILL THIS CAUSE POOR COLOR RENDERING, WE'RE NOT AWARE OF ANY COMMERCIALY AVAILABLE SPORTS LIGHT THAT MEETS THIS CRITERIA. OUR DEPARTMENT HAS REACHED OUT TO INDUSTRY LEADERS IN SPORTS LIGHTING AND THEY HAVE NO TIMELINE ON THE MANUFACTURING OF A LIGHTING SYSTEM THAT WOULD COMPLY WITH THE BILL AS CURRENTLY WRITTEN. SO ALTHOUGH THE PARKS DEPARTMENT SUPPORTS THE INTENT OF THIS BILL, WE BELIEVE IT IS TOO BROAD AND HAS TOO MANY UNINTENDED CONSEQUENCES AS WRITTEN. THEREFORE WE'D LIKE TO RESPECTFULLY REQUEST THAT THE BILL BE BROUGHT BACK TO COMMITTEE FOR FURTHER REVIEW AND DISCUSSION. THANK YOU, COUNCILMEMBERS FOR YOUR TIME AND I'M HAPPY TO ANSWER ANY QUESTIONS YOU HAVE. MEMBERS. MEMBER KING. THANK YOU, CHAIR. THANK YOU FOR BEING HERE MR. MARVEL I DON'T, I DON'T KNOW IF YOU WERE AROUND BACK THEN WHEN WE STARTED ON THIS BILL, WE'VE BEEN WORKING ON IT SINCE EARLY THIS YEAR. DID SEND A LETTER TO PARKS AND REC AND GOT NOTHING BACK. SO, YOU KNOW, THERE SEEMED TO BE NO CONCERNS. I'M CURIOUS THAT YOU ARE SAYING THAT THE SHIELDING OF LIGHTS, WHICH I KNOW TO BE WAY ABOVE THE SPORTS, HOW THE SHIELDING WOULD AFFECT, WOULD KEEP PEOPLE FROM BEING ABLE TO SEE ON THE GROUND FOR A BASEBALL OR A FOOTBALL. AND, AND BY THE WAY, THOSE, THOSE SPORTS ARENA APPLICATIONS ARE ALSO, I'M SORRY, ALSO EXEMPTED UNTIL YOU GET THE, UNTIL THE TECHNOLOGY IS AVAILABLE. BUT I WAS JUST CURIOUS TO SAY, TO FIND OUT WHY YOU THINKING SHIELDING THEM, BECAUSE I DON'T, I'VE NEVER BEEN TO AN ARENA WHERE THE LIGHTS ARE LOWER THAN, YOU KNOW, THE ACTIVITY ON THE GROUND. SO WHY WOULD THAT KEEP FOLKS FROM BEING ABLE TO SEE EACH OTHER. THANKS, THANK YOU, COUNCILMEMBER KING. YES, THAT'S, THAT'S A GOOD QUESTION AND SO WHAT WE'RE, I WANT TO CLARIFY A LITTLE BIT THERE SO THE ISSUE IS THE PLAYERS NOT BEING ABLE TO SEE A BALL THAT'S ABOVE THE PLANE OF THE LIGHTS SO A POP FLY, YOU KNOW, A BASEBALL IS HIT ABOVE WHERE THE LIGHTS ARE, WHEN THEY GO ABOVE THAT PLANE, THE OUTFIELDER LOSSES SIGHT OF THAT BALL WHILE IT'S UP THERE AND THEN IT COMES BACK INTO THEIR VISION AT THE LAST SECOND WHEN IT GOES BELOW THAT PLANE AND THEY MIGHT HAVE, YOU KNOW, A SECOND OR TWO TO REACT TO THAT BALL COMING DOWN. YOU KNOW, WE CURRENTLY HAVE OUR BALL TRACKERS WHICH ARE UPWARD FACING LIGHTS, WITH SOME LIGHT . . .OKAY, AND, AND YOU DID, YOU DO REALIZE THAT BEYOND THE THREE YEARS TO GET COMPLIANT THAT PARKS AND FACILITY, COUNTY PARKS AND FACILITIES ARE, CAN REMAIN EXEMPT AS, UNTIL THE COMPLIANT LIGHTING FIXTURES ARE AVAILABLE, YOUR INDUSTRY STANDARDS. THAT'S IN THE BILL. YEAH, WE'RE, WE'RE AWARE. COUNCILMEMBER KING: AND I APOLOGIZE BECAUSE THAT IS THE ONE PART THAT YOU DID RESPOND TO, THE OTHER THINGS YOU BROUGHT UP I, WE DIDN'T, WE DIDN'T HEAR THEM SO. YOU KNOW, THEY, THEY, AND AGAIN, IF YOU MAYBE HAD, DID YOU TRY TO CONTACT THE COUNTY OF HAWAII TO SEE HOW THEY ARE ABLE TO COMPLY WITH THEIR LIGHTING BILLS. NO, NO WE HAVEN'T COUNCILMEMBER KING. OKAY, BUT ANYWAY I JUST WANT YOU TO KNOW THAT THAT, YOU KNOW, WE TALKED TO ALSO SCHOOLS, YOU KNOW PRIVATE AND PUBLIC SCHOOLS AND THAT WAS THEIR MAIN CONCERN. SO WE DID PUT THAT EXEMPTION IN THERE. THANK YOU. THANK YOU, CHAIR. ANY OTHER QUESTIONS? MEMBER SUGIMURA. YEAH, SO, I THINK IN, OH, MR. MOLINA HAD HIS HAND UP FIRST. OH, OKAY, MR.; MOLINA. NO, NO GO AHEAD, MEMBER SUGIMURA, I CAN WAIT FOR, I CAN WAIT TILL YOU'RE DONE. SUCH A GENTLEMAN. SO, DURING COMMITTEE MR. MARVEL, KARLA DID SEND A LETTER, PARKS DID SEND A LETTER BECAUSE I WAS LOOKING FOR WHAT YOUR RESPONSE WOULD BE BECAUSE THE MIL HAD OPPOSITION TO THIS AND I, AND I BASIC, I THINK WHAT SHE, I DON'T KNOW THE EXACT WORDS, BUT SHE SAID SHE WANTED THIS TO BE EXEMPT, THE LIGHTING TO, PARKS

LIGHTING TO BE EXEMPT FOR SPORTS. BUT, SO THERE WAS SOMETHING THAT WAS SHARED FROM THE PARKS DEPARTMENT AND WHEN YOU SAY, I WANT TO JUST CLARIFY FOR THE \$4 MILLION ENERGY EFFICIENT, YOU KNOW, WHAT YOU'VE DONE. WHAT WAS THAT THAT YOU DID? AND WAS THAT A COMPLETE OVERHAUL I GUESS, OR I DON'T KNOW WHAT THE RIGHT WORD IS, BUT OF, OF THE PARKS LIGHTING SYSTEM. YES, SO THAT, THAT MONEY WAS SPENT MOSTLY TO CONVERT LIGHTING TO, TO LED'S, EFFICIENCY AND BE COMPLIANT WITH THE CURRENT OUTDOOR LIGHTING ORDINANCE. SO TO MAKE THE LIGHTS FULLY SHIELDED IN A LOT OF AREAS, AND-- OKAY, SO IT WAS FOR, THIS WAS FOR PARKS, YOU DID THAT FOR ALL THE DIFFERENT APPLICABLE PARKS LIGHTING TO MAKE US COMPLIANT. CORRECT. OKAY, AND THIS WOULD CHANGE, THIS WOULD CHANGE WHAT PARKS IS DOING, OR WHAT PARKS JUST DID. THIS WOULD JUST--YEAH, SO ALL THE LIGHTS, THE \$4 MILLION WORTH OF FIXTURES THAT WERE INSTALLED, THOSE WOULD NO LONGER BE COMPLIANT DUE TO THE BLUE LIGHT. THOSE WOULD ALL HAVE TO BE CHANGED OUT AGAIN. OKAY, THANK YOU. OTHER QUESTIONS, MEMBERS? OH, MEMBER MOLINA. THANK YOU, CHAIR LEE. I'M GLAD YOU FINALLY SAW ME. ALOHA, MR. MARVEL AND THANK YOU FOR THIS REVELATION IF YOU WILL, I NEVER THOUGHT I'D EVER HEAR, YOU KNOW, SHIELDING LIGHTS COULD POTENTIALLY AFFECT, YOU KNOW, BASEBALL OR WHAT HAVE YOU. SO, THE MIL EXPRESSED OPPOSITION OR CONCERN ABOUT THE SHIELDING OF LIGHTS AND HAVE YOU, I KNOW IT WAS ASKED OF YOU ABOUT NETWORKING WITH THE BIG, FELLOW BIG ISLAND OFFICIALS. ARE, ARE YOU AWARE OF ANY OF THEIR LIGHTING IN THE PARKS, ON THEIR BALLFIELDS, DO THEY HAVE SHIELDING. WE, WE HAVEN'T BEEN IN CONTACT WITH, WITH THE BIG ISLAND'S ON WHAT THEIR, WHAT THEY ARE DOING OVER THERE. . . . NOT AWARE. OKAY, AND WHEN YOU MENTION YOUR TESTIMONY THAT IT COULD STOP ANY NIGHT ACTIVITIES, I MEAN IS THAT WHAT THE ADMINISTRATION POTENTIALLY IS THINKING THAT IF THERE ARE LIABILITY CONCERNS SO TO SPEAK THAT YOU COULD STOP ALL NIGHT ACTIVITIES CAUSE IF THAT HAPPENS I TELL YOU THIS COMMUNITY IS GOING TO BE IN UPROAR. BUT, THEN AGAIN TOO, IF ITS BECAUSE OF THE LIGHTING AND IT COULD CAUSE A POTENTIAL PROBLEM, HAS THAT DISCUSSION, THAT, THAT SUBJECT MATTER BEEN DISCUSSED ABOUT, YOU KNOW, CURTAILING ANY NIGHT BALL GAMES, FOOTBALL, BASEBALL, ETC. OH, YEAH, THAT'S, THANK YOU COUNCILMEMBER MOLINA, YES, THAT'S, IT'S A CONCERN, IT'S DEFINITELY A BIG CONCERN THAT WE HAVE. OBVIOUSLY SAFETY IS NUMBER ONE, WE CAN'T, WE CAN'T HAVE, WE CAN'T BE PUTTING USERS IN DANGER SO THAT'S A, THAT'S A POSSIBILITY THAT, THAT, YOU KNOW, NIGHT BASEBALL GAMES WOULD HAVE TO, WOULD HAVE TO BE STOPPED. OKAY, THANK YOU. THANK YOU, MADAM CHAIR. MEMBER PALTIN. THANK YOU, CHAIR. THANK YOU, MR. MARVEL. I HAD A QUESTION ABOUT THE FIXTURE UPGRADES. DO YOU EVER ENVISION A TIME WHEN IT'S, THE FIXTURE IS STILL OKAY BUT YOU JUST CHANGE THE BULB. THANK YOU, COUNCILMEMBER PALTIN. I BELIEVE MOST OF THE FIXTURES WOULD HAVE TO BE COMPLETELY CHANGED OUT FROM, AND I'M NOT, LIKE I SAID I'M NOT AN EXPERT ON THE MATTER, I'D HAVE TO LOOK INTO IT FURTHER BUT FROM, FROM MY PRELIMINARY KNOWLEDGE, MOST OF THE FIXTURES WOULD NEED TO BE COMPLETELY REPLACED. AND THEN, THE CURRENT FIXTURES THAT WE HAVE, WHEN THE BULBS BURN OUT, YOU CHANGE THE BULB, OR ARE THESE LIFETIME BULBS. SO OUR CURRENT, OUR CURRENT FIXTURES ARE LED'S THEY DON'T, THEY DON'T HAVE BULBS. SO THE LED FIXTURE ITSELF WOULD NEED TO BE CHANGED OUT TO COMPLY WITH, WITH THIS BILL. I, I UNDERSTAND THAT, I JUST WAS WONDERING ARE, WILL THE, THE CURRENT FIXTURES THAT WE HAVE, DO THEY LAST FOREVER OR, I MEAN. YEAH, I, THANKS, THANK YOU, COUNCILMEMBER PALTIN. YEAH, I BELIEVE THEY LAST QUITE A LONG TIME, I MEAN, I, I THINK THE, THE LIFESPAN IS AROUND TEN YEARS FOR THOSE FIXTURES. OKAY, THANK YOU, ANY MORE QUESTIONS: IF NOT, THANK YOU, MR. MARVEL. THANK YOU. MADAM CLERK, I THINK MR. DELAURIERS HAS RETURNED. YES,

LET ME CALL UP BARBARA BARRY. AND THAT BARBARA WILL BE FOLLOWED BY PAUL DESLAURIERS. YOU'RE MUTED PAUL. CAN'T HEAR YOU. OH, HI, IS IT PAUL OR IS IT BARBARA. OH, I'M SORRY, I SAW PAUL POP UP AND START TALKING. SO, NO IT'S YOUR TURN, MS. BARRY. OH, GREAT. ALOHA EVERYONE. IT'S BEEN REALLY FASCINATING TO LISTEN TO EVERYONE'S TESTIMONY AND THE COMMENTS TODAY ON ALL THESE IMPORTANT ISSUES. SO, I HAVE SEVERAL THINGS I WANT TO COMMENT ON TODAY SO I'LL JUST GET RIGHT ON IT. SO FIRST OF ALL I WANT TO MAHALO CHAIR LEE, VICE-CHAIR KEANI RAWLINS-FERNANDEZ, AND ALL OF OUR COUNCILMEMBERS FOR WORKING SO HARD ON ALL OF THESE OF ISSUES. MY NAME IS BARBARA BARRY, I'M A RESIDENT OF HAIKU AND I'M A KUPUNA, A FARMER, AND AN ENVIRONMENTAL PROTECTOR. I AM SPEAKING FOR MYSELF TODAY. THANK YOU FOR THE OPPORTUNITY TO SHARE MY TESTIMONY ON THE FOLLOWING ITEMS. I'M HERE TO ASK FOR YOUR SUPPORT ON COUNTY COMMUNICATION 22-151 AND COMMITTEE REPORT 22-56. I APPRECIATE THE TESTIFIERS THAT HAVE GONE BEFORE ME TODAY, ESPECIALLY TESTIFIER NUMBER FOUR, NAPUA HUEU, I HOPE I'M NOT TOTALLY MESSING UP HER LAST NAME; TESTIFIER NUMBER 24, TONI EATON; AND TESTIFIER 18, DAVID HENKIN FROM EARTHJUSTICE AS THEY ALL STATED THE CAREFUL MANAGEMENT OF OUR WATER ARE MATTERS THAT AFFECT THE QUALITY OF LIFE FOR OUR CURRENT RESIDENTS, OUR HAWAIIAN PRACTITIONERS, OUR FUTURE GENERATIONS, SPECIFICALLY SECURING ABUNDANT FRESHWATER FOR DRINKING, FARMING, LIVESTOCK, CULTURAL, WILD FOOD, AND HERB FORAGING. OUR WATER SHOULD NOT BE A COMMODITY THAT IS CONTROLLED BY A MAJOR CORPORATION, AND ESPECIALLY BY A CANADIAN PENSION FUND THAT IS BEHOLDEN TO THEIR SHAREHOLDERS ONLY. WE CAN WATCH IN REAL TIME HOW THIS HAS PLAYED OUT ACROSS THE WORLD WHEN CORPORATE INTERESTS CONTROL WATER, IT'S NEVER A GOOD THING. WITH CLIMATE CHANGE AFFECTING US THIS HAS BECOME EVEN MORE CRITICAL TO MANAGE OUR PRECIOUS WAI RESOURCE, ESPECIALLY AS WE STRIVE TO HAVE MORE FOOD SECURITY BY GROWING FOOD LOCALLY IN OUR COUNTY. AS A KULA AG PARK COMMISSIONER AND AS A FARMER, I MUST SAY IF YOU DON'T HAVE THE WATER, YOU DON'T HAVE THE FOOD. IT'S REALLY VERY SIMPLE. SO 144 YEARS TO RECLAIM THE PEOPLE'S CONTROL OVER OUR MOST BASIC HUMAN AND FOOD SUPPLY RESOURCE NEED IS FAR TOO LONG. YOU'VE HEARD FROM COUNTLESS TESTIFIERS WHY THIS IS AN IMPORTANT CHARTER AMENDMENT FOR THE MAUI COUNTY WATER AUTHORITY AND EAST MAUI COMMUNITY REGIONAL BOARD, AND WHY IT NEEDS TO BE PUT ON THE BALLOT FOR THE CITIZENS TO VOTE ON. THIS IS ALL VERY IMPORTANT TO HEAR THIS MORNING THAT OUR CURRENT MAYOR AND ADMINISTRATION IS OPPOSED TO ALLOWING THE PEOPLE TO WEIGH IN ON THIS CRITICAL DECISION IS ACTUALLY ASTOUNDING TO ME. HE SHOULD TRUST THE TAXPAYERS WHO PAY HIS SALARY TO MAKE GOOD CHOICES. I, I BELIEVE HE DOES WORK FOR THE PEOPLE AND NOT THE CORPORATE INTERESTS OF, OF OUR COUNTY. SO PLEASE PASS THESE MEASURES TODAY AND FORMALLY APPLY FOR THE EAST MAUI WATER LEASE FROM THE DLNR. OUR CURRENT MAYOR HAS HAD AMPLE TIME TO DO THIS. AND HASN'T MOVED FORWARD ON IT. IT NEEDS TO HAPPEN AS SOON AS POSSIBLE. MUCH GRATITUDE TO COUNCILMEMBER SINENCI, VICE-CHAIR JOHNSON, AND THEIR STAFF FOR GIVING THIS CHARTER AMENDMENT THE ATTENTION IT DESERVES TO MOVE FORWARD WITH MAUI COUNTY MANAGING ITS MOST PRECIOUS RESOURCE. LET THE VOTERS DECIDE. MAHALO MY SECOND COMMENT IS ON COUNTY COMMUNICATION 22-154, 21, AND 22-47. PROTECTING OUR SEABIRDS FROM OUTDOOR LIGHT POLLUTION. I STRONGLY SUPPORT THIS IMPORTANT AMENDMENT TO PROTECT NOT ONLY OUR NATIVE BUT OUR MIGRATORY SEABIRDS. WE HAVE AT LEAST ONE SPECIES THAT I'M AWARE OF THE LITTLE CLOVER BIRD THAT COMES IN FROM ALASKA EVERY YEAR. AND I'M JUST CONFIDENT THAT ALL THE CONCERNS FOR LAW ENFORCEMENT, WASTE MANAGEMENT, SPORTS TEAMS' NEEDS HAVE BEEN ADDRESSED, OR WILL BE ADDRESSED SO THIS CAN BE PASSED TODAY. IF WE CANNOT PROTECT OUR NATIVE SEABIRDS FROM LIGHT

POLLUTION, WHO, WHO WILL? THE UNINTENDED CONSEQUENCES OF NOT PROTECTING OUR SEA BIRDS IS EXTINCTION. SO MAHALO TO COUNCILMEMBER KING, VICE-CHAIR SINENCI, AND STAFF AND COUNCILMEMBER MOLINA ALSO FOR ALL YOUR PAST WORK TO DEAL WITH LIGHT POLLUTION AND ALL OF ITS IMPLICATIONS. SO PLEASE TRY AND VOTE THIS THROUGH TODAY. THAT WOULD BE REALLY EXCELLENT. LET'S SEE. MY NEXT COMMENT IS ON THE 22-55, I COMPLETELY SUPPORT ESTABLISHING A POLICY FOR TELECOMMUTING AND ALTERNATIVE WORK SCHEDULES FOR SOME COUNTY WORKERS. NOT ONLY WILL THIS SAVE THE COUNTY MONEY BY NOT NEEDING AS MUCH OFFICE SPACE AND RESOURCES, BUT IT WILL REDUCE THE CARBON FOOTPRINT OF THOSE WORKERS AS WELL AS REDUCE PRESSURE ON OUR ROADS. WITH THE COST OF GAS, IT WILL MAKE IT MORE AFFORDABLE FOR THE EMPLOYEE TO SURVIVE BY NOT PAYING ALL THAT EXTRA MONEY FOR GAS FOR THEIR COMMUTING AS WELL AS PARKING. THESE WORKERS WITH CHILDREN CAN ALSO BENEFIT BY BEING AT HOME WHEN THE KIDS GET DROPPED OFF FROM SCHOOL. HAVING A PARENT AT HOME IS SUPER IMPORTANT FOR OUR KEIKI. WE'VE SEEN THROUGH THIS PANDEMIC THAT WORKING FROM HOME IS INDEED LESS STRESSFUL AND AS PRODUCTIVE AND MORE AFFORDABLE THAN TRAVELING INTO THE OFFICE DAILY. MAHALO TO CHAIR MOLINA, VICE-CHAIR KEANI RAWLINS-FERNANDEZ, AND STAFF FOR INTRODUCING THIS CHARTER AMENDMENT. MY NEXT COMMENT IS ON 22-57. I'M ASKING FOR YOUR SUPPORT FOR ALLOWING THE PLANNING COMMISSION TO REPRESENT ALL COMMUNITIES OF MAUI COUNTY, AND THESE ARE COMMISSIONS THAT ARE COUNTY BASED, I MEAN NOT COUNTY BASED, BUT COMMUNITY BASED, NOT JUST LANAI AND MOLOKAI. THE ISLAND OF MAUI IS SO DIVERSE WITH CLIMATE, TOURISM, COUNTRY, AND OTHER FACTORS THAT THE INDIVIDUALS WHO LIVE IN THESE DIFFERENT AREAS ARE BEST TO KNOW HOW TO REPRESENT THEIR NEEDS AND ISSUES. I SUPPORT THE DICK MAYER'S TESTIMONY AS WELL. PLEASE SUPPORT THIS REVISED CHARTER AMENDMENT BY DISSOLVING THE MAUI PLANNING COMMISSION AND LET THE VOTERS DECIDE. OKAY, I'M ONTO 22-59. I SUPPORT THE COUNTY REQUIRING BOARD COMMISSIONERS AND COMMITTEE MEMBERS TO BE RESIDENTS OF MAUI COUNTY. I ALSO AGREE WITH THE EARLIER TESTIFIER THAT ENCOURAGES THE COUNCIL TO BE A LARGER VOICE IN THE CHOICE OF THESE COMMITTEE MEMBERS, COMMITTEE AND BOARD MEMBERS, NOT A DECISION MADE BY THE CURRENT MAYOR AND THEN PASSED ON TO THE COUNTY COUNCIL FOR APPROVAL. A MORE DIVERSE CROSS-SECTION OF CITIZENS WILL GET ELECTED TO THE MANY BOARDS THAT NEED MEMBERS. I KNOW A LOT OF PEOPLE WHO HAVE APPLIED FOR POSITIONS TO VOLUNTEER FOR COMMISSIONS AND BOARDS WHO ARE NEVER CONTACTED BECAUSE THOSE PEOPLE ARE KNOWN NOT TO BE IN AGREEMENT WITH THE CURRENT ADMINISTRATION. SO THE LAST COUPLE THINGS HERE, I'M ALMOST DONE. 22-168, THE HARDSHIPS OF R V. WADE REVERSAL. I APPLAUD MAUI COUNTY FOR FORMALLY SUPPORTING NOT ONLY OUR WAHINE, . . . AND OHANA, BUT ALSO I'D LIKE TO SEE INCLUDED IN THIS, OUR KANE WHO ARE A CRUCIAL PART AND SO IMPORTANT IN THE HEALTH OF A FAMILY. I APPRECIATE THE EARLIER TESTIFIER LESLEE MATTHEWS, HER TESTIMONY WAS THOUGHTFUL AND SUPER IMPORTANT. MAHALO FOR YOUR SUPPORT. MY LAST ONE IS BILL 111, SET FOR FINAL READING. I SUPPORT THE COUNTY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF HEALTH CONCERNING CESSPOOL CONVERSION. LIKE MS. DE NAIE MENTIONED EARLIER, THIS IS IMPORTANT ISSUE AS UNTREATED WASTE IS POTENTIALLY AFFECTING OUR FRESHWATER SOURCE. TODAY DURING LUNCH I NOTICED IN THE MAUI NOW ARTICLE THAT THERE IS A SEMINAR OR A ZOOM TEACHING COMING UP ON JULY 6, THAT IS TALKING ABOUT NATURE BASED SOLUTIONS TO CESSPOOLS. SO I SIGNED UP FOR THAT, I THOUGHT IT WAS PRETTY INTERESTING AND MAY BE A RESOURCE FOR THE COUNCILMEMBERS TO ALSO CONSIDER. THANK YOU SO MUCH AND I HOPE YOU ALL HAVE A GREAT WEEKEND. THANK YOU. MEMBERS, QUESTIONS. NO QUESTIONS. THANK YOU. BYE. OUR NEXT TESTIFIER IS PAUL DELAURIERS. TO BE FOLLOWED BY CHIEF VENTURA, UNDER

MAUI FIRE . SO PAUL, I THINK YOU'RE MUTED, CAN'T HEAR YOU. HE'S MUTED ON HIS END. TRY AGAIN, I HEARD YOU. NO, NOW WE DON'T HEAR YOU. MAYBE IF YOU TAKE OFF YOUR HEAD, YOUR--WE CAN'T HEAR YOU AGAIN. YOU WANT TO READ WITH YOUR EAR BUDS? NO, I GUESS NOT. YEAH, MAYBE WE CAN CALL THEM. STAFF. WHAT'S THAT? OKAY, WELL HOW, WE CALL SOMEBODY ELSE IN THE MEANTIME. OKAY, WE ONLY HAVE ABOUT 40 MORE RIGHT. NEXT UP WHILE WE'RE TRYING TO GET MR. DELAURIERS ONLINE WILL BE BRAD VENTURA, MAUI FIRE. WELL, GOOD AFTERNOON, EVERYBODY. CAN YOU HEAR ME? YES, HI, BRAD. ALOHA. HO YOU GUYS HAVE A MARATHON MEETING TODAY SO I'LL MAKE THIS QUICK. MY NAME IS BRAD VINCE, FIRE CHIEF FOR THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, AND TODAY I'M WITH YOU ALL TO TESTIFY REGARDING BILL 21, THE REGULATIONS FOR OUTDOOR LIGHTING. THROUGH LISTENING TO THE TESTIFIERS TODAY I UNDERSTAND THAT THERE IS A, AN EXEMPTION THAT HAS BEEN PUT BACK IN FOR PUBLIC SAFETY SO THAT IS VERY REASSURING. I'D JUST LIKE TO ADD WHY I SUPPORT THAT EXEMPTION . BASICALLY, OUR FIREFIGHTERS ARE OFTEN FIRST RESPONDERS IN EMERGENCIES DURING THE EVENINGS. THESE TAKE PLACE AND ARE OFTEN REQUIRING ADDITIONAL LIGHTING WHILE WE'RE ON SCENE. WE USE PORTABLE FLOODLIGHTS AND OTHER BRIGHT LIGHTS IN CERTAIN EMERGENCIES. AT VEHICLE COLLISIONS, FIREFIGHTERS WOULD USE THE LIGHTS, NOT ONLY TO PERFORM THEIR DUTIES, BUT ALSO TO LIGHT THE ROADWAYS SO THAT PASSER BYERS CAN SEE WHAT'S HAPPENING ON THE HIGHWAY. ANNUALLY IN, 700 PEOPLE ARE INJURED OR FATALLY WOUNDED ON HIGHWAYS DOING WORK PER YEAR IN THE UNITED STATES. AND SO ONE OF THE MAIN SAFETY FACTORS WE HAVE IS USING LIGHTING. SO WE SUPPORT THAT EXEMPTION. WE ALSO USE LIGHTING FOR OUR SEARCH AND RESCUE OPERATIONS IN THE EVENING, WHETHER IT'S IN NEIGHBORHOODS OR IN THE WILDERNESS AREA. SO THAT'S ANOTHER AREA WE WOULD NOT BE ABLE TO USE LIGHTING IF THIS EXEMPTION WERE NOT GIVEN. SINCE THIS BILL WOULD AFFECT PORTABLE EMERGENCY LIGHTS, WE REQUEST THAT TEMPORARY LIGHTING USED FOR PUBLIC SAFETY IS ADDED BACK IN AS AN EXEMPTION, WHICH THIS MORNING I HEARD IT IS, SO THANK YOU . WITHOUT THIS EXEMPTION IT WOULD BE DIFFICULT FOR US AS A DEPARTMENT TO ADEQUATELY RESPOND TO EMERGENCIES AND SERVE OUR COMMUNITY AND KEEP EVERYBODY SAFE BEING THAT I'VE HEARD OTHER TESTIFIERS TALK ABOUT THIS THIS MORNING, I WILL SAY MAHALO TO ALL OF YOU FOR ALL YOUR HARD WORK AND DEDICATION. HAPPY FOURTH OF JULY AND USE YOUR FIREWORKS SAFELY THIS WEEKEND. YES, OUR PETS WILL THANK YOU. LET'S SEE, QUESTIONS. MEMBER SUGIMURA. SO, THANK YOU. THANK YOU, CHIEF FOR CLARIFICATION ON IF WE JUST SAY PUBLIC SAFETY, YOU'RE FINE. IS THERE ANY MORE TO IT OR, OR IS THERE LIKE A LEGAL COUNTY CODE DEFINITION THAT WE NEED TO PLUG IN SO PEOPLE UNDERSTAND THE DEPTH OF WHAT PUBLIC SAFETY MEANS TO FIRE AND POLICE? WELL, PUBLIC SAFETY IS VERY BROAD, SO IT WOULD PROBABLY NEED ADDITIONAL EXPLANATION. BUT IF WE, IF SOMETHING WAS WRITTEN IN THERE DIRECTLY AND SPECIFIC TO OUR DEPARTMENT, LIKE TO PERFORM THE DUTIES, THE NECESSARY DUTIES THAT ARE TASKED TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PORTABLE LIGHTING COULD BE USED, THAT'D BE SPECIFIC TO US. IF WE TALK ABOUT PUBLIC SAFETY THAT COULD COVER, YOU KNOW, SHERIFF'S, DLNR, DOCARE, FIRE, MEDICS, POLICE, THAT COULD COVER ALL OF THOSE ENTITIES. WOULD WE NEED TO LIST THEM OR IT'S, IT'S FINE? IT'S CLEAR ENOUGH. IT'S CLEAR ENOUGH TO US. IT JUST DEPENDS HOW CRITICAL PEOPLE GET. OKAY, AND I AGREE WITH YOU NO FIREWORKS. I MEAN, IT'S SO DANGEROUS, NOT NO FIREWORKS, BUT BE CAREFUL. THANK YOU. MEMBERS, OTHER QUESTIONS? MEMBER KING. THANK YOU, CHAIR. THANK YOU FOR BEING HERE . . . I REALLY APPRECIATE IT AND JUST WANTED TO JUST RE, JUST READ THE, THE STATEMENT, THE EXEMPTIONS SO THAT YOU'RE COMFORTABLE WITH IT. IT SAYS, EXCEPT THAT TEMPORARY PORTABLE LIGHTING USED FOR EMERGENCY SERVICES,

INCLUDING PUBLIC SAFETY, ROAD CONSTRUCTION, EMERGENCY REPAIR, ROAD CROSSING. AND THEN IT GOES INTO SPORTS AND ATHLETICS AND THINGS LIKE THAT. SO, YOU KNOW, WE DIDN'T, WE WANTED IT TO COVER EMERGENCY SERVICES FOR POLICE AND FOR OTHER DEPARTMENTS AS WELL. GREAT, I THINK THAT STATEMENT WORKS FOR OUR DEPARTMENT. OKAY, GREAT. THANK YOU SO MUCH. THANK YOU. ANY MORE QUESTIONS? ANY MORE QUESTIONS. IF NOT, THANK YOU BRAD. MAHALO, GUYS. HAVE A SAFE WEEKEND YOU TOO. CHAIR, OUR NEXT TESTIFIER IS MAYA HARA. TO BE FOLLOWED BY NICK NIKHILANANDA. HI, THANK YOU SO MUCH. I'M CALLING FROM LAHAINA JODO MISSION, AND WE WERE WONDERING IS THE EXEMPTION GOING TO COVER BON DANCES AS WELL? THE BON DANCE IS A RELIGIOUS OBSERVANCE THAT'S BEEN HELD, YOU KNOW, IN HAWAII FOR OVER 100 YEARS AND EACH TEMPLE ON MAUI ORGANIZES A BON DANCE ON ONE OR TWO NIGHTS EVERY WEEKEND DURING, DURING A TWO AND A HALF PERIOD, YOU KNOW, HALF PERIOD MONTH IN THE SUMMER. BASICALLY, IT RUNS FROM 6:30 P.M. TO 10:00 P.M. AND A LOT OF OUR LIGHTING ACTUALLY IS ALREADY COVERED WITH PAPER LANTERNS OR PLASTIC LANTERNS. SO THERE IS ALREADY A FILTER OVER THE, THE LIGHT. AND WE WERE JUST HOPING THAT WE DO CARE ABOUT THE PROTECTING THE ENDANGERED SPECIES, BUT WE'RE WONDERING IF, HOW MUCH OF AN IMPACT THE BON DANCE HAS AND IF THE BON DANCE CAN BE EXEMPTED AS, BECAUSE IT'S JUST A TEMPORARY LIGHTING. IF IT'S ALSO COVERED BY THE EXEMPTION. THANK YOU. MEMBERS, QUESTIONS. MEMBER KING. CHAIR, THANK YOU. AND I KNOW YOU DIDN'T WANT US TO EXPLAIN THIS, BUT I DO WANT TO JUST ASK THE, THE TESTIFIER, THANK YOU FOR YOUR TESTIMONY, BY THE WAY, I REALLY APPRECIATE IT AND I LOVE BON DANCES TOO. BUT THE AMENDMENT SUMMARY FORM WILL SAY ALL OUTDOOR LIGHTING FIXTURES INSTALLED OR USED AS PORTABLE LIGHTING PRIOR TO THE ENACTMENT OF THE ORDINANCE. SO YOURS IS JUST PORTABLE, JUST COMES OUT FOR THE ACTIVITIES. SO JUST THE PORTABLE PART IS THE PROBLEM. THE, THE--NO, NO, THAT'S, THAT'S EXEMPTED, SO YOU'RE OKAY. OKAY. BECAUSE YOU DON'T HAVE THEM UP--THE BON DANCES--EVERY DAY RIGHT. NO, WE JUST HAVE THEM FOR A FEW HOURS. RIGHT, SO YOU'RE, YOU'RE GOOD. OKAY, THANK YOU SO MUCH. AND YOU'RE ALSO SHIELDED, AS YOU SAID. SO THAT'S EVEN, THAT'S A DOUBLE, THAT'S DOUBLY GOOD. YEAH. ANYONE ELSE? IF NOT, THANK YOU. OUR NEXT TESTIFIER IS NICK NIKHILANANDA. TO BE FOLLOWED BY SKY KALALAU. ALOHA, MAUI COUNTY COUNCIL. MAHALO FOR THE OPPORTUNITY TO TESTIFY. I AM NIKHILANANDA, LIVING IN HUELO FOR 25 YEARS AND AS OF THIS SUNDAY ON MAUI FOR 36 YEARS. I FIRST WANT TO SPEAK IN SUPPORT OF CR 22-55 ON CLIMATE CHANGE, CR 22-57 ON THE CHARTER AMENDMENT FOR PLANNING COMMISSIONS THROUGHOUT MAUI COUNTY, AND CR 22-47 ON LIGHTING, AND R 22-168 ON THE RECENT SUPREME COURT DECISION. I ALSO WANT TO STRONGLY URGE THAT ON R 22-166 ON UNAUTHORIZED CAMPING, TO REMOVE ANYTHING RELATING TO ACTIONS AGAINST OUR HOUSELESS UNSHELTERED CITIZENS. HOWEVER, WHAT DREW ME TO THIS MAUI COUNTY COUNCIL MEETING TODAY ARE CC 22-151 AND CR 22-56. I RECENTLY HAD TWO LETTERS PRINTED IN BOTH THE LAHAINA NEWS AND THE MAUI NEWS, HIGHLY CRITICAL OF THE POOR PERFORMANCE OF OUR RECENT CHARTER COMMISSION, WHERE I TESTIFIED ON NUMEROUS TIMES ON VARIOUS PROPOSALS. THEY REFUSED TO ADOPT MANY BENEFICIAL PROPOSALS FOR OUR CITIZENS TO VOTE ON IN NOVEMBER. IT IS SAD THAT VOTERS DO NOT HAVE AN OPPORTUNITY TO VOTE ON DISTRICT VOTING, LEAVING IN PLACE OUR CURRENT ABSURD, UNSATISFACTORY AND DISCRIMINATORY AND UNDEMOCRATIC SYSTEM OF ELECTING OUR COUNTY COUNCILMEMBERS. YET HERE IS ANOTHER OPPORTUNITY TO ADOPT SOMETHING I HAVE SPOKEN ABOUT FOR 25 YEARS. FOR THE RESIDENTS OF MAUI TO CONTROL BOTH OUR SURFACE AND GROUND WATER. I RECENTLY ATTENDED A NINE HOUR NATIVE HAWAIIAN TRAINING COURSE. THE KNOWLEDGE AND INFORMATION WAS ENLIGHTENING. LEARNING HOW MUCH THAT MAUI COUNTY AND THE STATE OF HAWAII

HAVE NOT BEEN IN COMPLIANCE OF OUR STATE CONSTITUTION AND HAWAII REVISED STATUTES. IT IS DISGRACEFUL THAT PRIVATE FOR PROFIT MULTINATIONAL CORPORATIONS CONTROL OUR WATER. PLEASE PLACE THIS AMENDMENT ON THE BALLOT FOR US TO DECIDE AND VOTE ON THIS NOVEMBER. ON A RELATED SIDE NOTE, WHY ARE UPCOUNTRY AND WEST MAUI REQUIRED TO CUT BACK THEIR WATER USAGE, WHILE SOUTH MAUI, BASICALLY A DESERT, DOES NOT. AND OF COURSE, OUT HERE IN HUELO, AS PER USUAL, IT IS RAINING. MAHALO AND ALOHA. MEMBERS, QUESTIONS. IF NOT, THANK YOU VERY MUCH. MAY WE HAVE THE NEXT TESTIFIER. OUR NEXT TESTIFIER IS--MAHALO AND ALOHA. ALOHA. AND SKY WILL BE FOLLOWED BY SHAY CHEN HODGES. HELLO, CAN YOU HEAR ME? YES. YES, OKAY. MY NAME IS SKY KALALAU AND I'M TESTIFYING ON BEHALF OF MY FAMILY THAT LIVE DOWN WAIKOLOA AND HANA, MAUI, THAT SUFFERED THE EFFECTS OF LACK OF WATER FLOW FROM MOUNTAIN TO SEA THAT IS ALSO ACCOMPANIED BY THE LANDFILL THAT'S DOWN THERE TOO. AND SO BECAUSE OF ALL THESE THINGS THAT ARE HAPPENING, DISEASE IS RAMPANT DOWN THERE AND MY KIDS, MY PARENTS ALL GOT INFECTIONS BECAUSE OF THESE TWO DIFFERENT SITUATIONS DOWN THERE. AND THE LACK OF WATER CREATES STAGNATION, THUS BREEDING DISEASE THAT JUST CAUSES HORRIFIC PROBLEMS TO THE NATURAL ECOSYSTEM. AND SO I HIGHLY SUPPORT SOME KIND OF COMMITTEE CREATED TO PROTECT THESE WATER RIGHTS BECAUSE WE NEED OUR WATER IN ORDER TO BE HEALTHY. SO THAT'S MY TESTIMONY ON THAT. HELLO. ARE YOU DONE? YEAH. QUESTIONS. WE HAVE A QUESTION FOR YOU. MEMBER SINENCI. THANK YOU, CHAI. AND ALOHA, MS. KALALAU FOR YOUR TESTIMONY THIS AFTERNOON. JUST ONE QUICK QUESTION YOU, ARE YOU SUPPORTIVE OF OF THIS GOING TO THE, TO THE ELECTORATE TO DECIDE? DEFINITELY. OKAY, THANK YOU. THANK YOU, CHAIR. THANK YOU. ANY MORE QUESTIONS, MEMBERS? IF NOT, THANK YOU. NEXT TESTIFIER. OUR NEXT TESTIFIER IS SHAY CHAN HODGES. TO BE FOLLOWED BY MADGE SCHAEFER. ALOHA, COUNCILMEMBERS. MY NAME IS SHAY CHAN HODGES AND I'M TESTIFYING ON 22-56 AND 22-151. BUT BEFORE I DO, I WANTED TO GIVE A SHOUT OUT TO THE CHARTER AMENDMENT ON TELECOMMUNICATIONS BECAUSE BEFORE I WAS A WATER PERSON, I WAS A FAMILY CENTER DESIGN ADVOCATE FOR WORKING FAMILIES PERSON AND I'VE BEEN TALKING ABOUT THIS I FEEL LIKE FOREVER. SO I'M SO GLAD THAT YOU GUYS ARE LOOKING AT IT. IN ADDITION TO THE OBVIOUS CLIMATE CHANGE IMPACTS, THERE'S ALL OF THE CAREGIVING AND FAMILY CENTER DESIGN IMPACTS THAT HAVE TO DO WITH PEOPLE BEING ABLE TO CARE FOR THEIR KIDS, BEING ABLE TO CARE FOR THEIR KUPUNA, BEING ABLE TO, YOU KNOW, HAVE FLEX TIME WITH THEIR WORK THAT IF YOU DO THIS, YOU ARE GOING TO HAVE BETTER WORKERS BECAUSE YOU WILL HAVE BETTER RETENTION, PRODUCTIVITY, MARKET COMPETITIVENESS. YOU WILL HAVE TO BE ABLE TO HAVE TIME OF USE AT YOUR HOUSE. AND SO YOU WILL HAVE LOWER ELECTRIC RATES. THERE'S ALL THESE GREAT THINGS, SO THANK YOU, THANK YOU, THANK YOU, I, THAT MADE ME SO HAPPY I DIDN'T EVEN KNOW IT WAS ON THERE. SO GOOD WORK, WHOEVER PUT IT ON THERE. BUT AS FAR AS 56 AND 151 GO, I JUST WANT TO TAKE A MINUTE TO THANK ALL THE COUNCILMEMBERS WHO ARE DOING THE HARD WORK RIGHT NOW TO PROTECT THE FUTURE OF THESE ISLANDS. WITHOUT WATER, WE DON'T HAVE FOOD, WE DON'T HAVE HOUSING. WITHOUT THE PROTECTION AND STEWARDSHIP OF THE STREAMS THEMSELVES, EVERY ASPECT OF HUMAN AND NON-HUMAN LIFE THAT THEY AFFECT, I MEAN, I DON'T EVEN KNOW WHAT OUR LIVES IN THIS COUNTY WOULD LOOK LIKE WITHOUT STREAM WATER. IT DOESN'T, IT DOESN'T MAKE ANY SENSE NOT TO DO EVERYTHING WE CAN TO PROTECT IT. SO WHAT'S HAPPENING TODAY AT THIS COUNCIL MEETING IS HUGE IMPORTANT, AND ALL THE TESTIMONY OF THE LAST TWO MONTHS IN FAVOR OF COMMUNITY MANAGEMENT OF OUR WATER RESOURCES DEMONSTRATES JUST HOW IMPORTANT IT IS TO OUR MAUI COUNTY RESIDENTS. IT'S VERY CLEAR THAT THE COUNCILMEMBERS IN FAVOR OF A CHARTER AMENDMENT ARE FULLY AWARE OF HOW IMPORTANT THIS IS TO THE COMMUNITY.

AFTER MORE THAN A HUNDRED YEARS OF ONGOING OUTSIDE EXPLOITATION AND EXTRACTION OF SO MANY OF OUR RESOURCES, PROACTIVE COMMUNITY BASED MANAGEMENT OF OUR WATER IS REALLY JUST THE FIRST STEP IN TAKING BACK OUR FUTURE, AND IT TAKES WORK. BUT IT'S INFRASTRUCTURE BUILDING, ENDURING WORK THAT WILL PROTECT THE FUTURE OF OUR CHILDREN, OUR GRANDCHILDREN, THEIR GRANDCHILDREN, AND SO ON. GIVEN THE GLOBAL AND NATIONAL ISSUES THAT WE ARE FACING, WHICH ARE FEELING MORE AND MORE DIRE EVERY DAY, TAKING THE STEPS NECESSARY TODAY TO MAKE SURE THAT WE CAN PROTECT AND STEWARD OUR QUALITY OF LIFE HERE IN MAUI COUNTY IS CRUCIAL. I APPRECIATE EVERY ONE OF YOU WHO RECOGNIZES HOW IMPORTANT YOUR JOB IS AND WHO'S WILLING TO DO THE HARD WORK THAT IT REQUIRES. AND I APPRECIATE ALL THE COMMUNITY MEMBERS WHO HAVE BEEN SPEAKING UP HERE, NOT JUST AT THE COUNCIL MEETINGS, BUT AT COMMUNITY ASSOCIATION MEETINGS ON SOCIAL MEETING, SOCIAL MEDIA, ETC. SO WE HAVE HUGE CHALLENGES TO OVERCOME, BUT WITH SUCH A STRONG COMMUNITY AND COURAGEOUS AND PROACTIVE LEADERS, I BELIEVE WE CAN DO IT BECAUSE WE HAVE TO. THANK YOU. MAHALO. MEMBERS, QUESTIONS. MEMBER SINENCI. THANK YOU, CHAIR. NO QUESTIONS FOR MS. CHAN HODGES, JUST IF CONSIDERATION, SHE COULD STAY ON AS A RESOURCE, JUST-MEMBERS, ANY OBJECTIONS. THANK YOU, SO ORDERED. COULD YOU STAY ON AS A RESOURCE PERSON? SURE. OKAY, THANK YOU. NEXT TESTIFIER. OUR NEXT TESTIFIER IS MADGE SCHAEFER FIRE IS MATT SHAEFER. TO BE FOLLOWED BY JUNIOR TUPAI. FOLLOWED BY WHOM, FOLLOWED BY WHOM. WE'RE HAVING TECHNICAL PROBLEMS. SORRY, SORRY, JUNIOR TUPAI. THANK YOU FOR WAITING. ALRIGHT. ALOHA. MY NAME IS JUNIOR TUPAI, CANDIDATE FOR LIEUTENANT GOVERNOR, BUT CURRENTLY JUST COMING IN AS ONE OF THE PEOPLE. MAHALO, MADAM CHAIR AND THE MAUI COUNTY COUNCIL FOR THE OPPORTUNITY TO TESTIFY IN STRONG SUPPORT OF CR 22-56 AND 22-151. JUST VERY BRIEFLY, I'LL GO FROM ARTICLE 16, SECTION 4 OF HAWAII STATE CONSTITUTION THAT PUBLIC SERVICE, THAT PUBLIC SERVANTS HAVE SWORE OATH TO SUPPORT AND DEFEND THE UNITED STATES CONSTITUTION AND THE HAWAII STATE CONSTITUTION, THEREFORE NOT ONLY AS PUBLIC SERVANTS, BUT ALSO AS TRUSTEES, TRUSTEES ARE PEOPLE APPOINTED AND REQUIRED BY LAW TO EXECUTE THE HAWAII STATE CONSTITUTION AND THE UNITED STATES CONSTITUTION. THEREFORE, I'LL PULL FROM ARTICLE I, SECTION 1 AND ARTICLE I, SECTION 2 OF HAWAII STATE CONSTITUTION. ARTICLE I, SECTION 1, "ALL POLITICAL POWER OF THIS STATE IS INHERENT IN THE PEOPLE AND THE RESPONSIBILITY FOR THE EXERCISE THEREOF RESTS WITH THE PEOPLE." IT DOES NOT REST IN THESE CHAMBERS, IT DOES NOT REST WITH MAYOR VICTORINO, IT RESTS WITH THE PEOPLE WHO TESTIFIED EARLIER TODAY AND ALSO THE PEOPLE WHO ARE TESTIFYING ON THE STREAM AS WELL. ALL AUTHORITY RESTS WITH THE PEOPLE. AND SO, YOU KNOW, JUST SEEING THAT MOVING ON, YOU KNOW, WHERE DOES THAT COME FROM, THE AUTHORITY OR THE PERMISSION OR THE CONSENT FROM THE DECLARATION OF INDEPENDENCE, "WE HOLD THESE TRUTHS TO BE SELF-EVIDENT, THAT ALL MEN ARE CREATED EQUAL, THAT THEY HAVE BEEN ENDOWED BY THEIR CREATOR WITH CERTAIN UNALIENABLE RIGHTS, AMONG THESE RIGHTS ARE LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS." AND THAT TO SECURE THOSE RIGHTS, GOVERNMENTS, THESE CHAMBERS WERE INSTITUTED AMONG MEN, DERIVING THEIR NOT JUST POWERS, BUT JUST POWERS FROM THE CONSENT, FROM THE PERMISSION OR FROM THE AUTHORITY OF WE THE GOVERNMENT, WHICH SEGWAYS RIGHT INTO MY LAST ONE. ARTICLE I, SECTION 2 OF OUR STATE CONSTITUTION, ALL PERSONS ARE FREE BY NATURE AND ARE EQUAL IN THEIR INHERENT AND INALIENABLE RIGHTS. AMONG THESE RIGHTS ARE LIFE, LIBERTY, THE PURSUIT OF HAPPINESS, AND THE ACQUIRING AND POSSESSING OF PROPERTY, THE WAI, THE WATER. BUT IT GOES ON TO SAY THAT THESE RIGHTS CANNOT ENDURE UNLESS WE, THE PEOPLE, RECOGNIZE OUR CORRESPONDING OBLIGATIONS AND RESPONSIBILITIES OR OBLIGATIONS AND

RESPONSIBILITY TO TEACH AND TO INSTRUCT OUR SERVANTS. AND FOR THE PAST, EVER SINCE I'VE BEEN HERE SINCE 9:00, JUST HEARING OVERWHELMINGLY THAT PEOPLE ARE IN SUPPORT OF 22 56 AND ALSO 22-151. TO SEGWAY INTO THAT REGARDING 22-151, I DO AGREE WITH THE TESTIMONY EARLIER, MR. O'SHEA STATING THAT I DO AGREE WITH A BOARD BEING ASSEMBLED, BUT HOWEVER NOT BEING APPOINTED BY A COMMITTEE BUT BEING ELECTED BY THE PEOPLE ,THAT IN THE END OUR STATE MOTTO "UA MAU KE EA O KA AINA I KA PONO", "THE LIFE OF THE LAND IS PERPETUATED IN RIGHTEOUSNESS" IN RIGHT STANDING WITH THE PEOPLE THAT IT'S BEHOLDEN TO THE PEOPLE. THE ALLEGIANCES GO, ALLEGIANCES GO FIRST TO THE PEOPLE. SO WITH THAT SAID, MAHALO AGAIN FOR THE OPPORTUNITY. I YIELD. THANK YOU. MEMBERS, QUESTIONS. NO QUESTIONS. THANK YOU VERY MUCH. OUR NEXT TESTIFIER IS KANILOA KAMAUNU. TO BE FOLLOWED BY JUNYA NAKOA. MAYBE WE SHOULD GO TO MADGE SCHAEFER FIRST. OKAY, WE'LL CALL UP MADGE SCHAEFER. I'M HERE. CHAIR LEE: OKAY, ALRIGHT, MADGE, COULD YOU JUST STATE YOUR NAME FOR THE RECORD. MS. SCHAEFER: MY NAME IS MADGE SCHAEFER, TESTIFYING FOR MYSELF. I AM EXPRESSING MY OPPOSITION TO THE PROPOSED OUTDOOR LIGHTING BILL AS CURRENTLY WRITTEN. WHILE THE STATED PURPOSE TO PROTECT MAIDEN FLIGHTS OF SEABIRD CHICKS FROM THEIR NESTING BURROWS ON HALEAKALA IS A GOOD ONE, IT GOES WAY BEYOND WHAT IS REASONABLE, SAFE, AND AFFORDABLE FOR THE HUMANS ON MAUI. I WAS CURIOUS, SO I GATHERED INFORMATION ABOUT SEABIRDS. I LEARNED THAT THE EARLY, IN THE EARLY PART OF JUNE 2022, WELL AFTER THIS BILL WAS INTRODUCED, A NEW RADAR TRACKING TRUCK STARTED MONITORING SEABIRD ACTIVITY ON MAUI TO DETERMINE BIRD POPULATION. THAT DATA IS NOT YET AVAILABLE. WHAT IS KNOWN IS THAT THE VALLEYS ON THE HANA SIDE OF HALEAKALA ARE HOTSPOTS FOR SEABIRD ACTIVITY AS THEY MAKE THEIR WAY TO THE SEA. RELATED TO THE TRACKING, CHICKS DO NOT HAVE TRACKING BANDS NOR DO EVERY PAIR PRODUCE AN EGG EVERY YEAR. WHAT IS KNOWN IS THAT MANY FACTORS CONTRIBUTE, WHAT IS KNOWN IS MANY FACTORS CONTRIBUTE TO UNSUCCESSFUL FLEDGLING FLIGHTS OR FALL OUT. HEALTH OF THE CHICK, THE AMOUNT OF DOWN ON THE CHICK, WIND, WEATHER CONDITIONS, EVEN FOR THE PHASE OF THE MOON. POWER LINES ALSO CREATE BIRD HAZARDS AND HAVE CAUSED MAJOR FALLOUT ON KAUAI. PEAK SEASONS FOR FLEDGLING FLIGHTS IS SEPTEMBER 15 TO DECEMBER 15 EACH YEAR. AS I UNDERSTAND, THE BIRDS ARE MOST ACTIVE WITHIN THE FIRST TWO HOURS OF DARKNESS. SEABIRD FALLOUT IS ESTIMATED ON MAUI TO BE ABOUT 60 TO A 100, BUT THE PERCENTAGE OF THOSE FROM LIGHT DISORIENTATION IS UNKNOWN. I WOULD LIKE TO THANK MARTIN FRYE OF THE MAUI NUI SEABIRD PROJECT WHO SPENT A LOT OF TIME WITH ME ANSWERING MY QUESTIONS AND EDUCATING ME. I'M GRATEFUL FOR HIS WILLINGNESS TO SPEND TIME WITH ME. THEY HAVE AN EXCELLENT WEBSITE, BY THE WAY. AS CURRENTLY WRITTEN, THIS BILL WOULD IMPACT PRIVATE PROPERTY SECURITY LIGHTS AND COMMERCIAL HOTEL AND RESIDENTIAL AREAS, GROCERY STORES AND OTHER COMMERCIAL ACTIVITIES WOULD HAVE TO TURN LIGHTS OFF AFTER 11 P.M. BARS CLOSE AT 1:00 A.M. AND WILL SEND PATRONS INTO UNLIT PARKING LOTS. HOME SECURITY LIGHTS WOULD HAVE TO BE ON TIMERS LIMITED TO FIVE MINUTES. WATER FEATURES WITHOUT LIGHTS CREATE A SAFETY HAZARD. MANY RESTAURANTS NOW HAVE TABLES OUTSIDE TO COMPLY WITH COVID RESTRICTION, THEY USE STRING LIGHTS TO ELIMINATE THESE AREAS. THEY WOULD NO LONGER BE ALLOWED. THE RODEO, THE COUNTY FAIR, FRIDAY NIGHT BLOCK PARTIES COULD NOT COMPLY. EVEN THE EVER POPULAR DRUNK DRIVING ENFORCEMENT CHECK POINTS WOULD BE UNLIT, BUT THAT WAS CLEARED UP EARLIER IN THE TESTIMONY EARLIER. HOLIDAY NIGHTS WOULD BE RESTRICTED FOR THOSE OF US THAT HAVE NEIGHBORS THAT LEAVE THEIR CHRISTMAS LIGHTS UP ALL YEAR, THAT MIGHT BE A BLESSING. THE SAFETY OF PEOPLE AFTER DARK WOULD BE JEOPARDIZED. MANY WORK NIGHT SHIFTS AND WOULD BE RETURNING

TO THEIR VEHICLES IN THE DARK. MILLIONS OF DOLLARS WORTH OF STREET LIGHTING FIXTURES WILL HAVE TO BE JUNKED FOR PUBLIC WORKS. THE NEW LIGHTBULBS ARE NOT READILY AVAILABLE AND WILL BE EXPENSIVE. IF THE ENTIRE ISLAND WAS TAKEN TO BLACK, THE IMPACT OF FULL SPECTRUM HEADLIGHTS OF MOTOR VEHICLES WOULD STILL CREATE A HAZARD TO SEABIRDS. WILL MY DRIVING BE RESTRICTED TO PROTECT THE BIRDS. I'VE READ PREVIOUS TESTIMONY FROM MANY GROUPS THAT HAVE EXPRESSED CONCERN, INCLUDING THE COUNTY'S DEPARTMENT OF PUBLIC WORKS WITH CORPORATION COUNSEL. MANY OTHERS HAVE SUBMITTED COMPELLING INFORMATION ABOUT THE ADVERSE EFFECTS OF THIS BILL. BEGS THE QUESTION WHO WROTE THIS BILL? BUT BASED ON THE TESTIMONY THIS MORNING, IT APPEARS THAT IT WAS WRITTEN BY DAVID HENKINS, I CERTAINLY HOPE IT WASN'T DONE AT \$850 AN HOUR. THIS BILL SHOULD BE SENT BACK TO COMMITTEE. ALL AFFECTED PARTIES SHOULD BE BROUGHT TO THE TABLE AND A COMPATIBLE LIGHTING ORDINANCE SHOULD BE DESIGNED. THE BILL NEEDS TO BE MINDFUL OF IMPACTS TO PEOPLE ON MAUI AND OFFER REASONABLE SOLUTIONS. I URGE, I URGE YOU TO SEND THIS BACK FOR MORE STUDY AND REVISIONS. WE CAN PROTECT THE BIRDS AND THE PEOPLE OF MAUI EQUALLY. THANK YOU. MEMBERS, ANY QUESTIONS. MEMBER SUGIMURA. YEAH, THANK YOU. THANK YOU, MADGE SCHAEFER FOR, SOUNDS LIKE YOU DID A LOT OF RESEARCH AND, ON THE BIRDS YOU'RE SAYING THAT ACCORDING TO THE RESEARCH THAT YOU RECEIVED, THEIR PEAK TIME, I GUESS, IS SEPTEMBER TO DECEMBER, IS THAT WHAT YOU SAID. THAT IS ACCORDING TO THE DLNR WEBSITE. THEY ARE SAYING THAT THAT IS THE PEAK TIMES SEPTEMBER 15 THROUGH DECEMBER 15. AND ACTUALLY THE CHICKS, THE GESTATION PERIOD FOR THE EGGS IS TWO MONTHS AND THEN SIX MONTHS IN THE BURROW, AND THEN, THEN THEY MAKE THE, THOSE VIRGIN FLIGHTS IN THE NEXT TWO MONTHS. SO THESE ARE THE BIRDS THAT WE ARE PROTECTING FOR THIS PERIOD. DIDN'T HEAR YOU. MADGE, DID YOU HEAR THE QUESTION? NO, I DID NOT. I'M SORRY, I GUESS I--YUKI, YOU WANT TO. OH, SO, SO MADGE I JUST WANTED TO KNOW THAT FROM YOUR RESEARCH, THEN THESE ARE THE BIRDS, OR THE BIRDS THAT WE'RE TRYING TO PROTECT ARE IN FLIGHT OR THEIR PEAK TIME IS SEPTEMBER 15 TO DECEMBER 15. THAT'S CORRECT. AND THAT INFORMATION IS FROM THE DLNR WEBSITE. OKAY, THANK YOU. THANK YOU. ANY MORE QUESTIONS, MEMBERS? IF NOT, THANK YOU, MADGE. THANK YOU VERY MUCH. THANK YOU. NEXT TESTIFIER. OUR NEXT TESTIFY IS KANILOA KAMAUNU. TO BE FOLLOWED BY JUNYA NAKOA, ALOHA MAI KAKOU, COUNCIL, COUNCIL CHAIR. ALOHA. KANILOA KAMAUNU FROM WAIHEE. SO I'M NOT SURE WHAT THE, WHAT THE AREAS ARE, BUT I'M TALKING ABOUT THE WATER AS FAR AS WITH THE EAST MAUI AND I BELIEVE THE GOVERNANCE THAT THEY'RE GOING ON. SO, YOU KNOW, TODAY I'VE HEARD A LOT, A LOT OF TESTIMONIES AND ON SAYING IN FAVOR OF, OF THAT PUTTING IT ON THE BALLOT. I DON'T HAVE A PROBLEM WITH THAT. I DO HAVE A PROBLEM WITH CERTAIN, CERTAIN, YOU KNOW, RESERVATIONS. A LOT OF IT IS TO DEAL WITH ACTUALLY KANAKA RIGHTS. I'VE BEEN DEALING WITH WATER RIGHTS FOR OVER THE LAST 13 OR 14 YEARS. I'VE BEEN INVOLVED AS FAR AS PROTECTING KULEANA RIGHTS IN WAIHEE. AND SO, YOU KNOW, MY CONCERN IS AND IT STILL HASN'T BEEN ADDRESSED BY THE STATE OR THE COUNTY AS FAR AS, AS FAR AS OUR CONTINGENCY BEING, BEING A GROUP THAT IS RECOGNIZED AS DIFFERENT FROM THE REST OF THE PUBLIC. YOU CALL IT A PUBLIC TRUST, BUT REALLY IT'S NOT A PUBLIC TRUST. IT'S MORE OF AN OBLIGATION THAT THE COUNTY HAS BEEN GIVEN THROUGH THE STATE BY THE FEDERAL GOVERNMENT. IF YOU LOOK AT YOUR ADMISSIONS ACT OF 1959 SUBSECTION 19, IT STATES CLEARLY THAT THE NATIONALITY OF KANAKA MAOLI WILL NEVER CHANGE. THE UNITED STATES CLAIM THAT THEY CAN, THEY COULDN'T CHANGE IT, THEY COULDN'T RESTORE IT, THEY DIDN'T HAVE THE POWER TO DO SO. SO WE REMAIN THE SAME AS BACK THEN. WE STILL KANAKA. WHAT HAS HAPPENED IS THE VERBIAGE, THE USE OF NATIVE

HAWAIIAN, NATIVE HAWAIIAN HAS TAKEN OVER THE VERBIAGE OF KANAKA MAOLI. THESE ARE TWO DIFFERENT ENTITIES. KANAKA MAOLI IS A REAL PEOPLE, THAT IS THE PEOPLE OF THIS COUNTRY. AND WE, ACCORDING TO THE UNITED STATES AND THEIR FEDERAL DOCUMENTS, ARE STILL THOSE PEOPLE. ACCORDING TO THEM, IT IS A POLITICAL RELATIONSHIP THAT WE HAVE WITH THE UNITED STATES. WITH THAT BEING SAID, TO CHANGE US IS GOING AGAINST YOUR 1959 ADMISSIONS ACT AND THEN THROWING US IN WITH THE REST OF THE PUBLIC. CAUSE WHEN YOU READ THE U.S. CODES UNDER NATIVE HAWAIIAN 1) THEY CALL US UNITED STATES CITIZENS; 2) THEY ALSO COMBINE US WITH KAMAAINA, AND THEIR DEFINITION OF KAMAAINA IS ANY RESIDENT OF HAWAII. SO THIS GETS CONVOLUTED WHEN IT COMES TO OUR NATURAL RIGHTS. WE GAINED OUR RIGHTS IN 1839, THROUGH OUR CONSTITUTIONAL RIGHTS CAME THEN OF THE BILL OF RIGHTS. 1840 WE BECAME A CONSTITUTIONAL GOVERNMENT WHICH RECOGNIZED THREE GROUPS OF PEOPLE, THE M???, THE AL???, AND THE MAKA ??INANA. AND THEY ALSO GAVE RIGHTS TO ALL LANDS, AS WELL AS RESOURCES TO THOSE THREE GROUPS CALLED VESTED RIGHTS. 1859, WE KNOW THAT MAHELE ACT GAVE US THE AUTHORITY OR THE GOVERNANCE OVER OUR PRIVATE LANDS. AND WITH THAT CAME THE WATER. THIS, WE GOT OUR LANDS THROUGH THE USE OF WATER. AND SO WE HAVE WATER RIGHTS THAT WAS GIVEN TO US. IN 1989, 1998, THE K??? PETITION WAS SENT TO CONGRESS, SOLIDIFYING WHO WE WERE AND WHAT WE DIDN'T WANT TO HAPPEN WAS TO BECOME AMERICANS. AGAIN, IN 1959 THEY SOLIDIFIED THAT AND AGREED THAT WE ARE STILL THOSE PEOPLE. AND WITH THAT BEING SAID, ALL RIGHTS ARE VESTED INTO WATER. SO WHEN YOU CREATE THESE ENTITIES, THESE ENTITIES THAT YOU CREATE IS NOT FOR THE PUBLIC TRUST. YOU GUYS HAVE THE OBLIGATION FOR THE PUBLIC TRUST. BUT YOUR BIGGEST OBLIGATION IS YOUR TRUST OBLIGATION TO THE PEOPLE THAT ACTUALLY OWN IT, WHICH IS THE KANAKA MAOLI, NOT NATIVE HAWAIIANS. THAT'S YOUR TERMINOLOGY, KANAKA MAOLI, I'M KULEANA SEVEN GENERATION WAIHEE. SO WHEN WE TALK ABOUT THESE THINGS, IT CONCERNS ME THAT WE ARE NOT BEING DEALT WITH PROPERLY. WE ARE BEING PUT AS A SIDE, LIKE SIDE SALAD, WE'RE ON THE SIDE, EXTRA, YOU KNOW. BUT THEN THEY COME TO US IN YOUR GUYS OWN WATER BILLS WE'RE IN APPENDIX 10. YOU KNOW, I THINK SHANE AND HIS, HIS COMMITTEE FOR THE WORK THAT THEY'VE DONE, BUT THERE NEEDS TO BE MORE CLARIFICATION ON WHO YOU'RE DEALING WITH. SO I COME WITH RESERVATIONS ON THESE TWO AREAS BECAUSE YOU HAVE TO ADDRESS US, WHICH IS ACCORDING TO YOUR FEDERAL ACTS THAT WE STILL THE SAME PEOPLE. AND IF WE ARE, THEN THE RIGHTS ARE OURS. AND PEOPLE BENEFIT BECAUSE OF THE KANAKA MAOLI, THEY GET THEIR RIGHTS BECAUSE WE STILL HAVE OUR RIGHTS. IF WASN'T SO, ACCORDING TO YOUR GOVERNMENT, EVERYTHING IS ECONOMICS, EVERYTHING IS COMMERCE. THEY TOOK HAWAII IN COMMERCE. THAT MEANS THAT OBLIGATION, THE GOVERNING BODY'S OBLIGATION, IS TO COMMERCE. THAT IS FOREMOST AND THAT MEANS PEOPLE LIKE HUI PONO. I MEAN, EXCUSE ME, MAHI PONO, WHO EVERYBODY'S . . . IS A FOREIGNER IS GOING TO COME AND . . . FOR THE NEXT 50 YEARS UNDER THEIR THUMB WHILE LOOKING AT IT FROM OUR PERSPECTIVE. WE'VE BEEN UNDER THIS FOR 129 YEARS, 129 YEARS WE'VE BEEN UNDER THIS GOVERNANCE. 129 YEARS WE HAVE NOT BEEN ADDRESSED. WE HAVE BEEN TAKEN ADVANTAGE OF AND OUR STUFF IS ALL DESTROYED. WHEN YOU LOOK UPON US, DO YOU SEE WHAT THE CHANGES ARE AND THE DEVASTATION? SO WHEN WE TALK ABOUT THESE THINGS, I TAKE IT SERIOUS BECAUSE FOR ME, I UPHOLD THE CONSTITUTION OF THE KINGDOM OF HAWAII. I UPHOLD MY CONSTITUTIONAL RIGHTS. I UPHOLD WHAT MY KUPUNA SAID THAT WE ARE STILL SOVEREIGN, WHICH IS WHAT THE FEDERAL GOVERNMENT SAYS. THAT BEING SAID, WHEN YOU GUYS LOOK AT WHAT YOU GUYS ARE DOING AND ALL THESE THINGS, WE NEED TO COME FIRST. . . . THAT PEOPLE FEEL UPSET. BUT THE THING IS, WHAT IS RIGHT IS RIGHT. WHAT IS TRUE IS TRUE. YOU GUYS ARE TAKING, YOU GUYS TOOK THE CLASSES

FROM KEANU SAI. HE TOLD YOU ABOUT THE LAND RIGHTS. WE HAVE THOSE RIGHTS. WE ARE THE KANAKA MAOLI. WE ARE THE KEIKI O KA ?AINA. WE ARE THE KULEANA. IT WAS GIVEN TO US, THEN PLEASE RESPECT US FOR WHO WE ARE. YOU MAKE THESE COMMITTEES, PLEASE THINK IN YOUR MIND, HOW DO WE SERVE THE KANAKA MAOLI WHICH YOU HAVE AN JUST OBLIGATION TO PROTECT AND TO SOLIDIFY THAT OUR RIGHTS ARE TAKEN CARE OF. AND YOU KNOW, WHAT PEOPLE DON'T UNDERSTAND IS KANAKA'S TAKE CARE OF EVERYBODY. LOOK INTO OUR GOVERNANCE. IN OUR GOVERNANCE YOU FIND PEOPLE COME FIRST, CONGRESS COMES SECOND. PEOPLE ARE IMPORTANT, NOT MONEY. WE ARE THE ONLY SOCIETY TO LIVE WITHOUT MONEY AND WE TRIED. SO FOR ME, WHEN WE DO THESE THINGS PLEASE UNDERSTAND THAT I'M NOT TRYING TO MAKE TROUBLE OR ANYTHING BUT TRUTH IS TRUTH. AND I GOING SPEAK THE TRUTH, I'M KANAKA MAOLI, YEAH, I AM A CITIZEN OF THE KINGDOM OF HAWAII AND I CLAIM THAT BECAUSE I'M ABLE TO DO SO THROUGH THE ACTS OF YOUR CONGRESS. THANK YOU. OKAY, THANK YOU VERY MUCH. MEMBERS, QUESTIONS. I DON'T SEE ANY HANDS, I DON'T SEE. THANK YOU VERY MUCH. MAY WE HAVE THE NEXT TESTIFIER, PLEASE. OUR NEXT TESTIFIER IS JUNYA NAKOA. TO BE FOLLOWED BY ALBERT PEREZ. HOWZIT, YOU GUYS CAN HEAR ME? YES WE CAN. HELLO. OKAY, I GOTTA CHECK CAUSE IT'S A, THIS MY NEPHEW'S EARPHONE, I WHEN STEAL UM FROM HIM. OKAY, HOWZIT. OKAY, I GOING TALK ABOUT, TALK ABOUT PLENTY ITEMS, I GOING TAKE ALL THREE MINUTES. NAH, ONLY JOKING, I AM ONLY JOKING. OKAY 22-55, THE COUNTY EMPLOYEE WORK REMOTE, REMOTELY. EH, YOU KNOW WHAT, BRAH, THAT'S WHAT WE DOING NOW YEAH. WE DOING THIS, THIS NEW BLUETOOTH THING, THE BLUEJEANS THING, BUGGAH WORK GOOD SO I GOING SUPPORT UM, YEAH. YOU GUYS CAN DO THE SAME, DO THE WORK WHEREVER AND YOU GUYS CAN STILL BE VERY, VERY, VERY DO AN AWESOME JOB. OKAY, SHOOT. OKAY, NEXT ONE 22-155. OKAY, THE DIRECTOR OF WATER SUPPLY, THEY'RE GOING DO ONE REPORT YEAH, TODAY. AND LIKE THE SISTAH WAS SAYING TODAY YEAH, NO ONLY GO READ THE WATER METERS AND ALL THAT KIND STUFF, GO CHECK FOR THE SURFACE WATER LIKE THAT. YOU KNOW, WE JUST WHEN DEAL WITH THAT, IN THE LAHAINA ONE, AT THE STATE LEVEL. YEAH, AT THE, FOR THE WEST MAUI AND WE WHEN LEARN PLENTY LIKE THAT. SO MAKE SURE THE WATER DEPARTMENT JUNYA WE'RE HAVING TROUBLE HEARING YOU. CAN YOU TURN OFF YOUR VIDEO? TURN OFF YOU VIDEO PLEASE, THEN, THEN WE CAN HEAR YOU. I HOPE. HELLO. OKAY, SAY SOMETHING. CHAIR, CAN YOU HEAR. HELLO, HELLO. WE CAN HEAR YOU. ALRIGHT. SORRY, SEE THE BUGGAH JUNK. OKAY, WHERE WAS, YEAH, SO THE WATER SUPPLY DO THE RIGHT THING CAUSE, YOU KNOW, LIKE UPCOUNTRY AND WEST MAUI, WE, WE GOTTA, WE GOTTA WATCH HOW WE USE OUR WATER EH, LIKE THAT. SO WE GOT TO MAKE SURE WE, WE KNOW WHAT WATER AND HOW MUCH WATER WE USING. BUT YOU KNOW, THE HOTELS, THE HOTELS OVER HERE, OH BOY, NICE THE POOL, FILL UP THE POOL. THEY WATERING THE SIDEWALKS. YEAH, SO GET THE WATER DEPARTMENT FOR DO THEIR JOB. OKAY, AND THEN, OKAY THAT ONE PAU. OKAY 22-162, THE CROSSROADS. BRAH, YOU KNOW, OUR PEOPLE GETTING KICK OUT OF THE, THEIR STUFF CAUSE THE OWNERS RAISING THE RENTS, YEAH LIKE THAT. THAT'S WHAT HAPPENING OVER HERE. AND I THINK YOU GUYS WAS TALKING ABOUT PURCHASING THIS BUGGAH MAYBE, I DON'T KNOW. UH, I THINK MORE BETTER PURCHASE THIS BUGGAH INSTEAD OF STUPID, STUPID HOTEL DOWN HERE IN NAPILI. YEAH, MORE BETTAH. AND THEN FIGHT THAT GUY IN NAPILI. SO YEAH, PLEASE GO TAKE CARE THAT ONE CAUSE THAT ONE YOU GOING GET, YOU GOING BE TAKING CARE OF THE PEOPLE THAT'S WORKING, HARDWORKING PEOPLE OF LAHAINA, AND THAT CAN AFFORD THAT HOUSING. SO PLEASE IF YOU GUYS GOING PURCHASE ANYTHING, GO PURCHASE THAT BUGGAH. CAUSE THAT ONE, THAT ONE WE KNOW WHAT GOING BE AND WHAT, WHAT, WHO GOING TAKE CARE OF AND ALL THIS STUFF. OKAY, OKAY, NOW THIS LIGHTING ONE, YEAH, THIS LIGHTING ONE. I THINK YOU GUYS GET TWO ITEMS YEAH, THE NUMBER, THE

154 AND 47, YEAH. SO I THINK I GET LIKE SIX MINUTES, BUT I NOT GOING USE SIX MINUTES. I GOING MAKE FAST. OKAY, THE LIGHTING, YOU KNOW, WHEN I, YOU GUYS KNOW ALREADY I WHEN GO TRY HELP OUT WITH THE FILM INDUSTRY, YEAH. AND WHEN EVERY TIME THEY WENT TO USE THE LIGHTS, THEY HAD, YOU GET THE DLNR PLUS ONE GUY, ONE, ONE GUY OR LADY THAT KNOW ABOUT THE, THE BIRDS THAT, THAT WE TRYING TO PROTECT. AND SO . . . TALK STORY ABOUT THE LIGHTS, I WISH WHEN, I DO THAT BUT AT THAT TIME I WAS ONLY WORRIED ABOUT COVID. BUT I THINK THAT WE GOT TO GET MORE EDUCATED ABOUT THEM. BUT WITH THE, WHAT YOU GUYS WHEN WRITE ALREADY AND YOU GOES WHEN WORK HARD ON THEM ALREADY AND ALL THAT STUFF, YOU GUYS CAN PASS UM BECAUSE YOU GUYS GET CHOKE EXEMPTIONS, YOU KNOW, FOR THE POLICE, THE FIRE DEPARTMENT. AND YOU KNOW, THE KINE, ALL THAT KIND STUFF, GET CHOKE. I NOT, I NOT GOING READ THEM ALL. BUT YEAH, AND YOU KNOW, SO GET EXEMPTIONS THAT GOING HELP OUT WITH THAT THING. AND THEN, YOU KNOW, YOU GET THE KINE, THE GUYS THAT COME IN FROM PARTS AND PUBLIC WORKS, OH, MY GOD. OKAY, PARKS, OKAY, YOU GUYS KNOW I PLAY SOFTBALL. OH, I USED TO, I CANNOT RUN ANYMORE. BUT I COACH BASEBALL, YEAH AND SO I COACH BASEBALL. AND YOU KNOW, HOW THE BRADDAH WAS TALKING ABOUT THE LIGHTS AND THE BALL GOING IN AIR, BASEBALL GOING IN THE AIR. THE LIGHTS IS ALL HIGH, HIGH, HIGH, HIGH IN THE AIR. THE BUGGAH NO, THE BUGGAH NOT LIKE FENCE LEVEL OR SIX FEET LIKE JUNIOR USE, THE BUGGAH HIGH. SO IF YOU HIT THE BALL THAT HIGH, OKAY OF COURSE YOU GOING HAVE TO WAIT LITTLE WHILE, BUT WHEN THE THING COME DOWN IN THE LIGHT, YOU CAN SEE UM RIGHT AWAY. YOU STILL NOT GOING, YOU NOT GOING GET HURT, YOU NOT GOING TO GET HURT. OKAY, YOU STILL GOING, YOU STILL GOING, YOU STILL GOING CATCH THE BALL. AND IF YOU MISS THE BALL, YOUR ERA. NO BLAME, NO BLAME THE LIGHTS, NO BLAME THE LIGHTS. AND EVEN IF THEY PUT ONE, ONE SHADE THING ON TOP, IF YOU DIRECT UM IN THE RIGHT WAY, THE THING GOING BE GOOD. SO, YEAH, THE BASEBALL ONE, POHO THAT EXCUSE THAT ONE. AND THEN ANYWAY, I KNOW THEY WAS SAYING THEY WHEN SPEND \$4 MILLION DOLLARS EVEN BEFORE THIS BILL CAME UP. THE LAHAINA, IN LAHAINA PARKS OVER HERE, IN OUR LAHAINA PARKS, THEY WHEN CHANGE ALL THE LIGHTS, ALL THE LIGHTS ON THE ONE PARK THAT WE NO USE. SO YOU, YOU GO ASK THE PUBLIC, THE PARKS HOW MUCH TIME THE LIGHTS HAS BEEN USED . . . AND NEVER USE, BUT YOU LOOK AT ALL THE, YOU LOOK AT THE BASEBALL PARK, I'M THERE EVERY DAY THE BUGGAH ALL BUSS UP. THE FENCE IS, THE KIDS RUNNING THROUGH THE FENCE TO GO CATCH ONE HOME RUN, THEY GOING GET HURT. YEAH, YOU TALK ABOUT SAFETY ISSUE, THAT'S THE KIND STUFF. THE DUGOUTS, THE DUGOUTS, ALL THE FENCES, THE BACKSTOPS, ALL THAT KIND STUFF, YOU TALK ABOUT SAFETY ISSUE, WHO, I GIVE YOU A LIST. THE NEW GUY FROM THE . . . LAHAINA . . . THAT BUGGAH GOING GET ONE EAR FULL. I KIND OF WHEN WARN HIM. I KIND OF WHEN WARN HIM. SO YEAH, THE LIGHTS IS NOT THE ISSUE AGAIN. WHAT ELSE, BUT YEAH, THEN, I SORRY, BUT YUKI LEI, YOU LIKE, YOU LIKE, YOU KNOW WHEN THE, GET ONE TESTIFYING ABOUT . . . NO GO HARASS THEM IF THEY GOING MAKE MONEY FROM UM. YOU KNOW, THEY, THEY, THEY JUST TESTIFYING ON THIS THING. I NO HEAR YOU TALKING ABOUT TALKING TO THE DEVELOPERS WHEN THEY TESTIFY, WHY CAUSE YOU GOING MAKE MONEY OFF OF THIS . . . JUNYA, JUUNA, GET BACK TO THE SUBJECT. THAT IS THE SUBJECT, THE LIGHTING. SHE BROUGHT IT UP. I MAKE, I'M USING WHAT SHE WHEN BRING UP. I KNOW, LET'S TALK ABOUT THE LIGHTING OR WHATEVER ELSE. OKAY, OKAY, BUT SHE THE ONE WHEN TALK. OKAY AND THEN, YEAH, SO NOW ALL THIS, YOU KNOW, ALL THESE DEPARTMENTS COMING UP NOW. WHERE THEY WAS EARLIER, WHEN YOU GUYS WAS TALKING ABOUT UM IN COMMITTEE. I HEARING THAT THEY WAS NOTIFIED ABOUT UM HEARING THAT DA KINE, AND HOW COME THEY NO MAKE THE EFFORT FOR GO CHECK OUT THE BIG ISLAND. I WOULD HAVE. YOU KNOW WHAT I MEAN. SO I SAY PASS THIS BILL AS

IS, AS WRITTEN, AS IT IS RIGHT NOW CAUSE GET PLENTY EXEMPTIONS INSIDE THAT BUGGAH THAT GOING, GOING MAKE IT ENOUGH TIME TO MAKE THE, GET THE RIGHT LIGHTS. OKAY, SHOOT, I PAU. SORRY I STAY PISS OFF. OKAY, 22-151, WHAT IS THAT, OH THE EAST WATER AUTHORITY. OKAY, AGAIN GET TWO, TWO ITEMS, TWO NUMBERS, TWO ITEMS ON THIS. OKAY, SANDY BAZ, HE CAME OUT HERE AND HE WHEN TALK IN BEHALF OF THE MAYOR. YEAH, AND, TO, BUT HE WAS SAYING ABOUT THIS THING THAT HE GOING, THEY, THE, HE SPEAKING IN BEHALF OF THE MAYOR, THAT HE, THEY SUPPORT MAHI PONO CONTROLLING UM AND NOT THE PEOPLE. OH MY LORD AND THE GUY, AND GUY IS SAYING HE FOR THE PEOPLE, HUH. JESUS CHRIST. AND TO TELL YOU THE TRUTH, I CALL HIM GUY THE ABSENTEE MAYOR CAUSE HE'S NEVER AROUND, HE'S NEVER AROUND, THE GUY. IF HE REALLY WANTED FOR BE HERE, HE SHOULD BE HERE. AND IF SANDY BAZ CAN DO UM REMOTELY, AND NOT BE THERE PHYSICALLY, THE MAYOR COULD HAVE DONE UM, HE COULD HAVE DONE THAT. YOU KNOW WHAT I MEAN. . . . LIKE ME USE THE PHONE AND DO UM. BUT THE, THE THING IS, GIVE THE PEOPLE THE RIGHTS TO VOTE FIRST OF ABOUT, ON THEM. AND IT IS ALMOST LIKE WHAT YUKI AND ALICE WAS TALKING ABOUT, YOU GUYS LIKE HEAR FROM THE COMMUNITY, YOU KNOW, ABOUT THE GREG BROWN HOUSE. TRY LISTEN TO THE COMMUNITY ABOUT THIS ISSUE, OKAY. THE, THE PEOPLE, HOW MUCH PEOPLE WHEN TESTIFY FOR THE WATER BEING CONTROLLED BY THE PEOPLE. AND THE ONLY PEOPLE WHO SAYING THAT SHOULDN'T BE CONTROLLED BY THE PEOPLE AND BY MAHI PONO, IS THE MAYOR'S ADMINISTRATION. SO LISTEN TO THE PEOPLE. OKAY, GUYS, LISTEN TO THE PEOPLE. PEOPLE IS TALKING, LISTEN TO THEM. CAUSE THE STATE WHEN LISTEN TO THE LAHAINA PEOPLE WHEN WE WHEN TESTIFY. NOW THE COUNTY COUNCIL SHOULD BE LISTENING TO THE PEOPLE WHEN WE TESTIFY AT THIS LEVEL CAUSE THIS IS VERY IMPORTANT. LISTEN TO THE PEOPLE. OKAY, YEAH, PAU WITH THOSE TWO. OKAY NOW 22-57, SUBMISSION . . . YES . . . PLANNING COMMISSIONERS. I TELL YOU . . . BUT YOU KNOW WHAT I MEAN CAUSE WHEN THEY TESTIFY, THEY TESTIFY AND THEN THEY ASK FOR THE RECOMMENDATION OF THE PLANNING DEPARTMENT, OKAY. THIS IS THE DEPARTMENT THAT WHEN SCREW US OVER AT THIS ILLEGAL HOUSE, ILLEGAL HOTEL OVER THERE, DOWN HERE. SO HAVING ONE PLANNING COMMISSION FROM EACH DISTRICT, AND I GOING TELL YOU THAT DISTRICT DON'T KNOW NOTHING ABOUT LAHAINA, LIKE HOW WE KNOW. AND I BET YOU IF WE DO EACH DISTRICT, THAT ONE COMMISSIONER FROM DISTRICT, THAT ONLY GOING CONCERN LAHAINA, I BET YOU PLENTY LAHAINA PEOPLE GOING STEP UP TO THE PLATE. BUT RIGHT NOW THEY NO LIKE GO STEP UP INTO THE COMMISSIONER THING AND FOR ME, I GOTTA GO DEAL WITH KIHAI FOR GO, GO TRY PASS KIND AND WHAT NOT. PLUS I GOT TO GET APPOINTED BY THE MAYOR FIRST AND YOU KNOW, THAT GUYS HE NOT GOING APPOINT ME FOR NOTHING. SO LIKE I SAID, THE PLANNING COMMISSIONERS DO UM BY THE DISTRICT BRAH, CAUSE WE GOING SPEAK, WE GOING SPEAK FOR OUR, OUR, OUR, OUR COMMUNITY. SO AND IF ALL THE GUYS THAT GRUMBLE TO ME EVERY PLACE I GO, I GOING TELL THEM STEP UP AND THEY JOIN THE COMMISSION TOO. AND THEN AGAIN PROBABLY MAKE THE THING, COMMISSION WHEN WE ALL PAU WORK LIKE AT 6:00 SO EVERYBODY CAN LISTEN, AND NOT THE KIND 9:00 IN THE MORNING WHEN NOBODY CAN LISTEN BECAUSE THEY ALL AT WORK. SO, AND YEAH, AGAIN, AND THAT'S THE OTHER ONE THAT, IN BEHALF OF THE MAYOR, SANDY BAZ SAID THAT THEY NO, THEY NO, THEY NO AGREE WITH THAT. UH, I WONDER WHY, I WONDER WHY? TRY LOOK AT THE, THE JAM UP, THE JAM UP WITH THE GREG BROWN ONE, YEAH. THAT'S WHAT GOING HAPPEN AGAIN. AND YEAH, OKAY, BRAH, I PAU, I WHEN FINISH UM. SHOOT. CHAIR LEE: OKAY, QUESTIONS, QUESTIONS. WELL, YOU WERE SO GOOD NOBODY HAS QUESTIONS. THANK YOU, JUNYA. I CAN ADD SOME MORE. OKAY, YOU GUYS HAVE A GOOD ONE. BYE, YOU TOO. YESSAH, GOTTA GO PRACTICE NOW. TESTIFIER IS ALBERT PEREZ, FOLLOWED BY KEISA LIU. HELLO, AM I NEXT? HI, I, YEAH, I

HAD MY SOUND DOWN, SORRY. HOPE YOU'RE ALL DOING WELL IN THIS LONG DAY. I'LL TRY TO KEEP IT SHORT. ON THE FIRST ONE I WANT TO TESTIFY ON IS ON MY OWN BEHALF, AND THAT WOULD BE THE, THE TWO LIGHTING BILLS. SO, YOU KNOW, I GENERALLY SUPPORT THE BILLS, ALTHOUGH I'M NOT FAMILIAR WITH THE DETAILS, BUT I DO HAVE SOMETHING THAT I THINK I WANT TO CONTRIBUTE AND THAT IS THE KNOWLEDGE OF THE LIGHTING BUSINESS, WHICH I WAS IN FOR SEVERAL YEARS. I CAN TELL YOU THAT THE INDUSTRY IS VERY COMPETITIVE. PEOPLE ARE ALWAYS GOING TO CONVENTIONS TO GET THE LATEST INFORMATION ON THE LATEST TECHNOLOGIES. SO I GUESS MY MESSAGE IS THAT COMPETITIVE BUSINESSES WILL BRING IN WHATEVER IS IN DEMAND. AND LIKE WITH PLASTICS, THE ONES WHO MAY RESIST, THE ONES WHO RESIST THE CHANGE FIRST ARE KIND OF INVESTED IN WHATEVER WAS ACCEPTABLE BEFORE. BUT IF THE COUNTY LEADS IN THE RIGHT DIRECTION, THEY WILL ADAPT, THEY WILL RESPOND AND WE'LL ALL BE BETTER OFF. SO THAT'S ALL I WANTED TO CONTRIBUTE. MY PROBABLY TOTAL OF MAYBE ABOUT EIGHT YEARS EXPERIENCE IN LIGHTING. SO NOW I'D LIKE TO GET TO BILL 82. ON BEHALF OF MAUI TOMORROW, AND THIS IS APARTMENTS IN HEAVY INDUSTRIAL. WE CONTINUE TO URGE THE COUNCIL TO FILE THIS BILL, ALTHOUGH WE SUPPORT CREATING THE OPPORTUNITY TO LIVE ALONG KAAHUMANU CORRIDOR, THIS SETS A BAD PRECEDENT AND UNFORTUNATELY, IT'S ALSO ONE MORE INSTANCE OF NOT PAYING ATTENTION TO THE COMMUNITY PLANS THAT CITIZENS HAVE PUT THEIR HEART AND SOUL INTO. SO ON PAGE 59 OF THE WAILUKU-KAHULUI COMMUNITY PLAN, THE DEFINITION OF HEAVY INDUSTRIAL, IT SAYS THIS IS FOR MAJOR INDUSTRIAL OPERATIONS WHOSE EFFECTS ARE POTENTIALLY NOXIOUS DUE TO NOISE, AIRBORNE EMISSIONS OR LIQUID DISCHARGES. APARTMENTS ARE NOT LISTED IN THIS DEFINITION FOR GOOD REASON. SO WHAT'S BEING PROPOSED IN THIS BILL WOULD REQUIRE A COMMUNITY PLAN AMENDMENT TO AMEND THAT DEFINITION. WOULD THAT REQUIRE THAT THE BILL BE SENT BACK TO THE PLANNING COMMISSION? I THINK IT SHOULD AND IN RESPECT OF THE COMMUNITY. UNFORTUNATELY, AS OFTEN HAPPENS, AN ATTEMPT AT A SHORTCUT ENDS UP TAKING MORE TIME IN THE END. THE APPROPRIATE ROUTE IS TO AMEND THE COMMUNITY PLAN, CHANGE THE ZONING FOR THAT PARCEL, NOT ALL THE PARCELS, BUT THAT PARCEL, CHANGE IT TO ANOTHER DISTRICT THAT'S MORE APPROPRIATE THEN HEAVY INDUSTRIAL. INSTEAD OF CHANGING THE ZONE TO FIT THE NEED AND AFFECTING ALL THESE OTHER PARCELS. OTHERWISE, AS I MENTIONED AT COMMITTEE, WE CAN END UP WITH APARTMENTS AT THE MAUI ELECTRIC'S SITE NEXT TO KEALIA POND. THEN THAT WOULD SERVE AS JUSTIFICATION FOR MORE URBAN USES IN THE AG LAND NEXT DOOR. SO THIS BILL HAS A REAL DANGER OF CONTRIBUTING TO URBAN SPRAWL. I ALSO TESTIFIED THAT ALLOWING APARTMENTS IN INDUSTRIAL ZONE IS CONTRARY TO THE FINDINGS OF THE TITLE 19 ZONING CODE AUDIT, WHICH THE COUNTY PAID GOOD MONEY FOR. THAT APPROACH DOES NOT SUPPORT INDUSTRIAL BUSINESSES BECAUSE THEY CAN'T COMPETE WITH OTHER USES, SO THEY GET CHASED OUT OF THE INDUSTRIAL AREAS AND MOVED TO OUTLYING AREAS, AND THEY ALSO CONTRIBUTE TO URBAN SPRAWL AND HIGHER INFRASTRUCTURE COSTS. SO WE URGE YOU TO FILE THIS BILL TODAY AND GET STARTED ON A GOOD BILL THAT RESPECTS THE COMMUNITY'S PLAN, AND I SAID COMMUNITY'S PLAN SPECIFICALLY BECAUSE THAT'S THEIR PLAN. AND A BILL THAT TARGETS THE NEED AT KAAHUMANU CORRIDOR INSTEAD OF THIS BLANKET THING THAT APPLIES TO THE ENTIRE ZONE. I WILL MOVE ON TO THE REGIONAL PLANNING COMMISSION'S, 22-57. MAUI TOMORROW SUPPORTS THIS CHARTER AMENDMENT. ALL OF OUR COMMUNITIES IN MAUI COUNTY DESERVE TO HAVE DECISIONS THAT ARE MADE ABOUT THEIR COMMUNITIES IN A WAY THAT IS SENSITIVE TO THE ACTUAL CONDITIONS ON THE GROUND. WE'RE GROWING, YOU KNOW, THE COUNTY IS GROWING AND IT'S TIME FOR GOVERNMENT TO ADAPT. IT'S TIME TO MAKE SURE THAT WE'RE EQUALLY REPRESENTED. MANY, MANY TIMES, THE MAUI PLANNING COMMISSION HAS MADE DECISIONS THAT ARE BASICALLY TONE

DEAF. I REMEMBER CLEARLY WHEN ALMOST EVERYONE IN SOUTH MAUI TESTIFIED AGAINST APPROVAL OF THE MAUI COAST HOTEL IN THE MOST TOURIST CONGESTED PART OF KIHAI. THE PROJECT WAS APPROVED. ANOTHER TIME A PLANNING COMMISSIONER ACTUALLY SAID THAT KIHAI WAS MEANT FOR TOURISTS OR RESIDENTS SHOULDN'T BE COMPLAINING. THIS KIND OF STUFF IS MUCH LESS LIKELY TO HAPPEN IF IT'S YOUR NEIGHBORS WHO ARE MAKING THE DECISIONS, SO PLEASE SUPPORT THAT CHARTER AMENDMENT. FINALLY, I'M GOING TO GO INTO 22-151, WHICH IS THE EAST MAUI, IT'S THE MAUI COUNTY WATER AUTHORITY WITH THE EAST MAUI COMMUNITY REGIONAL BOARD. WE THINK THIS IS A GOOD AMENDMENT, THE 22-56, AND IT'S TIME FOR MAUI COUNTY TO TAKE CONTROL OF ITS OWN WATER RESOURCES. I'VE SAID IT BEFORE, BUT I'LL SAY IT AGAIN, HAVING PUBLIC WATER SUPPLY PENDING ON PRIVATE WATER SYSTEMS IS POOR PUBLIC POLICY, AND IT PLACES THE PUBLIC AT THE MERCY OF DECISIONS THAT ARE BASED ON WHAT'S BEST FOR THE COMPANY, NOT NECESSARILY THE PUBLIC INTEREST. I WON'T GO THROUGH THE WHOLE THING AGAIN, BUT YOU KNOW, THE WATERSHED HEALTH IS REALLY CRITICAL. IT'S NOT GETTING THE ATTENTION IT DESERVES. A WATER AUTHORITY OPERATING IN PURSUIT OF DEFENDING THE PUBLIC TRUST COULD SPEND MORE ATTENTION ON THAT, WHICH IS GOING TO BE BETTER FOR ALL OF THE USERS, INCLUDING MAHI PONO AND ANYBODY ELSE WHO WANTS TO USE THE WATER FOR AGRICULTURE. OR IF THE COMPANY GETS SOLD LIKE IT DID IN 2018, WE HAVE A WHOLE NEW PERIOD OF UNCERTAINTY. WHILE WE HOPE THAT THE NEW OWNER WILL HAVE OUR BEST INTERESTS IN MIND. SO WATER AUTHORITY WOULD PREVENT THAT SITUATION FROM HAPPENING. I WANT TO SAY, THOUGH, THAT IT'S REALLY IMPORTANT THAT THE EMPLOYEES OF EAST MAUI IRRIGATION WHO KNOW THE SYSTEM BEST, IT'S GOING TO BE IMPORTANT FOR THEM TO BE RELIED ON AND HIRED FOR THEIR EXPERTISE. BUT THE AUTHORITY AND THE REGIONAL BOARD WOULD ALSO NEED TO WORK CLOSELY WITH INVASIVE SPECIES EXPERTS AND OTHERS WHO CAN HELP PLACE A HIGHER PRIORITY ON RESTORING THE WATERSHED THAT PROVIDES THE WATER IN THE FIRST PLACE. AND THE SAME GOES FOR OTHER AREAS OF MAUI COUNTY THAT MAY CHOOSE TO ESTABLISH THEIR OWN COMMUNITY REGIONAL BOARDS. I LIKE THIS CURRENT SOLUTION, SO THANK YOU FOR PROPOSING THAT COUNCILMEMBER SINENCI. WATER OR SERIOUS AG USERS CAN CONTINUE TO BE PROVIDED AND BALANCED WITH IN-STREAM USES SUCH AS KALO GROWING THAT HAVE PRIORITY. THESE DECISIONS WOULD BE MADE TRANSPARENTLY INSTEAD OF IN A CORPORATE BOARDROOM. AND I THINK I'VE SAID EVERYTHING AT LEAST ONCE, SO I'LL STOP. MEMBERS, QUESTIONS. NO QUESTIONS. THANK YOU, ALBERT. OKAY, MAHALO. NEXT TESTIFIER, NEXT TESTIFIER AND THEN WE'RE GOING TO TAKE A 10 MINUTE BREAK. OUR NEXT TESTIFIERS KEISA LIU. EVERYONE . . . THIS IS PRETTY FUN, YOU GUYS ARE HERE. I'M HERE TO TESTIFY ON FOUR THINGS TODAY, CC 151, CR 22-56 AND RESO 22-166 AND 168. AND, AND FORGIVE ME AS IT'S GOING TO BE A LITTLE BIT DIFFICULT FOR ME TO SAY WHAT I THINK I NEED TO SAY WHEN IT COMES TO CC 151 AND CR 22-56, BECAUSE I THINK IT MIGHT BE WEIRD TO SAY, WHICH IS I DON'T THINK WE HAVE THE RIGHT PEOPLE IN THE ROOM WHEN IT COMES TO TALKING ABOUT WHAT WE SHOULD DO WITH OUR WATER. I DON'T KNOW HOW TO SAY THIS CORRECTLY, AND I THINK I MIGHT OFFEND PEOPLE, BUT I'M SORRY, BUT I JUST DON'T THINK, I HONESTLY THINK THE KANAKA MAOLI SHOULD BE THE ONLY PEOPLE IN THE ROOM WHEN IT COMES TO THE WATER, THEIR WATER, THEIR LAND. AND REGARDLESS OF THE FACT THAT AMERICA IS HERE, I THINK MAYBE THEY SHOULD HAVE THE BIGGEST SAY, IF NOT ALL OF US SAY IN WHAT WE DO WITH OUR WATER. SO THAT'S ALL I HAVE TO SAY ABOUT THAT. THE REASON WHY I WAS KIND OF THINKING ABOUT IT WAS BECAUSE I WAS THINKING ABOUT RESOLUTION 22-168, WHICH IS WHAT I'LL MOVE ON TO NOW. AS A FEMALE, I JUST APPRECIATE THAT THE COUNCIL HAS, HAS BROUGHT THIS FORWARD IN SUPPORT OF WOMEN. AND THE REASON WHY IS BECAUSE I THINK AT ONE POINT

WOMEN WERE EQUAL IN THE SPACES AS HUMANS BUT WE BECAME MORE AND MORE OF A COMMODITY FOR CONSUMPTION. AND WHEN YOU BECOME A COMMODITY FOR CONSUMPTION, YOU DON'T NEED TO HAVE A CHOICE AND YOUR VOICE IS NOT VALUED. YESTERDAY, I MODERATED A TALK WITH A GOVERNOR CANDIDATE AND WE WERE DISCUSSING WOMEN'S RIGHTS AND IT WAS REALLY FUNNY BECAUSE THAT PERSON SAID, YOU KNOW, WELL, I BELIEVE THAT WOMEN SHOULD HAVE A CHOICE AND SHOULD KNOW ALL THEIR OPTIONS. AND YOU KNOW, I WAS TRYING TO UNDERSTAND WHAT THAT EVEN MEANT, AND THEY KIND OF ELABORATED BY SAYING, YOU KNOW, HAVING ABORTIONS OVER AND OVER AGAIN IT'S JUST NOT GOOD FOR THE BODY. AND IT MADE ME PAUSE A LITTLE BIT AS SOMEONE WHO HAS NOT ONLY HAD AN ABORTION BUT ALSO HAD A CHILD. SO IT MADE ME THINK WE'RE NOT HAVING ABORTIONS OVER AND OVER AGAIN, AND WE'RE REALLY NOT UNDERSTANDING WHAT MATERNAL HEALTH IS IF WE THINK THAT WOMEN ARE HAVING ABORTIONS OVER AND OVER AGAIN, THAT'S NOT MATERNAL HEALTH, IT'S NOT WOMEN'S HEALTH AND THAT'S NOT LISTENING TO WOMEN, WHICH OF COURSE, MADE ME THINK ABOUT THE KANAKA MAOLI AND HOW WE'RE NOT LISTENING TO THEM WHEN IT COMES TO THEIR WOMAN, THEIR AUNTY, THEIR MOTHER, THEIR LAND, THEIR AINA, THEIR WATER, THEIR WAI. SO I JUST WANTED TO TAKE IN A MOMENT TO EXPRESS BOTH OF THOSE THINGS AT THE SAME TIME BECAUSE I WASN'T QUITE SURE HOW ELSE TO DO IT. AND THERE'S SO MUCH MORE TO BE SAID ABOUT THAT, BUT I HAVEN'T QUITE GOT ALL THE WORDS YET. BUT YOU KNOW ME, I KNOW HOW TO FIND YOU, AND I KNOW HOW TO WRITE VERY LONG LETTERS. SO WHEN I HAVE THOSE WORDS, I WILL DO THAT. SO I'M GOING TO MOVE ON TO THE LAST ONE, WHICH IS 22-166, AND I JUST WANT TO ASK IF ANYONE IN COUNCIL HAS BEEN HOUSELESS OR UNHOUSED OR HOMELESS WITHIN THE LAST THREE YEARS. I'M GOING TO ASSUME NONE OF YOU HAVE, AND I HAVEN'T EITHER. BUT I THOUGHT IT WAS INTERESTING HOW I WAS SEEING MORE AND MORE PEOPLE ON THE STREETS PUSHING CARTS OF BELONGINGS OR LIVING IN THEIR CARS. AND I THOUGHT THAT WAS KIND OF INTERESTING. AND WHEN THERE WAS A PERSON WHO WAS MOVED FROM THE ILLEGAL CAMPING AT KANAKA BEACH AREA, TO QUOTE THE RESOLUTION. I ASKED THEM IF I COULD WALK WITH THEM, IF THEY WERE GOING TO CHOOSE TO MOVE OUT OF HOUSELESSNESS. AND THEY AGREED. SO IN NOVEMBER, THAT'S REALLY WHEN WE STARTED THAT PROCESS. IT IS NOW JULY 1, YEAH, THEY'RE STILL NOT HOUSED PERMANENTLY. AND I NEED YOU TO UNDERSTAND SOMETHING THAT THIS IDEA THAT PEOPLE ARE CAMPING, AND I KNOW I'M BORING YOU A LITTLE BIT, BUT I NEED YOU TO UNDERSTAND THAT THIS IDEA OF CAMPING FOR RECREATION IS DIFFERENT THAN HAVING LITERALLY NO OTHER OPTION. AND THAT'S CONTINUING, REGARDLESS. I AM TALKING TO PEOPLE WHO ARE CURRENTLY HOUSED AND WONDERING WHERE THEY'RE GOING TO GET THEIR NEXT PAYCHECK. AND LITERALLY, THEY SAID TO ME, I THINK I MIGHT SLEEP IN MY VAN BECAUSE I KNOW I CAN AFFORD THAT. LIKE, THAT'S A, THAT'S A PERSON WHOSE HOUSED RIGHT NOW AND RECOGNIZING THAT THAT MIGHT BE WHAT THEY HAVE TO DO. SO IT DOESN'T QUITE MAKE SENSE TO ME THOUGH, THAT THIS IS GOING TO REALLY SOLVE THE ISSUE THAT WE HAVE. AND JUST SO YOU KNOW, THAT PERSON WHO, YOU KNOW, I'M WALKING WITH IN HOUSELESSNESS, ONE OF THE THINGS I THINK WE CAN DO IS TALK ABOUT THE BUREAUCRACY OF OUR GOVERNMENT AND WHEN IT COMES TO THE FUNDING OR THE PAPERWORK AND THINGS LIKE THAT, AND THAT'S WHERE YOU GUYS CAN ACTUALLY PUT SOME FOCUS AND SOME PRESSURE BECAUSE THAT PERSON HAS PUT IN DOCUMENTS TO REQUEST FOR CERTAIN THINGS THAT THEY NEED TO GET THE RESOURCES SO THAT THEY CAN BECOME HOUSED. FOUR TIMES FOR ONE DOCUMENT, FOUR TIMES WE'VE PUT IT IN. WE'VE DONE IT TWICE FOR ANOTHER TYPE OF DOCUMENT THAT THEY NEEDED AND WE'RE STILL WAITING. THAT'S WHAT WE'RE WAITING FOR. WE'RE NOT WAITING BECAUSE THEY'RE NOT INTERESTED IN BEING IN HOUSING. AND THE WORST PART ABOUT IT IS IT GETS SO DISCOURAGING. I'M CONSTANTLY REMINDING HIM AND TELLING THEM LIKE, OKAY,

IT'S GOING TO BE OKAY. WE CAN GET YOU THROUGH THIS, LIKE, YOU'RE GOING TO BE ABLE TO GET HOUSING AND HAVING TO CONSTANTLY TELL THEM OVER AND OVER AGAIN WHEN THE SYSTEM ITSELF IS TELLING THAT PERSON GIVE UP. SO I NEED YOU GUYS TO JUST KIND OF UNDERSTAND THAT THIS RESOLUTION COMING FORWARD ISN'T REALLY ADDRESSING OUR REAL ISSUES. AND IF YOU AS A GOVERNING BODY WANT TO DO SOME WORK, I WOULD HIGHLY SUGGEST THAT YOU LOOK AT THE BUREAUCRACY AND HOW THAT'S AFFECTING THE ABILITY FOR PEOPLE TO GET INTO HOUSING. MAHALO FOR YOUR TIME. THANK YOU, QUESTIONS. . . . EVERYBODY. THANK YOU, KEISA. NO QUESTIONS. NEXT PERSON TO TESTIFY. OH YEAH, I DID SAY THAT. OKAY, HOW MANY MORE PEOPLE DO WE HAVE? OKAY, IT'S 3:43 SO 3:53 FOLKS, MEETING IS IN RECESS. THE MEETING WAS RECESSED BY THE CHAIR AT 3:43 P.M., AND WAS RECONVENED AT 4:01 P.M. WILL THE COUNCIL MEETING OF JULY 1, 2022 PLEASE RECONVENE? IT IS ABOUT 4:01 P.M. CONTINUING ON WITH TESTIMONY. MADAM CLERK. OUR NEXT TESTIFIER IS JOYCLYNN COSTA. TO BE FOLLOWED BY JESSIE KEKIWI-AWEAU. ALOHA, COUNCIL. I'M GOING TO TRY TO LEAVE MY VIDEO OFF TO MAKE SURE THERE'S NO BANDWIDTH IF THAT'S OKAY. OKAY, THAT'S FINE. THANK YOU. MAHALO. I'M HERE TO TESTIFY ON 22-56 AND 151, ALSO 154, 57, 166, AND A SHORT THING ON 168. SO I'LL START WITH 168. THANK YOU FOR BRINGING THIS MEASURE FORWARD. I JUST WANTED TO LEAVE YOU WITH A SHORT STORY. I HAD JUST COME BACK FROM THE IWI CONFERENCE IN OAHU AND MET WITH FIRST NATIONS PEOPLE, AND THEY TALKED ABOUT BIRTHING. AND WHAT THEY TELL US IS WHEN A WOMAN IS READY TO GIVE BIRTH, THEY, THEY GO TO THE EARTH, EARTH'S FLOOR. YEAH, THERE'S NO FLOOR IN THE, WHERE THEY'RE GOING TO GIVE BIRTH. IT'S BIRTH IN FLOOR, AND THEY PREPARE A LITTLE BOWL WITHIN THE DIRT AND THE WOMAN BEARS DOWN AND HER WATER BREAKS, AND IT FEELS THAT LITTLE EARTHEN BOWL. AND AS SHE GIVES BIRTH, THE CHILD FALLS INTO THIS MUDDY SUBSTANCE OF WATER AND SOIL. AND AS THEY CUT THE UMBILICAL CORD, AT THIS POINT, THAT IS WHERE THE CHILD IS NO LONGER ATTACHED TO THE MOTHER, BUT IS NOW ATTACHED TO THAT LAND AND MUST BE RESPONSIBLE AND DEFEND THAT LAND AND ALL THAT COMES WITH IT. SO IN OUR PRACTICE, IT, YOU KNOW, FOR US IS THE PIKO THAT GOES INTO THE SOIL. BUT HOW IT RELATES TO THIS MEASURE CAN GO EITHER WAY, YOU KNOW, WITH, WITH THE FUTURE OF WHAT WE SEE TODAY FOR OUR CHILDREN. MORE AND MORE OF OUR RIGHTS HAVE BEEN AND IS BEING TAKEN AWAY. SO I'M NOT EITHER FOR OR AGAINST ABORTION. I THINK IT'S SOMETHING THAT NEEDS TO BE SPOKEN AROUND THE TABLE OF WOMEN AND THAT'S ALL I'M GOING TO SAY ABOUT THAT. NUMBER 166, THAT WOULD BE, SORRY I HAVE ALL MY NOTES HERE, UNLAWFUL CAMPING, UNAUTHORIZED CAMPING. AND I HEARD I THINK IT WAS COUNCILMEMBER PALTIN ASKED IF THEY WERE ALSO REFERRING TO THOSE VEHICLES THAT PARK ON THE SIDE OF THE ROAD. AND I WOULD, YOU KNOW, I'VE HAD MY SHARE OF HOMELESS PEOPLE WHERE I USED TO WORK. SINCE THEN I'VE RETIRED, BUT THE FIRST THING I WOULD DO IS WALK UP TO THEM AND ASK THEM THEIR NAME AND THEY BECAME A HUMAN BEING. AND AT THAT POINT, THERE WAS A RELATIONSHIP AND A MUTUAL RESPECT FOR THE MOST PART. AND I HAD NO PROBLEM WITH THEM FRONTING THE COMMERCIAL ESTABLISHMENT THAT I WORK AS LONG AS THEY WERE RESPECTFUL, AND YET THEY WERE, FELT SAFE. SO I THINK WE NEED TO DO MORE MEASURES ON THAT. AS FAR AS CAMPING, WHAT I SEE ON THE SIDE OF THE ROAD IS WHAT I CONSIDER UNLAWFUL USE OF A COMMERCIAL ACTIVITY, I.E. RENTAL VEHICLE TO BE MADE INTO A BED AND BREAKFAST. AND I THINK THAT IS MY CONCERN OF WHAT YOU MIGHT CONSIDER AS CAMPING ON THE SIDE OF THE ROAD. SOME OF THEM IS LIKE RVS WHERE THEY HAVE AN ENTIRE HOUSE THAT THEY'RE DRIVING AROUND. IT'S A MOBILE BED AND BREAKFAST. OTHERS HAVE A SECOND STORY UNIT OF SLEEPING, WHICH IS A TENT ON TOP OF A ROOF. SO IT BECOMES VERY CLEVER HOW THEY NOW CAN RENT A VEHICLE AND NOT AND NOT BE CONSIDERED

A BED AND BREAKFAST. AND I THINK THAT'S WHERE THE PROBLEM LIES A LOT OF TIMES WITH THIS UNAUTHORIZED USAGE OF PUBLIC LAND. AND I'LL LEAVE THAT AT THERE NUMBER 57, DISTRICT PLANNING COMMISSION. A LITTLE BIT OF A SLIPPERY SLOPE. I CAN GIVE IT MY THUMBS UP WITH RESERVATION BECAUSE I TRUST THE COUNCIL THAT WE HAVE NOW. AND, BUT WE NOT GOING TO BE HERE 20, 30 YEARS FROM NOW. AND WHAT I'VE SEEN IN MY LIFETIME, 60 PLUS YEARS IS MY DEMOGRAPHIC, MY AREA OF LIVING HAS CHANGED PERSPECTIVE. WE HAVE SO MUCH SPECULATORS COME IN THAT THE QUALITY OF LIFE AND THE AMENITIES THEREIN HAS CHANGED. IT MIGHT BE SOMEWHAT FAMILIAR AND, AND THE SAME, BUT FOR ME, IT'S, IT'S NOT ALL THE SAME, NOT ALL THE SAME. AND SO THAT'S WHY I HAVE RESERVATIONS, BUT TO LEAVE IT TO ONE PLANNING COMMISSION THAT I'VE SEEN BECOME SO DYSFUNCTIONAL, I GUESS, I WOULD CHOOSE THE SECOND OPTION, WHICH IS TO BE ABLE TO CONTROL AND SPEAK TO WHERE WE LIVE AND MAKE THAT DECISION ON OUR OWN. SO NOW I GO TO, I DID 57, 66, 68. CAN I DO 55 ALREADY? NO, 155 IS THE REPORTING OF THE, THE WATER. I TOTALLY AGREE WITH TONI EATON THAT THERE SHOULD BE A REPORT ON THE SURFACE WATER. I DRIVE INTO NAHIKU FREQUENTLY AND WHAT I WITNESS IS THE STATE WORKERS DRIVING BY, SITTING IN THE BACK OF THE TRUCK SPRAYING POISON ON THE SIDE OF THE ROAD, EVEN WHERE THERE IS RIVERS AND STREAMS, EVEN WHERE THERE IS FAVORITE SWIMMING HOLES. AND I WONDER THAT EFFECT, THAT WATER GOES DOWN TO THE OCEAN. THERE HAVE BEEN LOCAL FISHERMEN THAT, THAT DIVE THE COAST AND TELL, TELL ME OF HOW CERTAIN PLACES THE REEF IS DEAD. THAT'S BEEN, THAT HAS BEEN OVER TIME, IT'S NOT JUST TODAY'S EVENTS. AND SO WE NEED TO KNOW, ESPECIALLY SINCE WE'RE DRINKING SURFACE WATER, WHAT WE'RE DRINKING. SO IT'S CRUCIAL THAT WE DO THAT. I'LL LEAVE THAT AT THAT. 22-56, I WOULD HIGHLY ENCOURAGE THE USAGE OF HAWAIIAN KINGDOM LAW, ESPECIALLY THAT OF 1839, 1859, 1864, BECAUSE THAT'S WHERE THE ACTUAL WATER RIGHTS COME FROM. I ALSO WOULD LIKE TO SEE THE LANGUAGE OF KULEANA, LAWAIA AND MAHIAI BECAUSE THAT IS A SPECIFIC PEOPLE. WE ARE NOT FARMERS, WE'RE NOT LOCAL FARMERS. WE ARE MAHIAI, DIFFERENT. AND THE RESOURCE THAT WE'RE SPEAKING OF IS NOT FROM TODAY. IT WAS CREATED SEVEN GENERATIONS AGO FOR US TO NOW MANAGE IN A WAY THAT WILL BE CARRIED TO THE NEXT SEVEN GENERATION. SO IF THIS MEASURE CAN INCLUDE THE KULEANA MAHIAI LAWAIA AND THE CONCEPT OF SEVENTH GENERATION, AND, AND EACH TIME THERE'S A NEW BOARD THAT HAS TO BE ITS MISSION STATEMENT, I MIGHT BE ABLE, YOU KNOW, FEEL EASIER ABOUT IT. THERE'S ALSO CONSIDERATION ABOUT BECAUSE WE HAVE TO TAKE CARE OF OUR PEOPLE CAUSE WE'RE GOING TO BE IN DROUGHT. I DON'T WANT IT TO AND LIKE AGAIN I SAID THAT I TRUST THIS COUNCIL, BUT ONCE IT'S IN THE HANDS OF THE COUNTY, WHO'S TO SAY THE NEXT ROGUE COUNCIL MIGHT COME IN AND THEN START STAMPING ALL THESE PERMITS CAUSE WE GOT PLENTY WATER COMING OUT OF EAST END. OR, YOU KNOW, A BUNCH OF PEOPLE COMING OVER FROM CALIFORNIA THAT CANNOT FARM ANYMORE BECAUSE THEY HAVE NO WATER, AND NOW THEY'RE GOING TO HAVE A FARMING CONCEPT THAT FITS THE CRITERIA FOR USAGE. AND WHILE WE GOT PLENTY WATER COMING OUT OF EAST END, WE DON'T HAVE PLENTY OF WATER, WE HAVE WATER IN EAST END. AND WHEN WE HAVE A DROUGHT THAT IS NOT THE WELL YOU GO TO JUST TO ALLEVIATE THE DROUGHT. WE NEED TO FIND OUT WHAT THE PROBLEM IS AND CURE THE PROBLEM. JUST SUCKING MORE WATER OUT OF EAST END IS NOT THE SOLUTION. IT'S JUST, IT'S CONSIDERED INSANITY. YOU KNOW, TO SEE THE CENTRAL PLAINS BEING, BEING PLANTED WITH TREES, WHERE IF YOU LOOK ALONG THE ROAD, TREES DO NOT GROW. SO I HAD PLENTY MORE TO SAY, BUT, YOU KNOW, THE CONSTITUTION SAYS IT'S, IT'S ABOUT WATER USE. AND THAT'S ANOTHER THING, I WANT TO MAKE SURE AND IT'S CLEAR THAT IT'S UNDER, IT'S FOR WATER USE AND NOT THE WATER ITSELF. THE RIGHTS ARE WITH THE KANAKA MAOLI, FOR THE WATER. THE USAGE AND THE, THE DITCHES AND ALL THE REPAIRS

THAT NEEDS TO BE DONE, IF YOU WANT TO TAKE ON THAT, THEN YOU KNOW, THE KULEANAS WOULD, WOULD PROBABLY HAVE NO ISSUE ASSISTING WITH THAT AS WELL. BUT IT LACKS SOME LANGUAGE, BUT WITH RESERVATIONS, YOU KNOW, I WANT TO SEE IT ON THE BALLOT. THE SAD PART IS THE KANAKA MAOLI HAVE LOST SO MUCH FAITH WITH SO MUCH INJURY AND LOSS ALREADY, I DON'T KNOW HOW MANY VOTES TO BE ABLE TO PUT THEIR VOICE ON THERE. SO I PRAY THAT IT'LL AFFECT THEM TO COME BY AND VOICE THEIR THEIR OPINION. MAHALO. THANK YOU. QUESTIONS, MEMBERS. I SEE NO QUESTIONS. THANK YOU VERY MUCH. MAY WE HAVE THE NEXT TESTIFIER. THE NEXT TESTIFIER CHAIR, IS JESSIE KEKIWI-AWEAU. TO BE FOLLOWED BY DAVID DORN. ALOHA MAI KAKOU. CAN YOU HEAR ME? YES, ALOHA. I TOO, WILL LEAVE MY VIDEO OFF SO THAT I DON'T GET THE JIBBER-JABBERING THAT WENT ON. BUT MY NAME IS JESSIE KEKIWI-AWEAU AND I AM IN SUPPORT OF THE EAST MAUI COMMUNITY WATER AUTHORITY. I AM A LINEAL DESCENDANT AND A KANAKA MAOLI OF OHANA KAUAMO AND OHANA KEKIWI, WHO HAS HAD MANY GENERATIONS AND WE HAVE BEEN LOI KALO MAHIAI, WE HAVE BEEN GATHERERS FROM MAUKA TO MAKAI. OUR FAMILY HAS SEEN MANY CHANGES IN THE STREAM FLOWS AND IT HAD HARMED AND DAMAGED MANY OF OUR CROPS, OUR STREAM LIFE, AND OUR OCEAN LIFE WHEN THE WATER WAS DIVERTED AWAY FROM US 100 PERCENT. WE WILL NOT OR CANNOT ALLOW ANY FOREIGN CORPORATION OR ANY CORPORATION TO DO THIS TO US AGAIN. MANY OF MY KUPUNA HAVE STARTED THIS FIGHT FOR RETURNING OF THE WATER. MANY OF THEM HAVE DIED. THE NEXT GENERATION IS FINALLY SEEING THE WATER BEING RETURNED AND A LOT OF OUR, NOT A LOT, BUT SOME OF OUR YOUNGER FARMERS ARE RETURNING TO THE LOI TO OPEN UP THE, TO OPEN UP MORE KALO. I'M SORRY IF I OFFEND ANYBODY WITH WHAT I HAVE TO SAY, BUT I BELIEVE THAT OUR WATER COME FROM CROWN LANDS AND KE AKUA HAS GIVEN US THIS KULEANA, RESPONSIBILITY TO MALAMA, MALAMA KA WAI, HOI KA WAI, TAKE CARE OF OUR WATERS, RETURN OUR WATERS AND MANAGE. WE ARE NOT HERE TO TAKE ALL OF THE WATER, WE ARE HERE TO SHARE. BUT I BELIEVE THAT THE KULEANA OF THE WATER SHOULD GO BACK TO THE KANAKA MAOLI. AND I MAHALO EVERYBODY WHO CAME OUT TO TESTIFY ON THIS BEHALF. MAHALO TO CHAIRPERSON SHANE SINENCI FOR ALL YOU DO FOR OUR EAST MAUI RESIDENTS. MAHALO. THANK YOU. MEMBERS, QUESTIONS. IF NOT, THANK YOU VERY MUCH. MAY WE HAVE THE NEXT TESTIFY, PLEASE. OUR NEXT TESTIFIER IS DAVID DORN. TO BE FOLLOWED BY MR. SAM SMALL. HELLO, MY NAME IS DAVID DORN TESTIFYING AS MYSELF. I SUPPORT 22-47, 22-151, 22-57, 22-162, 22-55, 22-162, BILL NO. 111, 22-59, AND 22-168, JUST IN CASE I GET CUT OFF. I SUPPORT NUMBER 22-47, PROTECTING SEABIRDS FROM OUTDOOR LIGHTING. A LOT OF PEOPLE TALK ABOUT THE COST OF CONVERSION, BUT WHAT DOES IT COST TO REPLACE AN EXTINCT SPECIES? IT SEEMS LIKE A FEW TESTIFIERS HAVE DONE SOME GOOGLE SEARCHES WHILE SOME HAVE CITED SINGLE STUDIES FOR A SINGLE NON BLUE LIGHTING SYSTEM ON A SINGLE SPECIES. WE CALL THIS TYPE OF SUPERFICIAL RESEARCH AS CONFIRMATION BIAS. THE ACTUAL SCIENTISTS ARE CLEAR THAT ARTIFICIAL LIGHTS IN MAUI COUNTY REGULARLY ATTRACT AND DISORIENT HAWAIIAN PETREL'S, . . . STORM PETRELS, . . . SHEARWATERS AS THEY NAVIGATE BETWEEN THE OCEAN AND NESTING COLONIES RESULTING IN FALLOUT, INJURY, DEATH. AND WE NEED TO DO BETTER TO PROTECT ENDANGERED SPECIES, SEABIRDS AND OTHER WILDLIFE. THIS BILL WILL DO THAT, . . . FEDERAL WILDLIFE AGENCIES ARE CHARGED WITH HELPING TO PREVENT THESE SPECIES FROM GOING EXTINCT, AND THEY RECOGNIZE ARTIFICIAL LIGHT ATTRACTION POSES AN ONGOING THREAT TO SPECIES SURVIVAL AND RECOVERY. THEY OUTLINE THE BEST PRACTICES IS TO MINIMIZE LIGHT ATTRACTION. THIS BILL DOES THAT AND GIVES OUR ENDANGERED SEABIRDS AND WILDLIFE THE BEST CHANCE OF SURVIVAL. WITH REGARDS TO 56 AND 151, I SUPPORT ITEM 22-151, FOR THE CREATION OF MAUI COUNTY WATER AUTHORITY. WATER IS THE MOST IMPORTANT ISSUE. IT IS OUR MOST PRECIOUS RESOURCE. WE

CANNOT GIVE EXCLUSIVE POWER OF OUR LIFE SUSTAINING WATER RESOURCES TO A PRIVATE CANADIAN FOR PROFIT BUSINESS ENTITY. I SUPPORT THE CHARTER AMENDMENT TO ESTABLISH THE MAUI COUNTY WATER AUTHORITY THAT WOULD INCLUDE AN INITIAL EAST MAUI COMMUNITY ADVISORY BOARD TO MANAGE THE EAST MAUI WATERSHED TO DELIVER WATER TO BOTH UPCOUNTRY AND CENTRAL MAUI, PLUS HAVE THE POTENTIAL FOR OTHER COMMUNITY BOARDS FOR WEST MAUI, NA WAI EHA, MOLOKAI , ETC. 22-151 IS BETTER THAN CR 22-56, WHICH WOULD ONLY BE FOR EAST MAUI, ALTHOUGH A LOT OF PEOPLE GAVE GREAT TESTIMONY ON 22-56, BUT I THINK IT EQUALLY APPLIES TO BOTH THAT UNIVERSAL TESTIMONY OF THE IMPORTANCE OF CREATING THIS WATER AUTHORITY. ITEM 22-57, I SUPPORT THE CREATION OF A REGIONAL PLANNING COMMISSION. TO ESTABLISH PLANNING COMMISSIONS FOR ALL COUNTY PLAN AREAS ON MAUI AND DISSOLVE THE MAUI PLANNING COMMISSION. WE NEED MORE LOCAL REPRESENTATION AND LOCAL EXPERIENCE IN OUR PLANNING PROCESS, ESPECIALLY IN MY AREA OF SOUTH MAUI. WE'VE SEEN TIME AND AGAIN THE COUNTY COMMISSIONERS ARE OUT OF TOUCH WITH THIS PART OF MAUI AND TEND TO TOTALLY IGNORE THE LOCAL ISSUES AND DISMISS THE TESTIMONY OF LOCAL RESIDENTS. THIS LACK OF EMPATHY AND EXPERIENCE IS LEADING TO A DEGRADED SOUTH MAUI WATERSHED AND REPEATED BAD PLANNING DECISIONS. EXAMPLES INCLUDE BUILDING HOTELS IN WETLANDS AND STREAM BEDS, BUILDING AFFORDABLE HOUSING IN NOTORIOUS FLOOD ZONES. ITEM 22-162, I SUPPORT THE PURCHASE OF LAHAINA CROSSROADS BUILDINGS SO WE CAN SUPPORT THE VULNERABLE RESIDENTS AND PREVENT THEIR EVICTIONS. MAUI COUNTY NEEDS TO ACQUIRE AND MAINTAIN AN INVENTORY OF AFFORDABLE RENTALS. THIS IS THE BEST INVESTMENT FOR CAPITAL AND IS A TURNKEY SOLUTION. I ALSO SUPPORT ITEM NUMBER 22-55, REGARDING TELECOMMUTING FOR COUNTY EMPLOYEES, ALLOW TELEWORK AND ALTERNATE WORK SCHEDULES. WE NEED TO KEEP PEOPLE OFF THE STREETS AND COMMUTING UNNECESSARILY. ALL TELECOMMUTING SHOULD BE ENCOURAGED IN ALL SECTORS, WHEREVER POSSIBLE. THERE'S BEEN PLENTY OF GOOD TESTIMONY ON THAT. BILL. NO. 111, WITH THE SUPPORTING A CESSPOOLS CONVERSION FUND AND THE LOAN THAT THAT WOULD REQUIRE. WE NEED TO HELP PEOPLE CONVERT TO SAFER THIRD SYSTEMS. WE NEED TO DO THIS TO HELP MAINTAIN OUR WATERSHEDS AND TO IMPROVE THE QUALITY, QUALITY OF GROUNDWATER AND TO PREVENT STORMWATER CONTAMINATION AND THE RESULTING STORMWATER OR OCEAN POLLUTION. I SUPPORT 22-59, TO ESTABLISH COUNTY RESIDENCY REQUIREMENT FOR BOARD, COMMISSION, AND COMMITTEE MEMBERS AND I SUPPORT 22-168, SUPPORTING OUR KEIKI, WAHINE, AND OHANA IN RESPONSE TO THE SUPREME COURT VOTE ON OVERTURNING ROE VS. WADE. THANK YOU. MEMBERS, QUESTIONS. IF NOT, THANK YOU, MR. DORN. NEXT TESTIFIER. OUR NEXT TESTIFIER IS SAM SMALL. TO BE FOLLOWED BY NICK HUNTZ. OKAY, HI, I'M GOING TO TRY AND KEEP THIS BRIEF. CERTAINLY IN SUPPORT OF THE EAST MAUI IRRIGATION AMENDMENT AND CREATION OF THAT AUTHORITY. CERTAINLY, YOU KNOW, IT'S ALL ABOUT, OUR COMMUNITY HAS MATURED AND WE HAVE THE ABILITY NOW WITHIN OUR COMMUNITY TO MAKE THESE DECISIONS FOR OURSELVES THAT HAVE BEEN ABDICATED TO SPECIAL BUSINESS INTERESTS. MAHI PONO DOES NOT DESERVE TO BE CONTROLLING THIS WATER ANYMORE AND, AND THESE AMENDMENTS THAT EMPOWER OUR COMMUNITY AND EMPOWER THE COUNCIL ARE VERY, VERY IMPORTANT. TO THE CHARTER, THE PLANNING COMMISSIONS. OVERBLOWN DIRECTOR'S DISCRETION IS THE LINCHPIN FOR SO MANY OF THE PROBLEMS THAT WE BRING YOU. GREG BROWN IS JUST ONE OF A LONG LIST OF ABUSIVE PROJECTS WHERE THE PUBLIC HAS SUED DEVELOPERS AND THE COUNTY AND WHERE THE CITIZENS HAVE WON. YOU KNOW THE LIST: MONTANA BEACH, OLOWALU, PALAMA DRIVE, KAHOMA VILLAGES, EVEN A SUIT THAT IS CURRENTLY IN LITIGATION IN NAPILI ON HUI ROAD E, WHERE DEVELOPER HUGH FARRINGTON WITH COOPERATION OF DEPARTMENT DIRECTORS AND CORPORATE COUNSEL, FORCED CHRIS SALEM INTO FORECLOSURE BY

ISSUING THE ONE AND ONLY NOTICE OF INTENT TO COLLECT EVER SENT TO ANY PROPERTY OWNERS WHO HAVE SIGNED ON ONE OF THE THOUSANDS OF THREE LOT OR LESS DEFERRAL AGREEMENTS. TO TEACH HIM A LESSON ISLAND STYLE THAT QUITE LITERALLY EVICTED HIS, HIM AND HIS FAMILY FROM THE HOME THAT HE PERSONALLY DESIGNED AND BUILT ON THANKSGIVING DAY. DIRECTORS OVERBLOWN DISCRETION IS THE LINCHPIN OF THE ABUSE OF POWER THAT SERVES WELL-CONNECTED DEVELOPERS, COMPLICIT DIRECTORS AND WHOEVER HAPPENS TO BE MAYOR AT THE TIME. THAT OVERBLOWN DISCRETION TURNS PERMIT APPROVALS INTO ENFORCEMENT, PERMIT APPROVALS AND ENFORCEMENT INTO A POLITICAL TOOL. IT'S WHY THERE IS SUCH GREAT DISPARITY BETWEEN TWO DIFFERENT DEVELOPERS, BOTH ABUSERS OF THE SYSTEM WHO GET TREATED SO DRASTICALLY DIFFERENT. COMPARE GREG, GREG BROWN IN NAPILI TO MICHAEL BASKIN AT THE PAIA INN. BOTH SEEM TO BE TERRIBLE ABUSERS OF COUNTY ORDINANCES, YET MICHAEL BASKIN IS BEING PERSECUTED WITH MILLIONS OF DOLLARS IN FINES AND GREG BROWN IS BEING DESPERATELY PROTECTED TO THE EXTENT THAT CORP. COUNSEL AND THE PLANNING DIRECTOR HAVE REPEATEDLY LIED TO THIS COUNCIL. DEVELOPERS DON'T LIKE SURPRISES. IT'S A FACT THAT CREDIBLE DEVELOPERS WANT THE COUNTY TO HAVE FIRM AND CLEARLY DEFINED RULES IN PLACE SO THAT THEY CAN KNOW WHAT IS EXPECTED OF THEM FROM THE BEGINNING, AND THEY CAN DEPEND ON EVENLY IMPLIED APPLIED ENFORCEMENT. CORRUPT DEVELOPERS PREFER JUST THE OPPOSITE. THEY RELY ON DIRECTOR'S DISCRETION SO PAYOFFS CAN BE MADE, AND I THINK WE CAN ALL AGREE AT THIS POINT THAT PAYOFFS HAVE BEEN MADE. FOR SEVERAL YEARS NOW THE PLANNING COMMISSION HAS BEEN PROPOSING NEW SMA RULES THAT WRONGLY GIVE EVEN MORE AUTHORITY TO THE DIRECTORS. AT A COMMUNITY MEETING, I ASKED DIRECTOR MCLEAN HOW IT IS THAT THE PLANNING COMMISSION AND NOT THE COUNCIL HAS THE AUTHORITY TO WRITE THE RULES THAT THEY THEN OVERSEE. RULES THAT HAVE THE FORCE AND EFFECT OF LAW. SHE TOLD ME THAT IT'S BY THE CHARTER AND IT WOULD TAKE A CHARTER AMENDMENT TO CHANGE THAT. AND I LOOKED INTO IT AND SHE'S RIGHT. I'M SORRY. COUNCILMEMBER PALTAN IS WRONG, THE STATE DOES NOT MANDATE THAT SMA AUTHORITY RESIDE IN MAUI'S PLANNING COMMISSION. THE STATE SIMPLY ACKNOWLEDGES THE AUTHORITY THAT EACH COUNTY ASSIGNS THROUGH ITS CHARTER. HONOLULU'S CHARTER, ASSIGNS IT TO THE HONOLULU CITY COUNCIL. OUR CHARTER EACH, SAYS THAT EACH PLANNING COMMISSION SHALL OR THE MANY, HOWEVER MANY YOU CREATE, SHALL ACT AS THE AUTHORITY IN ALL MATTERS RELATING TO COASTAL ZONE MANAGEMENT, ALL MATTERS. THAT HAS BEEN CONVENIENTLY INTERPRETED TO MAKE THEM THE ULTIMATE ARBITER OF THE ENFORCEMENT OF THE RULES AND THE AUTHOR OF THOSE RULES. AND THOSE TWO THINGS NEED TO BE SEPARATED IN TODAY'S PROPOSED CHARTER AMENDMENT, SO THAT IT'S YOU, OUR ELECTED LEGISLATORS THAT DETERMINE WHAT HAS THE FORCE AND EFFECT OF LAW, NOT A POLITICALLY APPOINTED COMMISSION. SMA RULES ARE CURRENTLY A COMMITTEE ITEM WAITING TO BE HEARD SOLELY BECAUSE CHRIS SALEM HAS WORKED HARD BOTH INSIDE THE ADMINISTRATION AND ON HIS OWN TO FIX THIS. PLEASE CORRECT THE RESO TO FIX THIS. ALRIGHT, MEMBERS, QUESTIONS. CLARIFICATION QUESTION. OKAY. YOU KNOW ME, CHAIR. I KNOW, THAT'S WHY I ASKED. THANK YOU, CHAIR. THANK YOU, MR. SMALL FOR YOUR TESTIMONY. SO TO CLARIFY, YOU DON'T WANT THIS RESOLUTION, YOU WOULD RATHER A CHARTER AMENDMENT SAYING THAT THE PLANNING COMMISSION, AS, ADVISES THE COUNCIL IN COASTAL ZONE MANAGEMENT, NOT THAT THE PLANNING COMMISSION HAS THE AUTHORITY IN COASTAL ZONE MANAGEMENT. IS THAT WHAT YOU'RE SAYING? I THINK THAT'S THE THRUST OF IT; HOWEVER, I DON'T KNOW THAT THERE IS THE TIMEFRAME TO CREATE A NEW CHARTER AMENDMENT. AND SINCE WE'RE SO LATE IN THE PROCESS, THE EXISTING CHARTER AMENDMENT NEEDS TO BE MODIFIED TO ACHIEVE, I BELIEVE, WHAT YOU JUST SAID THAT THE, THAT THE RULEMAKING AUTHORITY NEEDS TO GO BACK TO THE COUNTY

COUNCIL AND THAT THE OVERSIGHT, ADMINISTRATION OR ENFORCEMENT STAYS WITH THE INDIVIDUAL PLANNING COMMISSIONS. BUT THE RULEMAKING NEEDS TO GO BACK TO THE COUNCIL. I DON'T KNOW THAT THERE'S ENOUGH TIME IN THIS, IN THE SCHEDULE TO, TO, TO DO IT ANY OTHER WAY THAN BY FIXING WHAT'S CURRENTLY PROPOSED. WAS YOUR QUESTION ANSWERED? THANK YOU, CHAIR, IT WAS. I DON'T KNOW IF THIS PROPOSAL HAS ENOUGH TIME EITHER, THOUGH, BECAUSE--I DON'T. I DON'T KNOW, COUNCIL SERVICES CAN PROBABLY, YOU KNOW, HELP YOU WITH THAT. ANY PROPOSAL HAS TO BE PASSED TODAY ON FIRST READING. THEN AMEND IT TODAY. TALK TO COUNCIL SERVICES, I THINK THEY UNDERSTAND THIS PROBLEM AND THEY CAN PROVIDE YOU LANGUAGE TODAY TO FIX THIS. THANK YOU FOR YOUR SUGGESTION. THANK YOU. ANY MORE QUESTIONS, ANY MORE QUESTIONS, MEMBERS? IF NOT, THANK YOU AGAIN. AND MAY WE HAVE THE NEXT TESTIFIER, PLEASE? OUR NEXT TESTIFIER IS NICK HUNTZ. TO BE FOLLOWED BY KALLIE KEITH AGARAN. COULD YOU REPEAT THE NAME. NICK HUNTZ. HELLO, I'M NICK HUNTZ WITH LED HAWAII. AND I WAS JUST CALLING OR CALLING IN TODAY TO TESTIFY FOR THE LIGHTING ORDINANCE BILL. I DID SPEAK ABOUT A WEEK AND A HALF AGO, AND JUST A COUPLE OF THE THINGS THAT I HAD COMMENTED ON WAS THAT IT'S, THE DECISIONS THAT MAUI MAKES TODAY THAT WILL DEFINE WHAT THE, THE NIGHT SKYLINE AND WHAT THE CITY AND THE ISLAND LOOKS LIKE FOR MANY YEARS AND DECADES TO COME. AND I JUST WANTED TO CLEAR UP A FEW THINGS THAT I HEARD ON SOME OF THE OTHER TESTIMONIES THROUGHOUT THE COURSE OF THE DAY, AND THAT IS THAT THESE FIXTURES ARE READILY AVAILABLE TODAY FOR ANY PROJECTS THAT, YOU KNOW, WERE TO BE IN THE WORKS RIGHT NOW. I KNOW THERE WAS SOME QUESTIONS ABOUT THE JOHNSON CONTROLS LIGHTING PROJECT AND HOW IT WOULD APPLY TO THE ACTUAL MAUI COUNTY UPGRADE AND RETROFIT. AND THERE'S REALLY NO REASON THAT ANYTHING SHOULD SLOW DOWN BECAUSE WE'VE BEEN SUPPLYING THESE ON THE BIG ISLAND FOR MANY YEARS NOW AS WELL AS OTHER REGULAR WHITE LIGHTS THROUGHOUT THE STATE OF HAWAII. SO WHETHER MAUI CHOOSES TO GO WITH THE LESS THAN TWO PERCENT BLUE LIGHT FIXTURES IN THIS ORDINANCE, AND SORT OF ADOPT WITH THE BIG ISLAND HAS DONE, OR THEY DON'T, YOU KNOW THE FIXTURES ARE READILY AVAILABLE TODAY. THERE WAS SOME QUESTIONS FROM THE PARKS AND RECREATION OR COMMENTS, I GUESS THE TECHNOLOGIES AVAILABLE READY TO BE IMPLEMENTED, BUT NO ONE'S GOING TO IMPLEMENT IT UNTIL THERE'S A DEMAND FOR IT. BUT IF IT'S SOMETHING THAT THIS COUNCIL AND THE PEOPLE OF MAUI ARE SERIOUS ABOUT, WE'RE READY TO GO ON THIS TODAY, TOMORROW, WHENEVER, YOU KNOW, YOU GUYS WOULD CHOOSE TO TO PASS THE BILL, IF IT'S WHAT THE PEOPLE DECIDE THAT THEY WANT TO DO. AND SO WE JUST WANTED TO OFFER OUR SUPPORT AND OUR EXPERTISE IN THE WORK THAT WE'VE DONE ON THE BIG ISLAND IN ANY WAY THAT WE CAN FOR THE PEOPLE OF MAUI. ALRIGHT, MEMBERS, QUESTIONS. MEMBER KING. JUST A REAL QUICK QUESTION. THANK YOU, CHAIR. ALOHA, MR. HUNTZ. SO DO YOU LIVE ON THE BIG ISLAND? I DO, I LIVE, I LIVED ON THE BIG ISLAND FULL TIME FROM ABOUT 2011 THROUGH 2016, AND NOW AS MY COMPANY IS EXPANDED, I SPLIT MY TIME BETWEEN OAHU AND THE BIG ISLAND. OH, OKAY, GREAT. WELL, THANK YOU FOR BEING HERE. WE'VE GOT OFFICES IN BOTH LOCATIONS. YES. APPRECIATE YOU BEING HERE AND GIVING YOUR EXPERTISE. THANK YOU. ANYONE ELSE? IF NOT, THANK YOU VERY MUCH. MAY WE HAVE THE NEXT TESTIFIER, PLEASE? OUR NEXT TESTIFIERS KALLIE KEITH AGARAN. TO BE FOLLOWED BY CLARE APANA. REPEAT. KALLIE KEITH AGARAN, NEXT. OKAY, OUR NEXT TESTIFIER IS CLARE APANA. THERE YOU ARE. CLARE, IT'S YOUR TURN. WE CAN'T HEAR YOU. WE CANNOT HEAR YOU. YOU MUTED ON HER SIDE. HOW'S THAT? CHAIR LEE: PERFECT. YEAH, OKAY. OKAY, THANK YOU VERY MUCH FOR HEARING SO MANY TESTIMONIES. I'M SORRY, THIS IS KALLIE KEITH AGARAN. I APOLOGIZE, I DIDN'T HAVE THE RIGHT BUTTON. OH, OKAY WE'LL CALL YOU UP. WE'LL CALL YOU AFTER THIS OTHER TESTIFIER. NO, CHAIR,

IT'S OKAY. OKAY, YOU WANT ME TO GO. OKAY, THANK YOU. I'M JUST GOING TO TESTIFY ON ONE THING AND THAT'S THE LIGHTING TO PROTECT THE SEABIRDS. I SERIOUSLY CANNOT UNDERSTAND HOW WE COULD NOT DO SOME SIMPLE MEASURES TO COUNTERACT THE DAMAGE THAT WE HAVE ACTUALLY DONE TO THE BIRDS BY OUR OWN EXISTENCE. YOU KNOW, IT SEEMS LIKE IT'S SO SIMPLE, AND YET THERE'S SO MUCH OPPOSITION TO TO BEING ABLE TO SIMPLY FIX LIGHTING FIXTURES THAT WILL PROBABLY BE, IN THE END, SAVE LABOR. WHO SPEAKS FOR ANIMALS WHO LOSE THEIR HABITAT AND SAFETY BECAUSE WE HAVE TO LIVE HERE AND TAKE OVER THE AINA. WHO SPEAKS FOR THEM , YOU KNOW. SO SIMPLE, NOT, THIS IS NOT POLITICAL, THIS IS JUST A NO BRAINER. IT'S SO, IT'S SO LOGICAL. I HOPE THAT YOU WILL SEE THAT, THAT WE'RE NOT ALWAYS ABLE TO FIX THINGS. WE'RE NOT ALWAYS ABLE TO MAKE THINGS BETTER. BUT THIS IS SOMETHING THAT CAN BE FIXED AND SOMETHING THAT WE CAN DO. THEY'VE BEEN DOING IT ON THE BIG ISLAND FOR ALL THOSE YEARS AND FROM THE TESTIMONY I'VE HEARD THEY HAVEN'T HAD ANY PROBLEMS. WHY WOULD WE ANTICIPATE HAVING PROBLEMS? I, I LIKE TO SPEAK, YOU KNOW, I TEND TO SPEAK FOR THINGS THAT DON'T SPEAK FOR THEMSELVES. I LIKE TO SPEAK FOR THE SEABIRDS. DO THE SMALL FIX AND LET THEM LIVE AND BE SAFE. UNDO WHAT WE'VE DONE BY OUR INTRUSION INTO THE ENVIRONMENT. MAHALO, COUNCIL. MAHALO, SO MUCH. THANK YOU FOR YOUR SERVICE, I REALLY APPRECIATE YOU GUYS. AND IF YOU COULD, I WISH YOU WOULD MAKE ONE MORE MEETING SO THAT THESE MEETINGS DON'T HAVE TO HAVE SO MANY ITEMS ON IT, AND YOU COULD GROUP THEM TOGETHER AND IT WOULDN'T BE SO CONFUSING FOR US TO TRY TO, TO FIGURE OUT WHAT WE'RE GOING TO TALK ABOUT. AND I'M SURE IT'S CONFUSING FOR YOU. SO THAT'S, THAT'S MY TWO CENTS. THANK YOU VERY MUCH. THANK YOU. SO YOU CALL UP ALL THE OTHER TESTIFIERS THAT CAME UP AND YOU TELL THEM THE SAME THING. OKAY, ANY QUESTIONS FOR CLARE? IF NOT, THANK YOU VERY MUCH. THANK YOU. OUR NEXT TESTIFIER IS KALLEI KEITH AGARAN. GOOD AFTERNOON, MADAM CHAIR AND COUNCILMEMBERS. I'VE BEEN ON THIS CALL SINCE 8:15 THIS MORNING BUT DIDN'T KNOW I HAD TO SIGN UP TO TESTIFY IN THE CHAT UNTIL ABOUT NOON. SO THAT'S WHY I'M HERE. BUT I HAVE TO SAY IT'S BEEN A WONDERFUL EXPERIENCE LISTENING TO YOU AND ALL THE TESTIFIERS COMING THROUGH, REGARDLESS OF THEIR POINT OF VIEW. I AM REALLY HEARTENED BY . . . EXPERIENCING IN THIS MEETING TODAY AS THE APPROACH THE COUNCIL, WHICH I HAD MY SUSPICIONS ABOUT BUT HAS SORT OF NOT FOLLOWED MUCH. SO I WANT TO THANK YOU ALL FOR THAT. AND ALL THE WONDERFUL TESTIFIERS I'VE LEARNED SO MUCH FROM TODAY. SO I SUBMITTED TESTIMONY ABOUT THE LIGHTING BILL ON BEHALF OF THE HONGWANJI, ALL FOUR MAUI TEMPLES. I AM A BOARD MEMBER OF THE KAHULUI HONGWANJI TEMPLE AND LAST WEEK WE LEARNED TO OUR SURPRISE ABOUT THE LIGHTING BILL AND SO WE DID A QUICK LITTLE CONFERENCE BY EMAIL AND I'M HERE TO REPORT ON THAT TODAY. AND BASICALLY TO ASK, WELL, FIRST OF ALL, BEFORE I GO THERE, WE'RE ABSOLUTELY IN SUPPORT OF LIGHTING TO PROTECT PEOPLE. IT'S JUST NO QUESTION, IT FOLLOWS OUR ETHICS, AND I'VE WRITTEN ABOUT THAT IN MY TESTIMONY. HOWEVER, WE DO HAVE, I, I'VE IDENTIFIED TWO ISSUES THAT CONCERN ME. ONE IS THAT BETWEEN MYSELF, MY HUSBAND, MY MOTHER-IN-LAW, WHO'S BEEN A POLITICAL ACTIVIST . . . MOST OF US HAVE BEEN ALIVE, ALMOST AND MY SISTER-IN-LAW, NONE OF US HAVE HEARD ANYONE IN THE FILIPINO COMMUNITY OR IN THE HONGWANJI COMMUNITY WHO WERE AWARE OF THIS STUFF. AND SO THE CONCERN I HAVE ABOUT THAT IS THAT IF A BILL PASSES IMMEDIATELY AND THEN THIS CENTRAL MAUI OR WHATEVER COMMUNITIES THAT DON'T KNOW ABOUT IT ALREADY START TO HEAR ABOUT IT AND HEAR THAT THEY'RE GOING TO HAVE TO SPEND MONEY, THESE ARE GENERALLY NOT WELL-OFF, EITHER COMMUNITY ORGANIZATIONS, SMALL BUSINESSES OR FAMILIES. THERE'S GOING TO BE AN UPROAR, I'M AFRAID THERE'S GOING TO BE AN UPROAR IF THEY THINK THAT THEY

HAVEN'T BEEN INCLUDED AND IT SORT OF LOOKS LIKE THAT TO ME RIGHT NOW. AND I'M NOT BLAMING ANYONE FOR THAT, I CAN UNDERSTAND HOW IT HAPPENED. BUT I THINK IT NEEDS TO BE RECTIFIED BEFORE WE PASS THE BILL. AND JUST IN THE INTEREST OF KEEPING EVERYTHING ON TRACK AND SMOOTH WITHOUT A BUNCH OF PILIKEA BETWEEN THAT, YOU KNOW, QUOTE ENVIRONMENTALISTS AND LOCALS. SO THAT'S ONE CONCERN. AND I HAVE A SUGGESTION IN THAT REGARD, AND IT IS THAT YOU CONSIDER MAYBE TAKING A COUPLE OF MONTHS TO PRODUCE A YOUTUBE VIDEO THAT YOU CAN ADVERTISE IN RADIO AND SOCIAL MEDIA AND SEND AROUND THAT EDUCATES PEOPLE ABOUT THE BILL, WHAT'S REQUIRED, WHAT WILL BE EITHER EXEMPTED OR GRANDFATHER, AND SO ON. AND, AND, YOU KNOW, GIVES THEM A CHANCE TO COME IN AND TALK. AND AND THAT WAY, I THINK IT STANDS A MUCH BETTER CHANCE OF PASSING SMOOTHLY WITHOUT A LOT OF DISRUPTION. SO THAT'S MY INPUT FOR THAT. WITH REGARD TO THE HONGWANJI'S, OBVIOUSLY THE BON DANCE IS A CONCERN. I'VE HEARD THAT ANSWERED HOW THE LIGHTING WILL AFFECT THE BON DANCES THEMSELVES I'M NOT WORRIED ABOUT. BUT THERE IS ANOTHER ISSUE THAT HASN'T BEEN BROUGHT TO YOUR ATTENTION REGARDING THE HONGWANJI'S AND I'LL USE KAHULUI AS MY EXAMPLE. WE ARE THE NEWEST AND MOST RECENTLY BUILT TEMPLE OF ALL THE FOUR ON MAUI. WE, WE WERE COMPLETED IN THE EARLY 70S, SO ABOUT 50 YEARS, THAT'S ALREADY VERY OLD. AND SOME OF YOU MAY REMEMBER THAT OUR CAMPUS IS VERY, IT'S RELATIVELY SHORT ACROSS THE FRONT, ABOUT 90 FEET AND ABOUT 300 FEET BACK. SO IT'S A VERY DEEP, SOMEWHAT NARROW CAMPUS. AND RIGHT NOW, ALL OF OUR BUILDINGS ARE PRETTY MUCH ORIGINAL EQUIPMENT, ALL OF THE ELECTRICITY IS ORIGINAL EQUIPMENT. AND IT'S OUR FACILITIES AND OUR PARKING LIGHTS THAT ARE GOING TO BE THE COMPLIANCE ISSUE. AND I KNOW OUR PARKING LIGHTS ARE VERY HIGH. I DON'T KNOW HOW HIGH, I DON'T KNOW IF THEY FIT YOUR, BUT THAT IS THE LEAST OF THE ISSUES. THE REAL ISSUE IS THE RICKETY ELECTRICITY AND ALL OF THOSE LIGHTS THAT NEED REPLACING ANYWAY. NOW THAT WOULD ALL BE FINE. I THINK WE COULD HANDLE THAT IF THAT'S ALL WE FACED. BUT RIGHT NOW, KAHULUI HONGWANJI CANNOT, AND THIS HAS BEEN GOING ON FOR YEARS, PROBABLY SIX OR EIGHT YEARS, ALMOST ALL OF THE TIME THAT I'VE BEEN A MEMBER THERE, WHICH IS 11 YEARS NOW. WE HAVE BEEN UNABLE TO GET COUNTY PERMITS OR WE HAVE TO BE SORT OF SNUCK IN FOR LITTLE REPAIRS THAT WE NEED TO MAKE BECAUSE WE DO NOT HAVE A FIRE HYDRANT THAT CAN SERVICE THE BACK BUILDINGS, THE BUILDINGS IN THE BACK OF THE CAMP AND--KALLIE, KALLIE. YES. COULD YOU PLEASE CONCLUDE IN A MINUTE? THANK YOU. OKAY, WHAT I'M SAYING IS WITHOUT THAT FIRE HYDRANT, WE CAN'T GET A SUMP PUMP, WHICH YOU NEED FOR FLOOD MITIGATION. WE CAN'T COMPLETE OUR, ANY KIND OF ELECTRICAL WORK. WE CAN'T EVEN UNDERTAKE IT. SO THAT'S A HUGE EXPENSE THAT WE'RE TRYING TO WORK ON, BUT IT'S GOING TO HAMPER US TO HAVE TO DO THAT. AND SO THREE YEARS MIGHT BE KIND OF SHORT FOR US ON THIS THING AND WE CAN HANDLE THAT. BUT I THINK THEY'RE GOING TO BE SIMILAR PROBLEMS IN MOST OF THE OTHER HONGWANJI'S. THE LAST THING I WANT TO SAY IS THAT I THINK IF THE BILL, THE COUNCIL OR SOMEHOW THE COUNTY CAN CONSIDER TRYING TO FIND GRANT FUNDING TO HELP ORGANIZATIONS THAT MAY HAVE TROUBLE COMPLYING, THAT THERE'S PROBABLY A LOT OF ENVIRONMENTAL MONEY, GENERAL GRANT FUNDS AND FEDERAL GRANT FUNDS OUT THERE. AND I CAN'T OFFER TO DO MUCH OF THAT LEGWORK, BUT I CAN CERTAINLY CONSULT ON IT, I HELP WITH THOSE AT KAHULUI HONGWANJI. AND I WOULD LIKE TO SEE YOU FOLKS LOOK AT THAT IN WHATEVER WAY YOU THINK APPROPRIATE TO CONSIDER HELPING THOSE WHO WILL STRUGGLE FINANCIALLY TO COMPLY. SO WITH THAT, I'LL CONCLUDE. OKAY, MEMBERS, QUESTIONS. IF NOT, THANK YOU, KALLIE. OH WE HAVE A QUESTION. MEMBER MOLINA. THANK YOU, CHAIR. GOOD AFTERNOON, MS. KEITH AGARAN. WITH REGARDS TO THE HONGWANJI'S, HAVE THEY SUBMITTED ANYTHING IN WRITING ON

THE POSITION, ON THEIR POSITION WITH THIS BILL? AND IF, IF, CAN YOU GET THEM TO SUBMIT SOMETHING IN WRITING WITH THEIR CONCERNS. SURE, SURE, SURE, I CAN DO THAT. I THINK THEY'RE GOING TO BE VARIABLE BETWEEN THE TEMPLES BUT IN GENERAL, LIKE I SAID, I THINK THERE'S WIDESPREAD SUPPORT FOR THE BILL. IT'S JUST A MATTER OF HOW WE'RE GOING TO BE ABLE TO COMPLY. AND I KNOW THAT THERE'S ONE TEMPLE THAT'S GOING TO BE HARDER HIT THAN US FINANCIALLY, AND THAT'S LAHAINA. AND OF COURSE, THEY'RE NEAR THE OCEAN, SO THERE WILL, I THINK IF YOU GUYS CAN COME UP WITH FUNDING SOME INSTANCES NOT JUST FOR US, BUT FOR OTHER GROUPS AS WELL, THAT MIGHT BE HELPFUL, BUT I WILL CERTAINLY TALK TO THE GROUPS AND TRY TO GET SOMETHING TO YOU. MAY NOT BE QUICK BECAUSE WE GOT TO GO THROUGH ALL FOUR TEMPLES. ALRIGHT. OKAY, GREAT. THANK YOU. THANK YOU, MADAM CHAIR. ANY MORE QUESTIONS? IF NOT, THANK YOU. MADAM CLERK. THANK YOU VERY MUCH. ALOHA. ALOHA. OUR NEXT TESTIFIER IS SAM AHLING AKOI. TO BE JORDAN MOLINA. REPEAT THE NAME. SAM AHLING AKOI. HE DROPPED. NEXT. NEXT UP WOULD BE JORDAN MOLINA. TO BE FOLLOWED BY NOELANI AHIA. GOOD AFTERNOON. IS MY AUDIO ALRIGHT? YES, YOU'RE GOOD. THANK YOU. MY NAME IS JORDAN MOLINA, I'M THE DIRECTOR WITH PUBLIC WORKS TESTIFYING ON BEHALF OF THE DEPARTMENT REGARDING COMMITTEE REPORT 22-47. THE DEPARTMENT OPPOSES THE PROPOSED BILL FOR THE UNINTENDED CONSEQUENCES THAT WILL RESULT, AND WE RECOMMEND THE BILL BE SENT BACK TO COMMITTEE FOR FURTHER DELIBERATIONS. MY WRITTEN TESTIMONY, WHICH WAS SENT TO YOU ALL OUTLINES THE CONSEQUENCES WHICH WE ANTICIPATE, WHICH INCLUDE DELAY ELECTRICAL PERMIT APPROVALS, PARTICULARLY AS IT CONCERNS HOUSING PROJECTS IN CONSTRUCTION AND WAITING PERMIT APPROVALS. THE ABANDONMENT OF ENERGY EFFICIENCY PROJECTS, NOTABLY THE STREETLIGHT CONVERSION PROJECTS, WHICH WILL THROW AWAY MILLIONS OF DOLLARS THAT COULD BE GOING TO MORE MEANINGFUL WORK TO BOOST OUR SEABIRD POPULATIONS. PREVENTING EMERGENCY OPERATIONS THAT OCCUR AT NIGHT, SUCH AS THE DEBRIS CLEANUPS LIKE WE DID BACK IN DECEMBER FROM THE STORM EVENTS AND ALSO OUR CHALLENGES IN TRYING TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS RELATING TO FILTERING, NONREFLECTIVE SURFACES AND BLUE LIGHT CONTENT. THE BILL SETS UP THE DEPARTMENT FOR FAILURE. IN OUR OPINION, THE BILL HAS NOT BEEN SUFFICIENTLY CONSULT, THE DEPARTMENT HAS NOT BEEN SUFFICIENTLY CONSULTED WITH IN DEVELOPMENT OF THIS BILL, AND THERE HAS BEEN NO INTEREST IN WORKING THROUGH THE IMPLEMENTATION CHALLENGES WE WILL FACE. IF THERE IS A DESIRE TO GET THE BILL RIGHT AND ENSURE THE DEPARTMENT'S CAN . . . POLICY TO ITS FULL EXTENT, THE BILL SHOULD BE SENT BACK TO THE COMMITTEE AND ALL THE DEPARTMENTS AND PROPERTY OWNERS THAT HAVE EXPRESSED CONCERNS SHOULD BE PROVIDED AN OPPORTUNITY TO WORK THROUGH THE DETAILS OF THIS BILL. FURTHER, I WOULD RECOMMEND THE COUNCIL CONSIDER FOLLOWING THE PROCESS USED FOR THE PREVIOUS OUTDOOR LIGHTING AMENDMENTS, WHICH INVOLVE PILOT PROJECTS AND OBJECTIVE DELIBERATIONS BY A COLLECTION OF INDUSTRY, PROFESSIONAL, ENVIRONMENTAL ADVOCATES, AND COUNTY DEPARTMENTS. THAT CONCLUDES MY TESTIMONY. MAHALO. THANK YOU. QUESTIONS. MEMBER KING. THANK YOU, CHAIR. MR. MOLINA, YOU WERE AT THE LAST COUPLE OF COMMITTEE MEETINGS WITH THIS AND WE DID HEAR YOUR INPUT. BUT WE DID ASK YOU TO CONTACT THE COUNTY OF HAWAII AND REACH OUT TO THEM FOR HOW THEY MANAGED TO COMPLY WITH THE ORDINANCE. HAVE YOU DONE THAT? . LIMITED EXTENT, BUT I DON'T THINK WE RECOGNIZE THE DIFFERENCES BETWEEN THE TWO ORDINANCES. HAVE, HAVE YOU TALKED TO THEM\? YEAH, WE'VE CON, WE'VE HAD MEETINGS WITH THEIR TRAFFIC ENGINEERS AS FAR AS THEIR STREET LIGHTING EFFORTS. OKAY, CAUSE, YOU KNOW, THAT WOULD HAVE BEEN GOOD TO HEAR HOW THAT MEETING WENT. I KNOW WE, WE ASKED YOU TO DO THAT THE LAST COMMITTEE MEETING WHEN WE PASSED THIS OUT AND WE DID HEAR YOUR CONCERNS.

WE ADDRESSED SOME OF YOUR CONCERNS, SO I'M A LITTLE SURPRISED AT THIS LAST MINUTE, YOU KNOW, ATTACK ON THE BILL. BUT THAT'S ALL. THANK YOU, CHAIR. THANK YOU. ANY OTHER QUESTIONS? IF NOT, THANK YOU,. MR. MOLINA. NEXT TESTIFIER, PLEASE. OUR NEXT TESTIFIER IS NOELANI AHIA. TO BE FOLLOWED BY SAM AHLING AKOI. ALOHA MAI KAKOU. I ALMOST FORGOT WHAT IT WAS LIKE TO STAND AT THIS WITH THIS MICROPHONE. IT'S BEEN SO LONG, IT'S GREAT TO SEE YOU ALL. I'M NOELANI AHIA, THANK YOU FOR TAKING THIS LONG DAY TO RECEIVE EVERYONE'S TESTIMONY. IT'S VERY MUCH APPRECIATED. SO I'M GOING TO START WITH 22-168. I'M IN FAVOR OF THIS RESOLUTION. I'M GOING TO GO KIND OF QUICK BECAUSE I KNOW YOU'VE BEEN THROUGH A LOT TODAY. 22-162, THE CROSSROADS APARTMENTS, I'M IN FAVOR OF THIS. I DON'T THINK THE COUNTY SHOULD HAVE TO DO THIS, BUT WHAT'S HAPPENING IS SHAMEFUL AND WE SIMPLY CANNOT LET MORE PEOPLE BE HOUSELESS IF THE COUNTY HAS AN OPPORTUNITY TO DO SOMETHING ABOUT IT. SO I FULLY SUPPORT THAT. 22-47, THE SEABIRDS, I ABSOLUTELY SUPPORT THIS. WE HAVE TO PRIORITIZE OUR ECOSYSTEM. IF ONE PART OF OUR ECOSYSTEM GOES OUT OF BALANCE, THERE ARE UNINTENDED CONSEQUENCES FOR OUR ENTIRE ECOSYSTEM. AND OUR BIRDS HAVE BEEN HARMED FOR TOO LONG BECAUSE OF HUMAN, HUMAN UNNECESSARY LUXURIES. SO I'M HOPING THAT THIS THIS BILL CAN GO THROUGH TODAY. AND THEN 22-166, I'M NOT SAYING THAT I SUPPORT OR I DON'T SUPPORT, BUT I THINK THIS BILL NEEDS SOME CLARIFICATION. BECAUSE WHEN WE'RE TALKING ABOUT UNAUTHORIZED CAMPING, IT'S SUPER IMPORTANT THAT WE CLARIFY THE DIFFERENCE BETWEEN TOURISTS WHO COME HERE AND CAMP OR EVEN RESIDENTS WHO ARE RENTING OUT CAMPERVANS TO TOURISTS VERSUS RESIDENTS WHO ARE TRYING TO SURVIVE BECAUSE THEY DON'T HAVE HOUSING. BECAUSE A LOT, THERE ARE A LOT OF PEOPLE WHO ARE LIVING IN THEIR VEHICLES, WHO ARE CAMPING BECAUSE THEY SIMPLY DON'T HAVE SHELTER. AND IT'S REALLY THEIR LAST HOPE. AND FOR ME AS A KANAKA MAOLI, ESPECIALLY WHEN I SEE KANAKA OUT THERE ON THE STREETS OR CAMPING, LIVING IN THEIR VANS, LIVING IN THEIR CARS, IT'S SO, IT'S SO REPRESENTATIVE OF THE STATE OF RESPECT THAT THE STATE OF HAWAII DOES NOT HAVE FOR KANAKA MAOLI AND THAT THE UNITED STATES DOES NOT HAVE FOR KANAKA MAOLI. WE'VE BEEN DISPLACED FOR A 129 YEARS AND FORCED OFF OF OUR LANDS AND THEN FORCED TO LIVE OUT OF OUR CARS. IT'S SHAMEFUL AND IT SHOULDN'T HAPPEN. SO THIS BILL HAS TO BE REWORDED TO CLARIFY, ESPECIALLY FOR LAW ENFORCEMENT, THAT THIS IS NOT FOR RESIDENTS. AND I UNDERSTAND THAT THERE ARE STATE LAWS THAT MAKE SLEEPING IN YOUR CAR ILLEGAL THAT HAVE TO BE ADDRESSED. BUT I SEE THIS BILL AS A WAY FOR LAW ENFORCEMENT TO FURTHER CRIMINALIZE KANAKA AND OTHER UNSHELTERED PEOPLE IN OUR COMMUNITY. AND IT'S SIMPLY NOT OKAY. BECAUSE WHAT HAPPENS, THERE'S A WHOLE CYCLE THAT HAPPENS. PEOPLE END UP GETTING TICKETS FOR THIS TYPE OF THING AND THEN THEY CAN'T GET TO COURT AND THEN THEY HAVE A WARRANT FOR THEIR ARREST AND THEY END UP CRIMINALIZED AND IN PRISON OR THEY END UP OWING FINES AND THEN THEY'RE DEEPER AND DEEPER IN A HOLE THAT THEY SIMPLY CANNOT GET OUT OF BECAUSE THE SYSTEM DOES NOT PROVIDE THE HELP THAT FOLKS THINK IT DOES. SO I'M ABSOLUTELY CLEAR THAT IT NEEDS TO BE MORE CLEAR. I HOPE THAT MADE SENSE. OKAY, AND THEN THE VERY LAST THING IS 22-151, I ABSOLUTELY SUPPORT PUTTING THIS ON THE BALLOT AS A CHARTER AMENDMENT AND LETTING THE PEOPLE DECIDE. I THINK GIVEN ALL THE TESTIMONY AND SUPPORT, IT'S PRETTY CLEAR THAT THE PEOPLE WANT TO END THE PLANTATION ERA POLICIES AND RETURN THE WATER TO THE PEOPLE TO MANAGE IN OUR BEST INTEREST AND NOT CORPORATE INTERESTS. STARTING WITH THE KANAKA OIWI AND AS AUNTY JOCELYN SAID IT'S VERY IMPORTANT THAT WE INCLUDE KULEANA LANDOWNERS, OUR MAHIAI, AND OUR LAWAIA. THESE ARE THE FOLKS THAT NEED TO BE ON THIS BOARD OR COMMISSION OR HOWEVER IT'S LANGUAGE BECAUSE THEY HAVE THE IKE, THEY'RE CLOSEST TO

THE SOURCE, THEY'RE CLOSEST TO THE PIKO AND THOSE ARE, THOSE ARE THE FOLKS THAT NEED TO HAVE THE HIGHEST KULANA IN THIS KULEANA TO MANAGE OUR WATER, TO MAKE SURE THAT WE CAN STOP THIS CYCLE OF SUFFERING BECAUSE OUR AINA HAS BEEN SUFFERING AND OUR PEOPLE HAVE BEEN SUFFERING FOR WAY TOO LONG. SO OLA IKA WAI. MAHALO NUI AND A HUI HOU. THANK YOU. MEMBERS, ANY QUESTIONS? I SEE NONE, THANK YOU VERY MUCH. MADAM CLERK. CHAIR OUR NEXT TESTIFIER KEEPS COMING IN AND OUT SO I'M NOT SURE IF HE'S BACK IN YET. BUT MR. AHLING AKOI. AND MR. AKOI WILL BE FOLLOWED BY TERRILL JAMES KANEALII WILLIAMS. COUNTY COUNCIL ON A COUNCIL CHAIR. MAHALO FOR HAVING ME TODAY. I WANT TO TESTIFY. MY NAME IS SAMUEL EILEEN MCCOY, THE FOURTH I RECITING KIPAHULU MAUI ON THE DESCENDANTS OF MULTIPLE BALL FROM FOUR FEET FROM MICHAEL LEMIEUX, DESCENDANT OF COLAO. OH, YOU KNOW, IT'S FUNNY HOW WE HEAR ALL OF THIS JUST ON END AND OUR NATIVE PEOPLE HERE, YOU KNOW, TRYING TO PROTECT OUR OH , OUR CLIENTS. BUT I JUST WANT TO GO BACK TO EVERYTHING YOU SEE. TWO TWO FIVE ONE FIVE ONE TWO TWO FIVE SIX TWO TWO FIVE SEVEN. I FULLY SUPPORT ALL OF THIS WITH THE BEST OF MY HEART . THANK YOU FOR DOING WHAT YOU FOLKS DO. I MEAN, I KNOW WE ALL HAVE OUR HANDS TIED , MY OLDEST OR LENIENCE, YOU KNOW, AND YOU FOLKS HERE ON THE BOARD JUST WANT TO WAY TO LET ALL OUR OLD PEOPLE KNOW, YOU KNOW, THAT, HEY, WE ALL NEED TO UNITE TOGETHER AND WE NEED TO PERSEVERE FORWARD IN GOD'S LAW AND TO WORK WITH EACH OTHER AND TO TO BE A PART OF THIS, THIS MOVEMENT, YOU KNOW, SO WE CAN WE CAN HAVE A VOICE AND STUFF, YOU KNOW, TO TO PROTECT OUR OUR WAY, YOU KNOW, AND NOT ONLY A WAY TO CALL OUR SIX COMMUNITIES THAT IS IS PUT FORWARD TO US. YOU KNOW, THE LIST OF AVENUES SO WELL, GROW FAMILIES, YOU KNOW, ON BEHALF HERE. SPEAKING ON A ROYALTY ON MY FAMILY AND I SUPPORT IN ADDITION WITH ALL MY HEART AND I THANK YOU ALL FOR DOING WHAT YOU GUYS MAHALO ASKING FOR FOR PUTTING THIS TOGETHER. I'M SURE WE ALL CAN GET ON THE TABLE AND I AM SO EXCITED TO GET ON THE TABLE . AND, YOU KNOW, WITH ALL OUR EXPERTISE IN THE IN OUR CULTURE, YOU KNOW, TO GET INVOLVED AND SO, SO WE CAN COME TO A ONE ONE AGREEMENT IN HOW WE CAN MANAGE AND HOW WE CAN WORK TOGETHER IN MANAGEMENT. YOU KNOW, IT'S GOING UP TO CAPITALISM AND ALL , YOU KNOW, AND BACK TO THE RESOURCE MANAGEMENT, YOU KNOW, FROM WANTING TO DO ALL, YOU KNOW. SO WE'VE GOT IT ALL FOR SYSTEM. SO THANK YOU VERY MUCH. I DON'T WANT TO TAKE YOU GUYS TOO MUCH. APPRECIATE YOUR TIME. WE KNEW IT SO LONG. WELL, MAHALO. MAHALO TO ALL OF YOU. WE HOPE. THANK YOU. QUESTIONS, MEMBERS. NO QUESTIONS. THANK YOU VERY MUCH. NEXT, TESTIFY IN OUR NEXT TEST. FIRE IS TERRIBLE. JAMES WILLIAMS, FOLLOWED BY MELANIE PROCORE, WHO IS THE LAST ONE LINED UP TO TESTIFY. A LOT OF FOLKS HEAR ME. YES. ALOHA. I LIKE TO CALL AND TELL JAMES CONNOLLY, WILLIAMS TESTIFYING ON CC 20 TO DASH ONE FIFTY ONE. I WANT TO ECHO WHAT HAS BEEN SHARED BY MICHAEL CAPUTO. UNCLE KENNY WILL COME OUT. NO. A. JUSTIN COSTA AND ROY. I HEAR INTENSIFYING AS A FAMILY, AS A KULEANA, AS A DESCENDANT OF A LAW , AS BECOME A COMMODITY. WE ARE THE ONES THAT HAVE THE WATER RIGHTS. I DON'T. I, YOU KNOW, ALL LAST YEAR, I SHOWED UP TO A LOT OF THESE COUNTY MEETINGS, AND I KNOW THAT THAT WAS MADE VERY CLEAR THROUGHOUT SEVERAL MEETINGS. AND SO THIS COUNTY COUNCIL IS VERY WELL KNOWLEDGEABLE AND OFFERED UPDATES LIKE LIVE UPDATES OF THE CONDITIONS OF MY RIVER SPECIFICALLY IN REGARDS TO MY IRRIGATION AND MY BONUS IMPACTS ON THE RIVER. MY CONCERN, OF COURSE, IS I DON'T HAVE ENOUGH CONTEXT REGARDING THE LEASING AND THIS BILL BECAUSE OF COURSE I WASN'T AT THE TABLE. A LOT OF US COMMODITY WHO HAVE THE WATER RIGHTS HAVE NOT BEEN AT THE TABLE AND WE HAVE NOT BEEN INVITED TO THE TABLE. WE HAVE NOT BEEN GIVEN THE OPPORTUNITY TO MAKE THE DECISIONS REGARDING OUR WATER THAT WE ARE THE ONES THAT HAVE THE RIGHTS TO. WE'RE CONSTANTLY PUT TO THE SIDE.

WE ARE CONSTANTLY. NOT ONLY ARE WE NOT ALLOWED TO TABLE, WE'RE LIKE TREATED LIKE DOGS, GIVEN THE SCRAPS OF THE WATER. IF WE'RE ALLOWED TO EVEN GET A TRICKLE DOWN OUR RIVERS . I HEARD A LOT OF TESTIMONIES TODAY, PEOPLE SAYING ARE OUR RIGHTS TO THE WATER, RIGHTS TO THE WATER, BUT EVERYBODY'S TO UNDERSTAND THAT AS ALL, WE HAVE THE FIRST RIGHT AND EVERYBODY HAS ACCESS TO THE WATER, TO OUR RIGHTS. BUT OUR RIGHT IS NOT . WHY SHOULD ANYBODY ELSE BE FORGOTTEN? WE'RE THE ONES THAT CONSTANTLY HAVE TO SUFFER. WE'RE THE ONES WHO HAVE TO CONSERVE OUR WATER. WE HAVE TO CATCH WATER WHEN WE OF COURSE, IT'S QUALIFIED MOUNTAIN HIKING THEM MOST QUALIFIED IN THE STATE LAW . THERE'S NO THERE'S ABSOLUTELY NO REASON WHY ANY PRIVATE CORPORATION SHOULD BE HAVING AND MONOPOLIZING OUR WATER RESOURCES . NOT ONLY IS IT MAHI PONO, A MULTINATIONAL CORPORATION THAT THE PUBLIC, THEY'RE PARTIALLY OFF MAHI PONO RIGHT NOW ONLY WAS IT. IS IT A CORPORATION THAT A CANADIAN CORPORATION? BUT IF A CORPORATION, THOSE PRODUCED BY THE CANADIAN GOVERNMENT AND WORKS IN THE INTEREST OF THE CANADIAN GOVERNMENT? AND SO WITH THAT IN MIND, IT BOGGLES ME THAT ANOTHER GOVERNMENT OR CANADIAN GOVERNMENT IS ABLE TO MONOPOLIZE AND HELP CONTROL OVER OUR WATERS HERE ON MAUI. IT'S ALREADY IT'S ALREADY BAD ENOUGH THAT THE UNITED STATES GOVERNMENT HAS AND ITS POLICIES ARE COMPLETELY MISMANAGED OUR WATER FOR FOUR GENERATIONS. NOW WE'RE ALSO DEALING WITH A SECOND GOVERNMENT CONTROLLING OUR WATER. THERE'S NO REASON FOR FOR MY POND OR ANY FLUORIDATION OR EMBY TO TO OBTAIN ANY LEASES ON OR ANY ANY WATER BEING SHARED WITH THE CORPORATIONS ANYMORE. IT'S TIME FOR THAT TO END. IT'S VERY OBVIOUS. I MEAN, AS FAR AS LIKE I MENTIONED EARLIER FROM MY RIVER, ALL THAT DOCUMENTATION IS IN THE COUNTY COUNCIL RECORD OR 80. YOU FOLKS SAW IT ALL LAST YEAR. MAYBE STILL YET AT THE HANDS OF SMART IRRIGATION. RIGHT? AND SO IT'S TIME FOR US AS A COMMODITY TO HAVE WAR AND TOTAL CONTROL OVER OUR WATER. AGAIN, I SUPPORT A HAMMOCK, HAVING A PLACE AND HAVING REPRESENTATIVES ON WHATEVER BOARD IS ESTABLISHED. THE MAJORITY , HOWEVER, THINGS TURN OUT, THE MAJORITY OF THAT BOARD OF THE AUTHORITY SHOULD HAVE A HAMMOCK. YOU SHOULD HAVE REPRESENTATIVES FROM IF NOT YOU. YOU KNOW, THE CANYON FROM THERE, WHO ARE REPRESENTING THEMSELVES AND THEIR WATER RIGHTS. AND WE UNDERSTAND THAT THE WATER IS NOT JUST FOR OUR CALL IS NOT JUST FOR FARMING, BUT THERE'S AN ENTIRE ECOSYSTEM FOR MULTITUDE MOCHI WITHIN THE RIVER ITSELF AND EACH RIVER THAT DEPENDS ON THE WATER AS WELL, ALL THE WAY DOWN TO THE OCEAN , MINIMAL IRRIGATION, MR. WILLIAMS AND PROTECTING THOSE CONCLUDE COULD YOU KNOW YOU HAVE A MINUTE TO CONCLUDE? I HAVE A MINUTE. OKAY, OKAY, THAT'S GREAT. SO ALSO SAYING THERE'S AN ENTIRE ECOSYSTEM WITHIN THE RIVER THAT US, AS THE COLONIES ARE RIGHT, IS MEANT TO PROTECT THE ECOSYSTEM. AND SO BY OUR RIGHTS, WE CALL THEM GETTING OUR WATER ON THE WATER BEING DIVERTED FROM US. NOT ONLY IS IT DAMAGING US, BUT IT'S LITERALLY DESTROYING THE ECOSYSTEM UP TO MARKET, WHICH IF THAT'S NOT A CONCERN FOR THE COUNCIL, THEN I DON'T KNOW IF IF WE'RE JUST AT THE POINT WHERE THE WATER IS JUST ABOUT MONEY, OR IF IT'S ABOUT OUR SURVIVAL, THE SURVIVAL OF OUR ENTIRE ENVIRONMENT THAT'S AROUND US ON, I'M NOT TOO SURE. BUT I I HOPE THAT THIS COUNCIL REALLY TAKES ALL THESE THINGS INTO CONSIDERATION AND IS FINALLY READY TO ALLOW US AS THE KARMAKAR WHO HAVE THE GENERATIONAL KNOWLEDGE, WHO HAVE THE KULEANA WITHIN OUR OWN PEOPLE TO MANAGE OUR WATER AT ALL BECAUSE ULTIMATELY WE ARE THE ONES THAT ARE ABLE TO MANAGE IT PROPERLY AND KNOW HOW MUCH TO BE SHARED OUT WHEN IT SHOULDN'T BE SHARED OUT AND HOW IT'S GOING TO IMPACT ALL OF US. AND SO THAT'S ALL I HAVE TO SAY FOR NOW. THANK YOU, MEMBERS QUESTIONS . MEMBER YUKIMURA SO GILMORE, I'M I'M GETTING PINE MOUNTAIN, SO THANK YOU VERY MUCH FOR YOUR TESTIMONY. AND I

GUESS FROM WHAT I'M KEEPING TRACK, YOU'RE THE FIFTH PERSON WHO TODAY HAS COME FORWARD TO TESTIFY ABOUT THE KANAKA MODI AND THEIR WATER RIGHTS, WHICH SOUNDS LIKE YOUR SCENE IS DEEPER THAN THIS WATER AUTHORITY THAT WE'RE TALKING ABOUT FOR A CHARTER AMENDMENT. BECAUSE THAT'S PART OF THE OUR GOVERNMENT SYSTEMS AND MY MISUNDERSTANDING . MR. WILLIAMS, DID YOU HEAR THE QUESTION ? CAN YOU REPEAT IT ONE MORE TIME? SORRY, FROM FROM TODAY. TODAY, I MEAN, YOU ARE THE FIFTH PERSON WHO HAS COME UP TOWARDS THE IN NEVADA TALKING ABOUT THE RIGHTS OF THE KANAKA. MIGHT ALL THE MALOOLY AND I MAY BE MISUNDERSTANDING, BUT JUST BY LISTENING TO YOUR TESTIMONY AS WELL AS THE PREVIOUS TESTIFIERS, IT SOUNDS LIKE YOU'RE SAYING THAT YOUR RIGHTS AS A HAWAIIAN IS DEEPER THAN THE CHARTER QUESTIONS THAT ARE BEFORE US. AND I AND I COULD BE COMPLETELY WRONG AND PLEASE JUST CORRECT ME. AND THAT'S MY CLARIFYING QUESTION. I'M NOT SAYING THAT MY RIGHTS AS A HAWAIIAN ARE DIFFERENT THAN MY RIGHTS AS A COMMODITY OR DEEPER, AND THAT'S THAT'S DIFFERENT. YEAH, AND I'M ALSO SAYING THAT WHATEVER IS ON THE BOARD MAKES ITS DECISION ON BECAUSE I DON'T HAVE CONTROL OF THE BOARD, RIGHT? OR THAT THE COUNCIL AND WHAT THINGS MOVE FORWARD. I DON'T HAVE FULL CONTROL RIGHTS THAT OF COMMODITY SHOULD BE IN THOSE POSITIONS , PARTICULARLY THE ONES WHO HAVE KULEANA TO THE PLACES THAT ARE IN QUESTION. THEN YOUR TIES TO THOSE AREAS AND SO LIKE, FOR EXAMPLE, TO MY KNOWLEDGE, I DON'T HAVE I DON'T HAVE NO TIES TO, FOR EXAMPLE, PEOPLE THAT I KNOW OF. SO IT'S NOT UP TO ME TO MAKE A DECISION. EVEN THOUGH I'M A COMMODITY, IT'S NOT UP TO ME TO MAKE A DECISION ON BEHALF OF PEOPLE WHO KNOW FAMILIES UNLESS THAT IS WHAT THEY CONSENT TO. AND THE SAME WOULD BE FOR AND THEN MY MOM AND MY UNCLE FOR IT COMES DOWN TO WHO HAS KULEANA TO WHAT BODY, WHAT AREA, WHAT PLACE AND THOSE THINGS WE HAVE RECORDS OF THOSE WHO HAVE DOWN TO WHERE WE HAVE LIKE A HOMO WHO HAS KNOWLEDGE OF WHO HAS CALLED ON TO WHERE AND HOW WE SHOULD BE CONSULTED, NOT JUST CONSULTED, BUT SHOULD ACTUALLY BE TAKING QUITE A LEAD, IN MY OPINION. BUT THE ANSWER, THE QUESTION . SO YOU'RE SAYING TO PARTICIPATE , YOU WOULD BE SATISFIED. IS THAT WHAT YOU'RE SEE? I WOULD WANT SEE SOMETHING VERY IMPORTANT. YEAH, YOU UNDERSTAND. YEAH, I'M SORRY. I WHEN THE WATER CONCERNS MY PARTICULAR AREA, I WOULD LIKE TO HAVE A SEAT AT THE TABLE. THAT'S WHAT I'M SAYING. AND I THINK THAT MIGHT BE WHAT OTHER COMCOM ALREADY WHO HAVE EXPRESSED THE SAME SENTIMENTS MIGHT BE SAYING. I CANNOT SPEAK FOR THEM BECAUSE EVERYBODY HAS THEIR OWN KULEANA AND THEIR SPECIFIC PLACE, BUT I CANNOT SPEAK ON BEHALF OF BECAUSE IT'S NOT MY PLACE . THANK YOU ANY MORE QUESTIONS . IF NOT, THANK YOU, MR. WILLIAMS. MAHALO. MAHALO CHAIR NEXT. HOST OF FIRE IS NOI MONEY. I'M SORRY, I'M MELANIE PAGCOR TO BE FOLLOWED BY THE TEST OF FIRE, CALLING THEM ON THE PHONE WITH THE LAST FOUR DIGITS EIGHT ONE TWO FOUR . AND I HOPE I'M YOUR LAST TODAY. START GOOD DIVING RIGHT INTO IT. GREAT JOB WITH THE LIGHTING REGULATION. I HATE TO SAY IT, BUT IT'S TRUE. SOME PEOPLE ARE SELFISH TO ADAPT TO CHANGE. HOWEVER, I SEE THIS AS A GREAT STEP TOWARDS WILDLIFE STEWARDSHIP. I SUPPORT THE AMENDMENT. I BET IF WE HAD SOME ASTRONOMERS AND CONSERVATIONISTS, THOSE EXPERTS WOULD SUPPORT THIS WHOLEHEARTEDLY. MOVING ON TO THE WATER AUTHORITY LIKE MENTIONED OR JUST KIND OF CLARIFYING , YOU KNOW, WE'RE ALL KANAKA. KANAKA MEANS HUMAN. I'M KIND OF CALMLY AND I'M WHOLLY NEXT TO HIM. YOU KNOW, SO MAYBE FIZZLE THAT RACIST NARRATIVE. AND JUST PUT IT ASIDE, BECAUSE WE ARE ONE HERE, WE'RE THE TRUSTEES. THE BENEFITS SERIES, THE PRESENT, THE FUTURE, THE DESCENDANTS OF THIS EARTH, THIS HUNUA. WHEN IT COMES TO WATER, YES, SOME HAVE PRIORITY KULEANA USERS WHO HAVE FARMED FOR GENERATIONS. THOSE WHO LIVE, OF COURSE, RIGHT NEXT TO THE STREAM WOULD HAVE PRIORITY. IT ONLY

MAKES SENSE TODAY. YOU'VE LISTENED TO OUR ISLAND COMMUNITY, MAHALO TO OUR TESTIFIERS, TRULY PASSIONATE RESIDENTS WHO SEEK HONEST CHANGE AND PERPETUATION OF ALOHA AINA STEWARDSHIP. MY LIFE ISSUE THIS CURRENT WATER WAR, AND I KNOW THAT'S A HARSH WORD WAR. BUT IT'S THE REALITY WHEN WE TALK ABOUT OUR VESTED RIGHTS TO THESE WATERS THAT ARE BEING CHALLENGED. LET US BREAK THE COLONIALISM LIKE MENTIONS BY MISS KIONI TWO WEEKS AGO. LET'S BREAK THE IMPERIALISM THAT CONTINUES TO DEPRIVE OUR COMMUNITY RIGHTS. YOUR ISLAND COMMUNITY BROKE SILENCE TODAY . THEY SUPPORT THE WATER AUTHORITY AND I HEAR THAT, YOU KNOW, WE SUPPORT WATER AUTHORITIES COUNTYWIDE. THIS COUNCIL ALREADY KNOWS THE CONFLICTS REGARDING SEA WORM. VIELEN ARE IN THE STATE COURT COURTS. THEY'RE CONSTANTLY BEING CHALLENGED ON ALL LEVELS DUE TO MISMANAGEMENT , AND WE CANNOT MAINTAIN THAT ENVIRONMENTAL IRRESPONSIBILITY. WATER JURISDICTION IS COMPLICATED. HOWEVER, THIS IS AN AMAZING FIRST STEP. AMAZING IDEA IN PRINCIPLE, AND LAKE MENTIONED A TOOL IN YOUR TOOLBOX AS MAUI COUNTY. A REMINDER EAST MAUI COMMUNITY WILL ALWAYS SUPPORT UPCOUNTRY WATER USERS AND RESIDENTS FROM HIGH SCHOOL TO KANAYO AND BEYOND. AND I SAY BEYOND BECAUSE I WOULD LOVE TO SEE A FILTERED PORTABLE WATER SYSTEM IN ULU PALOOKA TO SERVE OUR KEIKI ONLY HOMESTEAD LIKE MENTIONED BY SHANE SINENSIS, WHOSE KUPUNA IS, I'M SURE , BEYOND PROUD. HIS WORDS THE CORE OF THIS CHARTER AMENDMENT IS THE PUBLIC TRUST. IT DOESN'T, SAY KANAKA. IT SAYS PUBLIC TRUST . THE STATE HAS AN OBLIGATION TO PROTECT, CONTROL AND REGULATE THE USE OF HAWAI'I'S WATER RESOURCES FOR THE BENEFIT OF ITS PEOPLE. IT DOESN'T SAY KANAKA MARLEY SAYS PEOPLE . HELLER'S LETTER STATED IT IS IN THE COUNTY'S BEST INTEREST TO SECURE A LEASE AND FREE ITSELF FROM DEPENDENCY OF PRIVATE, COMMERCIAL AND THIRD PARTY OPERATORS. WE'RE NOT DUTY BOUND TO UPHOLD A PUBLIC TRUST AS WE KNOW THEIR DUTY IS TO MONOPOLIZE THESE WATERS. WATER THAT COMES OFF THE STATE LANDS SHOULD ALWAYS BE PURSUED BY OUR PEOPLE, NOT INVESTORS FROM AFAR. WHO'S IT'S INTENSE, OF COURSE, IS TO PROFIT. WE MUST TIE UP OUR RESOURCE OR IT WILL BE STOLEN BY RATS. HOW CAN WE ENSURE OUR UPCOUNTRY WATER USERS WILL HAVE WATER IN THE FUTURE IF WE DO NOT HAVE A SEAT AT THE TABLE? VOTING YES WILL REHABILITATE A FRACTURED SYSTEM. VOTING YES WILL EMPOWER YOUR PEOPLE. THE TRUE MEASURE OF SUCCESS WILL BE THE NUMBER OF PEOPLE ATTACHED, EMPOWERED AND TRANSFORMED BY OUR SUCCESS. LET US CARRY ON THE EFFORTS OF OUR KUPUNA WHO HAVE PASSED BEFORE SEEING WATER RESTORATION. THEY HAVE PASSED BEFORE SEEING THIS AMAZING MEASURE OF COMMUNITY TAKE BACK. WATER IS OUR LIFEBLOOD. THOUSANDS HAVE LIVED WITHOUT LOVE, BUT NONE WITHOUT WATER. WE EXIST TODAY BECAUSE OF THE OUR SYSTEM SET IN PLACE BY THOSE WHO RESISTED CORPORATE CONTROL. TODAY, WE RECOGNIZE THAT THE EFFECTS OF CULTURAL TRAUMA HAVE DISCONNECTED HAWAIIAN FAMILIES FROM THEIR HERITAGE. TO ASSIST OUR OHANA. TODAY, WE MUST DEVELOP PRACTICE AND LIVE IN ALIGNMENT WITH OUR RESOURCES. WE ARE NO GREATER THAN WATER THAN THE NATIVE BIRDS. WE ARE NO GREATER THAN THE TINY CORAL POLYPS THAT BENEFIT OUR ECOSYSTEM. WE ARE LIVING FORMS STRONG, COURAGEOUS AND SPIRITUALLY GROUNDED. AND THAT'S ALL I HAVE FOR YOU GUYS TODAY. MAHALO. FOR YOUR TIME . ANY QUESTIONS MEMBERS? NONE, MADAM CLERK. OUR NEXT TEST FIRE IS CALLING IN ON THE PHONE WITH THE LAST FOUR DIGITS EIGHT ONE TWO FOUR EIGHT ONE TWO FOUR WILL BE FOLLOWED BY FAY MACFARLANE, LAHAINA, LA COUNTY COUNCIL CHAIR AND MEMBERS. THIS IS HANNAH BERNARD. CAN YOU HEAR ME? YES. ALOHA, ALOHA AND THANK YOU SO MUCH FOR KEEPING THIS GOING. THIS IS SUCH AN IMPORTANT DISCUSSION. I'M REPRESENTING HAWAI'I WILDLIFE FUND AND I AM JUST GIVING A QUICK ENDORSEMENT TO SUPPORT THIS SEABIRD PROTECTION BILL AND TO ONCE AGAIN LOVE THIS COUNTY COUNCIL AND ITS PROGRESSIVE CONSERVATION THINKING. THIS

IS REALLY THE RIGHT THING TO DO AND NOT LET THE MAYOR TWEAK IT AND MESS IT UP AND MAKE IT NOT PASSED BECAUSE OF FALSE INFORMATION. MUCH HAS HAPPENED WITH OUR HISTORY OF PLAYING ON YOUR SHOW WATERS WITH WASTEWATER, SO I ONCE AGAIN SUPPORT YOU AND LOVE YOU FOR YOUR LEADERSHIP AND MOVING FORWARD TO PROTECT OUR WILDLIFE AND OUR EINAT AND OUR OCEANS WITH YOUR EFFORTS AND THE WATER IN PARTICULAR. ALSO, WITH THE WATER CHARTER THE LAST TO TESTIFIERS, I'M SORRY I COULDN'T HEAR EVERYBODY BECAUSE WORKING, BUT THE LAST FEW TESTIFIERS WERE SO ARTICULATE AND I JUST WANT TO REITERATE AND SUPPORT THEIR TESTIMONY BECAUSE IT WAS SO INSPIRATIONAL AND AGREE AND SO SUPPORTIVE OF THE RETURN OF THE WATER RIGHTS AND HEALING FOR ALL AS EMBEDDED IN OUR STATE CONSTITUTION, PARTICULARLY FOR THOSE WHO ARE FOR THE KIND OF OF THESE. ONCE AGAIN, THANKS TO THIS COUNCIL FOR BEING PROGRESSIVE AND TAKING CARE OF MAUI AND OUR OWN MOTHER, THANK YOU, MEMBERS QUESTIONS . IF NOT , MADAM CLERK, OUR NEXT GUEST, THE FIRE IS MCFARLIN, AND THEY WILL BE FOLLOWED BY THE LAST PERSON CURRENTLY SIGNED UP TO TESTIFY. WHO IS ALAN ARAKAWA? CALL AGAIN, BAY MCFARLANE . ALOHA, MICHAEL, CAN YOU HEAR ME? YES. ALOHA, ALOHA. CHAIR LEE AND COUNCILMEMBERS OF MCFARLAND CO NOHO ALMA LAHAINA. I'M A VOLUNTEER TECHNICAL SCHOOL AT NOT ICONIA OR MAUI, A TRIBAL ONE SEA THREE NONPROFIT HAWAIIAN CULTURAL CENTER ON FRONT STREET IN LAHAINA. THIS TESTIMONY IS OFFERED ON BEHALF OF COMPLETE CULTURAL PRACTITIONERS KHAZAL FLORES, COURTNEY O'KEEFE, WINTER FLORES TELLS FLORES. CONSUELO APOLLO. RAYMOND GONSALVES, JOCELYN GONSALVES, SUSAN SILVER, JASON BARROSO, WE LEARNED CARPOOL KARAOKE. LANI MILES, MULTI-GRAMMY MILES KENTARO TALIBAN ON NEARLY NAILS CULTURAL AND LILY NYLES AS CONOCO, WHOSE CUSTOMARY PRACTICES, INCLUDING TRADITIONAL USES OF ARE NEGATIVELY IMPACTED BY PRIVATE WATER CORPORATIONS. WITH THE AFOREMENTIONED SUPPORT ADDING TO THE NOVEMBER BALLOT. A CHARTER AMENDMENT TO LET VOTERS DECIDE IF WE SHOULD CREATE A COUNTY WIDE COMMUNITY WATER AUTHORITY FOR MAUI WITH REGIONAL COMMUNITY BOARDS FOR EAST MAUI AND ALSO, FOR EXAMPLE, MOLOKA'I, WHERE WE HOPE TO POLLUTE OR MOLOKAI WOULD BE REPRESENTED. WE SUPPORT COUNTY COMMUNICATION. 22 DASH ONE FIVE ONE IF I MAY ALSO BE PERMITTED TO SUBMIT MY TESTIMONY AS AN INDIVIDUAL. I ALSO SUPPORT CC TWENTY TWO ONE FIVE ONE FOR ALL THE REASONS GIVEN BY THE REPRESENTATIVES OF THE APPOINTEE OR. ALSO SUPPORT FOR TWENTY TWO FORTY SEVEN THE COMMITTEE REPORT. TWENTY TWO FORTY SEVEN FOR THE LIGHTING BILL COMMITTEE REPORT. TWENTY TWO FIFTY SEVEN FOR PLANNING COMMISSIONS FOR ALL PLANNED COMMUNITY PLAN AREAS. PLEASE LET THE VOTERS DECIDE THE EXISTING COMMISSION MEETINGS ARE REALLY LONG AND THE DECISIONS HAVE GEOGRAPHICALLY QUITE A BROAD SCOPE. SO MOST MAUI MOHANA FOLKS THAT I'VE SPOKEN TO WOULD BE MORE LIKELY TO APPLY FOR A REGIONAL PLANNING COMMISSION RATHER THAN BEING IN THE AND MAKING RECOMMENDATIONS IN HANA, FOR EXAMPLE. AND FINALLY, LET ME SEE I'M SORRY . I ALSO SUPPORT COMMITTEE REPORT TWENTY TWO FIFTY NINE TO ESTABLISH THE COUNTY RESIDENCY REQUIREMENT FOR BOARDS, COMMISSIONS AND COMMITTEE MEMBERS. AND FINALLY, I SUPPORT COMMITTEE REPORT TWO ONE SIXTY TWO FOR THE COUNTY TO ACQUIRE CROSSROADS APARTMENT IN LAHAINA. MAHALO FOR YOUR TIME MEMBER'S QUESTIONS . IF NOT, THANK YOU VERY MUCH. MADAM CHAIR, OUR LAST INDIVIDUAL SIGNED UP TO TESTIFY IS MAYOR ALLEN. OUR GOOD TO SEE YOU AGAIN, MR. MAYOR . I WAS HOPING NEVER TO HAVE TO COME BACK HERE AGAIN, AND I JUST WANT TO SAY, GOOD EVENING, EVERYONE. GOOD MORNING. I'M ACTUALLY GOING TO MAKE A FEW SHORT COMMENTS ON FOUR DIFFERENT ISSUES. TWO ARE GOING TO BE REALLY SHORT ON 22 DASH ONE SIX SIX. THIS IS THE ENFORCEMENT ON UNAUTHORIZED CAMPING. I'D BE VERY CAREFUL WITH WITH THIS BILL AS TO HOW IT'S FORMED TO BE ABLE TO ALLOW LAW ENFORCEMENT TO BE ABLE TO SELECT AND BE ABLE TO REALLY UNDERSTAND WHO IS

WOULD BE ILLEGAL AND WHO WOULD BE LEGAL BECAUSE IF THEY DON'T KNOW AND UNDERSTAND THE POLICE DEPARTMENT, REALLY, THE PEOPLE LIKE US KNOW THEY'RE NOT GOING TO BE OUT THERE WITH LAWYERS AND EVERYTHING ELSE TO BE ABLE TO DETERMINE WHO IS ENFORCE AGAINST AND WHO IS NOT. SO THEY'RE GOING TO THEY'RE GOING TO BE MAKING THAT DETERMINATION . AND IF THERE'S NOT A CLEAR METHOD FOR THEM TO DETERMINE IT, IT CAN BE VERY, VERY MESSY. SO I JUST CAUTION THAT LET'S SEE ON TWENTY TWO DASH FIVE SEVEN JUST GOING TO THIS IS THE DIFFERENT PLANNING COMMISSIONS. I'D JUST LIKE TO REMIND EVERYBODY THAT THERE ARE A LOT OF COMMUNITIES RIGHT NOW WHERE WE HAVE CORNERS, WHERE WE HAVE COMMUNITY GROUPS THAT ARE ACTUALLY CREATING THE RULES AND THE LAWS FOR THOSE COMMUNITIES, YOU KNOW, AND MANY TIMES IT'S DONE WELL, AND MANY TIMES YOU GET SELECT GROUPS THAT BECOME VERY , VERY POLARIZED AND BECOME VERY, SHALL WE SAY, BULLISH IN HOW THEY ENACT THE RULES AND REGULATIONS. WE HAVE TO MAKE SURE THAT WHEN YOU'RE ACTUALLY DOING THIS, YOU'RE NOT ENABLING GROUPS TO BE ABLE TO BULLY THE REST OF THE COMMUNITY. REMEMBER , THERE'S IN EVERYTHING THAT WE DO. ONLY A HANDFUL OF PEOPLE ACTUALLY COME OUT AND TESTIFY. THE VAST MAJORITY OF THE COMMUNITY WILL NEVER COME OUT AND TESTIFY. SO WHENEVER I HEAR PEOPLE COME OUT AND SAY, WELL, WE REPRESENT THE COMMUNITY, I'VE YET TO SEE THE VOTE WITH MY OTHER COMMUNITY MEMBERS THAT AUTHORIZE THEM TO BE ABLE TO COME AND TESTIFY UNLESS, OF COURSE, THEIR ELECTED OFFICIALS. SO JUST BE AWARE THAT THERE'S A HUGE GROUP OUT THERE THAT ACTUALLY NEVER PAY MUCH ATTENTION AND ARE NOT BEING REPRESENTED IN THE DISCUSSION. SO I'LL JUST CAUTION THAT IF WE CREATE ALL THESE DIFFERENT BOARDS , IT WILL CREATE DELAYS IN APPROVALS OF A LOT OF THE DIFFERENT PROJECTS THAT YOU MAY WANT TO ACHIEVE, SUCH AS AFFORDABLE HOUSING PROJECTS OR HOUSING PROJECTS IN GENERAL. FOR WORKFORCE HOUSING AND WHATEVER. AND ALSO THE ABILITY TO PLAN THE COMMUNITY AND TO BE ABLE TO DICTATE HOW AND WHAT IS GOING TO HAPPEN WITHIN EACH COMMUNITY. REMEMBER, MANY, MANY TIMES THEY'RE CONTENTIOUS ISSUES, EVEN WITHIN THE COMMUNITY, AND YOU'RE GOING TO HAVE TO GO THROUGH ANOTHER STEP TO BE ABLE TO GET CONSENSUS. IT'S ALWAYS BETTER TO BE ABLE TO GET PEOPLE WITHIN A COMMUNITY TO HAVE DISCUSSIONS. HOWEVER, AT TIMES YOUR GOALS AS A COUNCIL TO TRY AND BE ABLE TO ACHIEVE SOMETHING FOR THE COMMUNITY MAY NOT NECESSARILY BE WHAT THE COMMUNITY WANTS. AND I'LL GIVE YOU A LITTLE BIT OF AN EXAMPLE IN KIHAI. WE HAD FEDERAL FUNDING TO BE ABLE TO THE SOUTH, THE THE ROADWAY ALONG ALONG THE COASTLINE TO BE ABLE TO DO THE NORTH-SOUTH COLLECTOR ROUTE. NO, NO, NOT THE ONE RIGHT BY THE COASTLINE, DUCKY ROAD. WE WERE GOING TO WE'RE GOING TO DO ALL THE DRAINAGE AND WE'RE GOING TO DO IMPROVEMENTS THAT THERE WAS A GROUP THAT WANTED TO BE ABLE TO NOT REMOVE A FEW MONKEY POD TREES. AND BECAUSE OF THAT, WE RETURNED A WHOLE MILLIONS OF DOLLARS OF FEDERAL FUNDS . SO THE COMMUNITY DID NOT HAVE THE BENEFIT OF BEING ABLE TO HAVE THAT ROAD REPAIRED TO THE LEVEL IT SHOULD HAVE WITH FEDERAL FUNDS. AND I'M SAYING THAT THAT'S JUST AN EXAMPLE OF WHAT CAN HAPPEN IN THAT SAME INSTANCE. IF WE HAD TAKEN THOSE FOUR MONKEYPAW TREES, WE WERE GOING TO PUT THEM IN ONE OF OUR PARKS AND PUTTING THEM IN ONE OF THE PARKS. WE'RE ALSO GOING TO WE ALSO ARE COMMITTED TO ALLOW THE BEAUTIFICATION PROGRAM AND TO DEVELOP A BEAUTIFICATION PROGRAM FOR THE ENTIRE SOUTH AREA. BUT IT WAS REJECTED BY THE COMMUNITY ASSOCIATION BOARD, SO YOU CAN HAVE UNINTENDED CONSEQUENCES BECAUSE OF THE POLITICIZING OF ISSUES WITHIN AN AREA TO BE VERY CAREFUL WITH HOW YOU CREATE THAT. I SPEAK FROM EXPERIENCE AND I COULD GO THROUGH MANY DIFFERENT EXAMPLES AND THERE IS NO PERFECT SYSTEM. SO I WOULD BE THE LAST ONE TO SAY THE COUNTY IS THE BEST. THIS PLANNING COMMISSION IS THIS AND OTHER ONE IS THE BEST. THEY ALL HAVE

FLAWS, DEPENDING ON THE MEMBERSHIP IN IT. FLAWS AND BENEFITS TO JUST BE CAREFUL HOW YOU PUT THINGS TOGETHER, WHICH COMES TO THE OTHER TWO ISSUES THAT I WANT TO BE ABLE TO DISCUSS. AND THAT IS A TWO WATER PROPOSAL THREE TWO ONE FIVE ONE. AND I JUST WANT TO MAKE SURE I GET THIS CORRECTLY. 22 DASH FIVE SIX I SUBMITTED TO THE COUNTY CLERK A LIST OF ABOUT THREE PAGES WORTH OF POINTS TO BE YOU SHOULD BE ABLE TO DISCUSS AND SHOULD HAVE CLARIFIED BEFORE YOU ACTUALLY PASS A BILL LIKE THIS. NOW, IN THE RESOLUTION ITSELF, WHEN YOU ACTUALLY LOOK AT THE RESOLUTION AND I'VE HEARD A LOT OF PEOPLE TESTIFY TO THIS, YOU HAVE NO GUARANTEES, YOU HAVE NO GUARANTEES THAT IF YOU FORM AN OVERRIDING GROUP, THE DIRECTOR OF THAT GROUP IS GOING TO DO ANYTHING THAT YOU WANT CURRENTLY. FACT, IF THE COUNTY WANTED TO APPLY FOR THE WATER ON THE CONTRACT FOR THE WATER, THE STATE WATER COMMISSION, YOU COULD DO IT . BUT APPARENTLY THE MAYOR DOESN'T WANT TO DO IT. SO YOU'RE TRYING TO CREATE ANOTHER ENTITY THAT WOULD DO IT. BUT REMEMBER, WHEN YOU DO THIS, THE MAYOR HAS TO APPOINT THAT PERSON AND THE COUNCIL GETS TO APPROVE OR DISAPPROVE. THERE'S NO GUARANTEE THAT THAT PERSON IS GOING TO BE WHO YOU WANT AND HAVE THE SAME VIEW THAT YOU WANT. IT REALLY IS AT THE DISCRETION OF WHO IS WHO IS DOING THE APPOINTEE AND WHAT THEY WANT TO DO. NO LOOKING AT THE THE BOARD, YOU TRYING TO ELECT 11 11 MEMBERS PUT TOGETHER THE COMPOSITION OF THE BOARD IS ALSO NOT GUARANTEED. TO BE SUPPORTIVE OF THIS WORK WILL BE BECAUSE THEY WILL DO WHATEVER THEY FEEL LIKE THEY MAY BE OR THEY MAY NOT BE. THERE IS NO GUARANTEE AND THE MAKEUP OF THE BOARD WHEN YOU LOOK AT IT, THE EXPERTISE THAT WILL THAT YOU'RE REQUIRING TO BE ABLE TO FIRE PEOPLE IN ANY OF THE DISTRICTS. AND WHEN YOU CREATE ALL OF THE DISTRICTS THAT HAVE THE EXPERTISE THAT THEY NEED TO BE ABLE TO UNDERSTAND THE WATER SYSTEMS IS GOING TO BE VERY DIFFICULT . NOW I HAVE PERSONALLY BEEN THROUGH ALMOST ALL OF THE EMI SYSTEMS I'VE BEEN TO EVER Y WATER TREATMENT PLANT. I'VE LOOKED AT MOST OF THE WELLS, INCLUDING A LOT OF THE PRIVATE WELLS, BECAUSE I'VE BEEN AROUND A LONG TIME. AND ONE OF THE THINGS AND ONE OF THE TOOLS THAT YOU REALLY NEED TO LOOK AT IS DESIGNATION OF SURFACE AND SUBSURFACE WATER. THE STATE WATER COMMISSION. THIS IS HOW WE WERE ABLE TO DETERMINE WHO IS GETTING WATER FROM THE YELLOW AQUIFER AND HOW IT'S BEING DISPERSED. AND THE GROUPS THAT HAVE BEEN FIGHTING THIS ALL ALONG ARE ALSO REPRESENTED AND HAVE BEEN ABLE TO REPRESENT AT THE STATE WATER COMMISSION TO BE ABLE TO GET A LOT OF THINGS THAT THEY WANTED. IF YOU LOOK AT WHAT'S HAPPENING WITH THE EAST MAUI WATER SITUATION, AND ALL THE ALL THE AREAS WHERE YOU ACTUALLY HAVE TERRIBLE FARMERS EXISTING RIGHT NOW, ALL THE ALL THE STREAMS ACTUALLY ARE RUNNING RIGHT NOW, 100 PERCENT . THEY'RE NOT TAKING WATER FROM THOSE STREAMS THAT WAS SET ASIDE BY THE STATE WATER COMMISSION, SO THEY ARE TAKING CARE OF THE FARMERS. SO ANYONE WHO'S TESTIFYING THIS IS HEY, KNOW THEY'RE NOT GETTING PROPER ONE WATER. IT'S NOT BECAUSE IT'S BEING TAKEN AWAY FROM THOSE THOSE AREAS BY THE IMAGE, WHICH NOT ACCORDING TO THE RULES THAT WERE ESTABLISHED AND PUT DOWN. NOW WHEN YOU WHEN YOU START LOOKING AT YOUR PROPOSAL TO THE DUTIES AND POWERS OF THE ADMINISTRATOR OF THIS OVERALL PICK , YOU AND I'LL JUST READ A COUPLE OF THESE THINGS BECAUSE WE DON'T HAVE LIMITED TIME TO MANAGE WATER COLLECTION AND DELIVERY SYSTEMS ACQUIRED, OWNED OR OPERATED BY THE COUNTY . SO THIS DOES NOT DIFFERENTIATE BETWEEN DAY TO DAY OPERATION, NOR DOES IT DIFFERENTIATE BETWEEN NEW AND EXISTING . IT CLEARLY STATES. AND THE VERBIAGE I'M READING IT DIRECTLY MANAGE WATER COLLECTION AND DELIVERY SYSTEM ACQUIRED, OWNED OR OPERATED BY THE COUNTY. YOU BACK THAT UP ON SECTION EIGHT, DASH 19, DASH SIX. THE REVENUES OF THE WATER AUTHORITY MUST BE KEPT IN SEPARATE FUNDS KNOWN AS THE MAUI COUNTY

COMMUNITY WATER FUND AND USED. AND WE CAN GO OUT AND I CAN READ THE WHOLE THING. BUT ESSENTIALLY, WHAT IT'S WHAT IT'S DOING IS SEEING THIS DIRECTOR WILL BE ABLE TO TAKE ALL THE MONEY FROM THIS AREA. SO THE WATER DIRECTOR AND THE WATER BOARD ARE NOT GOING TO BE ABLE TO RECEIVE THE FUNDS FROM THE RIGHT, FROM THIS AREA TO BE ABLE TO DO THE JOBS THEY NEED TO DO IN THE AREA, ACCORDING TO HOW YOU HAVE WORDED THIS. NOW I WILL TELL YOU THAT WHEN I LOOKED AT THE WHEN I LOOKED AT THIS, ONE OF THE THINGS THIS COUNCIL HAS BEEN PROUD OF, A LOT OF THE THINGS IS BEING ABLE TO BE TRANSPARENT. LOOK AT WHAT YOU'RE PUTTING IN TO THE CHARTER . AS WORDS SHOW, THE CHARTER BE AMENDED TO ESTABLISH THE MAUI COUNTY COMMUNITY WATER AUTHORITY WITH COMMUNITY REGIONAL WARS TO MANAGE WATER COLLECTION AND DELIVERY SYSTEMS ACQUIRED BY THE COUNTY, INCLUDING STATE LICENSE AREA AND EAST MAUI, AND TO PURSUE PURSUE LONG TERM WATER LEASE AGREEMENTS WITH THE STATE TO PROVIDE A LONG TERM, RELIABLE SUPPLY OF WATER FOR DOMESTIC IN AGRICULTURAL NEEDS. IT SOUNDS GOOD, BUT THAT DOES NOT INCLUDE FOR THE COMMUNITY TO BE ABLE TO SEE ALL OF THE OTHER STUFF THAT YOU'VE PUT IN THAT ARE GOING TO BE REQUIRED FOR THE FORMATION OF THIS GROUP. NOR IS IT REALLY THE DISCUSSION WHICH THE MAYOR CAN. YOU TAKE A MINUTE TO CONCLUDE ? OKAY. WELL, IN ANY CASE, I THINK I'M MAKING THE POINT. THE IDEA AND THE CONCEPT A GOOD THE ACTUAL OLD DOCUMENT AND THE VERBIAGE IN THE DOCUMENT NEEDS TO BE WORKED ON ON PERSONAL, A PERSONAL POSITION I'VE TAKEN A LONG TIME AGO. WAS IT THE COUNTY SHOULD CONTROL ALL OF THE WATER SYSTEMS TO CONTROL ALL OF THE WATER SYSTEMS? I COULD NOT GET THE COUNCIL TO GO ALONG WITH IT. THERE ARE A LOT OF THINGS THAT I COULDN'T GET THE COUNCIL TO GO ALONG WITH. OTHERWISE, WE'D HAVE DONE IT A LONG TIME AGO. THERE'S SUFFICIENT WATER IN THE UPCOUNTRY AREA TO BE ABLE TO PROVIDE, PROVIDE WATER FOR ALL THE WATER METERS THAT AREN'T THERE. WE HAVE SUFFICIENT WELLS THAT CAN BE USED. WHEN DAVID TAYLOR WAS DIRECTOR, HE CAME BEFORE THE COUNCIL. MANY TIMES AND EXPLAINED THAT THERE IS ADEQUATE WATER OF COUNTRY, EXCEPT FOR ABOUT LESS THAN A MONTH DURING THE YEAR. AND WE CAN PUMP WATER FROM DIFFERENT WELLS THAT WE HAVE THERE BECAUSE LIKE THE PEOPLE ARE WELL, IT'S USED LESS THAN ONE MONTH OUT OF THE YEAR. ANYHOW, I'M GOING TO RUN OUT OF TIME, BUT THIS IS A VERY COMPREHENSIVE ISSUE AND IT'S GOING TO HAVE HUGE RAMIFICATIONS. SHOULD NOT BE RUSHED THROUGH. AND YOU DID THIS A LOT OF CHANGES AT THE LAST MEETING THAT YOU HAD SHOULD NOT BE RUSHED THROUGH. IT SHOULD BE VERY CAREFULLY THOUGHT OUT BECAUSE THE RAMIFICATIONS ARE GOING TO EXIST FOR GENERATIONS. OKAY, THANK YOU VERY MUCH. ANY QUESTIONS YOU HAVE ANY QUESTIONS, MEMBERS, YOUR MEMBERS TO GIVE MORE, YOU KNOW, AS YOU'RE TALKING ABOUT THE HISTORY OF WATER IN YOUR EXPERIENCE WHEN YOU WERE MAYOR AND LISTENING BECAUSE I KNOW YOU'VE BEEN HERE SINCE 9:00 THIS MORNING, I'VE SEEN YOU SIT OVER THERE AND THEN YOU JUST RECENTLY MOVED HERE. BUT THE AUTHORITY OF WATER, WHOSE HANDS IS IT IN BECAUSE YOU SAID WHEN YOU WERE THERE, YOU WANTED TO, YOU KNOW, TAKE CONTROL OF THE WATER. BUT DOES IT SEE WARM BY OUR CONSTITUTION? HAVE THE STATE HAVE JURISDICTION? THE SEA WORM HAS JURISDICTION. STATE WATER COMMISSION HAS JURISDICTION DEALING ARE HAS SOME JURISDICTION. THE COUNTY HAS SOME JURISDICTION . A LOT OF IT JUST DEPENDS ON WHAT YOU'RE TRYING TO DO WITH WHAT DEAL. AND I WILL HAVE THE CAPABILITY OF DETERMINING WHO WILL GET THE LEASE. IT'S NOT GOING TO BE A COUNTY DECISION. YOU CAN MAKE AS MANY SUGGESTIONS AS YOU WANT. PEOPLE HAVE TALKED ABOUT IT, BUT IT'S GOING TO BE THE DEAL AND ARE THAT'S ACTUALLY GOING TO MAKE THE DECISION ON THAT. THE ALLOCATION OF WATER AND HOW IT'S GOING TO BE USED CAN BE DETERMINED BY THE STATE WATER COMMISSION IF THEY WERE TO TAKE THE AREA AND THEY WERE TO DO IT, WE DID WITH THE WAILUKU AQUIFERS, WHICH IS TO

DESIGNATE BOTH SURFACE AND SUBSURFACE WATER SO THEY COULD ACTUALLY, ANYONE WANTS TO USE WATER HAS TO PETITION TO BE ABLE TO JUSTIFY WHAT AMOUNT OF WATER THEY'RE TAKING. SO THE JURISDICTIONS ARE VERY MUCH SPLIT AND THE COUNTY, EVEN IF YOU PASS THIS LEGISLATION, IS NOT GOING TO BE THE ONE THAT DETERMINES WHO GETS THE CONTRACT THAT'S UNDER THE JURISDICTION OF THE STATE. SO WHAT WOULD THE AUTHORITY DO THEN? I MEAN, WHAT DO YOU SEE WITH YOUR, WELL, YOU'RE CREATING THE AUTHORITY. YOU TELL ME WHAT THE AUTHORITY THAT YOU'RE TRYING TO CREATE BESIDES THAT ILLUSION, TO ALL THE PEOPLE THAT HAVE TESTIFIED THAT YOU ACTUALLY ARE GOING TO BE ABLE TO OVERRIDE THE STATE JURISDICTION. NOW, AS MAYOR, I KNOW THAT THERE IS A HIERARCHY. YOU KNOW, YOU HAVE A NATIONAL JURISDICTION, YOU HAVE A STATE JURISDICTION. WE COME DOWN COUNTY IS A LOWER LEVEL OF GOVERNMENT AND THEN YOU HAVE COMMUNITY BOARDS AND COMMISSIONS. BUT WHERE WE'RE NOT THE DRIVING FACTOR IN THIS IN THIS PARTICULAR WATER ISSUE. OTHERWISE, WE'D HAVE BEEN ABLE TO SAY, HEY, WE WANT ALL THE WATER THAT WE WANT WATER COMMISSION. YOU DON'T GET TO SEE IT. WE WANT TO BE ABLE TO DO IT LEGALLY. WE COULDN'T DO THAT. OTHERWISE, I WOULD HAVE LOVED TO BE ABLE TO DO THAT, BUT WE WERE ABLE TO SAY WHAT A COMMISSION WE WANT YOU TO DESIGNATE SO WE CAN NOW IDENTIFY WHO IS USING WHAT WATER. AND WE CAN ALSO IDENTIFY HOW WE CAN DISTRIBUTE THAT WATER WHERE IT MAKES SENSE ANSWERING YOUR QUESTION, DID YOU ANSWER? YEAH, I MEAN, I THINK, YOU KNOW, BECAUSE IN A LOT OF THE TESTIMONY THAT WE HEARD TODAY WAS TALKING ABOUT, THIS AUTHORITY WOULD HAVE JURISDICTION OVER, YOU KNOW, THE DECISIONS, BUT IT'S MAKING IT. THERE'S A LOT OF ASSUMPTIONS THAT ARE BEING MADE THAT ARE NOT FACTUAL AND ACTUAL. AND THAT'S ONE OF THE BIG PROBLEMS WITH PUBLIC TESTIMONY WHEN THE PUBLIC DOESN'T HAVE TIME TO BE ABLE TO SEE AND READ AND DIGEST IN DETAIL. A LOT OF WHAT HAS TO GO ON IN THE LEGAL, THE LEGAL CHANNELS IN THE COURT AND TO BE ABLE TO KNOW FROM HISTORICAL REFERENCE WHAT HAPPENED TO THE STATE WATER COMMISSION, WHAT'S HAPPENING AT THE VARIOUS BOARDS AND COMMISSIONS? YOU KNOW, FORTUNATELY OR UNFORTUNATELY, BECAUSE I'M GETTING A LOT OLDER AND BECAUSE I'VE BEEN AROUND A LONG TIME, I'VE BEEN TO MANY OF THESE PLACES AND MANY DONE MANY OF THE THINGS NECESSARY TO BE ABLE TO TRY TO UNDERSTAND THE WATER SITUATION VERY WELL. THEY DID ANSWER, YOU ARE THERE? YES. CHERYL FERNANDEZ, WAHALA CHAIR. ALOHA MAYOR MEREDITH ARAKAWA. WHATEVER YOUR TESTIMONY, I HAVE TWO QUESTIONS. MY FIRST QUESTION IS REGARDING YOUR TESTIMONY ON THE SELECTION OF THE COMMITTEE BOARD ON PAGE EIGHT, WHERE IT SAYS OF THESE EIGHT MEMBERS, FOUR ARE APPOINTED BY THE COUNCIL AND FOUR ARE APPOINTED BY THE MAYOR AND THREE REMAINING MEMBERS ARE APPOINTED BY THE COUNCIL AND SEVEN WOULD BE APPOINTED BY THE COUNCIL AND THREE APPOINTED BY THE MAYOR. DID YOU READ THAT RIGHT? YEP. OKAY. OKAY, BECAUSE I ACTUALLY READ THE DOCUMENTS, YOU KNOW, YOU KNOW, IT WAS CONFLICTING IN YOUR TESTIMONY WHEN YOU SAID THAT THE MAYOR WOULD APPOINT IN THE COUNCIL WOULD CONFIRM. AND THAT SECTION THERE CLEARLY DOES. THE MAYOR GETS THE COULD NOT THE DIRECTOR. IT SAYS THAT THE THE DIRECTOR MAY BE THE ADMINISTRATOR APPOINTED ON SECTION EIGHT DASH NINETEEN POINT FOUR. THE ADMINISTRATOR IS APPOINTED BY THE MAYOR WITH THE APPROVAL OF THE COUNCIL. THAT'S WHAT I WAS. HOUSING ADMINISTRATION. OKAY. AND THEN MY SECOND QUESTION AND I BELIEVE MY PRESIDENCY WILL ADDRESS THAT LATER ON WHEN THE ITEM COMES UP ON. MY SECOND QUESTION IS REGARDING HIERARCHY HERE TALKING ABOUT HIERARCHY AND I SEE WORK WITH WATER LEASES AND SEA WORM WHEN PRESENTING AND MY BUSINESS IS COMMITTEE TALKED ABOUT, YOU KNOW, THEIR PREFERENCE TO GIVE WATER LEASES TO A SISTER AGENCY LIKE MAUI COUNTY. AND SO HAVE YOU HEARD OF THAT? YOU KNOW, AS FAR AS HIERARCHY, THEY WOULD RATHER GIVE A WATER LEASE TO A SISTER AGENCY, THE COUNTY

GOVERNMENT, THAN A PRIVATE FOR PROFIT ORGANIZATION. AS YOU WENT THROUGH THE LAHAINA HEARINGS JUST THE OTHER WEEK IN THE STATE, YOU KNOW, THE STATE WATER COMMISSION HAS BEEN TOLD BY THE COURTS THAT THEY ACTUALLY HAVE TO START DOING THINGS AND THEY HAVE TO START TAKING CONTROL, WHICH IS WHY THEY'RE STARTING TO LOOK AT DESIGNATIONS OF DIFFERENT AREAS , SEWER AND AS AN ORGANIZATION CAN MAKE DECISIONS. ANY OF THE ARTS ORGANIZATIONS CAN TRY AND DO FOR SOME OF THE AUTHORITY OF DECISION MAKING JUST TO TESTIMONY JUST LIKE YOU DO. YOU KNOW, SOMEBODY COMES UP AND TESTIFIED, YOU CAN CHANGE YOUR MIND AND YOU CAN YOU COULD MAKE THAT PART OF YOUR TESTIMONY. AND PART OF THE DECISION MAKING, IN A MATTER OF FACT, IF YOU'RE DOING IT RIGHT, YOU SHOULD LISTEN TO THE TESTIMONY AND THEN BE ABLE TO DIGEST THAT AND TAKE THE GOOD PARTS AND THROW THE BAD PARTS OUT AND SEE WHAT WE CAN DO THE SAME THING. THE MEMBERS CAN DO THE SAME THING. REMEMBER, JUST LIKE THIS COUNCIL , THE MEMBERS CHANGE. THEY'RE THERE, THEY'RE NOT THERE FOREVER, YOU KNOW? SO YOU'RE GOING TO SEE CHANGES IN PHILOSOPHY IN HOW THEY PURSUE THINGS, DEPENDING ON THE MEMBERS THEMSELVES. SO I HOPE I'M ANSWERING YOUR QUESTION SORT OF JUST THEY CAN GIVE THE COUNTY PREFERENCE AND THEY HAVE THEY CAN INDICATE THAT. BUT THAT CAN ALSO CHANGE WITH THE CHANGING OF THE MEMBERSHIP. MAHALO. ANYONE ELSE? MR. SINGH NANCY, I COULD CHAIR AND ALL OF OUR COLLEAGUES WERE COMING AND TESTIFYING. YOU SAID TO ME AND SO I CAN TELL THAT YOU ARE A MAN OF PROACTIVE AND PROGRESSIVE. IF YOU WERE ABLE TO WHEN YOU WERE AS A MALE, YOU WERE TRYING TO TO ACQUIRE THESE PIECES SO BRIDGES THESE WATER SYSTEMS. SO MY QUESTION IS, AS THE MAYOR, DID YOU ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE? WE COULDN'T GET THE STATE TO ACTUALLY COMMIT BECAUSE WE WANTED TO HOLD FROM MR. YIRRKALA THAT THE COUNTY COULD DO THAT TO ACQUIRE YOUR LEASES. THE COUNTY FROM FROM A TECHNICAL STANDPOINT. AND I'M GOING TO SAY THAT THIS IS CLOUDY TO A LITTLE BIT, OKAY, WHEN AND B FIRST CREATED THE EMI SYSTEM, THEY AGREED WITH THE STATE TO BE ABLE TO GIVE STATE THE ABILITY TO USE SOME OF THE SYSTEM. SO IF THE STATE WERE TO TRANSMIT THAT AUTHORITY TO THE COUNTY AND THIS THIS DISCUSSION HAS BEEN CONTESTED BY , IT'D BE OKAY IF THAT TRULY OCCURS AND THIS IS WHAT I'VE SEEN, THEN WE COULD UTILIZE THE EMI SYSTEM IF IF THE STATE IS WILLING TO TRANSMIT THIS AUTHORITY, WE DON'T HAVE TO BUY THE SYSTEM OR WE HAVE TO DO IS GET THE STATE TO GIVE US THE RIGHT TO USE IT NOW IN THE DITCH ITSELF. IF WE WERE TO, LET'S SAY, ARTIFICIALLY PUT IN PLASTIC PIPES ALL THE WAY, YOU COULD PUT IT WITHIN THE DITCH SYSTEM ITSELF AND STILL HAVE DUAL USE. YOU CAN HAVE AGRICULTURAL AND YOU COULD HAVE DOMESTIC WATER USE TAKING THE UNDERGROUND WATER, WHICH IS A LOT CLEANER. SO YOU DON'T HAVE TO GO THROUGH ALL THE TREATMENT PROCESS OF SORT OF SURFACE WATER THAT PICKS UP ALL THE LEAVES AND EVERYTHING ELSE. OKAY. THANK YOU. YOUR CREW MEMBERS, ANY OBJECTIONS DESIGNATING A MIRACLE A RESOURCE PERSON WHEN THIS ITEM COMES UP? NO. NO OBJECTIONS. WHICH ITEM TO THE EAST MAUI WATER AUTHORITY? I MEAN, THE COMMUNITY AUTHORITY. YES. IT'S JUST THAT WE'VE WE'VE DESIGNATED SOME OF OUR RESOURCES . WE'VE HAD ABOUT SHARE. WE'VE HAD ABOUT 15 MEETINGS ON THIS THAT WE'VE HAD BOTH IN THE GREAT COMMITTEE, THE AAPT COMMITTEE AND SO SOME OF THE THINGS THAT TO RESPECT A LOT OF THE THINGS AS WHAT MR. MAYOR IS CITING, AS IS HAS CHANGED WELL DURING THOSE DISCUSSIONS. YEAH, I APPRECIATE HIM BRINGING THOSE UP, BUT THAT'S JUST NOT SIMPLY OKAY AND OBJECTIONS TO HAVING THE MAYOR BE A RESOURCE PERSON WHEN THIS MATTER COMES UP, DECISIONS . OBJECTION. CAN WE TAKE A ROLL-CALL VOTE AND WE'LL HAVE A MOTION MOTION? YEAH, I MOVE TO HAVE MAYOR ARAKAWA BE A RESOURCE WHEN WE TAKE UP THE WATER AUTHORITY ITEMS ON THE AGENDA. SECOND, IT MOVED BY THANK YOU

MEMBERS, AND WE'RE ALSO GOING TO VOTE MEMBER MOLINA TO HAVE MAYOR ARAKAWA BE A RESOURCE PERSON WHEN THIS MATTER COMES UP, WHICH IS THE COMMUNITY WATER AUTHORITY MATTER BEFORE THE COURT AT THAT TIME, WHENEVER THAT IS . YEAH, OK. ANY DISCUSSION ? YES, I WOULD LIKE HIM TO BECAUSE OF HIS HISTORICAL KNOWLEDGE AND ACTUALLY HANDS ON EXPERIENCE WITH WORKING WITH THIS AND TO BE HIS HIS EXPERIENCE IS EMBEDDED IN FACTUAL HISTORY, YOU KNOW, BASED UPON THE YEARS OF SERVICE THAT YOU KNOW, THAT HE HAS GIVEN TO THE COUNTY AS A COUNCIL MEMBER. BUT YOU KNOW, OF COURSE, AS A THREE TERM MAYOR, WHICH IS VERY SIGNIFICANT TO ME, IT'S ALMOST LIKE WRITING A HISTORY BOOK. SO THAT'S MY REASON. THANK YOU. ANY MORE DISCUSSION MEMBERS AND THEN MEMBER KING? YEAH, THANK YOU. CHAIR AND ALL DUE RESPECT, MAYOR, I THINK, YOU KNOW, THIS ENTIRE PROCESS WAS BASED ON THE PREFACE THAT THE COUNTY CAN ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE AT THE CURRENT MAYOR AND CAN DO SO. AND SO IF THE MAYOR DOESN'T FEEL THAT THE COUNTY IS ABLE TO DO THAT AND THAT THAT WAS PRESENTED TO US IN OUR OCTOBER AAPT MEETING BY MR. IN A COLLEAGUE FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES. SO THAT THAT WAS THE PREMISE THAT BEGAN THIS THIS ENTIRE PROCESS. SO WITH THAT AS MY OBJECTION TO FUTURE KING EACH YEAR, YEAH, I REALLY APPRECIATE YOU CALLING ME HERE AND GIVING US YOUR PERSPECTIVE . WE HAD A PRETTY ROBUST DISCUSSION, I THINK, WITH HIM ON THE FLOOR, AND I FEEL LIKE IT WOULD BE INAPPROPRIATE TO HAVE HIM BE A RESOURCE BECAUSE WE'VE HAD SO MUCH HAPPEN TO THIS POINT THAT HE HAS NOT BEEN A PART OF THAT HAVE BEEN NEW REVELATIONS OR OUR INTERACTIONS WITH THE STATE DIRECTLY. AS COUNCIL MEMBERS SINCE, HE SAID. SO I'M NOT SURE. I MEAN, I'VE I'VE I APPRECIATE WHAT I'VE HEARD, BUT I'M NOT SURE THAT THERE COULD BE A LOT ADDED TO THE DISCUSSION FROM WHAT YOU KNOW, ALL THE MEETINGS THAT WE'VE HAD ON THIS ISSUE. SO THAT'S YOUR OBJECTION. ALL RIGHT. ANYONE ELSE? REMEMBER MOLINA? YEAH. THANK YOU, MADAM CHAIR. AND ALL OF THEM HAVE BEEN ON A COUNCIL. I HAVE NEVER OPPOSED ANYONE'S REQUEST TO HAVE A RESOURCE, AND YOU DON'T EVEN HAVE TO CALL ON THE RESOURCE IF YOU DON'T WANT TO. SO IN FAIRNESS, AND I HOPE IT'S NOT BEING HAS SOMETHING TO DO WITH POLITICS HERE, THE FORMER MAYOR CAN BRING A PERSPECTIVE AS A MAYOR TO SEE, YOU KNOW, BECAUSE THE COUNCIL WE INITIATE LEGISLATION, THE MAYOR AND THE EXECUTIVE DEPARTMENT, THEY HAVE TO CARRY OUT THESE LAWS. AND IF IT'S THE WILL OF THE PEOPLE TO APPROVE A CHARTER AMENDMENT AND YOU KNOW, THE MAYOR CERTAINLY HAS AN ADMINISTRATION TO HAVE A ROLE WITH ALL OF THIS. SO IT'S MORE ABOUT JUST A SHARING OF PERSPECTIVE. AND YOU KNOW, THAT'S JUST HOW I TAKE IT, AND I APPRECIATE ANYONE WHO WANTS TO BE A RESOURCE. AND, YOU KNOW, SO I THINK WE SHOULD ALWAYS MAKE OURSELVES AVAILABLE TO HEAR WHOEVER HAS WHEREVER THEY'VE BEEN IN THE WHOLE, YOU KNOW, WATER MATTER. OF COURSE, THE FORMER MAYOR FOR A LONG TIME WAS INVOLVED IN A LOT OF WATER DISCUSSIONS. WHETHER YOU AGREE OR DISAGREE, SO FOR ME, I DON'T HAVE A PROBLEM IF HE WANTS WANTS TO BE A RESOURCE, BUT IF OTHERS DO, I'LL RESPECT THAT. WELL, AGAIN, JUST IN GENERAL, IT'S ABOUT, YOU KNOW, TAPPING INTO ALL OF OUR RESOURCES OUT THERE IN THE COMMUNITY FOR CONTENTIOUS ISSUES. SO THAT'S JUST MY TAKE. MADAM CHAIR, THANK YOU. ANY OTHER COMMENTS ? NO. AND I'LL JUST SAY THAT I AGREE WITH MR. MOLINA. IT WOULD BE NICE TO HAVE A MORE BALANCED PERSPECTIVE . AND BECAUSE WE ALREADY KNOW THE TWO DESIGNATED RESOURCE PEOPLE ARE STRONG ADVOCATES OF THIS PROPOSAL, WHICH IS FINE , BUT APPARENTLY THEY'RE BEING . IT SEEMS HERE THAT NO NO ONE ELSE IS BEING CONSIDERED BECAUSE THERE MAY BE DISSENSION . SO AT THIS TIME, I'D LIKE TO TAKE THE VOTE, COUNCILMEMBER SHANE SIN AND SEE NO COUNCILMEMBER MIKE MOLINA. ALL RIGHT, COUNCILMEMBER KELLY T. KELLY, TAKAYA KING. NO. COUNCIL

MEMBER GABE JOHNSON. SO COUNCIL MEMBER TAMARA PALTAN, OH, NO, THANK YOU. BUT I DON'T KNOW THAT I'VE EVER TAKEN A VOTE BEFORE PUBLIC TESTIMONY WAS CLOSED. SO IT'S MAKING SURE WE'RE NOT VIOLATING ANY LAWS . WE'RE TAKING A VOTE ON WHETHER SOMEONE CAN BE A RESOURCE PERSON OR NOT. SO WE WOULDN'T BE TAKING IT AFTERWARDS, REBOOKING ALL OF WILL. NO. THANK YOU. OKAY. COUNCILMEMBER YUKI SUKI MARA YES. THE PRO TEM TASHA KAMA EXCUSED COUNCIL VICE CHAIR COUNTY RAWLINS FERNANDEZ. NO . COUNCIL CHAIR ALICE OF THE I EITHER WITH FIVE EYES THREE. I MEAN FIVE NO'S THREE EYES ONE EXCUSE . THE MOTION FEELS WELL, BUT WE DO. THANK YOU, MR. MAYOR, FOR YOUR YOUR TESTIMONY HERE TODAY. FURTHER QUESTIONS FOR THE MAYOR . I HAVE. I WOULD LIKE TO. I COULD JUST TALK ABOUT THE FEASIBILITY AND WHAT HE SEES AND STEPS FORWARD. WELL, UNFORTUNATELY, HE DIDN'T COVER THAT PART. SO, YOU KNOW, WE ONLY WANT TO STAY WITH CLARIFICATION. ANY MORE CLARIFICATION QUESTIONS? IF NOT, THANK YOU VERY MUCH, MR. MAYOR. THANK YOU . EVERY YEAR, WE HAVE ONE MORE INDIVIDUAL WHO SIGNED UP TO TESTIFY, AND THAT WOULD BE FAITH CHIEFS, RIGHT ? ALOHA, CHARLIE, ALOHA COUNCIL MEMBERS. I JUST WANTED TO SAY THANK YOU FOR LISTENING TO ALL THE CITIZENS RESIDENTS OF MAUI AND JUST REMIND THIS BODY THAT IF YOU ARE 70 PLUS TESTIFIERS IN FAVOR FOR THIS EAST MAUI WATER COUNCIL AND THE WATER COUNCIL, THE MAUI COUNTY WATER COUNCIL, AND IF YOU VOTE AGAINST THIS, YOU'RE VOTING AGAINST YOUR PEOPLE. SO JUST KEEP THAT IN MIND. THANK YOU SO MUCH FOR YOUR TIME TODAY. WELL, THANK YOU. ARE THERE ANY QUESTIONS ? NO QUESTIONS MEMBERS FOR THE TESTIFYING? IF NOT, THANK YOU VERY MUCH. MADAM CLERK. WELL, WE DID. WE DO NOT HAVE ANY OTHER TESTIFIERS NOTED. IF ANYONE TESTIFIED BUT WOULD LIKE TO DO SO, PLEASE IDENTIFY YOURSELF NOW. THIS IS THE LAST CALL FOR TESTIFIERS CHAIR. NO ONE HAS. NO ONE ELSE HAS INDICATED THAT THEY WISH TO TESTIFY, AND WE HAVE RECEIVED WRITTEN TESTIMONY AS MEMBERS. ARE THERE ANY OBJECTIONS TO RECEIVING A WRITTEN TESTIMONY INTO THE RECORD AND TO CLOSING PUBLIC TESTIMONY? OBJECTION CHAIR . YES. YES. IN ALL, THIS IS SOMETHING PAUL REACHED HIS HAND WHEN HE SAID IF ALOHA, ALOHA , I'M SORRY, MADAM CLERK. YES, I THINK THE MEMBER SAID. THERE'S ONE MORE TEST TO FIRE , WOULD YOU ALONG WITH ALOHA? CAN YOU ALL HEAR ME? PAUL RAISED HIS HAND AND NOW HE'S SAYING, ALOHA, CAN YOU HEAR ME? ALOHA. CAN YOU HEAR ME? MEMBERS? DO YOU HAVE ANY OBJECTIONS TO LETTING THIS PERSON BE THE LAST AS THE FIRE? HE DID COME ON LINE AFTER WE HAD ASKED FOR TESTIFIERS . OBJECTION OBJECTIONS. NO OBJECTIONS. OK. MATT, CAN YOU CALL THE TEST TO FIRE? PLEASE ? ALOHA. CAN YOU ALL HEAR ME? CAN YOU STATE YOUR NAME FOR THE RECORD, PLEASE? YES, MY NAME IS PAUL KELLY AND I COME FROM LAHAINA. AND JUST WANTED TO TESTIFY IN SUPPORT OF BOTH MEASURES. THE 22-151 , AS WELL AS THE TWENTY TWO DASH FIVE SIX ON THE AGENDA TODAY AND THE HANA COMMUNITY OR THE WEST. THE EAST MAUI COMMUNITY IS A VERY LOVING COMMUNITY. THERE ARE MANY, MANY PEOPLE IN THAT COMMUNITY WHOM I LOVE VERY MUCH FRIENDS, FAMILY, SO ON AND SO FORTH, AND THEY HAVE ENDURED MANY GENERATIONS OF WATER THEFT AND JUST LIKE LYING ON , WE WHO, YOU KNOW, WE ARE VERY MUCH FAMILIAR WITH THAT WATER THEFT, WHICH WHICH EXACERBATED THE LAND THEFT . AND SO FOR ANY GOVERNMENTAL AGENCIES TO ALLOW THE PLANTATIONS OR THE PLANTATION MINDED CORPORATIONS OUT THERE TO CONTINUE TO TAKE WATER FROM THE EAST END WITHOUT THE APPROVAL, WITHOUT THE CONCESSION ON THE PART OF THE THE EAST MAUI PEOPLE IS A TRAGEDY AND IS A CRIME. I THINK THE DECISION TO DISTRIBUTE WATER , WHICH IS EQUAL TO THEIR WEALTH OVER ON THE EAST END OF MAUI, THE DECISION IS A IS A SACRED ONE ONTO ONTO THE PEOPLE OF EAST MAUI AND SAW THE DISTRIBUTION OF THEIR WEALTH SHOULD BE IN THEIR HANDS AND SHOULD BE ULTIMATELY MADE BY THEIR DECISIONS. SO WITH THAT, I'D LIKE TO SAY ALOHA TO ALL THE EAST MAUI WATER

PROTECTORS AND FIGHTERS OVER THE GENERATIONS. YOU HAVE CERTAINLY BEEN AN INSPIRATION TO THE WEST MAUI WATER PROTECTORS, AND I WANT THIS COUNCIL TO PASS IT THROUGH MAHALO MEMBERS. ARE THERE ANY QUESTIONS OR THE TESTIFIERS? MEMBER PALTAN ? THANK YOU. THANK YOU, MR. KEOKI. JUST CLARIFYING YOUR INITIAL PART OF THE COUNTY WIDE OPPORTUNITY, AS WELL AS THE EAST MAUI ONE. ABSOLUTELY RIGHT ON. THANK YOU AND I LOVE YOU. AND I JUST SAID, PAUL, THANK YOU , THEN NOBODY CAN HEAR YOU. HE YOUR LAST CALL FOR A TESTIFIERS. ANYONE ONLINE IN THE BUILDING WITH 10 MORE SECONDS . OKAY, MADAM CLERK, I DON'T THINK THERE IS ANYONE IN YOU. NO ONE HAS INDICATED THAT THEY WISH TO TESTIFY. AND SO I'LL ASK YOU ONCE AGAIN MEMBERS ARE THERE ANY OBJECTIONS TO RECEIVING WRITTEN TESTIMONY INTO THE RECORD AND TO CLOSING PUBLIC TESTIMONY? NO, THAT I CAN SAY NOW, WHAT WOULD YOU LIKE TO DO? IT'S FAR MORE THAN RESOURCED. I THINK WE'RE LOOKING AT DINNER. OKAY, SO WE'RE LOOKING AT A ONE HOUR DINNER RESUMING AT 7:00, 7:30 7:30. YES, I REMEMBER MOLINA. YEAH, NO. BEFORE WE TAKE A DINNER BREAK, MAYBE WE CAN DO SOME OF THE LIGHTER STUFF BEFORE GOING TO BREAK, YOU KNOW, LIKE THE MINUTES AND RE CONSENT CALENDAR. JUST A COUPLE OF SMALL THINGS . HE'S ALREADY . I MIGHT. I THINK IF WE DID THAT FIRST, WE MADE IT THROUGH EARLIER MEMBERS. YOU WANT TO TAKE SOME OF THE LIGHTER ITEMS FIRST BEFORE GOING TO DINNER OR DINNER. MEMBER JOHNSON, SURE, I DON'T KNOW THE BODY'S SCHEDULE NEXT WEEK, BUT WOULD HE BE INTERESTED IN RECESS UNTIL NEXT WEEK? AND DUE TO THIS, I SEE PEOPLE SHAKING THEIR HEADS. NO, OKAY. FIGURED I'D ASK . OK, SO MEMBERS, YOU WANT TO TAKE, YOU KNOW, LIKE GO FOR 10 MINUTES AND THEN TAKE AN HOUR AND A HALF BREAK OKAY MADAM CLERK, GOOD TO DO THE MINUTES AND THE CONSENT CALENDAR AND A FEW EASY THINGS. OKAY. PROCEEDING WITH MINUTES YOU HAVE BEFORE YOU FOR APPROVAL . THE MINUTES FROM THE REGULAR MEETING OF APRIL 1ST, 2022 BY CHERYL FERNANDEZ. I MOVED TO APPROVE THE MINUTES AS READ BY THE CLERK SO I CAN MOVE BY. BY CHERYL. HIS FATHER IS TAKEN BY MEMBER KING TO APPROVE THE MINUTES OF APRIL 1,, 2020 TO DISCUSSION, IF NOT ALL THOSE IN FAVOR OF THE MOTION. RAISE YOUR HAND AND SAY I NEED A ZERO NO'S. ONE EXCUSE MOTION CARRIES AMARA. WAS IT ON? OH OKAY, ALL THOSE IN FAVOR OF THE MOTION RAISE YOUR HAND AND SAY HI. ALL RIGHT, EVERYBODY HAS. YOU'RE GOING TO BE HERE FOR 10 MINUTES ONLY. SO EVERYBODY STAY ONLINE, OK? SO AGAIN, ALL THOSE IN FAVOR OF THE MOTION RAISE YOUR HAND AND SAY, I I I HATE EYES ZERO NO'S ONE EXCUSE MOTION CARRIES ERIC PROCEEDING WITH THE CONSENT CALENDAR YOU HAVE BEFORE YOU COUNT OF COMMUNICATION. TWENTY TWO DASH ONE 48 FROM FINANCE INFORMING OF THE ACCEPTANCE OF A ROADWAY LOT AND A ROAD WIDE ROAD WIDENING LINE WELL. HILL SUBDIVISION LOTS 382 AND 383 TMK PERSON TO PERSON TWO DASH THREE, DASHZERO TWO TO CALL AND ONE FOUR, FOUR AND ONE FOUR OR FIVE AND COUNTY COMMUNICATION. TWENTY TWO DASH ONE FOUR NINE FROM YOUR COMMUNITY. THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM MANAGER TRANSMITTING A NOTICE OF GRANT AWARD FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF THE COMMUNITY PLANNING AND DEVELOPMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED SIXTY EIGHT THOUSAND ONE HUNDRED NINETY THREE DOLLARS BY ZERO FOR AN EARLY PART TIME MOVE TO FILE ALL ITEMS ON THE CONSENT CALENDAR WITH BY BY CHERYL FERNANDEZ, SECONDED BY MEMBERS, AND THEN SEE THE FILE ALL ITEMS ON THE CONSENT CALENDAR DISCUSSION, IF NOT ALL THOSE IN FAVOR OF THE MOTION. RAISE YOUR HAND AND SEE I I. ALL RIGHT, ED EYES YOUR NOSE ONE EXCUSE MOTION CARRIES YOUR PROCEEDING WITH COUNTY COMMUNICATIONS YOU HAVE BEFORE YOU COUNTY CAN BE LIKE, OH, LET'S JUST DO ONE. OKAY, TWENTY TWO DASH ONE FIVE ZERO FROM YOUR DIRECTOR OF FINANCE TRANSMITTING EIGHTY FIVE CONTRACTS AND GRANTS FOR MAY TWENTY TWENTY TWO .

BY CHERYL FERNANDEZ FAMILY TO FILE COUNTY COMMUNICATIONS TWENTY TWO THOUSAND FIFTY EXCEPT THOSE GRANTS AND CONTRACTS THAT COUNCIL MEMBERS REQUEST FOR COMMITTEE REFERRAL. SECOND, ONLY BY FOR FERNANDEZ TAKEN BY MEMBER SIGI MURA TO FILE THE CONTRACTS EXCEPT FOR THE END GRANTS , EXCEPT FOR THOSE WHO WILL BY THE MEMBERS, MEMBERS, PEOPLE, MEMBERS WHO YOU MIGHT THINK YOU ARE ON TRACK SEE SEVEN FIVE SEVEN EIGHT ABOUT SPEED TABLES. SEE SEVEN FOUR SEVEN EIGHT, WHILE THE EXTENSION C SEVEN FIVE EIGHT TWO PUKALANI TERRACE SUBDIVISION PAVEMENT AND THESE SEVEN EIGHT ONE NINE, WHICH IS INVESTMENT GRADE AUDIT FOR JOHNSON CONTROL. THANK YOU ANY MORE MEMBERS REMEMBER PALTAN, BARBARA WALTON? THANK YOU, TERRY. CAN I GET SEE SEVEN FIVE EIGHT FOUR. LAURA WENT ON PLANNING ROAD REHABILITATION. SEE SEVEN FOUR ONE NINE DASH ONE LINE. I SEE THE AMBASSADOR PROGRAM TO EACH AND D FIVE FIVE SEVEN NINE. HEALTH CARE WORKFORCE DEVELOPMENT TO HBP, AS WELL AS THE FIRST ONE, WAS FOR I'M SORRY IF I DIDN'T SPECIFY OKAY AND THEN ANYBODY ELSE ANY OBJECTIONS TO THESE ITEMS JUST REFERRED TO BY THE TWO COUNCILMEMBERS. NO OBJECTIONS, OKAY. OBJECTIONS TO ORDERED. SO ANY OBJECTIONS TO TAKE THE VOTE ON FILING FILING THE REST OF THE CONTRACTS, EXCEPT THOSE JUST NOTED ALL THOSE IN FAVOR OF FILING THE CONTRACTS. READ IN THE I I EIGHT I'S ZERO NO'S ONE EXCUSE MOTION CARRIES. OKAY, SO THE NEXT PAGE BEGINS MORE SUBSTANTIVE MATTERS. AND SO WE TAKE A BREAK NOW. IT'S ABOUT SIX OR 2S OR 7:30. EVERYBODY . SAME TIME. SAME PLACE. ALL RIGHT. WELL, I MEANT, YOU KNOW, IN GENERAL, I MEAN, AT THE SAME TIME, OKAY? THIRTY SEVEN, THIRTY. BE BACK. PROBABLY NOW. OKAY. ALL RIGHT. MEANING A RECESS OKAY. NOW, WHAT WOULD YOU LIKE TO DO? IT'S FIVE, IT'S MORE THAN RECESS. I THINK WE'RE LOOKING AT DINNER. OKAY, SO ARE WE LOOKING AT A ONE-HOUR DINNER AND RESUMING AT SEVEN? 7:30? MADAM CHAIR? CHAIR? YES, MEMBER MOLINA. YEAH, NO, BEFORE WE TAKE A DINNER BREAK, MAYBE WE CAN DO SOME OF THE LIGHTER STUFF BEFORE GOING TO BREAK. YOU KNOW, LIKE THE MINUTES, MAYBE CONSENT CALENDAR, JUST A COUPLE OF SMALL THINGS. EAST MAUI WATER AUTHORITY. THAT MIGHT TAKE, THAT MIGHT TAKE A FEW . . . ACTUALLY, IF WE DID THAT FIRST, WE MIGHT GET THROUGH EARLIER. MEMBERS, YOU WANT TO TAKE SOME OF THE LIGHTER ITEMS FIRST BEFORE GOING TO DINNER, A DINNER BREAK? MEMBER JOHNSON. CHAIR, I DON'T KNOW THE BODY'S SCHEDULE NEXT WEEK, BUT WOULD ANY BE INTERESTED IN RECESSING TILL NEXT WEEK AND DO THIS, I SEE PEOPLE SHAKING THEIR HEADS NO. OKAY. FIGURE I'D ASK. OKAY, SO MEMBERS, YOU WANT TO TAKE UP, YOU KNOW, LIKE GO FOR TEN MINUTES AND THEN TAKE AN HOUR AND A HALF BREAK? OKAY. MADAM CLERK, WE'RE GOING TO DO THE MINUTES AND THE CONSENT CALENDAR AND A FEW EASY THINGS. OKAY, PROCEEDING WITH MINUTES. THE MINUTES OF THE COUNCIL OF THE COUNTY OF MAUI'S REGULAR MEETING OF APRIL 1, 2022, WAS PRESENTED AT THIS TIME. VICE-CHAIR RAWLINS-FERNANDEZ. MAHALO, CHAIR. I MOVE TO APPROVE THE MINUTES AS READ BY THE CLERK. SECOND. SECOND. MOVED BY VICE-CHAIR RAWLINS-FERNANDEZ, SECONDED BY MEMBER KING, TO APPROVE THE MINUTES OF APRIL 1, 2022. DISCUSSION? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY "AYE". EIGHT "AYES", ZERO "NOES", ONE "EXCUSED" MOTION CARRIES. TAMARA WASN'T ON? OKAY, ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY "AYE". MINUTES ONLY. SO, EVERYBODY STAY ONLINE, OKAY? SO, AGAIN, ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY "AYE". EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. OKAY. OKAY. CHAIR, PROCEEDING WITH THE CONSENT CALENDAR. COUNTY COMMUNICATIONS NO. 22-148 SCOTT K. TERUYA, DIRECTOR OF FINANCE, INFORMING OF THE ACCEPTANCE OF A ROADWAY LOT AND A ROAD WIDENING LOT, PUEO HILL SUBDIVISION, LOTS 382 & 383, TMK: (2) 2-3-022:144 & 145. NO. 22-149 JOSEPH PONTANILLA, COMMUNITY DEVELOPMENT BLOCK GRANT MANAGER,

TRANSMITTING A NOTICE OF GRANT AWARD FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM IN THE AMOUNT OF \$1,868,193. VICE-CHAIR RAWLINS-FERNANDEZ. MAHALO, CHAIR. I MOVE TO FILE ALL ITEMS ON THE CONSENT CALENDAR. SECOND. MOVED BY VICE-CHAIR RAWLINS-FERNANDEZ, SECONDED BY MEMBER SINENCI, TO FILE ALL ITEMS ON THE CONSENT CALENDAR. EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. CHAIR, PROCEEDING WITH COUNTY COMMUNICATIONS. YOU HAVE BEFORE YOU COUNTY LET'S JUST DO ONE, OKAY? COUNTY COMMUNICATIONS NO. 22-150 SCOTT K. TERUYA, DIRECTOR OF FINANCE, TRANSMITTING 85 CONTRACTS/GRANTS FOR THE MONTH OF MARCH 2022. VICE-CHAIR RAWLINS-FERNANDEZ. MAHALO CHAIR. I MOVE TO FILE COUNTY COMMUNICATION 22-150, EXCEPT THOSE GRANTS AND CONTRACTS THAT COUNCILMEMBERS REQUEST FOR COMMITTEE REFERRAL. SECOND? SECOND. MOVED BY VICE-CHAIR RAWLINS-FERNANDEZ, SECONDED BY MEMBER SUGIMURA, TO FILE THE CONTRACTS, EXCEPT FOR, AND GRANTS, EXCEPT FOR THOSE PULLED BY THE MEMBERS. MEMBERS? MEMBER SUGIMURA. THANK YOU. CONTRACT C7578, ABOUT SPEEDTABLES; C7478, WAIALE EXTENSION; C7582, PUKALANI TERRACE SUBDIVISION PAVEMENT; AND C7819, WHICH IS INVESTMENT GRADE AUDIT FOR JOHNSON CONTROL. THANK YOU. ANYMORE, MEMBERS? MEMBER PALTIN. MEMBER PALTIN. THANK YOU, CHAIR. CAN I GET C7584, LOWER HONOAPIILANI ROAD REHABILITATION; C7419A-1, LAHAINA SAFETY AMBASSADOR PROGRAM TO, HCP; AND G5579, HEALTHCARE WORKFORCE DEVELOPMENT, TO HCP AS WELL. THE FIRST ONE WAS FOR IT, SORRY, IF I DIDN'T SPECIFY. OKAY. AND THEN, ANYBODY ELSE? ANY OBJECTIONS TO THESE ITEMS JUST REFERRED TO BY THE TWO COUNCILMEMBERS? OKAY. SO, ORDERED. SO, ANY OBJECTIONS, LET'S TAKE THE VOTE ON FILING, FILING THE REST OF THE CONTRACTS, EXCEPT FOR THOSE JUST NOTED. ALL THOSE IN FAVOR OF FILING THE CONTRACTS, RAISE YOUR HAND, SAY "AYE". EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. OKAY, SO THE NEXT PAGE BEGINS MORE SUBSTANTIVE MATTERS AND SO, SHALL WE TAKE OUR BREAK NOW? IT'S ABOUT 6:02, SO 7:30, EVERYBODY? SAME TIME, SAME PLACE. ALRIGHT. WELL, I MEANT, YOU KNOW, IN GENERAL, I MEANT THE SAME TIME. OKAY, 7:30 BE BACK PROMPTLY NOW, OKAY? ALRIGHT, MEETING IN RECESS. THE MEETING WAS RECESSED BY THE CHAIR AT 6:02 P.M., AND WAS RECONVENED AT 7:43 P.M. WILL THE MAUI COUNTY COUNCIL MEETING OF JULY 1, 2022 PLEASE RECONVENE. IT'S ABOUT 7:34. MADAM CLERK, CAN WE PLEASE CONTINUE WITH OUR AGENDA? YES, WE CAN CONTINUE WITH WAIT. CAN'T HEAR YOU. NO. 22-151 SHANE M. SINENCI, COUNCILMEMBER, TRANSMITTING A PROPOSED AMENDMENT TO RESOLUTION 22-119, CD1, ENTITLED "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH A MAUI COUNTY COMMUNITY WATER AUTHORITY AND AN EAST MAUI COMMUNITY REGIONAL BOARD". MEMBER SINENCI. THANK YOU, CHAIR. IF THERE ARE NO OBJECTIONS, MAY I REQUEST THAT THIS ITEM BE BROUGHT UP AT THE SAME TIME AS COMMITTEE REPORT 22-56? ANY OBJECTIONS? O OBJECTIONS. NO OBJECTIONS. NO OBJECTIONS. MADAM CHAIR. MEMBER MOLINA. PROCEDURAL QUESTION. 22-56 CAME UNDER THE GREAT COMMITTEE AND I'M SUPPOSED TO, I GUESS, INTRODUCE IT FOR CONSIDERATION. SO, HOW ARE WE GOING TO DO THIS THEN IF WE'RE GOING TO HAVE BOTH? YOU KNOW, MR. SINENCI FIRST DISCUSSED 22-51, WE TAKE A VOTE ON THAT AND THEN WE GO TO, STRAIGHT TO 22-56? IS THAT HOW WE'RE GOING TO PROCEED? MR. SINENCI? YEAH, THANK YOU, CHAIR AND MAHALO MEMBER MOLINA. YEAH, WE WERE GOING TO TAKE MEMBER MOLINA'S LEAD AND THEN REFER TO ME FOR, FOR MY SUBSTITUTION. MEMBER MOLINA, SHALL WE CALL A SHORT RECESS TO YEAH. I'M NOT, I'M NOT CLEAR HOW WE'RE GOING TO, CAUSE MEMBER SINENCI'S PROPOSAL IS UNDER COUNTY COMMUNICATIONS AND MINE IS UNDER COMMITTEE REPORTS. SO, MAYBE, I SEE MR. RAATZ ON, ON THE CALL IF HE WOULD LIKE TO COMMENT. DAVID? THANK YOU,

CHAIR LEE AND COUNCILMEMBER MOLINA. IF I MAY JUST BRIEFLY? AS I UNDERSTAND, THAT'S MEMBER SINENCI'S COUNTY COMMUNICATION. IT'S PRESENTED AS AN AMENDMENT SUMMARY FORM RESPONDING TO THE GREAT COMMITTEE'S COMMITTEE REPORT, WHICH WILL BE PRESENTED BY COUNCILMEMBER MOLINA AS CHAIR OF THAT COMMITTEE. SO, AS I UNDERSTAND THE PROGRESSION FROM LOOKING AT THE DOCUMENTS, WHEN WE GET TO THAT COMMITTEE REPORT, CHAIR MOLINA FROM THE GREAT COMMITTEE WILL RECOMMEND ADOPTION PRESUMABLY OF WHAT THE COMMITTEE RECOMMENDED. AND THEN, AT THAT TIME, AMENDMENTS WOULD BE IN ORDER, INCLUDING PERHAPS COUNCILMEMBER SINENCI'S AMENDMENT SUMMARY FORM AS ATTACHED TO HIS COMMUNICATION. THANK YOU. CHAIR LEE: SO, THE, SO THE REQUEST WAS TO TAKE THIS MATTER UP WHEN THE SAME ITEM COMES UP FOR THE GREAT COMMITTEE? THAT WAS THE PROCEDURAL QUESTION, DAVID? DAVID, COME BACK. SO, THAT, THAT'S, THAT'S ACCEPTABLE, RIGHT? THAT, THAT'S OKAY? DEPUTY DIRECTOR OF COUNCIL SERVICES: YES, THANK YOU. CHAIR LEE: MEMBER MOLINA, DID YOU HAVE ANY MORE QUESTIONS OF DAVID RAATZ? COUNCILMEMBER MOLINA: NO. SO, AS I UNDERSTAND IT THEN, WE'LL, CAUSE WE'RE CURRENTLY ON COUNTY COMMUNICATION 22-51, MR. SINENCI'S PROPOSAL. SO, IS IT, WILL MR. SINENCI, WILL YOU BE INTRODUCING THAT AND THEN WE TAKE A VOTE, OR DO WE JUST SKIP OVER TO COMMITTEE REPORTS 22-56? I DO MY SPIEL AND THEN, THEN YOU COME BACK WITH YOURS? SORRY, I'M STILL NOT QUITE CLEAR. I SEE MR. RAATZ AGAIN. CHAIR LEE: DAVID, COULD YOU EXPLAIN IT AGAIN PLEASE? DEPUTY DIRECTOR OF COUNCIL SERVICES: SURE. SO, WE DO HAVE THE SECTION ON THE MEETING AGENDA FOR COMMITTEE REPORTS. AND MY UNDERSTANDING OF WHAT COUNCILMEMBER SINENCI'S PROPOSING RIGHT NOW IS THAT HIS COMMUNICATION, WHICH HAPPENS TO BE LISTED FIRST ON THE AGENDA, BE DEFERRED UNTIL THE CORRESPONDING COMMITTEE REPORT IS TAKEN UP LATER IN THE MEETING. SO, THEN AGAIN, HIS AMENDMENT WOULD BE IN ORDER AT THAT POINT, BECAUSE IT'S RESPONDING TO THE GREAT COMMITTEE REPORT. COUNCILMEMBER MOLINA: OKAY, SO FROM A PROCEDURAL MATTER THEN, WE JUST SKIP OVER 22-151 AND THEN GO TO COUNTY COMMUNICATION 22-152. FINISH COUNTY COMMUNICATIONS, THEN WE GO TO COMMITTEE REPORTS. THEN WHEN IT GETS TO 22-56, MINE, I DO MY SPIEL AND THEN MR. SINENCI WILL BRING UP CHAIR LEE: AMEND. COUNCILMEMBER MOLINA: 22-151. OKAY. DEPUTY DIRECTOR OF COUNCIL SERVICES: THAT'S CORRECT. COUNCILMEMBER MOLINA: OKAY, I GOT IT. THANK YOU. CHAIR LEE: OKAY, SO NO OBJECTIONS TO DEFERRING CC 22-151 UNTIL WE TAKE UP COMMITTEE REPORT 22-56? OKAY, EVERYBODY GOT THAT? COUNCILMEMBER MOLINA: NO OBJECTIONS. CHAIR LEE: OKAY. SO, MADAM CLERK, THE NEXT CC. COUNTY CLERK: OKAY, THE NEXT CC, ACTUALLY, THE NEXT THREE OF THEM ARE GOING TO BE SOMEWHAT SIMILAR; WAITING FOR ANOTHER ITEM TO COME UP ON THE AGENDA. NO. 22-152 KEANI N.W. RAWLINS-FERNANDEZ, CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, TRANSMITTING A PROPOSED AMENDMENT TO RESOLUTION 22-121, ENTITLED "APPROVING COST ITEMS FOR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 11, FIRE FIGHTERS". NO. 22-153 KEANI N.W. RAWLINS-FERNANDEZ, CHAIR, BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, TRANSMITTING A PROPOSED AMENDMENT TO RESOLUTION 22-122, ENTITLED "APPROVING COST ITEMS FOR BARGAINING UNIT 11, FIRE FIGHTERS". NO. 22-154 KING TAKAYA KING, CHAIR, CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE, TRANSMITTING A PROPOSED AMENDMENT TO BILL 21, CD1 (2022), ENTITLED "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING SEABIRDS FROM OUTDOOR LIGHTING". COUNCILMEMBER KING: CHAIR? CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: CHAIR, IF THERE ARE NO OBJECTIONS, MAY I ASK THE CLERK TO CALL UP THIS COMMUNICATION LATER IN THE AGENDA FOR OUR DISCUSSION ON COMMITTEE REPORT 22-47, WHICH IS AGENDIZED UNDER UNFINISHED

BUSINESS? CHAIR LEE: COMMITTEE REPORT 22 DASH, DID YOU SAY 47?
COUNCILMEMBER KING: SEVEN. CHAIR LEE: OKAY. COUNCILMEMBER KING: UNDER UNFINISHED BUSINESS. CHAIR LEE: OKAY, ANY, ANY OBJECTIONS, MEMBERS? MEMBERS VOICED NO OBJECTION. CHAIR LEE: OKAY, SO ORDERED. NO. 22-155 HELENE KAU, DIRECTOR OF WATER SUPPLY, TRANSMITTING THE STATE OF HAWAII COMMISSION ON WATER RESOURCE WATER USE REPORTS FOR APRIL 2022 FOR ALL REGISTERED WELL REPORTERS IN THE COUNTY OF MAUI. THE RECOMMENDED ACTION IS THAT COUNTY COMMUNICATION NO. 22-155 BE REFERRED TO THE INFRASTRUCTURE AND TRANSPORTATION COMMITTEE. CHAIR LEE: ARE THERE ANY OBJECTIONS TO THE REFERRALS, EXCEPT FOR CR, I MEAN CC 22-154, AS REQUESTED BY MEMBER KING. VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. IF THERE ARE NO OBJECTIONS, I WOULD LIKE TO ASK THAT COUNTY COMMUNICATION 22-152 AND 22-153 BE TAKEN UP THE SAME TIME AS RESOLUTIONS 22-121 AND RESOLUTION 22-122. MEMBERS VOICED NO OBJECTION. CHAIR LEE: OKAY, SO ORDERED. ALRIGHT. SO, THAT LEAVES ONLY ONE. I DON'T THINK MEMBER YUKIMURA SUGIMURA WILL MIND TAKING THAT IN HER IT COMMITTEE. ALRIGHT. NO OBJECTIONS, RIGHT, TO THE REFERRALS? COMMITTEE REPORTS. COUNTY CLERK: PROCEEDING WITH THE COMMITTEE REPORTS. COMMITTEE REPORTS COMMITTEE REPORT NO. 22-55 GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE: RECOMMENDING THAT RESOLUTION 22-165, ENTITLED "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO PROMOTING CLIMATE CHANGE ADAPTATION," BE PASSED ON FIRST READING AND BE ORDERED TO PRINT. CHAIR LEE: MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. I MOVE TO PASS RESOLUTION 22-165 ON FIRST READING. COUNCILMEMBER KING: SECOND. CHAIR LEE: MOVED BY MEMBER MOLINA, SECONDED BY MEMBER KING, TO PASS THIS BILL ON FIRST READING IN ORDER TO PRINT. ANY DISCUSSION, MEMBER MOLINA? COUNCILMEMBER MOLINA: THANK YOU VERY MUCH, MADAM CHAIR. YOUR GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE MET ON JUNE 7 AND JUNE 15, 2022, TO DISCUSS THE PROPOSED RESOLUTION TO PLACE ON THE NEXT GENERAL ELECTION BALLOT THE QUESTION OF WHETHER THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, SHOULD BE FURTHER AMENDED, EFFECTIVE JANUARY 2, 2023, TO ESTABLISH A COUNTY POLICY TO PROMOTE CLIMATE CHANGE ADAPTATION, INCLUDING THE IMPLEMENTATION OF GUIDELINES TO ALLOW TELEWORK AND ALTERNATIVE WORK SCHEDULES FOR CERTAIN COUNTY EMPLOYEES. YOUR COMMITTEE NOTES TELECOMMUTING HAS BEEN WIDELY IMPLEMENTED THROUGHOUT THE COUNTY IN RESPONSE TO THE COVID-19 PANDEMIC. THE ENVIRONMENTAL COORDINATOR ADDED THAT TELECOMMUTING HELPS TO REDUCE GREENHOUSE GAS EMISSIONS, IMPACTS ROADWAYS, AND TRAFFIC. AND BOTH THE MAYOR'S OFFICE OF CLIMATE CHANGE, RESILIENCY AND SUSTAINABILITY AND THE MANAGING DIRECTOR EXPRESSED SUPPORT OF THIS PROPOSAL. YOUR COMMITTEE VOTED 8-0 TO RECOMMEND ADOPTION OF THE PROPOSED RESOLUTION, WITH ONE COMMITTEE MEMBER EXCUSED; MEMBER JOHNSON. THANK YOU. CHAIR LEE: ANY FURTHER DISCUSSION ON THIS RESOLUTION? MEMBER KING. COUNCILMEMBER KING: CHAIR, I, FOR ALL THE REASONS THAT WAS JUST STATED BY THE GREAT COMMITTEE CHAIR, I SUPPORT THIS. AND WE HEARD A LOT OF SUPPORT FROM THE PUBLIC. IT'S ACTUALLY WHAT WE'RE ALREADY DOING, SO IT JUST KIND OF CODIFIES WHAT WE'RE DOING, I GUESS. THANK YOU. CHAIR LEE: ANY MORE DISCUSSION, MEMBERS? LET THE RECORD SHOW THAT MEMBER SUGIMURA IS PRESENT. NOW THERE ARE EIGHT OF US. COUNCILMEMBER SUGIMURA: BUT WAIT, . . . I WANTED TO SAY A FEW WORDS. CHAIR LEE: NO. NO, I WAS JUST SAYING THAT FOR THE RECORD AND THEN I WAS GOING TO CALL ON YOU. COUNCILMEMBER SUGIMURA: OH OKAY. OKAY. CHAIR LEE: SO, I'M CALLING ON YOU. MEMBER SUGIMURA. COUNCILMEMBER SUGIMURA: SO, THANK YOU. I MOVED TO MY KULA OFFICE AND I'M SORRY THAT I WAS A LITTLE BIT LATE. BUT I

WANTED TO JUST SAY, IN BEHALF OF TASHA KAMA CAUSE THIS WAS HER PROPOSED CHARTER AMENDMENT, AND I THINK THAT THE TESTIFIERS AS WELL AS WHAT WE SAID EARLIER EXEMPLIFIES WHAT SHE EXPRESSED DURING COMMITTEE MEETING. SO, THANK YOU VERY MUCH FOR SUPPORTING HER CHARTER AMENDMENT. THANK YOU. CHAIR LEE: OKAY. ANY MORE COMMENTS OR QUESTIONS? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION PASSES. MADAM CLERK. COMMITTEE REPORT NO. 22-56 GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE: RECOMMENDING THAT RESOLUTION 22-119, CD1, ENTITLED "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH THE EAST MAUI COMMUNITY WATER AUTHORITY," BE PASSED ON FIRST READING AND BE ORDERED TO PRINT. CHAIR LEE: OKAY. MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. I MOVE TO PASS RESOLUTION 22-119, CD1 ON FIRST READING. CHAIR LEE: SECOND? COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: MOVED BY MEMBER MOLINA, SECONDED BY MEMBER SINENCI, TO PASS COMMITTEE REPORT 22-56, RECOMMENDING FIRST READING OF RESOLUTION 22-119, CD1 TO PASS FIRST READING. ANY DISCUSSION? MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. YOUR GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE MET ON JUNE 7 AND JUNE 15, 2022, TO DISCUSS RESOLUTION 22-119, WHICH WOULD PLACE ON THE NEXT GENERAL ELECTION BALLOT THE QUESTION OF WHETHER THE CHARTER SHOULD BE FURTHER AMENDED, EFFECTIVE JANUARY 1, 2023, TO ESTABLISH THE EAST MAUI COMMUNITY WATER AUTHORITY AND COMMUNITY BOARD TO:

- 1) PURSUE THE FEASIBILITY OF ACQUIRING THE LONG-TERM WATER LEASE AGREEMENTS FOR THE NAHIKU, KE?ANAE, HONOMANU, AND HUELO LICENSE AREAS, AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO PROVIDE A LONG-TERM RELIABLE SUPPLY OF WATER FOR DOMESTIC AND AGRICULTURAL NEEDS; AND 2)

MANAGE WATER RESOURCES IN A COMPETENT, FISCALLY RESPONSIBLE, AND TRANSPARENT MANNER AS MANDATED BY THE STATE OF HAWAII CONSTITUTION AND PUBLIC TRUST DOCTRINE. YOUR COMMITTEE NOTES HISTORIC CONCERNS HAVE LONG BEEN EMPHASIZED BY LOCAL ELECTED OFFICIALS ABOUT THE APPROPRIATE MANAGEMENT OF WATER IN MAUI COUNTY, AND IN PARTICULAR, THE WATER IN EAST MAUI. YOUR COMMITTEE ALSO NOTES A TEMPORARY INVESTIGATIVE GROUP WAS FORMED BY THE COUNTY BOARD OF WATER SUPPLY TO EXPLORE THE FEASIBILITY OF PURCHASING AND MAINTAINING THE EAST MAUI IRRIGATION COMPANY, LLC WATER DELIVERY SYSTEM AND EXAMINE OTHER ALTERNATIVES FOR ENSURING THAT THE PEOPLE OF MAUI COUNTY HAVE AUTHORITY OVER THE DELIVERY OF WATER. THE PRIMARY RECOMMENDATION FROM THE TIG STATES THAT THE MAUI COUNTY SHOULD IMMEDIATELY APPLY FOR A LONG-TERM WATER LEASE FOR THE NAHIKU, KE?ANAE, HONOMANU, AND HUELO LICENSE AREAS IN THE MAKAWAO AND HANA DISTRICTS, ON THE ISLAND OF MAUI. AND YOUR COMMITTEE FURTHER NOTED THAT, AS A GOVERNMENT AGENCY, THE EAST MAUI COMMUNITY WATER AUTHORITY SHOULD, WOULD HAVE AN UNAMBIGUOUS OBLIGATION TO UPHOLD THE PUBLIC TRUST DOCTRINE AND THE LEGAL OBLIGATIONS OF THE HAWAIIAN HOMES COMMISSION ACT AND THE STATE OF HAWAII CONSTITUTION, AND HAVE THE ABILITY TO OBTAIN SIGNIFICANT PRIVATE, STATE, AND FEDERAL FUNDING NOT AVAILABLE TO PRIVATE, FOR-PROFIT ENTITIES TO MANAGE AND UPGRADE WATER DELIVERY SYSTEMS AND TO PROTECT THE WATERSHED IN LICENSE AREAS. AND ALSO, THE COUNCIL'S AGRICULTURE AND PUBLIC TRUST COMMITTEE MET ON MAY 24, MAY 31, JUNE 14, AND JUNE 28, TO DISCUSS THE PROPOSED CHARTER AMENDMENT. AND YOUR COMMITTEE AMENDED RESOLUTION 22-119 TO PROVIDE CLARITY AND FLEXIBILITY, INCORPORATE INPUT FROM THE COMMUNITY AND THE DEPARTMENT OF THE CORPORATION COUNSEL, AMEND THE EFFECTIVE DATE TO JANUARY 2, 2023, AND MAKE NUMBERING AND NONSUSTANTIVE CHANGES THROUGHOUT. AND YOUR COMMITTEE VOTED 5-3 TO

RECOMMEND THAT RESOLUTION 22-119, CD1 BE PASSED ON FIRST READING, WITH COMMITTEE MEMBER JOHNSON EXCUSED. I THINK I'VE SAID ENOUGH. THANK YOU, MADAM CHAIR. CHAIR LEE: MEMBER SINENCI. COUNCILMEMBER SINENCI: MAHALO CHAIR. AND MAHALO MEMBER MOLINA. MOVE TO SUBSTITUTE RESOLUTION 22-119, CD1, WITH THE PROPOSED FD1 VERSION ATTACHED TO THE ASF FOR GREAT CR 22-56, WHICH HAS BEEN DISTRIBUTED TO YOU. COUNCILMEMBER KING: SECOND. CHAIR LEE: OKAY. ALRIGHT. MOVED BY MEMBER SINENCI, TO SUBSTITUTE WITH THIS, HIS NEW PROPOSAL. WAS THAT DISTRIBUTED DURING THE RECESS? COUNCILMEMBER SINENCI: AND IF STAFF CAN GO AHEAD AND INCLUDE THAT IN THE CHAT. CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. IT'S, IT WAS ON THE AGENDA. THAT WAS THE ITEM THAT MEMBER SINENCI ASKED TO BE TAKEN UP AT THE SAME TIME AS THE CR 22-56. THAT'S 22-151. THAT'S HIS ASF. CHAIR LEE: OKAY. WHEN I LEFT THE BUILDING, IT WASN'T DONE YET. SO, THAT'S WHY I'M ASKING, WAS IT DISTRIBUTED AFTER WE, AFTER WE LEFT THE BUILDING? OKAY, MAYBE I SHOULD ASK, WHEN WAS IT DISTRIBUTED? COUNCILMEMBER KING: LOOKS LIKE MR. RAATZ CHAIR LEE: MR. RAATZ. DEPUTY DIRECTOR OF COUNCIL SERVICES: THANK YOU, CHAIR. SO, THERE WAS AN AMENDMENT SUMMARY FORM LISTED ON THE MEETING AGENDA FROM COUNCILMEMBER SINENCI, AS WE WERE DISCUSSING EARLIER, WITH THE PRIMARY FOCUS OF EXTENDING THE WATER AUTHORITY PROPOSAL TO COUNTYWIDE INSTEAD OF JUST EAST MAUI. THERE'S BEEN A NEW AMENDMENT SUMMARY FORM THAT WAS JUST EMAILED TO THE COUNCILMEMBERS THAT I UNDERSTAND WILL SUPERSEDE WHAT WAS POSTED ON THE AGENDA. IT'S VERY SIMILAR IN TERMS OF NOTICE. SO, WE BELIEVE THAT THE NEW AMENDMENT SUMMARY FORM IS FAIR GAME UNDER THE SUNSHINE LAW. BUT WE UNDERSTAND THAT'S WHAT COUNCILMEMBER SINENCI WILL BE ASKING THE BODY TO WORK FROM AT THIS POINT. THANK YOU, CHAIR. CHAIR LEE: YEAH, THE NEW ONE, RIGHT? THE NEW ONE? VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. MY APOLOGIES FOR THAT CONFUSION. I HAVE A QUESTION FOR MR. RAATZ. MR. RAATZ, IF BY DOING THE SUBSTITUTION, USUALLY WHEN WE SUBSTITUTE, THERE'S NO FURTHER AMENDMENTS THAT CAN BE MADE. WOULD WE JUST WAIVE A RULE, SO IF WE WANTED TO MAKE FURTHER AMENDMENTS OR CAN WE JUST MAKE FURTHER AMENDMENTS? CHAIR LEE: DAVID? DEPUTY DIRECTOR OF COUNCIL SERVICES: THANK YOU, CHAIR. AND THANKS FOR THE QUESTION, VICE-CHAIR. WE'VE LOOKED AT ROBERT'S RULES AND WE BELIEVE THAT THE MESSAGE ABOUT A MOTION TO SUBSTITUTE IS THAT WHILE THAT MOTION IS PENDING THERE SHOULDN'T BE FURTHER AMENDMENTS. IT SHOULD BE A STRAIGHT UP OR DOWN VOTE ON THAT MOTION TO SUBSTITUTE. BUT AFTER THAT MOTION IS DEALT WITH, THEN FURTHER AMENDMENTS WOULD BE IN ORDER. THANK YOU. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO MR. RAATZ. MAHALO CHAIR. CHAIR LEE: ANY MORE DISCUSSION? MEMBER KING? COUNCILMEMBER KING: YEAH, WAS THAT, SO MR. RAATZ, THE NEW, THE NEWEST VERSION WAS JUST EMAILED? I DON'T SEEM TO HAVE IT, SO IF YOU COULD SEND IT TO MY DIRECT EMAIL THAT WOULD BE HELPFUL, SINCE MY STAFF IS, I LET MY STAFF GO HOME. VICE-CHAIR RAWLINS-FERNANDEZ: I'LL FORWARD IT. COUNCILMEMBER KING: THANK YOU. CHAIR LEE: MEMBERS, DO YOU, DO YOU WANT FIVE MINUTES TO READ IT? COUNCILMEMBER SUGIMURA: YES, PLEASE. CHAIR LEE: I HAVEN'T READ IT MYSELF. OKAY. IT IS, OKAY, WE CAN RETURN AT 5:50, 5:60, 5:60. COUNCILMEMBER KING: WELL, IT'S 7:53, SO I THINK YOU MEAN 8? CHAIR LEE: YEAH, THAT'S WHAT I MEANT. I WAS GOING TO SAY 8 O'CLOCK, BUT I SAID 5:60. OKAY, 8 O'CLOCK, SO THAT GIVES US A FEW MINUTES. AND IF YOU HAVEN'T RECEIVED IT, CAN YOU CHECK WITH DAVID? COUNCILMEMBER KING: GOT IT. THANKS KEANI. CHAIR LEE: ALRIGHT. MEETING IN RECESS TILL 8:00. THE MEETING WAS RECESSED BY THE CHAIR AT 7:53 P.M., AND WAS RECONVENED AT 8:03 P.M. CHAIR LEE: WILL THE MAUI COUNTY COUNCIL, COUNCIL MEETING OF

JULY 1, 2022, PLEASE RECONVENE. WHERE WERE WE, MS. MADAM CLERK? OKAY, WE PASSED OUT THE ASF'S, SO ARE THERE ANY QUESTIONS ON THIS, MEMBERS? MEMBER SINENCI. COUNCILMEMBER SINENCI: CHAIR, IF I MAY JUST GO AHEAD AND GIVE A BRIEF SUMMARY OF THE ASF? CHAIR LEE: OKAY. COUNCILMEMBER SINENCI: OKAY, MEMBERS, THIS PROPOSED FD1 VERSION CAME AS A RESULT OF OUR MOST RECENT COMMITTEE DISCUSSIONS. IT PROPOSES THAT THE CHARTER BE AMENDED TO CREATE A MAUI COUNTY COMMUNITY WATER AUTHORITY AND AN EAST MAUI REGIONAL COMMUNITY BOARD AND ADMINISTRATOR. ALSO, ALLOWS THE COUNCIL TO CREATE ADDITIONAL REGIONAL COMMUNITY BOARDS AND ADMINISTRATORS AS WARRANTED. IT ALSO AMENDS LANGUAGE THROUGHOUT THE CONSISTENCY AND ADDS OR AMENDS CERTAIN PROVISIONS FOR MORE SPECIFICITY AND CLARIFICATION, INCLUDING: 1. ADDING MORE SPECIFIC CLARIFYING LANGUAGE RELATING TO MEMBERSHIP AREA DESIGNATIONS, AQUACULTURE AND LO'I [SIC] I'A, LOKO I'A PRACTICES, THE BOARD APPOINTMENT OF HAWAIIAN HOMES COMMISSION MEMBER, AND INITIAL BOARD STAFFING. 2. IT AMENDS LANGUAGE RELATING TO THE POWERS, DUTIES, AND FUNCTIONS OF THE REGIONAL COMMUNITY BOARDS, TO BETTER DELINEATE THE RESPONSIBILITIES BETWEEN THE AUTHORITY AND THE DEPARTMENT OF WATER SUPPLY. IT ALSO ESTABLISHES THAT THE REGIONAL BOARD APPOINTS THE REGIONAL ADMINISTRATOR, TO PROVIDE MORE INPUT FROM THE ACCOUNTABILITY TO THE COMMUNITIES. 3. IT ALSO ESTABLISHES THE EAST MAUI REGIONAL ADMINISTRATOR AND PROVIDES FOR THE CREATION OF ADDITIONAL REGIONAL ADMINISTRATORS, THE PROCESS FOR THEIR APPOINTMENT AND REMOVAL, AND THE SALARY TO BE SET BY THE SALARY COMMISSION. 4. IT REMOVES LANGUAGE DETAILING SPECIFIC QUALIFICATION REQUIREMENTS TO PROVIDE MORE FLEXIBILITY IN THE APPOINTMENT PROCESS. 5. IT SPECIFIES THAT WATER AUTHORITY FUNDS ARE KEPT IN SEPARATE FUNDS FOR EACH REGION. 6. AND IT AMENDS THE QUESTION ON THE BALLOT TO REFLECT COUNTYWIDE WATER AUTHORITY WITH REGIONAL COMMUNITY BOARDS TO MANAGE WATER SYSTEMS THAT ARE ACQUIRED BY THE WATER AUTHORITY. THANK YOU, CHAIR. CHAIR LEE: QUESTIONS? MEMBER KING. COUNCILMEMBER KING: CHAIR, THANK YOU, MR. SINENCI. THE ONE THING I'M CONFUSED ABOUT IS THERE'S NO STAFFING OR THERE'S NO DESCRIPTION OF WHAT THE COUNTY COMMUNITY WATER AUTHORITY IS. SO, THERE IS A, UNDER SECTION 6, IT SAYS THAT DELIVERY SYSTEMS ACQUIRED BY THE WATER AUTHORITY INCLUDE THE STATE LICENSE AREAS IN EAST MAUI. BUT THEN, SO IF THERE'S SOMEBODY, IF THERE'S GOING TO BE A COMMUNITY WATER AUTHORITY THAT'S GOING TO ACQUIRE, THERE'S NO, WHO IS THAT? IS THAT GOING TO BE AN ADMINISTRATOR WITH STAFF FOR THE COUNTYWIDE? BUT THEN, UNDER SECTION 8-19.5, IT SAID THAT THE REGIONAL ADMINISTRATORS WILL ACQUIRE WATER SYSTEMS AND LEASES. SO, THAT'S, THE ACQUIRE WATER SYSTEMS AND LEASES TO BE MANAGED BY THE WATER AUTHORITY. SO, I'M A LITTLE BIT CONFUSED OF WHERE THE STRUCTURE OF THE COMMUNITY WATER AUTHORITY COMES IN. CHAIR LEE: MEMBER SINENCI. COUNCILMEMBER SINENCI: THANK YOU, CHAIR. AS THE, EACH REGIONAL BOARD COMES ONLINE, THAT COMMUNITY BOARD WILL SET THOSE STAFF, STAFFING POSITIONS. COUNCILMEMBER KING: OKAY, BUT WHERE'S THE COUNTY, WHERE'S THE COMMUNITY WATER AUTHORITY? SO, SO, WE'RE JUST CREATING A SYSTEM OF REGIONAL BOARDS? WE DON'T REALLY HAVE A COMMUNITY BODY? I THOUGHT THE POINT OF IT WAS TO HAVE A COMMUNITY WATER AUTHORITY, LIKE A COUNTYWIDE WATER AUTHORITY AND THEN THESE BOARDS WOULD BE ADVISING THE DIFFERENT REGIONS. COUNCILMEMBER SINENCI: CHAIR? CHAIR LEE: MR. SINENCI. COUNCILMEMBER SINENCI: MEMBER KING, ARE YOU SPEAKING ABOUT THE BOARD OR JUST THE STAFFING AT THIS ONE? COUNCILMEMBER KING: WELL, I'M JUST WONDERING ABOUT THE STAFFING FOR THE COUNTYWIDE WATER AUTHORITY. BECAUSE THE, THE BOARDS ARE DESCRIBED WITH THE STAFFING AND THE ADMINISTRATOR, BUT THERE'S NOTHING DESCRIBING THE COUNTYWIDE WATER

AUTHORITY, WHICH IS THE UNDER, UNDER THE ITEM, OR I GUESS IT'S PARAGRAPH SIX. IT SAYS THAT THE MAUI COUNTY COMMUNITY WATER AUTHORITY WITH REGIONAL COMMUNITY BOARDS TO MANAGE COLLECTION DELIVERY SYSTEMS ACQUIRED BY THE WATER AUTHORITY. SO, IT SOUNDS LIKE THE WATER, THE WATER AUTHORITY IS GOING TO ACQUIRE THE SYSTEMS BUT THERE HAS TO BE SOMEBODY IN THE COUNTYWIDE WATER AUTHORITY TO DO THAT. CHAIR LEE: MEMBER SINENCI. COUNCILMEMBER SINENCI: THANK YOU, MEMBER KING, FOR THAT QUESTION. IT LOOKS LIKE, SO THOSE STAFFING WOULD BE PROPOSED BY THE COUNCIL. COUNCILMEMBER KING: OKAY, SO THAT WOULD BE, THAT DOESN'T, THAT'S NOT IN THE CHARTER AMENDMENT BUT IT, IT'S INTENTIONED THAT THERE WOULD BE, WE'RE GOING TO CREATE A COUNTYWIDE WATER AUTHORITY AND THEN THE COUNCIL WOULD CREATE THE STAFFING AND A STRUCTURE FOR THAT? OKAY. COUNCILMEMBER SINENCI: CORRECT. COUNCILMEMBER KING: ALRIGHT. THANK YOU. CHAIR LEE: SO, DOES THAT MEAN, MEMBER SINENCI, THAT THAT STRUCTURE NEEDS TO BE CREATED BEFORE THE REGIONAL AUTHORITIES OR BOARDS ARE CREATED? RIGHT? YOU HAVE TO HAVE A CENTRAL ONE, COMMUNITY, THE CENTRAL ONE FIRST, RIGHT? I, I THINK YOU'RE MUTED. I CAN'T HEAR YOU. COUNCILMEMBER SINENCI: OH, SORRY ABOUT THAT, CHAIR. YEAH, THE FIRST, THE FIRST REGION WOULD BE ESTABLISHED WITH THE, THIS AMENDMENT. AND THEN, AS EACH ONE COMES ON, THEN WE'LL BE ADDING EACH REGIONAL ONE. AND IT MIGHT NOT BE, WHETHER IT BE SEVERAL YEARS, BUT WE'RE JUST KIND OF SETTING UP THE STRUCTURE. WE'RE JUST STARTING WITH THE EAST MAUI AND THEN AS MORE REGIONAL BOARDS COME ONLINE, WHETHER THEY DO IT OR NOT, THEN, THEN WE'LL CREATE THAT STAFFING MECHANISM. CHAIR LEE: OKAY. NO, BUT I THOUGHT YOU, THIS AMENDMENT WAS TO CREATE THE MAUI COUNTY COMMUNITY WATER AUTHORITY FIRST, AND THEN, REGIONAL BOARDS UNDER THAT, RIGHT? SO, SO YOU'RE GOING TO PUT STRUCTURE AND STAFFING TO THE MAUI COUNTY COMMUNITY WATER AUTHORITY FIRST, AND THEN BUILD THE OTHER REGIONAL BOARDS. COUNCILMEMBER SINENCI: YES, CHAIR, THROUGH ORDINANCE. CHAIR LEE: OKAY. ANY OTHER QUESTIONS, MEMBERS? MEMBER SUGIMURA. COUNCILMEMBER SUGIMURA: SO, THERE'S GOING TO, YOU'RE PROPOSING THEN REGIONAL COMMUNITY BOARD, EAST MAUI REGIONAL COMMUNITY FIRST, CONCERNED WITH NAHIKU, KE?ANAE, HONOMANU, AND HUELO. AND THEN WHAT AFTER THAT? COUNCILMEMBER SINENCI: CHAIR LEE? COUNCILMEMBER SUGIMURA: IS THERE ANY MORE AFTER THAT, MR. SINENCI, OR IS THIS ONE TO EAST MAUI? COUNCILMEMBER SINENCI: YEAH, MEMBER SUGIMURA, YES, WE'RE JUST STARTING WITH EAST MAUI. AND THEN, AS THE OTHER ONES COME ONLINE, THE OTHER REGIONS WILL COME ONLINE AS THEY PRESENT THEMSELVES. COUNCILMEMBER SUGIMURA: OKAY. AND SO, THAT'S UNDEFINED AT THIS POINT? COUNCILMEMBER SINENCI: YES. YES. YES, WE'RE JUST SETTING UP THE, WE'RE JUST SETTING UP THE STRUCTURE AT THIS MOMENT IN CASE WE WANT TO EXPAND IT. AND LIKE ALL OF THE, ALL OF THE INPUT THAT WE GOT FROM COMMUNITY COUNCILMEMBERS THAT WANT TO EXPAND IT TO DIFFERENT REGIONS, SO WE'RE SETTING UP THAT PROCESS TODAY. COUNCILMEMBER SUGIMURA: AND IN YOUR DOCUMENT YOU TALK ABOUT PURCHASE OF LAND OR I GUESS BY JUST BEING DESIGNATED BY REGION, SO HOW IS THIS BODY GETTING THEIR FUNDING? CHAIR LEE: MEMBER SINENCI. COUNCILMEMBER SINENCI: YEAH, THE FUND WOULD BE SELF-SUSTAINING. COUNCILMEMBER SUGIMURA: FROM WHAT? IS IT FROM WATER FEES IN THE AREA? SO, ALL OF KULA'S WATER THAT WE PAY TO THE COUNTY WILL THEN BE PUT IN THIS, IT'S CALLED A MAUI COUNTY COMMUNITY WATER AUTHORITY FUND. IS THAT WHAT YOU'RE, IS THAT WHAT YOU'RE THINKING? HOW WILL THIS GET FUNDED? COUNCILMEMBER SINENCI: AS DISCUSSED EARLIER, MEMBER SUGIMURA, WE'RE GOING AFTER A LOT OF THE INFRASTRUCTURE GRANTS THAT ARE AVAILABLE OUT THERE AS A SOURCE OF INCOME. BUT WE DON'T HAVE TO FUND IT RIGHT AWAY. SO, WE CAN WORK ON GETTING THOSE FUNDS FIRST. AND ALSO, AS SOME TESTIFIERS HAVE

MENTIONED, IF WE WANT TO GO AHEAD AND PURSUE WATER RATES SHOULD, SHOULD THAT BE, YOU KNOW, ONE OF THE EFFORTS IN FUNDING THE, THE NEW DEPARTMENT. COUNCILMEMBER SUGIMURA: OKAY, I HAVE MORE QUESTIONS. I'LL WAIT. CHAIR LEE: MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. IF I CAN TRY CLARIFY WHAT I THINK IT MEANS IN THE WAY REAL PEOPLE TALK AND NOT THE WAY THAT IT'S WRITTEN LIKE HOW LAWYERS MAKE THINGS. IS IT THAT THE FIRST TIME WHEN MR. BAZ WAS A RESOURCE TO US AND HE SAID, OH, THIS IS A GOOD IDEA BUT YOU SHOULD SET UP THE FRAMEWORK SO THAT ALL THE AREAS COULD TAKE ADVANTAGE OF IT. AND THEN, SO THIS IS THAT, WHAT HE WAS SAYING THAT TIME WHEN WE WASN'T TESTIFYING ON BEHALF OF THE MAYOR, BUT AS A RESOURCE? BUT THEN, YOU HAD ALREADY HAD THE EAST MAUI WATER AUTHORITY THING AND SO IT KIND OF COMBINES THE TWO WHERE WE'RE STILL MOVING FORWARD WITH THE EAST MAUI BOARD BECAUSE IT'S NEEDED. THERE'S A NEED FOR IT. BUT YOU BROUGHT IN MR. BAZ'S RECOMMENDATION THAT SETS UP THE FRAMEWORK FOR FOLKS LIKE MY COMMUNITY OR WHOEVER ELSE'S COMMUNITY BY CHARTER CAN NOW SET IT UP. BUT IT DOESN'T SET IT UP BECAUSE MAYBE WE'LL SEE HOW IT GOES FOR EAST MAUI WATER, OR REGIONAL BOARD FIRST AND THEN, YOU KNOW, LESSONS LEARNED AND SO ON AND SO FORTH. AND MEANWHILE, AS A GOVERNMENT ENTITY, WE CAN GO AFTER THE FEDERAL FUNDS THAT THOSE LADIES FROM THE . . . THAT YOU MET TALKED ABOUT. IS THAT KIND OF WHAT THIS IS IN, IN REAL PEOPLE SPEAK? CHAIR LEE: MR. SINENCI. COUNCILMEMBER SINENCI: OH, THANK YOU, CHAIR. THAT'S CORRECT, MEMBER PALTIN. THE, THIS LEGISLATION HAS DEFINITELY GROWN. BUT IT HAS, BECAUSE OF THE COMMUNITY INPUT AND BECAUSE OF SOME OF THE COUNCILMEMBERS AS WELL AS, LIKE YOU SAID, OTHER DEPARTMENTS THAT WANTED TO SEE IF THIS CAN EXPAND EITHER TO OTHER DEPARTMENTS AND OTHER REGIONS. SO, THAT'S WHY WE'RE HERE TONIGHT, TO ADD ON THE, THOSE REGIONAL BOARDS. COUNCILMEMBER PALTIN: WELL, IN THAT CASE, THANK YOU FOR ACCOMMODATING OUR REQUEST. CHAIR LEE: I HAVE A QUESTION, A FOLLOW-UP QUESTION, MR. SINENCI. SO, THE COMMUNITY AUTHORITY OVERSEES THE REGIONAL BOARDS, RIGHT? SO, THE REGIONAL BOARDS ARE ADVISORY TO THE COMMUNITY AUTHORITY, IS THAT RIGHT? COUNCILMEMBER SINENCI: THANK YOU FOR THE QUESTION, CHAIR LEE. AS THESE REGIONAL BOARDS COME ONLINE, THE BOARDS WILL BE FORMED FIRST, AND THEN THE BOARD WILL CHOOSE AN ADMINISTRATOR FOR EACH ONE OF THESE REGIONAL BOARDS. CHAIR LEE: YOU MEAN THE, THE REGIONAL BOARDS WILL BE CREATED BEFORE THE OVERALL AUTHORITY? OKAY. VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. SO, WHAT I'M UNDERSTANDING MEMBER SINENCI SAYING, AND THIS MAKES SENSE, THAT THIS MAXIMIZES HOME RULE FOR EACH COMMUNITY. WHAT I SEE IN THE ASF IS THAT EACH REGIONAL BOARD WOULD CHOOSE, WOULD HIRE THE ADMINISTRATOR. THAT ADMINISTRATOR WOULD THEN PROPOSE A BUDGET FOR THE STAFF FOR THAT AREA. SO, THE EAST MAUI COMMUNITY IS READY TO GO. AND THAT WAS THE ORIGINAL PROPOSAL OF MEMBER SINENCI. AND SO, WITH THE EAST MAUI COMMUNITY, THAT REGION WOULD SET UP THEIR COMMUNITY BOARD. THAT COMMUNITY BOARD WOULD SELECT THE ADMINISTRATOR. THAT ADMINISTRATOR WOULD THEN HIRE STAFF. AND THAT WOULD BE HOW IT WORK UNDER, SO THERE WOULD BE NO CENTRAL WATER AUTHORITY. THERE WOULD BE NO COUNTY CENTRAL WATER AUTHORITY. THIS IS DECENTRALIZING, JUST AS WHEN MEMBER KING WAS ON THE BOARD OF EDUCATION AND SHE ADVOCATED FOR DECENTRALIZING TO MAXIMIZE HOME RULE, IT'S THE SAME CONCEPT. SO, THAT, THE BUDGET FOR EACH AREA WOULD BE PRESENTED BY THE ADMINISTRATOR. AND LET'S SAY IF WHEN WEST MAUI IS READY TO CREATE THEIR WATER AUTHORITY IF THEY WOULD LIKE TO, THEN THEY WOULD ESTABLISH THEIR COMMUNITY BOARD. AND THAT COMMUNITY BOARD WOULD BE ESTABLISHED THROUGH ORDINANCE. THE COUNCIL WOULD WORK WITH THE COMMUNITY TO ESTABLISH THAT COMMUNITY BOARD. THAT COMMUNITY BOARD IN WEST MAUI WOULD BE WEST MAUI

REGIONAL COMMUNITY BOARD AND THAT COMMUNITY BOARD WOULD THEN SELECT THEIR ADMINISTRATOR WHICH WOULD WORK FOR THAT WATER AUTHORITY REGION. AND THEY WOULD HAVE THEIR OWN BUDGET. AND THE CHAIR LEE: SO, THERE'S NO VICE-CHAIR RAWLINS-FERNANDEZ: THAT FUNDING WOULD THEN GO INTO, THE REVENUE FROM THOSE AREAS WOULD THEN HELP TO FUND THOSE SYSTEMS WITH THE ADDITION OF WHAT MEMBER SINENCI IS SAYING, OUTSIDE FEDERAL SUPPORT PRIVATE FOUNDATIONS, OTHER CREATIVE WAYS. AND APPLAUD MEMBER SINENCI FOR HIS, HIS CREATIVITY IN REALLY THINKING OUTSIDE OF THE BOX TO ENSURE THAT WE ARE EMPOWERING THE COMMUNITY'S VOICES TO THE FULLEST. CHAIR LEE, YOU WERE ASKING A QUESTION? CHAIR LEE: YEAH. BUT IN THE ASF IT TALKS ABOUT CREATING A MAUI COUNTY COMMUNITY WATER AUTHORITY. AND YOU'RE SAYING THERE, THERE'S NO CENTRAL WATER AUTHORITY OVERSEEING THE REGIONAL BOARDS. IT'S JUST THE REGIONAL BOARDS, RIGHT? VICE-CHAIR RAWLINS-FERNANDEZ: RIGHT. CHAIR LEE: BEING CREATED. VICE-CHAIR RAWLINS-FERNANDEZ: MHM. CHAIR LEE: SO, WHY WOULD YOU USE THE WORD MAUI COUNTY COMMUNITY WATER AUTHORITY IF, IF IT DOESN'T EXIST? VICE-CHAIR RAWLINS-FERNANDEZ: AS AN UMBRELLA FOR ALL THE REGIONS. CHAIR LEE: AND IT HAS ITS OWN STAFF AND BUDGET? VICE-CHAIR RAWLINS-FERNANDEZ: THE MAUI COUNTY WATER AUTHORITY DOES NOT HAVE ITS OWN STAFF. THEY DO NOT OVERSEE THE REGIONS. IT'S THE COMMUNITY BOARDS THAT THAT OVERSEE THE, THE ADMINISTRATOR. IT'S THE COMMUNITY BOARDS THAT OVERSEE THE ADMINISTRATOR. IT'S THE COMMUNITY BOARDS THAT THE ADMINISTRATOR IS ACCOUNTABLE TO. NOT TO A DIRECTOR OF A CENTRALIZED SYSTEM. CHAIR LEE: I SEE MEMBER KING HAS A QUESTION. COUNCILMEMBER KING: YEAH, THANK YOU, CHAIR. THAT, I MEAN, I JUST ASK THAT QUESTION, I WAS TOLD THERE WOULD BE STAFFING AND A STRUCTURE FOR THE COMMUNITY WATER AUTHORITY, WHICH IS WHAT I THOUGHT WE WERE CREATING WITH THESE, WITH THESE REGIONAL BOARDS, UNDER, YOU KNOW, ADVISING THEM OR HOWEVER YOU WANT TO SET IT UP. BUT THE WATER, THE COMMUNITY WATER AUTHORITY WOULD BE THE ONE TO DECIDE WHICH ONES, HOW WE'RE GOING TO ACQUIRE, IT SAYS RIGHT HERE THAT THE DELIVERY SYSTEMS ARE, WOULD BE ACQUIRED BY THE WATER AUTHORITY. SO, NOW I'M REALLY CONFUSED BECAUSE IT, IT DOESN'T, IT DOESN'T SEEM LIKE THERE'S REALLY A COMMUNITY WATER AUTHORITY. HOW WOULD WE DECIDE, HOW DOES THE COUNTY DECIDE WHEN THE NEXT ONE SHOULD BE FORMED? DO WE HAVE TO DO ANOTHER CHARTER AMENDMENT EVERY TIME WE, WE, I WANTED TO ASK MR. SINENCI BECAUSE EARLIER YOU TOLD ME THAT THERE WOULD BE, THAT THE COUNCIL WOULD BE SETTING UP THE STAFFING AND STRUCTURE OF THE, OF THE COMMUNITY WATER AUTHORITY. SO, THERE'S NO COMMUNITY WATER AUTHORITY, IT SOUNDS LIKE. COUNCILMEMBER SINENCI: WELL, CHAIR? CHAIR LEE: YES, MR. SINENCI. COUNCILMEMBER SINENCI: YEAH, THANK YOU, MEMBER KING. THAT'S ABSOLUTELY CORRECT. THE AUTHORITY, AGAIN, WE'RE JUST SETTING UP THAT FRAMEWORK. AND AS I MENTIONED EARLIER, THE COUNCIL HAS THAT ABILITY TO ADD STAFF AS NEEDED. COUNCILMEMBER KING: OKAY, BUT THAT'S TO THE, YOU'RE TALKING ABOUT ADD STAFF TO THE COMMUNITY WATER AUTHORITY? SO, SHOULD WE PUT A PHRASE IN THERE SAYING THAT THE STAFFING AND STRUCTURE OF THE COMMUNITY WATER AUTHORITY SHALL WE SET IN ORDINANCE BY THE COUNTY COUNCIL? BECAUSE IT SOUNDS LIKE, BECAUSE I THINK, I THINK WHAT WE'RE TALKING ABOUT IS, IS BASICALLY, YOU KNOW, HAVING THAT COUNTYWIDE WATER AUTHORITY THAT WOULD ACTUALLY ESTABLISH THOSE BOARDS AND FIGURE OUT WHAT THE NEXT, NEXT PURCHASE WOULD BE, RIGHT, THE NEXT WATER, WATER BOARD WOULD BE? COUNCILMEMBER SINENCI: YEP. AND IT SAYS THAT AT THE BEGINNING OF THE BILL, AS NECESSARY, UNDER SECTION 8-19.1 ORGANIZATION. THERE IS A MAUI COUNTY COMMUNITY WATER AUTHORITY ALSO REFERRED TO AS "THE WATER AUTHORITY" CONSISTING OF ONE OR MORE REGIONAL COMMUNITY BOARDS, REGIONAL ADMINISTRATORS, AND THE NECESSARY STAFF TO

MANAGE WATER COLLECTION, DELIVERY SYSTEMS ACQUIRED COUNCILMEMBER KING: RIGHT, BUT COUNCILMEMBER SINENCI: -- AND OPERATED BY THE, BY THE WATER AUTHORITY. COUNCILMEMBER KING: RIGHT, BUT ALL OF THOSE STAFF, THOSE STAFFING POSITIONS GO TO THE REGIONAL COMMUNITY BOARD, SO THERE'S NOTHING THAT SAYS ANYTHING ABOUT STAFFING THE COMMUNITY WATER AUTHORITY. THAT'S MY CONCERN. SO, IF WE PUT SOMETHING IN THERE, LIKE THERE'S A MAUI COUNTY COMMUNITY WATER AUTHORITY TO BE STAFFED IN, IN BY ORDINANCE OR SOMETHING BY THE COUNTY COUNCIL, AND ONE OR MORE REGIONAL COMMUNITY BOARDS. OTHERWISE, THERE'S REALLY NOT A, A COMMUNITY WATER AUTHORITY. SO, I'M JUST REALLY CONFUSED, CAUSE I THOUGHT WE WERE SETTING UP A COMMUNITY WATER AUTHORITY AND THEN WE'RE GOING TO GO THROUGH AND THEY'RE GOING TO HELP IDENTIFY THE, THE VARIOUS BOARDS IN THE DIFFERENT REGIONS DEPENDING ON WHAT WATER SYSTEMS WE WANT TO BUY. IS THAT WHAT, WAS THAT THE ORIGINAL INTENT? I MEAN, I THINK THAT'S WHAT SANDY BAZ WAS TALKING ABOUT WHEN HE SAID, YOU KNOW, CREATE THE COUNTYWIDE. COUNCILMEMBER SINENCI: RIGHT. SO, THERE, THE NECESSARY STAFF WOULD BE FOR THE BOARD, THE FIRST BOARD. AND THEN, AS THE OTHER REGIONAL BOARDS COME ONLINE, THEN BY ORDINANCE THE COUNCIL WILL COUNCILMEMBER KING: I UNDER COUNCILMEMBER SINENCI: -- YOU KNOW, STAFF FOR THOSE. BUT COUNCILMEMBER KING: WHO'S GOING TO PUT THEM ONLINE? COUNCILMEMBER SINENCI: -- THE NECESSARY, THE NECESSARY STAFF THAT WE HAVE NOW WOULD BE FOR THE WATER AUTHORITY FOR EAST MAUI. COUNCILMEMBER KING: OKAY, BUT THEN THERE'S, THERE'S REALLY NO COMMUNITY WATER AUTHORITY THEN? THERE'S NO OFFICE OF A COMMUNITY WATER AUTHORITY. THERE'S NO ADMINISTRATOR. THERE'S NO STAFF FOR THE COMMUNITY WATER AUTHORITY. COUNCILMEMBER SINENCI: YEAH, THAT WOULD BE COUNCILMEMBER KING: CAN WE, CAN WE ASK COUNCILMEMBER SINENCI: THAT WOULD BE THE NEXT COUNCILMEMBER KING: CAN WE ASK MR. RAATZ? CHAIR LEE: MR. RAATZ? COUNCILMEMBER KING: CAN WE ASK MR. RAATZ? CHAIR LEE: DAVID, ARE YOU ON THE CALL? DEPUTY DIRECTOR OF COUNCIL SERVICES: YES, THANK YOU, CHAIR. I WOULD JUST CHAIR LEE: DID YOU HEAR THE DEPUTY DIRECTOR OF COUNCIL SERVICES: YEAH. CHAIR LEE: DID YOU HEAR THE QUESTION? DEPUTY DIRECTOR OF COUNCIL SERVICES: I DID THANKS. CHAIR LEE: OKAY. DEPUTY DIRECTOR OF COUNCIL SERVICES: YEAH. THANK YOU. I AM READING THIS PROPOSAL AS GRANTING THE COUNCIL A FAIR AMOUNT OF AUTHORITY THROUGH, FOR INSTANCE, ITS ANNUAL BUDGET, POWER, ITS ABILITY TO REPOSITIONS. IN JUST READING THE FIRST PROPOSED SECTION FOR CHAPTER 19, SECTION 8-19.1 ORGANIZATION. THAT LAST CLAUSE, IT TALKS ABOUT NECESSARY STAFF TO MANAGE WATER COLLECTION AND DELIVERY SYSTEMS ACQUIRED OR OPERATED BY THE WATER AUTHORITY. I THINK THAT COULD BE REASONABLY INTERPRETED BY THE COUNCIL TO MEAN THAT THE STAFF IS PURELY ASSIGNED TO THE EAST MAUI REGIONAL COMMUNITY BOARD OR IF DEEMED NECESSARY TO THE UMBRELLA ENTITY OF THE MAUI COUNTY COMMUNITY WATER AUTHORITY. SO, I, I'M READING IT AS PROVIDING FLEXIBILITY TO THE COUNCIL. YOU KNOW, WHETHER THAT'S A GOOD OR BAD THING IS OBVIOUSLY A POLICY DECISION FOR THE COUNCIL. COUNCILMEMBER KING: OKAY. BUT THAT'S THE KIND OF WHAT I'M TRYING TO GET AT IS, WHAT IS THE INTENT? IS THE INTENT TO, TO LEAVE EVERYTHING UP IN THE AIR, OR IS THE INTENT TO ACTUALLY CREATE A MAUI COUNTY COMMUNITY WATER AUTHORITY? CAUSE I THOUGHT THAT'S WHAT WE WERE DOING WITH THIS NEW SUBSTITUTE ASF. BUT IT KIND OF SOUNDS LIKE WE'RE JUST CREATING ONE BOARD. IS THAT, IS THE INTENT TO ACTUALLY CREATE AN ENTITY CALLED THE MAUI COUNTY COMMUNITY WATER AUTHORITY? COUNCILMEMBER SINENCI: CHAIR? CHAIR LEE: YES. AND LET ME ADD ONTO THAT TOO. I REMEMBER IN THE, A LOT OF TESTIMONY WE HAD TONIGHT, YEAH, SAID, OH WE SUPPORT THE EAST MAUI WATER AUTHORITY BUT, YOU KNOW, WE COULD GO WITH THE COMMUNITY WATER AUTHORITY AS WELL. SO, IN

OTHER WORDS, THE BIGGER, THE BIGGER UMBRELLA AUTHORITY. SO, THEY SAW THAT AS TWO DISTINCT AUTHORITIES. AND THE BIGGER AUTHORITY, THE OVERARCHING AUTHORITY WAS THE MAUI COMMUNITY WATER AUTHORITY. AND, YOU KNOW, SOME OF US TOOK IT THAT WAS AS WELL. MR. SINENCI. COUNCILMEMBER SINENCI: YEAH, THANK YOU, CHAIR, FOR THE DISCUSSION. THE ORIGINAL INTENT WAS, AGAIN JUST LIKE THE DEPARTMENT OF AGRICULTURE, TO START OFF SMALL. AND THEN, AS WE ADD ON REGIONAL BOARDS AND GET LARGER, THEN WE'LL INCLUDE MORE STAFF BY ORDINANCE. BUT IF, IF THIS BODY WANTS TO EITHER INCLUDE THE LANGUAGE FOR SPECIFIC STAFF OR WOULD WANT TO ADD ANY ADDITIONAL STAFFING TONIGHT, WE'RE OPEN TO THAT AS WELL. CHAIR LEE: MEMBER KING, DID YOU HAVE A FOLLOW UP QUESTION? COUNCILMEMBER KING: WELL, YEAH. I GUESS, I GUESS WHAT, ACCORDING TO DAVID RAATZ, THAT THAT LAST PHRASE "NECESSARY STAFF TO MANAGE WATER COLLECTION AND DELIVERY SYSTEMS ACQUIRED OR OPERATED BY THE WATER AUTHORITY", MEANS THAT WE WOULD BE, WE WOULD NEED TO, THE COUNCIL WOULD NEED TO DELINEATE STAFF FOR THE ACTUAL WATER AUTHORITY THAT'S GOING TO BE ACQUIRING THESE REGIONAL SYSTEMS AND THEN HAVING THE BOARD, THE BOARDS OPERATE THE REGIONAL SYSTEMS. BUT IF WE'RE GOING TO, I MEAN, MY, MY CONCERN WAS IF WE'RE GOING TO ACQUIRE THEM WITH, YOU KNOW, ALL THE TAXPAYERS' MONEY, THEN ALL THE TAXPAYERS SHOULD HAVE, YOU KNOW, A COUNTYWIDE ENTITY THAT THEY CAN GO TO TO UNDERSTAND WHY WE'RE GOING IN THIS ORDER. YOU KNOW, WHY WE'RE, WHY WE'RE, I DON'T KNOW, MAYBE THE NEXT THING WE'LL DO IS BUY WAILUKU WATER COMPANY OR BUY THE, YOU KNOW, WATER SYSTEM ON MOLOKAI. BUT EVERYBODY SHOULD UNDERSTAND WHY WE'RE DOING WHAT WE'RE DOING IF WE'RE USING, YOU KNOW, THE COLLECTIVE COUNTYWIDE TAXPAYER DOLLARS. SO, THAT, THAT WAS MY UNDERSTANDING OF WHAT WE WERE DOING WITH THE COMMUNITY WATER AUTHORITY. CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. THE INTENTION OF THE ORIGINAL PROPOSAL WASN'T TO CREATE ANOTHER DEPARTMENT OF WATER SUPPLY. AND IT WASN'T SUPPOSED TO BE A TOP-DOWN KIND OF APPROACH. IT'S SUPPOSED TO BE A BOTTOM-UP APPROACH. THE COMMUNITY IN NA WAI EHA HAVE BEEN VERY ACTIVE. AND I, I HAVEN'T SPOKEN TO THEM ABOUT WHETHER THEY WOULD BE INTERESTED IN BE, IN FORMING A WATER AUTHORITY REGIONAL COMMUNITY BOARD. BUT THIS WOULD PUT POWER INTO THEIR HANDS. THIS WOULD RETURN THE POWER, DECISION MAKING AUTHORITY TO OUR COMMUNITIES. AND THAT, THAT WAS, THAT WAS THE FIRST PROPOSAL WITH THE EAST MAUI WATER AUTHORITY, IN CREATING THAT COMMUNITY BOARD TO EMPOWER OUR COMMUNITIES LIKE ALL OF THE TESTIFIERS TESTIFIED TO TODAY. SO, IF, IF THE COMMUNITY IN NA WAI EHA IS INTERESTED IN BECOMING A WATER AUTHORITY, THEY WOULD HAVE THAT DECISION MAKING POWER TO HIRE A WATER AUTHORITY ADMINISTRATOR WHO WOULD MANAGE AND OPERATE THE SYSTEM OF NA WAI EHA RATHER THAN JUST CREATING ANOTHER DEPARTMENT OF WATER SUPPLY WHERE THERE'S A DIRECTOR THAT WOULD BE NOMINATED BY THE MAYOR AND THEN APPROVED BY THE COUNCIL. IT, IT, IT DOESN'T CREATE ANYTHING DIFFERENT TO EMPOWER THE COMMUNITIES. MAHALO CHAIR. COUNCILMEMBER KING: WHAT IS THE DIFFERENCE BETWEEN THE FIRST PROPOSAL AND THIS ONE THEN, IF THERE REALLY IS NO COMMUNITY WATER AUTHORITY? VICE-CHAIR RAWLINS-FERNANDEZ: YOU DIDN'T RAISE YOUR HAND. CHAIR LEE: MEMBER SINENCI, ARE YOU GOING TO ANSWER THAT ONE? COUNCILMEMBER SINENCI: YEAH, AGAIN, THE IDEA, THE INTENT WAS TO START SMALL. AND THEN, AS WE GET LARGER AFTER WE GO AFTER THE FEDERAL FUNDING, I MEAN, THE INTENT WAS FOR, TO BE MORE FISCALLY RESPONSIBLE AND NOT JUST PAY FOR STAFF AND WE DON'T HAVE ANY FUNDING OR ANY OF THE GRANTS ONLINE FIRST. WE WANTED TO PAY FOR IT AS WE ACQUIRE THOSE GRANTS. WE WANTED TO PAY FOR THAT EXTRA STAFF AFTER RECEIVING FUNDING. AND I THINK IF WE DIDN'T ADD THE STAFF NOW OR WE DIDN'T PUT

SPECIFIC STAFF BECAUSE WE WANTED JUST TO ADD AS, AS WE BUILT ON. NOW, THE DIFFERENCE IS THE REGIONAL, WE'RE CREATING THE STRUCTURE TO ADD REGIONAL BOARDS AFTER THE EAST MAUI, THE ESTABLISHMENT OF THE EAST MAUI COMMUNITY BOARD. COUNCILMEMBER KING: CAN I FOLLOW UP, CHAIR? CHAIR LEE: MEMBER KING. MEMBER KING. COUNCILMEMBER KING: YEAH, THAT'S WHAT I'M TRYING TO UNDERSTAND, MEMBER SINENCI, IS WHAT IS THE STRUCTURE? BECAUSE IF WE CREATE THE ONE REGIONAL BOARD, HOW DOES THE NEXT REGIONAL BOARD GET CREATED? DOES, WHO, DO THEY, DOES SOMEBODY COME TO THE COUNCIL AND PROPOSE IT. WHAT'S THE ENTITY THAT WOULD, WOULD ESTABLISH THE NEXT, YOU KNOW, BECAUSE WE ONLY HAVE ONE COMMUNITY BOARD THAT WE'RE ESTABLISHING IN THIS CHARTER AMENDMENT. SO, WHAT, HOW WOULD THE NEXT ONE GET ESTABLISHED? I THOUGHT THAT WAS THROUGH THE WATER AUTHORITY, THE COMMUNITY WATER AUTHORITY. BUT THERE IS NO COMMUNITY WATER AUTHORITY. IT'S PART OF JUST, I THINK IT'S DESCRIPT, . . . DESCRIPTOR FOR ALL OF THESE DIFFERENT BOARDS. BUT I DON'T UNDERSTAND HOW WE GET TO THE NEXT ONE IF THERE'S NOT AN ENTITY THAT'S LOOKING FOR THAT AND FIGURING OUT, YOU KNOW, WHAT THE NEXT LOGICAL COMMUNITY BOARD WOULD BE. SO, HOW WOULD WE GET THERE? COUNCILMEMBER SINENCI: AGAIN, BY COUNCIL ORDINANCE. IT COULD BE INITIATED BY ANY OF THE COUNCILMEMBERS THAT REPRESENT ANOTHER REGION, BE INITIATED BY ANY ONE OF US. COUNCILMEMBER KING: OKAY. COUNCILMEMBER SINENCI: AND THEN, WE COULD, TO START THAT REGIONAL, WE COULD SHARE SOME OF THE STAFF PRIOR TO BUILDING UP EACH REGIONAL BOARD. SO, WE CAN SHARE SOME OF THE STAFF THAT WE'VE ALREADY ESTABLISHED WITH THE EAST MAUI. COUNCILMEMBER KING: OKAY. SO, THE, THE IDEA OF A COMMUNITY WATER AUTHORITY IS NOT REALLY AN ENTITY. IT'S JUST, IT'S KIND OF A CATCH ALL PHRASE FOR, YOU KNOW, ALL OF THESE DIFFERENT REGIONAL BOARDS TOGETHER. IS THAT WHAT IT IS? COUNCILMEMBER SINENCI: YEAH, WE'RE ESTABLISHING THAT FRAMEWORK. COUNCILMEMBER KING: OKAY. COUNCILMEMBER SINENCI: MEMBER KING . . . COUNCILMEMBER KING: I THINK I KIND OF GET IT. CHAIR LEE: MEMBER MOLINA. MEMBER MOLINA. COUNCILMEMBER MOLINA: YEAH, THANK YOU. I MIGHT AS WELL THROW IN MY TWO CENTS ON THIS. I WAS KIND OF LIKE MEMBER KING, TOO, HAD THIS VISION OF WE'RE GOING TO HAVE THIS MAUI COUNTY WATER AUTHORITY AND THEN ALL THE OTHER REGIONAL BOARDS. LIKE, IT WOULD EMANATE FROM THAT. SO, NOW, AS THE QUESTION'S GOING TO BE FRAMED, SHOULD THIS MOVE FORWARD, THE QUESTION POSED TO THE PUBLIC, ARE WE GOING TO LEAVE THE WORD MAUI COUNTY WATER AUTHORITY SINCE THERE BASICALLY ISN'T ANY? OR, I MEAN, I'M SURE WE HAVE THE, THE FIRST BOARD THAT WILL BE ESTABLISHED IS THE EAST MAUI. I'M JUST TRYING TO GET AN UNDERSTANDING CAUSE WE'RE DEFINITELY GOING TO HAVE TO EDUCATE THE PUBLIC ON THIS. CAUSE IF WE'RE HAVING A HARD TIME, YOU KNOW, UNDERSTANDING, YOU KNOW, AND I APPRECIATE MY COLLEAGUE FROM WEST MAUI, REAL PEOPLE TALK, YOU KNOW. THAT, TO KIND OF SIMPLIFY IT A LITTLE BIT. SO, CAUSE I WAS UNDER THE IMPRESSION WE'D HAVE THIS SEPARATE MAUI COUNTY WATER AUTHORITY AND THEN ALL THESE VARIOUS BOARDS AND THE DIFFERENT REGIONS WOULD BE CREATED, WOULD EMANATE FROM THAT AUTHORITY, SO. OKAY. BUT I APPRECIATE THE DISCUSSION TO HAVE KIND OF ADD SOME CLARITY HERE BECAUSE I CAN JUST SEE, YOU KNOW, WHAT I WOULD BE AFRAID OF IS IF THE PUBLIC DOESN'T UNDERSTAND IT, THEY MAY NOT VOTE OR THEY MAY VOTE NO. CAUSE, YOU KNOW, IT'S HUMAN NATURE, YEAH, IF YOU DON'T UNDERSTAND SOMETHING, YOU MAY VOTE NO. SO, THAT'S WHY IT'S IMPORTANT THE EDUCATIONAL ASPECT IS REALLY EMPHASIZED ON THIS PARTICULAR CHARTER PROPOSAL. THANK YOU. CHAIR LEE: BUT CAN I ASK WHY YOU USED THE TERM "MAUI COUNTY WATER AUTHORITY"? COUNCILMEMBER SINENCI: THANK YOU, CHAIR. . . . IF WE WANTED TO EXPAND TO THE OTHER ISLANDS, LIKE MOLOKAI, THEN IT WOULD INCLUDE THE GREATER MAUI COUNTY.

CHAIR LEE: WELL, BECAUSE, BECAUSE IN THE CHARTER, CHARTER PROPOSAL PROVIDES FOR ADDING DIFFERENT REGIONAL BOARDS. SO, WHY WOULD YOU NEED TO USE THE TERM "MAUI COUNTY WATER AUTHORITY"? COUNCILMEMBER SINENCI: THAT WAS OUR ORIGINAL NAME, BUT I'M OPEN TO CHANGING IT, AS MEMBER PALTIN, WE CAN CHAIR LEE: MEMBER PALTIN. COUNCILMEMBER SINENCI: -- EMPHASIZE COMMUNITY. BUT IF, MEMBERS, IF YOU WANTED TO GO AHEAD AND ADD NECESSARY STAFF OR IF YOU WANTED TO, THIS WOULD BE THE TIME AND WE COULD ENTERTAIN ANY ADDITIONAL AMENDMENTS TO THE ASF IF YOU WANTED TO GO AHEAD AND, AND ADD THE STAFF AT THIS TIME. CHAIR LEE: BEFORE I CALL ON MEMBER PALTIN, I DO HAVE A QUESTION. AS YOU WERE TALKING, MEMBER SINENCI, YOU SAID, WELL, WE'LL JUST HAVE THE STAFF WORK TOGETHER. I MEAN, THERE WILL BE, THEY ARE PART OF THE EXECUTIVE BRANCH NOW, RIGHT? THEY WILL PART OF THE EXECUTIVE BRANCH. THEY WOULD BE PART OF THE LEGISLATIVE BRANCH? OKAY, MEMBER PALTIN, WHICH BRANCH ARE THEY A PART OF? YOU KEEP SHAKING, SHAKING YOUR HEAD FOR EACH ONE. SO, WHERE WOULD THEY FALL? WHERE WOULD THEY FALL? COUNCILMEMBER PALTIN: YEAH. OKAY, REAL PEOPLE TALK, MY UNDERSTANDING. YOU KNOW, I COME FROM A COMMUNITY-BASED MANAGEMENT BACKGROUND. AND SO, I BELIEVE THAT MEMBER SINENCI PUT MAUI COUNTY BECAUSE WHEN YOU JUST SAY "MAUI", IT ONLY APPLIES TO MAUI ISLAND, BUT IF YOU SAY "MAUI COUNTY", IT ENCOMPASSES ALL THE ISLANDS. BUT IT'S NOT MAUI COUNTY AUTHORITY, IT'S MAUI COUNTY COMMUNITY AUTHORITY. AND SO, IT'S LIKE, YOU KNOW, THE GRASSROOTS APPROACH WHERE IT'S COMMUNITY-BASED MANAGEMENT. NOT COMPLETELY, BECAUSE THE COMMUNITY WOULD HAVE TO COME TO, LIKE, THEIR LEGISLATURE TO SAY, "HEY, WE WANT TO DO WHAT EAST MAUI GOT RIGHT NOW". THEY GOT A, THEY GOT A, OR A REGIONAL AUTHORITY BOARD. WE WANT THAT. SO, THEN THE COUNCIL WOULD SET THAT UP BY ORDINANCE. BUT I THINK MEMBER SINENCI, IN THIS ONE, THE ADMINISTRATOR REPORTS TO THE REGIONAL BOARD, SO IT'S NOT NECESSARILY A PART OF THE EXECUTIVE BRANCH OR THE LEGISLATIVE BRANCH. THEY, IT REPORTS TO THE COMMUNITY, COMMUNITY BASED. MAUI COUNTY COMMUNITY WATER AUTHORITY, NOT, NOT REPORTING TO THE EXECUTIVE OR THE LEGISLATIVE, REPORTING TO THE COMMUNITY AND THEIR REGIONAL BOARD. CHAIR LEE: WHERE WOULD THEY GET THEIR FUNDING FROM? FROM THE COUNCIL AND, AND THE MAYOR, TOO. COUNCILMEMBER PALTIN: THAT'S WHERE EVERYBODY GETS THEIR FUNDING FROM, COUNTY MONEY, UNLESS THEY GO OUT AND GET GRANTS AND THE FEDERAL MONEY. I MEAN, OR YOU CAN RAISE IT YOURSELF IN THE PUBLIC-PRIVATE PARTNERSHIP MODEL. THAT ALSO OCCURS IN COMMUNITY-BASED MANAGEMENT NON-PROFIT ORGANIZATION. CHAIR LEE: I DON'T KNOW. I SEE A LOT OF LOOSE SCREWS HERE. COUNCILMEMBER PALTIN: SO, DO I. CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: YEAH, MAYBE THE BETTER WORD FOR IT IS THERE'S NOT A WATER AUTHORITY BECAUSE THERE'S NOT A CENTRAL ENTITY. SO, MAYBE THE BETTER WORD FOR IT IS "MAUI COUNTY COMMUNITY WATER SYSTEM". CAUSE THAT'S REALLY WHAT IT IS, IT'S A SYSTEM OF SMALLER BOARDS, OF REGIONAL BOARDS. IS, IF THERE'S NOT A, AN ACTUAL, I MEAN, I THINK THAT WORD "WATER AUTHORITY", THAT'S WHAT IT EVOKES, IS A, IS AN ENTITY. CHAIR LEE: MR. SINENCI, AGAIN, MONEY IS MY MAJOR CONCERN. YOU KNOW, YOU CAN GIVE PEOPLE TITLES, BUT IF THEY DON'T HAVE THE MONEY TO, TO BACK UP THEIR PLANS, THEN THEY REALLY DON'T HAVE SIGNIFICANT POWER. LIKE, YOU KNOW, YOU, INITIALLY YOU TALKED ABOUT THEY WOULD BE ABLE TO INITIATE CONDEMNATION AND SO FORTH. AND CONDEMNATION IS DEFINITELY A COUNTY RESPONSIBILITY, IT'S NOT A COMMUNITY RESPONSIBILITY. YOU KNOW, WE TAKE ON THE LIABILITY AND, YOU KNOW, WE FIND THE FUNDING, YEAH? WE HAVE TO PAY FOR THE PROPERTIES WE CONDEMN. SO, WHERE IS THAT MONEY COMING FROM? AND THEY WOULD HAVE TO HAVE OVERSIGHT BY SOMEBODY, YEAH? SO, I DON'T SEE THAT PART, YOU KNOW, LINING UP IN MY MIND AND SO THAT'S WHY I HAVE A HARD

TIME. BUT WHAT THREW ME TONIGHT WAS THE COMMUNITY THING, BECAUSE I HEARD THE PEOPLE SAY, OKAY, I INITIALLY WANTED THE EAST MAUI ONE, BUT I'LL GO FOR THE COMMUNITY ONE NOW, YOU KNOW, AS IF THERE WERE TWO. SO, VICE-CHAIR, YOU HAD YOUR HAND UP? VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. SO, MEMBER KING THREW OUT AN IDEA, "SYSTEMS". WE COULD ALSO DO WATER AUTHORITIES, MULTIPLE, AND THEN THAT WAY MAYBE IT'S CLEAR AND THEN IT DOESN'T CONVEY ONE CENTRAL ONE. SO, IF, I, I THINK PART OF THE DIFFICULTY IS, IS MAKING . . . THINKING THAT THERE WAS . . . ONE LIKE DEPARTMENT OF WATER SUPPLY. CHAIR LEE: YOU'RE KIND OF BREAKING UP. VICE-CHAIR RAWLINS-FERNANDEZ: AW. HOW ABOUT NOW? CHAIR LEE: OKAY, YOU'RE SIGNAL IS A LITTLE WEAK THAT'S WHY. COUNCILMEMBER MOLINA: WE MISSED A LOT OF YOUR EARLIER COMMENTS, VICE-CHAIR. SORRY, YOU CAN REPEAT BEFORE YOU GOT GARBLED. VICE-CHAIR RAWLINS-FERNANDEZ: LET ME SEE IF I CAN GET ANOTHER DEVICE. WAS THAT CLEAR? CHAIR LEE: YES, THAT WAS CLEAR. VICE-CHAIR RAWLINS-FERNANDEZ: OKAY. DID YOU HEAR ABOUT THE IDEA OF DOING WATER AUTHORITIES? THAT PART, WAS THAT CLEAR? CHAIR LEE: YEAH. VICE-CHAIR RAWLINS-FERNANDEZ: OKAY. DID YOU HEAR THE PART ABOUT, I THINK THE DIFFICULTY IS MAKING THAT LEAP FROM THINKING THAT IT WAS A CENTRALIZED ADMINISTRATIVE SYSTEM LIKE DEPARTMENT OF WATER SUPPLY? DID YOU HEAR THAT PART? OKAY. CHAIR LEE: KIND OF. VICE-CHAIR RAWLINS-FERNANDEZ: AND SO, OKAY. SO, MAKING THAT LEAP FROM A CENTRAL WATER AUTHORITY TO MULTIPLE COMMUNITY-BASED REGIONAL AUTHORITIES. SO, MAUI COUNTY COMMUNITY WATER AUTHORITIES PERHAPS IS AN IDEA. IN THE AMENDMENT, I LOOKED FOR, YOU KNOW, THE POWER TO EXERCISE EMINENT DOMAIN, AND IT'S NO LONGER IN THIS PROPOSAL. SO, IF THAT WAS ONE OF YOUR CONCERNS, CHAIR LEE, THEN I THINK MEMBER SINENCI ADDRESSED YOUR CONCERN THERE. SO, IT'S, IT'S NO LONGER IN THIS DRAFT, THAT POWER WOULD RESIDE WITHIN THE COUNCIL. WAS THAT CLEAR? CHAIR LEE: THAT'S, YEAH, THAT WAS CLEAR. VICE-CHAIR RAWLINS-FERNANDEZ: OKAY. AND THEN, I, I LIKE THAT MEMBER SINENCI ADDED ON PAGE, WHAT IS THAT, PAGE 6, THAT IT FURTHER CLARIFIES ONE OF THE ISSUES THAT MS. THOMSON BROUGHT UP IN COMMITTEE ABOUT WHERE THE JURISDICTION OF THE DEPARTMENT OF WATER SUPPLY START OR ENDS AND WHERE THE WATER AUTHORITIES JURISDICTION WOULD BEGIN. AND SO, IT AMENDS CHAPTER 19 TO STATE, "EXCEPT AS SET FORTH IN CHAPTER 19, THE DEPARTMENT OF WATER SUPPLY SHALL MANAGE RATE ON WATER SYSTEMS OWNED BY THE COUNTY". AND SO, IT PROVIDES FOR AN EXCEPTION HERE, WHERE IF THE WATER SYSTEM IS UNDER THE REGIONAL WATER AUTHORITY, THEN THE DEPARTMENT OF WATER SUPPLY WOULD NOT HAVE JURISDICTION OVER THAT WATER SYSTEM. SO, THAT, THAT CLARIFIES, I THINK, MEMBER SINENCI AND HIS TEAM WORKED REALLY HARD TO ADDRESS A LOT OF THE CONCERNS THAT WERE BROUGHT UP IN COMMITTEE. CHAIR LEE: OH, MEMBER SUGIMURA. COUNCILMEMBER SUGIMURA: SO, THE REGIONAL 8-19.5 REGIONAL ADMINISTRATOR, POWERS, DUTIES, AND FUNCTIONS. SO, THIS REGIONAL ADMINISTRATOR WOULD BE ONE PER WHATEVER REGION IS DEVELOPED OR DECIDED ON, RIGHT? SO, THIS ONE THAT WE'RE TALKING ABOUT IS ONE FOR EAST MAUI, CORRECT? YEAH? AND THEN, SO IF THERE'S ANOTHER ONE THAT COMES UP, IT'LL HAVE ALL OF THESE DUTIES OR THAT PERSON WOULD HAVE ALL THESE REGIONAL ADMINISTRATOR POWERS, DUTIES AND FUNCTIONS, WHICH ARE 16 OF THEM, RIGHT? AND IT WOULD BE JUST TAILORED TO WHATEVER REGION IT IS, CORRECT? THAT'S YOUR CONCEPT? SO, BY LOOKING AT THIS, WHAT DIFFERENCE DOES THIS HAVE IN COMPARISON TO BOARD OF WATER SUPPLY OR WHAT THE . . . THE DEPARTMENT IS DOING BECAUSE IT'S A LOT, "ACQUIRE WATER SYSTEM, LEASES TO BE MANAGED BY THE WATER AUTHORITY, INCLUDING EAST MAUI WATER LICENSES". I CAN READ IT ALL, BUT YOU ALL HAVE IT, "NEGOTIATE PURCHASE AGREEMENTS, OVERSEE WATER LEASES, SEEK FUNDING FOR WATER SYSTEM OPERATIONS, MAINTENANCE, AND

CAPITAL IMPROVEMENTS. MANAGE THE DISTRIBUTION OF WATER UNDER THE CONTROL OF WATER AUTHORITY, INCLUDING PROVIDING WATER TO THE DEPARTMENT OF WATER SUPPLY". THIS IS KIND OF HUGE. IT'S LIKE YOU'RE DEVELOPING A NEW DEPARTMENT. SO, ARE YOU ANTICIPATING TO GET RID OF THE DEPARTMENT OF WATER SUPPLY? I MEAN, THE POWERS AND DUTIES ARE PRETTY, PRETTY POWERFUL FOR A AUTHORITY THAT IS, I THOUGHT WE'D BE MAKING RECOMMENDATIONS, A VOICE FROM THE COMMUNITY. BUT THIS SOUNDS LIKE WE NEED TO HAVE A BUDGET, THAT THE COMMUNITY NEEDS TO KNOW BEFORE THEY VOTE ON THIS, HOW MUCH IS IT GOING TO COST THEM. AND I KNOW YOU'RE SAYING IT'S GOING TO GO OUT FIND OTHER GRANTS AND THAT'S GOOD. BUT WE START THIS OFF, YOU MUST HAVE AN IDEA OF HOW MUCH YOU'RE PLANNING ON PAYING PEOPLE OR HOW MUCH THE RENT IS, OR JUST KIND OF BASIC STUFF LIKE THAT. AND THEN, GOING INTO ALL OF THIS, LIKE MAINTAINING THE SYSTEM AND CIP. I MEAN, THIS IS LIKE, THIS IS KIND OF HUGE, RIGHT, VERSUS JUST A VOICE FROM THE COMMUNITY. THAT'S WHAT YOU ARE PLANNING? SO, YOU HAVE A BUDGET? YOU HAVE A FISCAL IDEA OF HOW MUCH THIS IS GOING TO COST US? CHAIR LEE: MEMBER SINENCI. COUNCILMEMBER SINENCI: THANK YOU. THANK YOU, CHAIR. AND YEAH, THANK YOU FOR THE QUESTION, MEMBER SUGIMURA. AND YOU'RE NOT IN MY, MY APT COMMITTEE, BUT IN THE LAST TWO MONTHS, WE'VE BEEN GOING ALL, ALL THROUGH THE BUDGET. WE'VE HAD ALL OF THESE RURAL COMMUNITY PEOPLE COME ON AND TALK ABOUT WHAT KINDS OF GRANTS ARE AVAILABLE OUT THERE. AND AS YOU KNOW, WITH SENATOR SCHATZ, WITH THE, WE'VE GOT A QUICK TIMELINE, A TURNAROUND OF FIVE YEARS TO EVEN APPLY FOR SOME OF THESE INFRASTRUCTURE FUNDS PRESENTED BY THE BIDEN ADMINISTRATION. SO, THOSE WERE AND, AND THE MAIN, THE CATALYST WAS THAT A LOT OF THE PRIVATE SYSTEMS, INCLUDING THE CURRENT LESSEE CANNOT, WOULD NOT BE ABLE TO APPLY FOR SOME OF THESE GOVERNMENT GRANTS THAT ARE ONLY AVAILABLE TO THE COUNTY, GOVERNMENT AGENCIES, AS WELL AS OUR COUNTY BOND RATING. SO, WE COULD ALSO USE, AS A, AS A COUNTY ENTITY, WE COULD GO AHEAD AND USE THE COUNTY BOND RATING FOR ANY CIP PROJECTS SHOULD WE GO AHEAD AND ACQUIRE PRIVATE SYSTEMS. SO, AGAIN, ALL OF THESE CHANGES, AND YOU BROUGHT UP AN IMPORTANT QUESTION, THESE CHANGES THAT WE MADE, INCLUDING WHAT MEMBER KEANI RAWLINS-FERNANDEZ MENTIONED IN NUMBER ONE, THE "EXCEPT AS SET FORTH IN CHAPTER 19, THE DEPARTMENT OF WATER SUPPLY SHALL MANAGE AND OPERATE ALL WATER SYSTEMS OWNED BY THE COUNTY". SO, THESE SYSTEMS THAT WE'RE TALKING ABOUT WOULD BE THOSE SYSTEMS THAT THE, THE ONLY THE WATER AUTHORITY WOULD GO OUT AND ACQUIRE. AND THEN, WE DID HAVE MR. AGAWA MENTION TO US TODAY THAT IT'S NOT THE WATERS THAT ARE BEING, THAT IS PROCESSED AT THE PLANTS. THIS IS ALL THE . . . WATER THAT WILL BE SENT TO THE, THE WATER FACILITIES, THE DEPARTMENT OF WATER FACILITIES. SO, THAT'S THE BIG, THIS IS . . . WATER, NOT WATER THAT IS BEING TO OUR CUSTOMERS. SO, THAT'S THE BIG DIFFERENCE TO YOUR QUESTION ABOUT THE WATER AUTHORITY, WHAT THEIR DUTIES ARE AND WHAT THE DEPARTMENT OF WATER SUPPLY DOES. THEY, THEY WOULD ONLY MANAGE THE CURRENT COMMUNITY OWNED SYSTEM. EXCUSE ME, THE COUNTY OWNED SYSTEM. COUNCILMEMBER SUGIMURA: WE WOULD ONLY MANAGE THE COUNTY SYSTEM? I THOUGHT YOU WERE GOING TO SAY NON-COUNTY SYSTEM IF IT'S NOT GOING TO BE PROCESSED WATER. COUNCILMEMBER SINENCI: CORRECT. SORRY ABOUT THAT. YEAH. COUNCILMEMBER SUGIMURA: NOT, IT'S NOT COUNTY. IT'S PRIVATE ACQUISITION OF NA WAI EHA . . . AN EXAMPLE. IS THAT WHAT YOUR, THAT'S WHAT THIS BODY WILL DO? LOOK FOR OTHER SOURCES OF WATER? COUNCILMEMBER SINENCI: CORRECT. THAT'S CORRECT. CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: OKAY. I'M GETTING MORE CONFUSED. SO, YOU'RE SAYING THAT THIS IS NOT COUNTY OWNED WATER? I THOUGHT THESE WERE LIKE INDIVIDUAL COUNTY WATER AUTHORITIES, COMMUNITY WATER AUTHORITIES, SO? COUNCILMEMBER SINENCI: YEAH, I, I MEANT I WAS

ANSWERING MEMBER SUGIMURA'S QUESTION ABOUT THE DIFFERENCE BETWEEN THE DEPARTMENT OF WATER SUPPLY AND THE WATER AUTHORITY. WHAT THE DEPARTMENT OF WATER SUPPLY DOES IS MANAGE THE COUNTY SYSTEM. COUNCILMEMBER KING: OH, THE COUNTY SYSTEM. COUNCILMEMBER SINENCI: THE WATER AUTHORITY, THE WATER AUTHORITY WOULD BE MANAGING THOSE SYSTEMS, WHERE THEY'RE PRIVATE OR LEASED FROM THE STATE. THOSE SYSTEMS ARE NOT CURRENTLY MANAGED BY THE DEPARTMENT OF WATER SUPPLY. THE WATER AUTHORITY COUNCILMEMBER KING: RIGHT. COUNCILMEMBER SINENCI: -- WOULD BE DOING THAT. COUNCILMEMBER KING: BUT THEY WOULDN'T, BUT THEY WOULDN'T BE PRIVATE SYSTEMS WOULD THEY? THEY WOULD STILL BE COUNTY SYSTEMS BECAUSE WE'RE, WE'RE LEASING THEM WITH COUNTY MONEY. SO, THEY WOULD BE COUNTY SYSTEMS, BUT THEY WOULD BE DIFFERENT COUNTY SYSTEMS THAN WHAT THE WATER DEPARTMENT MANAGES. AND I DON'T, I THINK THE OTHER DIFFERENCE IS THAT THE WATER DEPARTMENT DOESN'T GO OUT AND ACQUIRE, OR HASN'T, I MEAN, MAYBE THEY SHOULD HAVE, WE WOULDN'T HAVE GOTTEN TO THIS POINT. BUT, YOU KNOW, THEY HAVEN'T GONE OUT AND ACQUIRED LEASES OF OTHER ENTITIES. THEY HAVEN'T, YOU KNOW, WE'VE TALKED ABOUT IT. WE'VE TALKED ABOUT EMI. WE'VE TALKED ABOUT BUYING WAILUKU WATER COMPANY, BUT NOTHING HAS HAPPENED. AND SO, THIS IS TRYING TO GET SOMETHING LIKE THAT TO HAPPEN. I MEAN, WE COULD, WE COULD HAVE TRIED TO CHARGE OUR OWN WATER DEPARTMENT WITH DOING IT, BUT WE'D HAVE, PROBABLY HAVE TO BUILD THEM UP WITH ALL THESE SAME TYPE OF PEOPLE. SO, WE'RE JUST DOING IT AS A SEPARATE ENTITY. BUT I DO STILL THINK THAT THE, YOU KNOW, I THOUGHT, I THINK WHAT WE ALL THOUGHT THE COMMUNITY WATER AUTHORITY WAS SUPPOSED TO BE IS NOT, THAT'S NOT WHAT IT IS. SO, I THINK WE'VE GOT TO MAKE THAT MORE TRANSPARENT, SO PEOPLE UNDERSTAND THAT THERE'S NOT A COUNTYWIDE AUTHORITY. I THINK A LOT OF PEOPLE WHO WERE TESTIFYING THOUGHT THAT THAT'S WHAT THAT WAS AS WELL. SO, MAYBE IF WE, IF WE CHANGE IT TO, YOU KNOW, I DON'T KNOW, MAUI COUNTY COMMUNITY WATER BOARD SYSTEM OR SOMETHING LIKE THAT, OR WATER SYSTEMS. IT MAY, IT, IT'S, IT'S MORE IN LINE WITH WHAT WE'RE TRYING TO DO HERE. CHAIR LEE: MEMBER JOHNSON. COUNCILMEMBER JOHNSON: THANK YOU, CHAIR. I APPRECIATE THE DISCUSSION. AND I, MY FIRST QUESTION, AND COUNCILMEMBER SHANE SINENCI TOUCHED ON IT, AS HOW MANY MEETINGS HAVE WE HAD ON THIS? IT SEEMS LIKE WE'VE DISCUSSED THIS QUITE FOR SOME TIME. THE OTHER THING IS, IS I THINK THE MECHANISM FOR ALL OF THOSE GRANTS THAT WE'RE TALKING ABOUT AND ALL OF THESE FUNDINGS WOULD BE THE, THE AUTHORITY. THEN THAT WAY, IT WOULD BE LIKE THE MECHANISM TO RECEIVE ALL OF THOSE GRANTS. AND I THINK THAT IS, I WOULDN'T WANT TO, I'D BE WEARY TO CHANGE THAT, BECAUSE A LOT OF THOSE OTHER PRESENTATIONS IN, IN HIS COMMITTEE WE'RE TALKING ABOUT THIS IS HOW SMALL COMMUNITIES GET THEIR FUNDS. AND IF WE, IF WE MAY KEEP THIS REFLECT MORE OF LIKE JUST SMALLER BOARDS, IT MIGHT MESS WITH THE FUNDING MECHANISM FOR THEM TO GET ALL THOSE FUNDS THAT, THAT IN OTHER WAYS THAT THE FINANCIALS WOULD FLOW INTO IT. SO, I DON'T, I'M JUST KIND OF LEERY OF CHANGING IT. BUT I ALSO SEE LIKE YEAH, IF YOU DON'T CHANGE IT, THEN IT'D JUST BE A BUNCH OF BOARDS AND THEN THEY WOULDN'T BE ABLE TO GET ANY OF THOSE FUNDS, YOU KNOW. WE DON'T WANT TO TIE THEIR OTHER HANDS SO. CHAIR LEE: YOU KNOW, MR. SINENCI, I THINK MR. JOHNSON RAISES A GOOD POINT IN THAT, ALTHOUGH HE PROBABLY WON'T AGREE WITH ME, BUT A GOOD POINT IN THAT WHEN YOU TALKED ABOUT BORROWING MONEY, FLOATING BONDS, YEAH, THEN YOU'RE USING THE FULL FAITH AND CREDIT OF THE COUNTY. AND SO, THESE PEOPLE, THE ADVISORY BOARD FOLKS, CANNOT GO OUT ON THEIR OWN AND BORROW MONEY BACKED BY THE COUNTY IF THEY ARE AN INDEPENDENT BODY. SO, IN FACT, I, I'D BE SURPRISED IF THEY CAN GET GRANTS WITHOUT ANY FINANCIAL FOUNDATION. IF THERE, IF THEIR SALARIES AND SO FORTH ARE COMING FROM THE

COUNTY AND THEY HAVE NO OTHER MONEY, NO OTHER SOURCE OF MONEY BECAUSE THEY HAVEN'T ACQUIRED ANY SYSTEMS YET, I'M NOT SURE HOW THEY WOULD GET GRANTS. YOU KNOW, A LOT, A LOT OF WHAT THEY ARE ABLE TO DO WILL BE BASED ON HOW MUCH THE COUNTY BACKS THEM UP. VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. EXACTLY. AND SO, IT'S THE ADMINISTRATOR AND THE ADMINISTRATOR'S STAFF THAT WOULD BE DOING THAT WORK AND WOULD PROPOSE THE BUDGET. THE, LIKE THE, IT WOULD STILL NEED TO BE WORKED WITH THE FINANCE DIRECTOR, AND THEN THE BUDGET WOULD BE PROPOSED TO THE COUNCIL. THE COUNCIL WOULD STILL HAVE THAT AUTHORITY TO APPROVE BUDGETS. SO, ALL OF THOSE PROPOSALS, JUST LIKE, YOU KNOW, WE TALKED ABOUT RECEIVING GRANTS, IT WOULD BE, IT WOULD NEED TO BE RECOGNIZED IN THE BUDGET. THE ADMINISTRATOR AND THE ADMINISTRATOR'S STAFF, SO THE ADMINISTRATOR COULD HIRE GRANT WRITERS. THOSE WOULD ALL BE COUNTY EMPLOYEES. SO, THE COMMUNITY BOARD WOULD SELECT THE ADMINISTRATOR. AND THE ADMINISTRATOR WOULD BE A COUNTY EMPLOYEE, JUST LIKE THE FIRE CHIEF AND THE POLICE CHIEF AND THE DEPARTMENT OF PERSONNEL SERVICES DIRECTOR, WHERE CIVIL SERVICE HIRES THAT PERSON. SO, WE HAVE THIS MODEL THAT EXISTS ALREADY. AND THEY'RE COUNTY EMPLOYEES. AND AS THE HEADS OF THOSE REGIONAL WATER AUTHORITIES, THE ADMINISTRATOR WOULD HIRE THE NECESSARY STAFF IN ORDER TO CARRY OUT THE DUTIES, FUNCTIONS, AND RESPONSIBILITIES OF THAT WATER AUTHORITY. CHAIR LEE: YEAH, I CAN SEE THAT. HOWEVER, IT'S VERY SIMILAR TO CREATING ANOTHER WATER DEPARTMENT. VICE-CHAIR RAWLINS-FERNANDEZ: CHAIR LEE: BECAUSE THE MONEY WILL BE, BECAUSE THE BUDGET WILL BE PROVIDED BY THE COUNTY, SO OUR TAXPAYERS OF THE EMPLOYEES WILL BE COUNTY EMPLOYEES. AND THEY WILL BE OVERSEEN BY, I WOULD IMAGINE VOLUNTEER REGIONAL BOARD MEMBERS. RIGHT? AND THEN, EVEN THE ADMINISTRATOR WILL BE PAID BY THE COUNTY. VICE-CHAIR RAWLINS-FERNANDEZ: RIGHT. CHAIR LEE: SO, I'M VICE-CHAIR RAWLINS-FERNANDEZ: BUT THE DIFFERENCE BETWEEN THESE AUTHORITIES AND THE DEPARTMENT OF WATER SUPPLY IS THAT THE ADMINISTRATOR, WHICH WOULD BE HEAD OF THE REGIONAL AUTHORITY, WOULD BE SELECTED BY THE COMMUNITY BOARD AND NOT BY THE MAYOR. DEPARTMENT OF WATER SUPPLY IS SELECTED BY THE MAYOR. AND SO, THE DEPARTMENT OF WATER SUPPLY WOULD CARRY OUT THE GOALS AND DIRECTION THAT THE MAYOR IS PROPOSING. ADDITIONALLY, COMMUNITIES HAVE BEEN ABLE TO SUCCESSFULLY SECURE GRANT FUNDING THROUGH PRIVATE FOUNDATIONS. THE MOLOKAI COMMUNITY HAS SUCCESSFULLY SHOWN THAT TO BE POSSIBLE IN ORGANIZING ITS COMMUNITY. CHAIR LEE: I THINK THOSE ARE GOOD IDEAS. I JUST FEEL THAT, YOU KNOW, WE NEED TO HAVE A BETTER HANDLE ON THE FISCAL IMPACT OF THIS INVESTMENT, WHICH IS VERY SIGNIFICANT. AND SO, YOU KNOW, I FEEL IT WOULD BE WONDERFUL IF WE COULD GET A FEASIBILITY STUDY SO THAT WE HAVE, SO WE KNOW HOW MUCH WE'RE REALLY TALKING ABOUT. BECAUSE I'VE, I'VE HEARD, AND FOR EXAMPLE, I'VE HEARD THAT THE PURCHASE OF EMI COULD BE UPWARDS OF \$50 MILLION, OKAY? \$50 MILLION BECAUSE YOU HAVE TO REMEMBER THIS IS A VERY EXPENSIVE SYSTEM AND MUCH OF THE LANDS ARE NOT ALL STATE-OWNED LANDS. A LOT OF IT IS PRIVATE LANDS. SO, THESE LANDS NEED TO BE CONDEMNED AND THEN WE PAY MARKET-VALUE FOR ALL OF THESE LANDS. THESE LANDS COULD EXTEND 10, 15, 20 MILES OF LAND. SO, LET'S SAY IT'S UPWARDS OF, AND THIS IS NOT COUNTING REPAIRS AND MAINTENANCE, THIS IS JUST PURCHASE. AND BY THE WAY, IT'S NOT FOR SALE, SO WE WOULD HAVE TO CONDEMN IT. VICE-CHAIR RAWLINS-FERNANDEZ: SO, ALL, ALL OF THIS IS SPECULATION. AND THAT'S ONE OF THE DUTIES AND FUNCTIONS OF THE ADMINISTRATOR TO DO THIS WORK. ANY, ANY SPECULATED QUOTES THAT ANYONE GIVES WOULD LIKELY ASSUME THAT THE WATER LEASES WOULD BELONG TO THAT OTHER ENTITY AND NOT TO THE COUNTY. AND THE COUNTY IS TRYING TO ACQUIRE THE WATER LEASES THROUGH

DLNR. THAT'S WHERE THE VALUE OF THE WATER, THAT'S WHERE THE VALUE OF THE SYSTEM IS, IN THE WATER. AND SO, WHOEVER HAS THE WATER LEASES HAS THE VALUE OF THE SYSTEM, AND THEN THAT WOULD BE RETAINED BY THE COUNTY. CHAIR LEE: WELL, WE MIGHT HAVE THE LEASES, BUT YOU HAVE TO HAVE THE SYSTEM IN ORDER TO TRANSPORT THE WATER. SO, THAT'S WHY I'M SAYING, YOU KNOW VICE-CHAIR RAWLINS-FERNANDEZ: AND CHAIR CHAIR LEE: -- DLNR DOESN'T OWN EMI. VICE-CHAIR RAWLINS-FERNANDEZ: RIGHT. I KNOW THAT MEMBER SUGIMURA IS NOT PART OF THE APT COMMITTEE. AND IN THE LAST APT COMMITTEE, WE DID HAVE FORMER BOARD OF WATER SUPPLY CHAIR SHAY CHAN HODGES, WHICH DID SPEAK TO A LOT OF THE FINANCING ON THIS. AND WE DID ASK IF SHE WOULD SERVE AS RESOURCE WHEN THIS ITEM COMES UP. SO, SHE'S BEEN DOING A LOT OF WORK ON THE FINANCING PART. SO, IF ANY OF THESE QUESTIONS YOU'D LIKE TO ASK HER, SHE'S ALSO AVAILABLE HERE FOR CHAIR LEE: WELL, I WAS AT THE MEETINGS. I WAS AT THE MEETINGS. VICE-CHAIR RAWLINS-FERNANDEZ: BUT MEMBER SUGIMURA WASN'T, SO I WAS JUST LETTING MEMBER SUGIMURA KNOW THAT A LOT OF THESE QUESTIONS, IF SHE DOES HAVE, MS. SHAY CHAN HODGES . . . ELABORATING ON. CHAIR LEE: MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. AS TO MEMBER KING'S POINT, I WAS WONDERING HOW THE MEMBERS FELT AS A MORE DESCRIPTIVE TERM, MAUI COUNTY COMMUNITY WATER AUTHORITY FRAMEWORK. CAUSE IT'S NOT, THEN IT'S WHAT WE'RE TRYING TO SET UP IS THE FRAMEWORK. THAT'S MORE CHAIR LEE: I KNOW THAT'S, THAT SOUNDS LIKE A WORK IN PROGRESS. I MEAN, DON'T YOU WANT TO COUNCILMEMBER PALTIN: WELL, THAT'S CHAIR LEE: I KIND LIKE SYSTEMS MYSELF. COUNCILMEMBER PALTIN: OH OKAY. BUT THAT'S WHAT IT IS, IT'S A WORK IN PROGRESS BECAUSE THIS JUST, CAUSE YOU CAN'T, YOU NEED THE CHARTER AMENDMENT. THAT'S WHAT MR. BAZ' POINT WAS WHEN MEMBER SINENCI TRIED TO PROPOSE THE EAST MAUI WATER AUTHORITY. HE SAID, YOU KNOW, AND THEN IF IT WORKS OUT WELL THEN, EVERY PLACE THAT WANTS ONE IS GOING TO HAVE TO GO BACK AND MAKE ANOTHER CHARTER AMENDMENT, CHARTER AMENDMENT. SO, THIS IS JUST SETTING UP THE FRAMEWORK SO THAT EVERY TIME ANOTHER REGION WANTS AN AUTHORITY, THEY DON'T NEED TO GO BACK AND MAKE ANOTHER CHARTER AMENDMENT. THERE'S STILL CHOKER MORE STEPS THAT NEEDS TO BE HAPPEN, LIKE, THINGS NEED TO BE SET UP BY ORDINANCE. BUT WE CAN DO ORDINANCE, OR LEGISLATION YEAR-ROUND. WE'RE NOT LIKE THE STATE OR WHATEVER. BUT THE CHARTER AMENDMENT PART ONLY COMES WHEN THERE'S AN ELECTION. SO, THAT'S WHY WE'RE SETTING UP THE FRAMEWORK AND THERE IS STILL PLENTY MORE STEPS, SO CHAIR LEE: WHY DON'T WE CHECK WITH EVERYBODY. COUNCILMEMBER PALTIN: OH OKAY. CHAIR LEE: THEN WE CAN GET THAT OUT OF THE WAY. DOES EVERYBODY LIKE THE WORD "FRAMEWORK"? ONE, TWO, THREE COUNCILMEMBER KING: . . . THAT WORKS FOR ME, EITHER FRAMEWORK OR SYSTEMS. BUT IT'S KIND OF THE SAME THING. CHAIR LEE: OKAY. YOU KNOW WHAT, LET'S, LET'S KIND OF TAKE CARE OF THAT. AND MR. SINENCI, YOU CAN CHANGE IT. BECAUSE IF WE'RE GOING TO SPEND OUR TIME THIS LATE ON A FRIDAY NIGHT DISCUSSING THINGS, LET IT BE DEEPER THAN JUST THE TITLE, OKAY. LET IT BE DEEPER. VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. SINCE YOU'RE POLLING EVERYONE. I LIKE MAUI COUNTY COMMUNITY WATER AUTHORITIES. CHAIR LEE: THREE. FOUR. FOUR, YOU GOT FOUR. THE OTHER ONE HAD FIVE. FRAMEWORK HAD FIVE. COUNCILMEMBER SINENCI: CHAIR? CHAIR LEE: MEMBER SINENCI. COUNCILMEMBER SINENCI: YEAH AND, AND THANK YOU, MEMBER PALTIN FOR, AND IT IS, IT IS A FRAMEWORK, BUT WE ANTICIPATE THAT THE FRAMEWORK WILL EVENTUALLY BE BUILD IN TO, TO THE POINT WHERE IT WILL BECOME COMMUNITY WATER AUTHORITIES. COUNCILMEMBER PALTIN: OKAY. DO YOU, HOW MUCH THE SYSTEMS GET SYSTEM? MAUI COUNTY COMMUNITY WATER AUTHORITY SYSTEMS? CHAIR LEE: OKAY. ONE, TWO, THREE, FIVE, I'LL SAY SIX; MYSELF SIX. WE HAVE TO MOVE ON, FOLKS.

OKAY, YOU GUYS, LET'S CHANGE IT TO SYSTEMS AND THEN TALK ABOUT A LITTLE BIT MORE SUBSTANTIVE MATTERS SO WE CAN ACTUALLY VOTE ON THIS AND MOVE ONTO PAGE 3, HOW'S THAT? OKAY, SO THE WORD IS SYSTEMS. SO, MR. SINENCI, YOU WOULD HAVE TO MAKE THE CHANGES WHEREVER IT WOULD APPLY, YEAH. OKAY, ANYMORE QUESTIONS ON THIS, MEMBERS? MEMBER SUGIMURA? COUNCILMEMBER SUGIMURA: SO, NUMBER 3 OF 8-19.2, REGIONAL COMMUNITY BOARDS. AND IF YOU GO NUMBER 3, JUST BECAUSE OF THE DISCUSSION. SO, I WOULD RECOMMEND THAT THE DEPARTMENT OF MANAGEMENT WILL PROVIDE STAFFING, TECHNICAL ASSISTANCE, CLERICAL SERVICES, REQUIRED BY THE BOARD AND FOR SUCH TIME AS NECESSARY STAFF IS HIRED. IT FEELS MORE LIKE A DEPARTMENT OF MANAGEMENT THING RATHER THAN CORP. COUNSEL . . . CORP. COUNSEL'S GUIDANCE. CHAIR LEE: WHICH NUMBER ARE YOU TALKING ABOUT? 18-9.3, NUMBER 3? COUNCILMEMBER SUGIMURA: SO, YOU GO 8-19.2 UNDER REGIONAL COMMUNITY BOARD. THEN, YOU GO DOWN TO NUMBER 3, ITEM 3 AT THE BOTTOM OF THE PAGE. CHAIR LEE: OH, I SEE. I SEE. COUNCILMEMBER SUGIMURA: AND IT SAYS, THE DEPARTMENT OF, YEAH. I SAY DELETE CORP. COUNSEL CHAIR LEE: OKAY. COUNCILMEMBER SUGIMURA: -- PROVIDE STAFFING WHATEVER -- CHAIR LEE: MR. SINENCI, DID YOU CHECK WITH THE CORP. COUNSEL? THEY SAID, OKAY? COUNCILMEMBER SINENCI: YEAH. SORRY, CHAIR. YES, WE DID SPEAK WITH THEM. CHAIR LEE: OKAY. COUNCILMEMBER SINENCI: AND THEY WERE . . . COUNCILMEMBER SUGIMURA: CAN YOU CHECK WITH THEM? THEY'RE ON THE CALL NOW, RIGHT? CAN YOU ASK THEM? CHAIR LEE: HE SAID THAT THEY, HE CHECKED WITH THEM, RIGHT? MEMBER KING. COUNCILMEMBER KING: YEAH, I TRUST THAT HE CHECKED WITH THEM. I DON'T HAVE TO HAVE THEM COME ONLINE AND SAY THAT. BUT I DON'T THINK WE SHOULD CHANGE THAT PIECE BECAUSE THEN WE WOULD HAVE TO GO BACK AND CHECK WITH THE MANAGING DIRECTOR AND THAT MIGHT BE A HUGE THOUGHT PROCESS FOR HIM TO CONSIDER. SO, I RATHER JUST, IF YOU'VE ALREADY CHECKED WITH CORP. COUNSEL, I RATHER JUST LEAVE IT THE WAY IT IS. CHAIR LEE: OKAY. THEY'RE PROBABLY GOING TO NEED A LOT OF LEGAL HELP ANYWAYS. THE RIGHT DEPARTMENT. ANYTHING ELSE? OH, I SEE KEOLA WHITTAKER. YOU GOT ANY QUESTIONS FOR CORP. COUNSEL? DEPUTY CORPORATION COUNSEL KEOLA WHITTAKER: CHAIR, RICHELLE HAD TO STEP AWAY. I KNOW SHE HAD CONCERNS ABOUT THAT PORTION, BUT SHE JUST HAD TO STEP AWAY. CHAIR LEE: WELL, WHAT CONCERNS DID SHE HAVE? DEPUTY CORPORATION COUNSEL WHITTAKER: I UNDERSTAND THAT SHE HAD CONCERNS ABOUT THE STAFFING, BEING ABLE TO STAFF THE DEPARTMENT . . . , STAFF THE ADMINISTRATORS. CHAIR LEE: MR. SINENCI? COUNCILMEMBER SINENCI: YEAH, THANK YOU FOR THAT CLARIFICATION. WE DID SPEAK TO HER. SHE DID HAVE CONCERNS. SHE SAID IT WAS TEMPORARY THAT WE COULD UTILIZE CORPORATION COUNSEL. AND I SEE MS. LUTEY ON. CHAIR LEE: MOANA LUTEY. MS. LUTEY? CORPORATION COUNSEL MOANA LUTEY: YES, THANK YOU. SORRY, I WAS ALSO ON THE PHONE. I, WE DO HAVE CONCERNS ABOUT THE STAFFING ASPECT OF IT. WE ARE SHORT SECRETARIES RIGHT NOW. WE ARE IN THE PROCESS OF HIRING ATTORNEYS SO, YOU KNOW, IT WOULD BE A STRETCH FOR US TO BE ALSO COVERING THIS . . . ISSUE. CHAIR LEE: ANY OTHER SUGGESTIONS, MEMBERS? MR. SINENCI. COUNCILMEMBER SINENCI: THANK YOU, CHAIR. JUST FOR CLARIFICATION. AS MS. THOMSON SAID, WE WOULD POSSIBLY JUST NEED THEM FOR OUR FIRST MEETING UNTIL WE CAN GET STAFF ON BOARD. CHAIR LEE: MS. LUTEY? MS. LUTEY? MOANA LUTEY? CORP. COUNSEL? CORPORATION COUNSEL: I'M HERE. THANK YOU, CHAIR. CHAIR LEE: WE'RE TALKING ABOUT ONE MEETING? CORPORATION COUNSEL: I THINK ONE MEETING WOULD BE FINE, YOU KNOW? WE'RE ALWAYS WILLING TO HELP, SO I DON'T WANT TO MAKE IT SEEM AS THOUGH WE'RE NOT HAPPY TO HELP OUT WHEN WE CAN. IT'S JUST THE LONG-TERM ASPECT OF IT IS WHAT'S CONCERNING TO ME. CHAIR LEE: I SEE YOUR DEPUTY IS THERE. SHALL WE CALL ON HER? CORPORATION COUNSEL: SHE'S CONCERNED TOO. CHAIR

LEE: OKAY. DEPUTY THOMSON. FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: ONE OF THE THINGS THAT MIGHT WORK, IF THERE'S SOME RELUCTANCE TO ASSIGN THAT TO MANAGEMENT, IS TO JUST REMOVE WHO'S PROVIDING CLERICAL SUPPORT AND THAT TYPE OF THING AND DO THAT BY ORDINANCE LATER ON. CHAIR LEE: ALRIGHT, DO YOU WANT TO REMOVE THAT PROVISION THEN, MR. SINENCI? MR. SINENCI, ARE YOU TAKING NOTES ON ALL YOUR CHANGES? HUH? WE CHANGED THE NAME. WE CHANGED, CHANGING THAT NUMBER 3, THE DEPARTMENT OF CORPORATION, YOU'RE GOING TO DELETE THAT AND THEN JUST PASS AN ORDINANCE TO COVER THAT LATER? IS THAT WHAT YOU SAID? COUNCILMEMBER SINENCI: YES. YES, CHAIR. WE'RE TAKING NOTES. CHAIR LEE: OKAY. ANYBODY ELSE? MEMBER KING. COUNCILMEMBER KING: YEAH, I THINK THAT'S A GOOD IDEA. MAYBE THEY, MAYBE THEY WON'T MEET UNTIL THEY HIRE THE NECESSARY STAFF. THAT SEEMS TO BE WHAT'S HAPPENED WITH OUR ADVISORY COMMITTEES, YOU KNOW. THEY HAVEN'T MET UNTIL THEY GET THE STAFF. BUT MY, ONE OF MY QUESTIONS IS, YOU KNOW, THE PARAGRAPH ABOVE SAYS, THE DIRECTOR OF WATER SUPPLY, THE COUNCILMEMBER HOLDING RESIDENCY AREA SEAT FOR THE APPLICABLE WATERSHED AREA, SO WHAT ABOUT THE, THE JURISDICTIONS THAT ARE ACTUALLY, THAT MIGHT NOT BE IN THE EXACT WATERSHED AREA BUT ARE UTILIZING THE WATER FROM THAT WATER SYSTEM? LIKE, YOU KNOW, WE TALKED ABOUT UPCOUNTRY AREA. CHAIR LEE: MEMBER SINENCI. COUNCILMEMBER SINENCI: THANK YOU, CHAIR. FOR THE, THE BOARD MEMBERS, YOU GET TWO SEATS ON CHAIR LEE: PUT YOUR HAND DOWN. COUNCILMEMBER SINENCI: -- ON THE, ON THE WATER AUTHORITY BOARD, SORRY. COUNCILMEMBER KING: THE BOARD MEMBERS? WHAT WAS THAT? COUNCILMEMBER SINENCI: THE, THE DISTRICT AREA GETS TWO BOARD MEMBERS FROM THAT, FROM THAT AREA. COUNCILMEMBER KING: WHAT DISTRICT AREA? COUNCILMEMBER SINENCI: WHERE THE WATER IS. COUNCILMEMBER KING: WHERE THE WATER IS BEING UTILIZED, OR WHERE THE WATER COUNCILMEMBER SINENCI: CORRECT, YES. SORRY. WHERE THE WATER IS BEING USED. COUNCILMEMBER KING: OKAY. CAUSE THERE'S AN ACTUAL WATERSHED WHERE THE WATER COMES FROM, BUT THEN THERE'S THE AREAS THAT THE WATER IS DELIVERED TO. SO, YOUR, YOU'RE INCLUDING THE, THE AREAS WHERE THE, THAT ARE ACTUALLY USING THE WATER FROM THE ACTUAL SYSTEM? OKAY. THANK YOU. CHAIR LEE: ANYBODY ELSE? MEMBER MOLINA, YOU LOOK LIKE YOU HAVE A QUESTION. COUNCILMEMBER MOLINA: NO. NOT YET. JUST TRYING TO DIGEST EVERYTHING THAT'S BEEN DISCUSSED HERE. I'LL, GO AHEAD, YOU CAN CONTINUE DISCUSSION. I'LL, I MAY HAVE SOMETHING TO ASK LATER. CHAIR LEE: OKAY. COUNCILMEMBER MOLINA: THANK YOU. CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. ONE OF OUR SPECTATORS TEXTED, SUGGESTING FOR THE NAME, INSTEAD OF MAUI COUNTY, SINCE COUNTY CAN BE, YOU KNOW, THE GEOGRAPHICAL AREA OR IT CAN BE THE, THE GOVERNMENT, TO USE MAUI NUI COMMUNITY WATER SYSTEMS. SO, WE'LL KEEP THE SYSTEMS, BUT INSTEAD OF COUNTY, REPLACE IT WITH NUI, MAUI NUI COMMUNITY WATER SYSTEMS. COUNCILMEMBER MOLINA: LESS GOVERNMENTAL, HUH? VICE-CHAIR RAWLINS-FERNANDEZ: YEAH. CHAIR LEE: HOW MANY VOTES? HOW MANY VOTES? WHO'S IN FAVOR? ONE, TWO, THREE, WELL, YOU GOT IT. YOU GOT IT. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO. COUNCILMEMBER MOLINA: PEOPLE TALK, YEAH? VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO TO THE COMMUNITY FOR TEXTING. CHAIR LEE: ANYBODY ELSE? ANYTHING ELSE? OTHERWISE, WE'RE GOING TO MOVE ONTO THE VOTE. READY, EVERYBODY? ALRIGHT. BUT DO YOU WANT THE CHANGES IN WRITING BEFORE WE VOTE? MAYBE COUNCILMEMBER KING: CHAIR? CHAIR LEE: MAYBE, MAYBE, MEMBER SINENCI, YOU COULD JUST ITEMIZE THE CHANGES VERBALLY. COUNCILMEMBER KING: CHAIR? CHAIR LEE: YES? MEMBER KING. COUNCILMEMBER KING: CAN WE JUST ASK THE STAFF IF THEY GOT ALL THOSE CHANGES WE WERE TALKING ABOUT? CHAIR LEE: SURE. STAFF, DID WE GET ALL THOSE CHANGES WRITTEN DOWN? THEY WENT HOME ALREADY. STAFF?

KATHY? COUNCILMEMBER KING: STAFF? CHAIR LEE: CLERK? COUNTY CLERK: I DIDN'T GET IT. CHAIR LEE: YOU DIDN'T GET IT? COUNTY CLERK: I DIDN'T. CHAIR LEE: MEMBER SINENCI. CHAIR LEE: DAVID. MAYBE DAVID GOT IT. VICE-CHAIR RAWLINS-FERNANDEZ: IN THE CHAT. COUNCILMEMBER SINENCI: THANK YOU, CHAIR. OH, IT'S IN THE CHAT. YEAH, THANK YOU, CHAIR. WE HAD MAUI NUI COMMUNITY WATER SYSTEMS. AND THE SECOND ONE WAS NO CORPORATION COUNSEL FOR, AS TEMPORARY STAFF. CHAIR LEE: OKAY. ONLY TWO? ALRIGHT. COUNCILMEMBER SUGIMURA: ARE YOU DELETING THAT PARAGRAPH, OR YOU JUST TAKING OUT CORP. COUNSEL'S NAME? CHAIR LEE: NO, DELETING THE PARAGRAPH. COUNCILMEMBER SUGIMURA: YEAH. OKAY. THAT'S WHAT I THOUGHT. CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: YEAH, SO WE ASKED THEM, SINCE WE'RE CHANGING IT TO MAUI NUI COMMUNITY WATER SYSTEMS, WE'RE ASKING THEM TO GO THROUGH THE DOCUMENT AND CHANGE THE NAME WHEREVER THE COMMUNITY WATER AUTHORITY. SO, IT WOULD BE, IT, WE'RE LEAVING IT UP TO STAFF TO DO THAT, THOSE CHANGES. RIGHT? TO GO THROUGH THE DOCUMENT AND CHANGE THE NAME WHERE CHAIR LEE: YES. YES. COUNCILMEMBER KING: -- APPROPRIATE. OKAY. CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. THE REGIONAL WATER AUTHORITIES WOULD REMAIN WATER AUTHORITIES. JUST THE COUNCILMEMBER KING: RIGHT VICE-CHAIR RAWLINS-FERNANDEZ: MEMBER KING, I HAVE THE FLOOR. OKAY. SO, JUST WHERE IT SAYS, WHERE IT USED TO SAY, MAUI COUNTY COMMUNITY WATER AUTHORITY WOULD BE REPLACED WITH THE MAUI NUI COMMUNITY WATER SYSTEMS. AND THEN, IF, WHERE IT SAYS, MAUI COUNTY COMMUNITY WATER AUTHORITY, IN THE NEXT SECTION, IT WOULD BE REPLACED THERE. BUT WHERE IT HAS THE REGIONAL AUTHORITIES, THEN IT WOULD, IT WOULD STAY REGIONAL AUTHORITIES. CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: YEAH, THAT'S WHAT I WAS SAYING. ANYWHERE IN THE DOCUMENT WHERE IT SAYS, COMMUNITY WATER AUTHORITY, IS WHERE GOING TO MAKE THE CHANGE, BECAUSE THAT'S IN THE TITLE AND ITS THROUGHOUT THE DOCUMENT. SO, THAT'S WHAT I WAS REFERRING TO. CHAIR LEE: OKAY, ANYMORE MEMBERS? SO, I'LL GO BACK TO YOU MR. SINENCI, FOR THE MOTION. VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. IN THE, THE FUNDING SECTION. TO SIMPLIFY, I PUT IT IN THE CHAT, ALL OR A PORTION OF THE REVENUES OF THE WATER AUTHORITY MAY BE TRANSFERRED TO A REGIONAL AUTHORITY FUND WHICH MAY BE USED FOR REGIONAL WATER AUTHORITY. AND THAT ADDRESSES THE CONCERN THAT MAYOR EMERITUS ARAKAWA BROUGHT UP IN HIS TESTIMONY AND GIVES IT MORE FLEXIBILITY. CHAIR LEE: OKAY. DAVID, ARE YOU STILL ON THE CALL? DAVID? VICE-CHAIR RAWLINS-FERNANDEZ: AND IF YOU WANT TO TAKE THAT AFTER, TAKE THAT UP AFTER THIS VOTE, I'M ALSO HAPPY TO DO IT THEN, AS WELL. CHAIR LEE: OKAY. DAVID? DEPUTY DIRECTOR OF COUNCIL SERVICES: YES, CHAIR? CHAIR LEE: OKAY, WHEN, WHEN IT COMES TO SUBSTITUTIONS, IT'S HANDLED A LITTLE DIFFERENTLY. YOU CAN'T KEEP MAKING CHANGES, RIGHT? DEPUTY DIRECTOR OF COUNCIL SERVICES: WELL CHAIR LEE: WELL, YOU CAN? DEPUTY DIRECTOR OF COUNCIL SERVICES: IF YOU WANT TO FOLLOW ROBERT'S STRICTLY, THAT'S CORRECT. BUT AS WE'VE NOTED A FEW TIMES THIS TERM, THERE IS AN ALLOWANCE FOR INFORMALITY FOR SMALL BOARDS AND THIS COUNCIL MEETS THE CRITERIA. SO, YOU KNOW, UNLESS THE COUNTY CLERK HAS ANY OBJECTIONS, WE'RE ABLE TO UNDERSTAND WHAT THE BODY IS DOING RIGHT NOW, I THINK. I'VE BEEN TOLD BY OUR STAFF THAT WE'VE BEEN KEEPING TABS AND WE UNDERSTAND, AND WE'LL BE ABLE TO, IF THIS PROPOSAL MOVES FORWARD, INCORPORATE WHAT THE BODY'S AGREED TO THUS FAR. THANK YOU. CHAIR LEE: OKAY, SO THAT, THAT MEAN TAKING THE VOTE ON THE SUBSTITUTION AND THEN MULTIPLE AMENDMENTS TO THAT? DEPUTY DIRECTOR OF COUNCIL SERVICES: THANK YOU, CHAIR. NOT NECESSARILY. I MEAN, WE'RE UNDER THE IMPRESSION PERHAPS THAT MAYBE COUNCILMEMBER

SINENCI WOULD BE IN EFFECT REVISING HIS PROPOSED MOTION TO SUBSTITUTE TO INCORPORATE THESE ELEMENTS THAT HAVE BEEN ENDORSED BY THE BODY. AND THAT, THAT'S ONE APPROACH. AND YOU, YOU KNOW CHAIR LEE: OKAY, LET'S TAKE THAT CAUSE THAT'S EASIER. THAT'S EASIER. WHY DON'T WE DO THAT? SO, GO AHEAD, MEMBER SINENCI. COUNCILMEMBER SINENCI: THANK YOU, CHAIR. JUST BEFORE I DO THAT, GOING BACK TO THE SECOND ONE, STRIKE THE DEPARTMENT OF THE CORPORATION, OH, 3, THE DEPARTMENT OF THE CORPORATION COUNSEL WILL PROVIDE STAFFING, TECHNICAL ASSISTANCE, AND CLERICAL SERVICES REQUIRED BY THE BOARD UNTIL SUCH TIME AS NECESSARY STAFF IS HIRED. CAN WE PUT IN OCS STAFF? CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. I, I THINK THE CORPORATION COUNSEL'S IDEA OF PUTTING IN ORDINANCE LATER IS, IS GOOD AND THEN THAT WAY WE CAN ADDRESS IT AT THAT TIME, INSTEAD OF AT 9:20 THE NIGHT THAT IT NEEDS TO PASS FIRST READING. AND THEN, WE CAN, YOU KNOW, . . . ALL THAT OUT AT THAT, AND IT DOESN'T HAVE TO BE IN THE CHARTER. CHAIR LEE: I THINK THAT'S A GOOD IDEA. MR. SINENCI, YOU AGREE? COUNCILMEMBER SINENCI: YEAH, THAT'S FINE, CHAIR. CHAIR LEE: OKAY. OKAY. SO, YOU'RE WITHDRAWING YOUR MOTION TO SUBSTITUTE FOR NOW UNTIL YOU GET THE WHOLE LIST OF THINGS. YOU HAVE THE WHOLE LIST OF THINGS READY TO GO, PLUS THE LAST ONE THAT VICE-CHAIR ADDED? COUNCILMEMBER SINENCI: CHAIR, WE DO HAVE IT IN THE CHAT. CHAIR LEE: OKAY. ALL OF IT? COUNCILMEMBER SINENCI: AND SHOULD IT BE AS A FRIENDLY AMENDMENT TO MY MOTION TO REPLACE MAUI NUI, THE TITLE WITH MAUI NUI COMMUNITY WATER SYSTEMS? AND STRIKE NUMBER 3, THE DEPARTMENT OF CORPORATION COUNSEL WILL PROVIDE STAFFING, TECHNICAL ASSISTANCE, CLERICAL SERVICES REQUIRED BY THE BOARD UNTIL SUCH TIME AS NECESSARY STAFF IS HIRED. AND UNDER SECTION 8-19.6, MAUI COUNTY COMMUNITY WATER, ALL OR A PORTION OF THE REVENUES OF THE WATER AUTHORITY MAY BE TRANSFERRED TO A REGIONAL WATER AUTHORITY FUND, WHICH MAY BE USED FOR THE REGIONAL WATER AUTHORITY. CHAIR LEE: OKAY, EVERYBODY CLEAR ON THOSE CHANGES? ANY LAST COMMENTS, QUESTIONS? THIS IS IT FOLKS. OKAY, MEMBER PALTIN, IS THAT A HALF A WAVE OR HAND? NO? OKAY. GUYS READY? READY FOR THE VOTE? OKAY, MADAM CLERK, ROLL CALL. COUNTY CLERK: COUNCILMEMBER SHANE. COUNCILMEMBER SINENCI: AYE. COUNTY CLERK: COUNCILMEMBER MIKE MOLINA. COUNCILMEMBER MOLINA: AYE, WITH RESERVATIONS. COUNTY CLERK: COUNCILMEMBER KELLY TAKAYA KING. COUNCILMEMBER KING: AYE. COUNTY CLERK: COUNCILMEMBER GABE JOHNSON. COUNCILMEMBER JOHNSON: AYE. COUNTY CLERK: COUNCILMEMBER TAMARA PALTIN. COUNCILMEMBER PALTIN: AYE. COUNTY CLERK: COUNCILMEMBER YUKI LEI SUGIMURA. COUNCILMEMBER SUGIMURA: NO. COUNTY CLERK: COUNCIL PRO TEMP TASHA KAMA. CHAIR LEE: EXCUSED. COUNTY CLERK: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: AYE. COUNTY CLERK: AND COUNCIL CHAIR ALICE L. LEE. CHAIR LEE: NO. COUNTY CLERK: THAT'S SIX "AYES", TWO "NOES", AND ONE "EXCUSED". CHAIR LEE: MOTION CARRIES. OKAY, NEXT ITEM. VICE-CHAIR RAWLINS-FERNANDEZ: CHAIR, AM I, AM I FROZEN? CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: OKAY, MAHALO CHAIR. I BELIEVE WE'RE ON THE MAIN MOTION AS AMENDED. CHAIR LEE: OH OKAY. I DIDN'T THINK WE HAD TO DO THAT WITH A SUBSTITUTION. OKAY, MAIN MOTION AS AMENDED. AS THOSE, ROLL CALL. ROLL CALL. COUNCILMEMBER SINENCI: CHAIR? VICE-CHAIR RAWLINS-FERNANDEZ: IT LOOKS LIKE MEMBER SINENCI HAS SOME COMMENTS. CHAIR LEE: MR. SINENCI. COUNCILMEMBER SINENCI: REAL QUICK, SORRY. AND I DID WANT TO ADDRESS MEMBER JOHNSON. SO, MEMBERS, WE'VE HAD 15 MEETINGS ON THE WATER SYSTEM. THREE OF THOSE MEETINGS WERE FOCUSED SPECIFICALLY ON NA WAI EHA AND THE WAILUKU WATER SYSTEM. THREE OF THOSE MEETINGS WERE ON THE BOARD OF WATER SUPPLY TIG REPORT AND THEIR RECOMMENDATIONS. FIVE

MEETINGS WERE ON THE EAST MAUI. AND IX MEETINGS WERE ON ESTABLISHING A WATER AUTHORITY, THE FIRST STARTING WITH EAST MAUI. WE'VE ALSO HAD SIX MEETINGS ON THE WATER SYSTEM FINANCING, WHERE WE HAD THOSE EXPERTS COME IN, AS WELL AS SIX MEETINGS, SPECIFICALLY ON THE PROPOSED WATER AUTHORITY CHARTER AMENDMENT. WHEN WE, WE FOUND THAT WHEN WE REALLY ENGAGE WITH OUR COMMUNITY AND LISTEN TO THEM, WE HAVE ALL THE, THESE CHANGES THAT WE PROPOSED TONIGHT TO THE LEGISLATION. WE HAD OUR LAST MEETING THIS TUESDAY AND HEARD FROM OUR COMMUNITY, FROM OTHER COUNCILMEMBERS, AND OUR ATTORNEYS AS WELL. SO, IN RESPONSE TO THAT, WE HAVE CLARIFIED A LOT OF THE LANGUAGE TONIGHT AND ALSO GIVEN THE BOARD OR COMMUNITY MORE INPUT INTO THIS WATER AUTHORITY. AND I APPRECIATE COUNCILMEMBERS SUPPORT. THANK YOU. CHAIR LEE: ANY OTHER? MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. I JUST WANTED TO EXPRESS MY GRATITUDE TO MEMBER SINENCI, YOU KNOW, FOR INCORPORATING ALL THE FEEDBACK. AND, AND, AND YOU KNOW, I TOTALLY WOULD'VE UNDERSTOOD JUST RUNNING WITH THE EAST MAUI AUTHORITY, BECAUSE OF HOW LONG THEY'VE BEEN FIGHTING AND, AND HOW MUCH IT MEANS TO EVERYONE. BUT AND, AND I SEE WHY A LOT OF PEOPLE DON'T, BECAUSE OF ALL THE SCREWS HERE ON THE SCREEN AND HOW DIFFICULT IT IS TO GET EVERYONE ON THE SAME PAGE. BUT I JUST WANTED TO, YOU KNOW, EXPRESS EXTREME GRATITUDE FOR TAKING EVERYBODY'S FEEDBACK AND INCORPORATING IT INTO THIS BILL AND GIVING US ALL A CHANCE TO, TO DETERMINE OUR OWN FUTURE IN TERMS OF WATER, BECAUSE WATER IS LIFE. AND WITHOUT IT, YOU KNOW, WE WOULDN'T EVEN BE ABLE TO LIVE. SO, THANK YOU SO MUCH. CHAIR LEE: MEMBER, VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. AND MAHALO MEMBER SINENCI, ALL THE COMMUNITY MEMBERS WHO INVESTED SUCH A . . . GINA, I HOPE YOU GET TO REST AFTER THIS. I KNOW YOU'VE WORKED REALLY HARD ON THIS. EVERYONE IN THE COMMUNITY, ALL THE TESTIFIERS THAT CAME OUT IN SUPPORT, YOU KNOW, I, THE WARRIORS THAT'S BEEN FIGHTING TO ADVANCE THIS WORK FOR YEARS AND MEMBER SINENCI, FOR GIVING THEM A STRONG VOICE. I WANT TO QUICKLY ECHO WORDS OF MS. PAHUKOA EARLIER, VOTING, YES, WILL REHABILITATE A FRACTURED SYSTEM. VOTING YES, WILL EMPOWER OUR PEOPLE. MAHALO. I FULLY SUPPORT THE MOTION AS AMENDED. MAHALO CHAIR. CHAIR LEE: MEMBER JOHNSON. COUNCILMEMBER JOHNSON: THANK YOU, CHAIR. I ALSO RISE IN FULL SUPPORT OF THE MOTION AS AMENDED. I CAN ONLY ECHO WHAT MY OTHER COUNCILMEMBERS ARE SAYING AND SAY THANK YOU TO COUNCILMEMBER SHANE SINENCI FOR DUE DILIGENCE AND HIS HARD WORK. WATER IS A PUBLIC TRUST DOCTRINE. WATER IS A RIGHT FOR OUR PEOPLE. I WAS A FORMER FARMER. IF I DIDN'T HAVE WATER FOR MY CROPS, I WOULDN'T HAVE BEEN ABLE TO FEED THE PEOPLE OF LANAI. THERE'S A VERY SPECIFIC PLACE ON LANAI THAT WE FOUGHT HARD FOR WATER FOR IT, THE LWAC, THE LANAI WATER BOARD. THEY, THEY TRIED THEIR DARNDDEST TO GET WATER RIGHTS FOR THE FOLKS OF LANAI, FOLKS LIKE RON MCOMBER WHO PASSED AWAY FIGHTING FOR OUR WATER RIGHTS. FOLKS LIKE JOHN ORNELLAS WHO PASSED AWAY FIGHTING FOR OUR WATER RIGHTS. FOLKS LIKE BUTCH GIMA. FOLKS LIKE THE DELA CRUZ'S. THERE'S BEEN PEOPLE FIGHTING FOR THESE WATER RIGHTS FOR SO LONG. AND SOME OF THOSE WARRIORS THAT HAVE BEEN MENTIONED, THEY'RE GONE ALREADY. SO, THIS IS LIKE WHAT THE TESTIFIERS CAME, THEY BROUGHT THEIR CHILDREN IN. THIS IS WHAT THIS IS ABOUT. SO, MAHALO EVERYBODY WHO'S BEEN INVOLVED IN THE PAST, AND IN THE PRESENT, AND IN THE FUTURE FOR THIS. SO, IT'S A GREAT DAY. MAHALO CHAIR. CHAIR LEE: ANYONE ELSE. MEMBER MOLINA. COUNCILMEMBER MOLINA: YEAH, THANK YOU, MADAM CHAIR. YOU KNOW, MY PREFERENCE WAS TO HAVE KEPT IT MORE SIMPLE, JUST STAY WITH THE EAST MAUI PROPOSAL. BUT THEN, WHEN THE COUNTYWIDE PROPOSAL CAME IN, IT SORT OF ADDED MORE SCREWS, AS MEMBER PALTIN HAD MENTIONED EARLIER, AND I GUESS FIGURATIVELY. SO,

AGAIN, I, I WANT TO ASSURE THAT, ASSUMING THIS MOVES FORWARD, THAT THE EDUCATIONAL COMPONENT IS OUT THERE SO THE PUBLIC DOESN'T GET A MISUNDERSTANDING THAT WE MAY BE, WE MAY BE DUPLICATING SERVICES. CAUSE LIKE I SAID BEFORE, IF PEOPLE DON'T UNDERSTAND SOMETHING, THEY'RE EITHER NOT GOING TO VOTE OR THEY'RE GOING TO VOTE NO. SO, IT CERTAINLY A BIG STEP FORWARD IN EMPOWERING PEOPLE WITH A RESOURCE THAT'S ALWAYS BEEN LOOKED AT AS A PUBLIC TRUST. SO, I DID MY RESERVATIONS ON THE AMENDMENT WAS JUST BASED, AGAIN, ON NOT UNDERSTANDING. BUT NOW, AS I SEE IT, IT'S MORE LIKE A MECHANISM THAT'S BEEN PUT IN PLACE TO ALLOW OTHER POTENTIAL REGIONAL BOARDS THAT COULD OCCUR IN THE COUNTY. SO, ALL I'M GOING TO SAY, THIS IS GOING TO BE ONE OF THE MORE INTERESTING CHARTER AMENDMENT PROPOSALS AND WE'RE GOING TO SEE A LOT OF FOLKS COMING OUT ON THE OTHER SIDE AS WELL. SO, STAY TUNED. IT'S GOING TO BE, GOING TO BE A RIDE IN THIS ELECTION WHEN IT COMES TO THIS PROPOSAL AND SOME OF THE OTHERS. AND I WANT TO THANK MR. SINENCI. YOU KNOW, WE PUT HIM THROUGH THE MEAT GRINDER TONIGHT. BUT, YOU KNOW, HE'S ALWAYS BEEN A GOOD, PATIENT, UNDERSTANDING PERSON. SO, I WANT TO THANK YOU FOR YOUR PROPOSAL AND FOR BEING PATIENT WITH THOSE OF US WHO HAD A LOT OF QUESTIONS OR MAYBE DIDN'T QUITE CLEARLY UNDERSTAND THAT AMENDMENTS. SO, THANK YOU, CHAIR. CHAIR LEE: MEMBER KING. I'LL TRY TO BE BRIEF, BECAUSE I THINK EVERYBODY EXPRESSED WHERE WE'RE AT. I'M REALLY HAPPY THAT WE'RE AFFORDING THE PEOPLE OF MAUI A CHANCE TO VOTE ON THIS, ON THE BALLOT. IT'S A LITTLE CONFUSING TO ME BECAUSE I HAD A DIFFERENT IMPRESSION OF WHAT THE COUNTYWIDE WATER AUTHORITY WAS GOING TO BE. SO, AND THAT'S THE PART WE DIDN'T HAVE A LOT OF DISCUSSION ON. IT WAS JUST KIND OF CAME UP TOWARDS THE END. BUT I THINK THE WAY WE CHANGED IT IS MORE EXPLANATORY TO PEOPLE, WHAT WE'RE TRYING TO DO AND THIS SYSTEM THAT WE'RE CREATING. AND I DO THINK IT'S A LONG TIME COMING. I HOPE WE HAVE HELP FROM THE STATE, WHOEVER OUR NEXT GOVERNOR IS. AND I'M, I'M JUST, I THINK IT'S, IT'S SOMETHING THAT WE HEARD LOUD AND CLEAR FROM THE PUBLIC THAT THEY WANT ON THE BALLOT THIS YEAR. SO, AGREE WITH MEMBER MOLINA THAT WE NEED TO MAKE SURE THAT THE, THERE'S CLARITY IN THE EXPLANATION OF THIS CHARTER AMENDMENT SO THAT PEOPLE DON'T FEEL, THEY FEEL COMFORTABLE WITH IT, YOU KNOW, TO VOTE ON IT. SO, THAT'S ALL. THANK YOU SO MUCH, MR. SINENCI. YOU PUT A LOT OF WORK INTO THIS. AND YOU LISTENED TO A LOT OF PEOPLE, JUST LIKE YOU DID WITH THE WATER USE DEVELOPMENT PLAN. SO, I, I WAS, THE ONLY THING THAT KIND OF BOTHERED ME WAS PEOPLE SAYING, WELL, WE KNEW NOTHING ABOUT THIS. AND WE'VE BEEN WORKING ON IT FOR SO LONG, I JUST, I DON'T UNDERSTAND HOW NOBODY NOT KNOW ABOUT IT. BUT I DON'T KNOW, MAYBE WE NEED TO DO A BETTER OUTREACH JUST AS A COUNCIL ON THE WHOLE. BUT THAT'S ALL. JUST REALLY THANKFUL FOR CHAIR LEE: DOES ANYBODY COUNCILMEMBER KING: . . . POINT. CHAIR LEE: ANYBODY ELSE? MEMBER SUGIMURA. COUNCILMEMBER SUGIMURA: SO, I CHAIR LEE: WAIT, I THINK YOU'RE MUTED. COUNCILMEMBER SUGIMURA: I AM GOING TO MAINTAIN MY VOTE. BUT I, I AM CONCERNED, AS I SAID EARLIER, THAT THERE IS THE FEASIBILITY SIDE OF THIS AND WHAT IS IT GOING TO COST. AND AS YOU CAN TELL, YOU KNOW, IT'S GOING TO COST THE TAXPAYERS. IF YOU GO OUT AND GET GRANTS, BUT IT'S GOING TO START OFF WITH THE COUNTY OF MAUI. AND I THINK THAT WE OWE IT TO OUR TAXPAYERS SO THEY UNDERSTAND WHAT THE COST IS. . . . SOMEDAY . . . I THINK WE, YOU KNOW, WE WENT THROUGH THIS WITH DEPARTMENT OF AG FOR BASICS. AND HERE WE ARE TODAY WITH A, YOU KNOW, COMPLETELY DIFFERENT AMOUNT. BUT AT LEAS WE KNEW WHAT THE BASICS WERE ON THAT. AND I THINK THAT THIS IS PRETTY BROAD AND IS BEING TALKED ABOUT GENERALLY. SO, I AM GOING TO MAINTAIN MY VOTE OF NO. AND AGAIN, MY BIG CONCERN IS THAT I

WANT TO MAKE SURE THAT UPCOUNTRY, WHICH IS SO SUSCEPTIBLE BY THE IMPACTS OF THE EAST MAUI IRRIGATION AND A LOT OF THIS DISCUSSION, I JUST WANT TO MAKE SURE THAT THEY HAVE WATER BEFORE WE TAKE A GIANT STEP FORWARD AND CHANGE THINGS. SO, THAT'S MY CONCERN. CHAIR LEE: THANK YOU. AND FOR MY REMARKS, I JUST WANT TO SAY THAT I WISH I COULD VOTE YES, BUT I WILL BE VOTING NO. PRIMARILY BECAUSE I AGREE WITH MEMBER SUGIMURA THAT WE SHOULD HAVE DONE A FEASIBILITY STUDY OF FISCAL ANALYSIS BEFORE TAKING THIS KIND OF UNDERTAKING, CREATING AN ENTITY WITHOUT THE PROPER RESOURCES AND FUNDING. AND, AND THE ANALYSIS THAT SHOULD GO WITH IT IS, IT MAKES ME VERY SKEPTICAL BECAUSE THIS IS A HUGE INVESTMENT OF, I'M TALKING ABOUT MONETARY INVESTMENT ON THE PART OF THE COUNTY, AND COULD, WE COULD ALSO INCUR A LOT OF LIABILITIES. SO, WE SHOULD HAVE DONE OUR DUE DILIGENCE FIRST. SO, READY FOR THE VOTE, MEMBERS? ROLL CALL. COUNTY CLERK: COUNCILMEMBER SHANE SINENCI. COUNCILMEMBER SINENCI: AYE. COUNTY CLERK: COUNCILMEMBER MIKE MOLINA. COUNCILMEMBER MOLINA: AYE. COUNTY CLERK: COUNCILMEMBER KELLY TAKAYA KING. COUNCILMEMBER KING: AYE. COUNTY CLERK: COUNCILMEMBER GABE JOHNSON. COUNCILMEMBER JOHNSON: AYE. COUNTY CLERK: COUNCILMEMBER TAMARA PALTIN. COUNCILMEMBER PALTIN: AYE. COUNTY CLERK: COUNCILMEMBER YUKI LEI SUGIMURA. COUNCILMEMBER SUGIMURA: NO. COUNTY CLERK: COUNCILMEMBER, COUNCIL PRO TEMP TASHA KAMA. CHAIR LEE: EXCUSED. COUNTY CLERK: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: AYE. COUNTY CLERK: AND COUNCIL CHAIR ALICE L. LEE. CHAIR LEE: NO. COUNTY CLERK: THAT'S SIX "AYES", TWO "NOES", ONE "EXCUSED"; MOTION CARRIES. COUNCILMEMBER SINENCI: MAHALO MEMBERS. CHAIR LEE: OKAY. VERY GOOD, MR. SINENCI. OKAY, MADAM CLERK. COUNTY CLERK: CHAIR, CAN WE GET A DISPOSITION FOR THE COUNTY COMMUNICATION 22-151? THAT WAS THE SUBJECT OF THE ASF. CHAIR LEE: MEMBER SINENCI. VICE-CHAIR RAWLINS-FERNANDEZ: I MOVE TO FILE COUNTY COMMUNICATION 22-151. COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: MOVED BY VICE-CHAIR RAWLINS-FERNANDEZ, SECONDED BY MEMBER SINENCI, TO FILE THE MATTER. ANY DISCUSSION? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: ALL "AYES", ZERO "NOES"; MOTION CARRIES. ONE "EXCUSED"; MEMBER KAMA. COUNTY CLERK: THANK YOU. CHAIR LEE: NEXT ITEM. COMMITTEE REPORT NO. 22-57 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE: RECOMMENDING THAT RESOLUTION 22-144, CD1, ENTITLED "PROPOSING AN AMENDMENT TO CHAPTER 8 OF ARTICLE 8 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH PLANNING COMMISSIONS FOR ALL COMMUNITY PLAN AREAS ON MAUI AND DISSOLVE THE MAUI PLANNING COMMISSION," BE PASSED ON FIRST READING AND BE ORDERED TO PRINT. CHAIR LEE: MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. MOVE TO PASS RESOLUTION 22-144, CD1, ON FIRST READING. COUNCILMEMBER KING: SECOND. CHAIR LEE: MOVED BY MEMBER MOLINA, SECONDED BY MEMBER KING, TO PASS THIS RESOLUTION 22-144, CD1, ON FIRST READING. DISCUSSION, MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. YOUR GOVERNMENT, RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE MET ON JUNE 7 AND JUNE 15 TO DISCUSS RESOLUTION 22-144, WHICH WOULD PLACE ON THE NEXT GENERAL ELECTION BALLOT THE QUESTION OF WHETHER THE CHARTER SHOULD BE FURTHER AMENDED, EFFECTIVE JULY 1, 2023, TO ESTABLISH A MAUI COUNTY PLANNING COMMISSION, ESTABLISH PLANNING COMMISSIONS FOR ALL COMMUNITY PLAN AREAS ON MAUI, AND DISSOLVE THE MAUI PLANNING COMMISSION. YOUR COMMITTEE NOTES THE IDEA OF INDIVIDUAL PLANNING COMMISSIONS HAS BEEN DISCUSSED BY PRIOR COUNCILS TO PROVIDE A STRONGER VOICE FOR COMMUNITIES REGARDING DEVELOPMENT OCCURRING IN THEIR AREAS. YOUR COMMITTEE FURTHER NOTES THAT THE PROPOSED CHARTER AMENDMENT WOULD PROMOTE HOME RULE IN LAND

USE AND PLANNING BY GIVING EACH OF MAUI'S SIX COMMUNITY PLAN AREAS ITS OWN PLANNING COMMISSION. AND YOUR COMMITTEE DISCUSSED THE CHARTER COMMISSION'S PROPOSAL TO REQUIRE THE MAUI PLANNING COMMISSION TO HAVE REPRESENTATION FROM EACH MAUI COMMUNITY PLAN AREA; ALLOW FOR KALAUPAPA TO BE INCLUDED WITHIN THE JURISDICTION OF THE MOLOKAI PLANNING COMMISSION UPON STATE ACTION; AND TO ALSO CLARIFY THE ORDER OF COMMUNITY PLAN DEVELOPMENT; AND SET A 10-YEAR DEADLINE FOR THE REVIEW OF ALL COMMUNITY PLANS. AND YOUR COMMITTEE NOTED THAT THIS PROPOSAL WOULD AMEND THE SAME CHARTER SECTION AS A CHARTER COMMISSION PROPOSAL, THAT IT IS NOT UNCOMMON FOR MULTIPLE PROPOSALS AMENDING THE SAME CHARTER SECTION BE ON THE SAME BALLOT. YOUR COMMITTEE NOTES ALL SUCCESSFUL CHARTER AMENDMENTS MUST BE READ IN HARMONY WITH EACH OTHER, AS HAS HAPPENED THROUGHOUT THE COUNTY'S HISTORY. EXCEPT WHEN THE CHARTER COMMISSION AND THE COUNCIL HAVE COMPETING ALTERNATIVES UNDER CHAPTER 50, HAWAII REVISED STATUTES - IN WHICH CASE ONLY THE PROPOSAL WITH THE LARGEST NUMBER OF VOTES IS GIVEN EFFECT - THE COUNTY CLERK IS OTHERWISE EMPOWERED AND OBLIGATED TO GIVE EFFECT TO EACH PROPOSED CHARTER AMENDMENT THAT RECEIVES A MAJORITY VOTE. AND EXCUSE ME, I NEED WATER AFTER THAT LAST ITEM. YOUR COMMITTEE NOTES LEGAL ACTION HAS NOT BEEN REQUIRED IN THE PAST TO DETERMINE HOW TO INCORPORATE APPROVED CHARTER AMENDMENTS INTO AN UPDATED MAUI COUNTY CHARTER AFTER A GENERAL ELECTION, AND IT'S NOT REQUIRED HERE. AND YOUR COMMITTEE NOTED THAT THE ADDITION OF THE HANA ADVISORY COMMITTEE, THE COUNCIL APPROVED THE CREATION OF THE SOUTH MAUI ADVISORY COMMITTEE AND PAIA-HAIKU ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION BY ORDINANCE 5210, BUT THEY DO HAVE DECISION-MAKING AUTHORITY. WE'RE ALMOST THERE, MEMBERS. YOUR COMMITTEE AGREED TO AMEND RESOLUTION 22-144 TO NO LONGER ESTABLISH A MAUI COUNTY PLANNING COMMISSION; REMOVE REDUNDANCIES, CLARIFY THE POWERS, DUTIES, AND FUNCTIONS OF PLANNING COMMISSIONS FOR ALL COMMUNITY PLAN AREAS ON MAUI; AND EXTEND THE TIMELINE FOR THE COMMISSIONS TO TRANSMIT PROPOSED LAND USE ORDINANCES AND AMENDMENTS TO THE COUNCIL; AND INCORPORATE NONSUBSTANTIVE REVISIONS. AND YOUR COMMITTEE ALSO AGREED TO KEEP THE 120-DAY DEADLINE FOR FINDINGS AND RECOMMENDATIONS PREPARED BY THE PLANNING DIRECTOR AND RETURNED TO THE COUNCIL FOR CONSIDERATION AND ACTION AFTER THE FINAL PUBLIC HEARING. AND IT WAS NOTED BY THE PLANNING DIRECTOR THAT SHE DID NOT SUPPORT CREATING SEVEN SEPARATE PLANNING COMMISSIONS AND DOES NOT BELIEVE THERE IS SUFFICIENT VOLUME OF PROJECTS TO JUSTIFY A PLANNING COMMISSION FOR EACH COMMUNITY PLAN AREA. BUT NONETHELESS, YOUR COMMITTEE CONCLUDED IT WAS APPROPRIATE TO LET THE ELECTORATE DECIDE WHETHER EACH COMMUNITY PLAN AREA ON MAUI SHOULD HAVE ITS OWN PLANNING COMMISSION AND, THEREFORE, VOTED TO RECOMMEND PASSAGE OF RESOLUTION 22-144, AS AMENDED. AND THE COMMITTEE VOTED 5-3, WITH ONE EXCUSAL, COMMITTEE MEMBER JOHNSON. THANK YOU, MADAM CHAIR. HAIR LEE: WOW. OKAY. ANY MORE DISCUSSION? MEMBER PALTIN, THEN KING. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. I JUST WAS PUTTING IT OUT THERE IF ANYONE HAD THE APPETITE TO ENTERTAIN TAKING THE AUTHORITY AWAY FROM THE PLANNING COMMISSION OVER THE COASTAL ZONE MANAGEMENT AREAS THE TESTIFIER SUGGESTED? CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. MAHALO MEMBER PALTIN, FOR THAT QUESTION. I ACTUALLY ATTEMPTED TO WORDSMITH AN AMENDMENT AND SHOWED IT TO OUR OCS ATTORNEYS, THAT WOULD AMEND SECTION 4 IN THE RELEVANT COMMUNITY PLAN REVIEW AREA. "REVIEW ALL MATTERS RELATING TO THE . . . MANAGEMENT LAW, . . . TRANSMIT FINDINGS AND RECOMMENDATIONS TO THE COUNCIL". THAT IS TOO SUBSTANTIVE OF AN AMENDMENT THAT WOULD CHANGE THE, THE INTENT OF THE PROPOSAL. AND SO, THAT WOULD BE INAPPROPRIATE AT THIS TIME. AND I SAW

MS. THOMSON. I SAW HER TURN OFF HER VIDEO, SO I THINK SHE AGREES. BUT I FIRST DEPUTY CORPORATION COUNSEL: THAT'S EXACTLY WHAT I WAS GOING TO SAY. COUNCILMEMBER PALTIN: OKAY, THANKS. JUST PUTTING IT OUT THERE. VICE-CHAIR RAWLINS-FERNANDEZ: WE TRIED. WE TRIED. CHAIR LEE: OKAY. ANYMORE, ANYMORE DISCUSSION? READY TO VOTE? MEMBER KING. COUNCILMEMBER KING: YEAH, THANK YOU, CHAIR. THANK YOU FOR THAT ATTEMPT, MEMBER PALTIN. NICE TRY. BUT I JUST WANT TO SPEAK IN STRONG SUPPORT OF THIS. AND WE HEARD FROM MANY MEMBERS OF THE COMMUNITY, IT'S, IT'S THEIR KULEANA TO VOTE ON THIS WHETHER OR NOT THEY WOULD LIKE TO SEE THEIR TAXPAYER DOLLARS PUT INTO THIS. BUT THE REPRESENTATION THAT THIS WOULD BRING . . . EQUITY TO THE, THOSE OF US IN COMMUNITIES WHO ARE NOT REPRESENTED WITH A PLANNING COMMISSION. SO, I JUST WANTED TO ECHO WHAT MR. DICK MAYER HAD SAID, AND OTHERS, THAT THIS HAS BEEN A LONG TIME COMING. AND I'M HOPING THAT WE CAN PUT IT TO THE VOTERS. THANK YOU VERY MUCH. CHAIR LEE: OKAY. VICE-CHAIR RAWLINS-FERNANDEZ AND THEN DEPUTY THOMSON. VICE-CHAIR RAWLINS-FERNANDEZ: OKAY. MAHALO CHAIR. OKAY. SO, I, I HAVE AN AMENDMENT. BUT IF MS. THOMSON WANTED TO SPEAK TO ANYTHING THAT SHE HEARD IN THE DISCUSSION BEFORE I PROPOSE MY AMENDMENT, I'M HAPPY TO YIELD THE FLOOR. CHAIR LEE: MEM, DEPUTY THOMSON. FIRST DEPUTY CORPORATION COUNSEL: THANK YOU VERY MUCH. I WANTED TO REITERATE WHAT I SAID IN COMMITTEE. SO, AS YOU'RE ALL AWARE, THE CHARTER COMMISSION DID CONSIDER A PROPOSAL VERY SIMILAR TO THIS, CREATING A MAUI, DISSOLVING THE MAUI PLANNING COMMISSION AND CREATING PLANNING, REGIONAL PLANNING COMMISSION FOR THE ISLAND OF MAUI. BASED ON OUR ADVICE AND ALSO SHERRY BRODER, THEIR LEGAL ANALYST ADVICE, THERE ARE MANY LEGAL PROBLEMS WITH THAT APPROACH THAT I CAN GO INTO IN A LITTLE BIT MORE DETAIL. THE BOTTOM LINE IS THAT THE CHARTER COMMISSION DID ABANDON THAT APPROACH. AND THEY IN FACT ADOPTED THE COUNCIL'S ALTERNATIVE, WHICH WILL BE ON THE BALLOT. THAT PROPOSAL IS TO HAVE REGIONAL REPRESENTATION ON THE MAUI PLANNING COMMISSION AND . . . EFFECT IMMEDIATE. COUNCILMEMBER KING'S PROPOSAL WOULD GO INTO EFFECT, I BELIEVE, SIX MONTHS LATER OR SO. AT ANY RATE, IF BOTH AMENDMENTS PASS, IF BOTH RECEIVE A MAJORITY YES VOTES, OUR OFFICE WILL NEED TO GO TO COURT TO SEEK A JUDICIAL DETERMINATION ON WHICH AMENDMENT CONTROLS FOR WHICH PARTS. IT COULD BE THAT A JUDGE WILL . . . THAT THE CHARTER COMMISSION'S PROPOSAL IS ENACTED FOR A SHORTER PERIOD AND THEN COUNCILS. OR THEY COULD STRIKE DOWN BOTH. OR FASHION ANOTHER REMEDY. BUT I WANTED TO MAKE IT VERY CLEAR THAT OUR OFFICE CANNOT SIGN OFF ON THIS BILL AS IT IS WRITTEN BASED ON THE UNDERSTANDING THAT WE WILL NEED TO TAKE THIS TO COURT. THAT'S WHAT WE WANTED TO ADVISE YOU TODAY. AND THERE ARE ALSO LEGAL ISSUES WITH SIX REGIONAL PLANNING COMMISSIONS FOR THE ISLAND OF MAUI, SPECIFICALLY THE EXAMPLE OF THE SMA WAS BROUGHT UP, HAVING CONFLICTING OPINIONS COME OUT OF DIFFERENT PLANNING COMMISSIONS THAT COULD BE, YOU KNOW, RENDERING DECISIONS ON ADJACENT PROPERTY IS PROBLEMATIC. HAVING DIFFERENT SMA RULES COULD BE PROBLEMATIC. EACH PLANNING COMMISSION WOULD SET THEIR OWN RULES. SO, THOSE ARE JUST A COUPLE OF THE PROBLEMS. THERE ARE MORE. BUT I WON'T GO INTO THOSE INTO ANY FURTHER DETAIL UNLESS . . . CHAIR LEE: MEMBER KING. DEPUTY CORPORATION COUNSEL: THANK YOU. COUNCILMEMBER KING: THANK YOU, CHAIR. CAN WE HEAR FROM DAVID RAATZ ON THIS ISSUE, THE ISSUES THAT WERE BROUGHT UP BY MS. THOMSON? CHAIR LEE: DAVID? DEPUTY DIRECTOR OF COUNCIL SERVICES: THANK YOU, CHAIR LEE. YES, OUR VIEWPOINT IS EXPRESSED WITHIN THE COMMITTEE REPORT AND AS COMMITTEE CHAIR MOLINA JUST SAID IN HIS OPENING REMARKS. WE WOULD REST ON THAT UNLESS THERE ARE ANY QUESTIONS. THANKS. CHAIR LEE: MEMBER KING, DO YOU HAVE ANY MORE QUESTIONS?

COUNCILMEMBER KING: NO. I GUESS HE'S JUST SAYING IN HIS OPINION IT'S OKAY. I MEAN, THAT'S, THAT WAS A DISCUSSION WE HAD IN COMMITTEE AND SO, YOU KNOW, I FEEL LIKE AGAIN, CORP. COUNSEL IS IMPOSING POLICY ON US AND THAT'S OUR JOB TO DO, IS TO MAKE POLICY. SO, I'M COMFORTABLE MOVING AHEAD. CHAIR LEE: OKAY. MEMBER, VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. OKAY. I, I HAVE A QUESTION FOR MS. THOMSON. IN ONE OF THE LAST CONCERNS THAT YOU STATED WHERE THE DIFFERENT COMMUNITY PLAN AREAS, IF THE PLANNING COMMISSION OF, OF ADJACENT COMMUNITY PLAN AREAS WERE TO MAKE DIFFERENT DECISIONS BASED ON THE SMA MATTERS THAT MAY COME UP, WOULD YOU BE ABLE TO, WELL I GUESS TWO THINGS. IF YOU'RE ABLE TO PROVIDE AN EXAMPLE, REAL WORLD EXAMPLE. AND THEN TWO, AS THE COMPOSITION OF PLANNING COMMISSIONS CHANGE, AND I'VE SEEN THIS HAPPEN WITH THE MOLOKAI PLANNING COMMISSION, WHEREAS, YOU KNOW, MAYOR ARAKAWA TALKED ABOUT WHERE THE BODY'S CHANGE, DECISIONS ALSO CHANGE, SO THE MAKEUP OF THE BODIES. SO, THE FORMER, YOU KNOW, PLANNING COMMISSION APPROVES CERTAIN THINGS AND SET CERTAIN PRECEDENT, THEY WERE CHANGED, AND THE NEW PLANNING COMMISSION MAKES DIFFERENT DECISIONS. SO, WITHIN THAT ONE MOLOKAI PLANNING COMMISSION THERE'S INCONSISTENCIES. SO, I GUESS I'M TRYING TO UNDERSTAND THE CONCERN SO I CAN TRY TO FIGURE OUT HOW TO ADDRESS THE CONCERN. CHAIR LEE: FIRST DEPUTY THOMSON. FIRST DEPUTY CORPORATION COUNSEL: THANK YOU. WELL, GIVEN THAT WE JUST HAVE THE ONE MAUI PLANNING COMMISSION RIGHT NOW, IF THEIR DECISIONS ARE CHALLENGED IT GOES UP TO CIRCUIT COURT. BUT, YOU KNOW, SAY THAT YOU HAVE A, LIKE A KIHEI, YOU KNOW, AND THEN A CENTRAL MAUI OR A WEST MAUI REGIONAL PLANNING COMMISSION AND THEY'RE ANALYZING SIMILAR TYPES OF APPLICATIONS. AND THEY COULD DECIDE THOSE VERY DIFFERENTLY. I MEAN, THE MAUI PLANNING COMMISSION COULD ALSO, LIKE YOU SAID, OVER TIME, MAKE DIFFERENT DECISIONS. I THINK THAT WHERE PROBLEMS COULD OCCUR AND WITH THE, YOU KNOW, PROPERTIES THAT ARE QUITE LARGE AND THAT SPAN TO COMMUNITY PLAN AREAS, YOU KNOW, WHICH PLANNING COMMISSION IS GOING TO HAVE JURISDICTION OVER, YOU KNOW, OVER THOSE, OVER THAT APPLICATION? LIKE I SAID, THEY CAN, THEY MAKE THEIR OWN RULES. THEY SET THEIR OWN ADMINISTRATIVE RULES. THEY ALSO ADOPT THEIR OWN SMA MAPS. SO, THE ISLAND OF LANAI JUST RECENTLY UPDATED THEIR SMA BOUNDARY. BUT THAT WAS, YOU KNOW, IT WAS AN ISLAND-WIDE EFFORT, YOU KNOW. SO, IF YOU HAVE SIX PLANNING COMMISSIONS, YOUR SMA BOUNDARY COULD RADICALLY CHANGE BETWEEN ONE JURISDICTION AND ANOTHER. AND IT WOULD BE BASED, IT COULD BE BASED ON DIFFERENT CRITERIA BECAUSE YOU WOULD HAVE A DIFFERENT DECISION-MAKING . . . WE THINK THAT, YOU KNOW, CONFLICTING DECISIONS COMING OUT OF ADJACENT PLANNING COMMISSIONS WOULD BE PROBLEMATIC. CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. MAHALO FOR THAT RESPONSE, MS. THOMSON. OKAY, SO IF, IT SAYS THAT THE COMMUNITY PLAN AREA PLANNING COMMISSION WOULD BE CONCERNED WITH THE AREA OF THAT COMMUNITY PLAN AREA. AND SO, THE SMA MAP WOULD ONLY BE OF THAT COMMUNITY PLAN AREA. I GUESS, I'M TRYING TO UNDERSTAND WHERE THE CONFLICT WOULD BE IN THE MAPS EXAMPLE. CHAIR LEE: FIRST DEPUTY. FIRST DEPUTY CORPORATION COUNSEL: THANK YOU. SO, IT WOULD BE AT THE BORDERS. YOU KNOW, SO WHERE ONE COMMUNITY PLAN WOULD COME INTO CONTACT WITH THE NEXT COMMUNITY PLAN, THAT DOESN'T ALWAYS LINE UP PERFECTLY WITH THE TAX MAP KEYS OR THE PARCELS, YOU KNOW. AND THEN ALSO, SOME PROJECTS CAN SPAN MULTIPLE TMK'S THAT COULD CROSS OVER THE BOUNDARIES OF THE COMMUNITY PLAN AREA. VICE-CHAIR RAWLINS-FERNANDEZ: CHAIR, AND THEN, MY LAST FOLLOW UP . . . YIELD THE FLOOR . . . SO, THE COMMUNITY PLAN AREAS ARE ESTABLISHED IN ORDINANCE SO IF PROBLEMS ARISE ON THOSE VERY SPECIFIC LINES, WOULD WE

BE ABLE TO RESOLVE THOSE ISSUES VIA ORDINANCE IN DETERMINING THE BOUNDARIES OF THE COMMUNITY PLAN AREA? FIRST DEPUTY CORPORATION COUNSEL: I DON'T THINK, . . . WITH YOUR PERMISSION. I DON'T THINK THAT YOU COULD DO IT IN ADVANCE, YOU KNOW. I THINK THAT THE PROBLEMS WOULD OCCUR AND THEN IT WOULD BE, YOU KNOW, RETROACTIVELY KIND OF ADDRESSING THEM. YOU KNOW, I THINK IT'D BE A HUGE ENDEAVOR TO TRY TO, YOU KNOW, ALIGN THE COMMUNITY PLAN MAPS WITH ALL OF THE TMKS. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO MS. THOMSON. MAHALO CHAIR. CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: THANK YOU, CHAIR. AS THE STATE LEGISLATURE DOES WHEN THEY HAVE OVERLAPPING SUBJECTS, THEY COULD ALSO HAVE JOINT MEETINGS BETWEEN TWO ADJOINING COMMUNITY, PLANNING COMMISSIONS, IF THAT'S AN ISSUE. BUT WE HAVE HAD CONFLICTING RETURNS OF INFORMATION COME BACK FROM THE THREE PLANNING COMMISSIONS WE HAVE NOW WHEN WE SEND OUT COUNTYWIDE ITEMS TO THEM. AND YOU KNOW, ONE WILL SEND IT BACK WITH SOME CHANGES, ANOTHER ONE WILL SEND IT BACK WITH ANOTHER CHANGE. AND WHAT HAPPENS IS, RIGHT NOW, THE PLANNING COMMISSION, OR THE PLANNING DEPARTMENT TAKES THOSE CHANGES AND DECIDES ON WHAT THE BILL SHOULD LOOK LIKE AND THEN SENDS IT BACK TO THE COUNTY. SO, THEY MAY NOT GET THEIR CHANGES IN THERE, DEPENDING ON THE CONFLICTING INFORMATION FROM ANOTHER PLANNING COMMISSION. SO, I THINK THOSE CONFLICTS ARE GOING TO HAPPEN. THEY'RE, YOU KNOW, AS MEMBER RAWLINS-FERNANDEZ MENTIONED, THEY'RE HAPPENING BETWEEN, YOU KNOW, WHEN THE, WHEN THE MEMBERS CHANGE, THE DECISIONS CHANGE. SO, I DON'T THINK WE SHOULD BE AFRAID OF THAT. CHANGE HAPPENS AND SOMETIMES IT'S A GOOD THING. BUT TO ME, THE BOTTOM LINE IS REPRESENTATION. AND IF IT, IF IT FAILS, IF THE PEOPLE DON'T WANT IT, THE PEOPLE WON'T VOTE FOR IT. BUT IF THE PEOPLE WANT THAT KIND OF REPRESENTATION, THEY SHOULD BE ALLOWED TO VOTE ON IT. THANK YOU. CHAIR LEE: ANYONE ELSE? OKAY, MR. MOLINA. OH, VICE-CHAIR RAWLINS-FERNANDEZ, DID YOU HAVE YOUR HAND UP? VICE-CHAIR RAWLINS-FERNANDEZ: I DID, CHAIR. CHAIR LEE: OKAY. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO. I HAVE A PROPOSED AMENDMENT. AND THAT IS ON THE FIRST PAGE OF THE, SO UNDER SECTION 8-8.4 PLANNING COMMISSION, 1. THE SOUTH MAUI PLANNING COMMISSION WILL HAVE JURISDICTION OVER MATTERS ON MOLOKINI AND KAHOO LAWE. SO, I TRIED TO LOOK, SO KAHOO LAWE HAS ITS OWN COMMUNITY PLAN AREA. IN THE CHARTER ON PAGE 3, THE WEST MAUI RESIDENCY AREA, KAHOO LAWE IS THERE. SO, I WAS GOING TO PROPOSED THAT, I MOVE TO, OKAY, WAIT, I GUESS MY AMENDMENT ISN'T PERFECT YET. BECAUSE I COULDN'T FIND MOLOKINI WITHIN THE COMMUNITY PLAN AREA. SO, MAYBE I'LL ASK MS. THOMSON OR OCS IF THEY KNOW WHERE MOLOKINI? CAUSE IT WASN'T, IT WASN'T IN THE SOUTH MAUI COMMUNITY PLAN AREA EITHER, UNLESS IT'S CONSIDERED THREE MILES OUT FROM THE COMMUNITY PLAN AREA. BUT I DON'T KNOW THE DISTANCE. OKAY, MEMBER PALTIN. CHAIR LEE: DAVID? VICE-CHAIR RAWLINS-FERNANDEZ: OH, GO AHEAD. CHAIR LEE: DAVID, ARE YOU ON THE CALL? DEPUTY DIRECTOR OF COUNCIL SERVICES: YES, THANK YOU, CHAIR. UNFORTUNATELY, WE DON'T HAVE THE READY ANSWER TO THE QUESTION. WE ARE RESEARCHING IT RIGHT NOW. CHAIR LEE: MEMBER PALTIN, DO YOU KNOW? WE HAVEN'T DONE SOUTH MAUI YET. VICE-CHAIR RAWLINS-FERNANDEZ: CHAIR? CHAIR LEE: OH, VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: IT, OKAY, IT IS UNDER WEST MAUI. IN THE RESIDENCY AREA OF THE COUNCILMEMBER'S DISTRICT. I KNOW. SO, IT'S ON PAGE 3 IF ANYONE WANTS TO LOOK. AND SO, MY AMENDMENT WOULD BE TO AMEND, FROM SOUTH MAUI IT WOULD SAY "THE WEST MAUI PLANNING COMMISSION WOULD HAVE JURISDICTION OVER MATTERS ON MOLOKINI AND KAHOO LAWE. COUNCILMEMBER PALTIN: SECOND. CHAIR LEE: ANY MORE DISCUSSION? ANY MORE DISCUSSION? MEMBER KING? COUNCILMEMBER KING: I'M SHOCKED, BUT I SUPPORT IT. IF IT'S PART OF THE WEST MAUI COMMUNITY PLAN, THEN THAT'S

WHAT IT IS. I'M JUST SURPRISED. WE WERE THE ONES THAT FELT THE BOMBING WHEN THEY WERE BOMBING ON KAHOO LAWE BUT, YOU KNOW, IT IS WHAT IT IS.

CHAIR LEE: YES, I REMEMBER THOSE DAYS. OKAY, READY TO VOTE ON THE AMENDMENT? NO. MEMBER PALTIN. COUNCILMEMBER PALTIN: OH, I JUST, TO THE QUESTION I WAS ASKED EARLIER, I BELIEVE IT'S TWO MILES, CAUSE I KNOW SOME GUYS THAT USED TO GO THEIR ON THEIR OWN POWER. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO. CHAIR LEE: OKAY, ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: OKAY, ALL "AYES", ONE "EXCUSED". SO, EIGHT "AYES", ONE "EXCUSED"; MOTION CARRIES. ANY MORE AMENDMENTS? VICE-CHAIR RAWLINS-FERNANDEZ: CHAIR. CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. IN THE, IN THE FIRST SECTION, SECTION 8-8.4 PLANNING COMMISSION. THE LAST LINE WHERE IT LISTS THE NAMES OF THE DEPARTMENT DIRECTORS AS NON-VOTING EX-OFFICIO MEMBERS OF EACH COMMISSION, I WOULD LIKE TO STRIKE ALL OF THAT. I ASKED OUR, OUR, THE CHAIR OF OUR MOLOKAI PLANNING COMMISSION IF ANY OF THEM ATTEND ANY OF THE MEETINGS OR IF SHE WAS EVEN AWARE THAT THEY WERE NON-VOTING EX-OFFICIO MEMBERS. AND SHE'S BEEN ON THERE FOR OVER FOUR YEARS, AND FIVE YEARS IN A PREVIOUS TERM. SO, IN PRACTICE, I, THEY DON'T REALLY ATTEND THE MEETINGS. AND WHEN I WAS LOOKING AT OTHER COMMISSIONS AND BOARDS, IT SEEMED THAT THIS WAS PRETTY STANDARD LANGUAGE TO NAME A BUNCH OF THE DIRECTORS AS NON-VOTING EX-OFFICIO MEMBERS. BUT I GUESS I CAN, IF YOU'D LIKE, I CAN ASK MS. THOMSON IF THERE, IF SHE KNOWS OF ANY PURPOSE FOR THAT LANGUAGE BEING THERE. OTHERWISE, IN PRACTICE, THEY'RE NOT, NON-VOTING, THEY DON'T REALLY SHOW UP TO THE MEETINGS, SO STRIKE IT.

CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: FIRST, I'LL SECOND THE MOTION. AND I JUST, THE QUESTION I HAD IS, DOESN'T PRECLUDE THEM FROM COMING TO THE MEETING, RIGHT? THEY'RE JUST NOT, I MEAN, THEY CAN STILL COME, JUST LIKE ANYBODY ELSE FROM THE, FROM THE PUBLIC CAN COME. IT JUST, IS NOT NAMING THEM AS A EX-OFFICIO MEMBERS. CHAIR LEE: ANY MORE DISCUSSIONS? BEEN MOVED BY MEMBER VICE-CHAIR RAWLINS-FERNANDEZ, SECONDED BY MEMBER KING, ON THIS PARTICULAR AMENDMENT, STRIKING THE EX-OFFICIO MEMBERS. ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND, SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. OKAY. THE MAIN MOTION. VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. THE LAST THING I WOULD LIKE TO SPEAK TO IS THE INTENT, SO THAT IT'S CLEAR FOR THE RECORD. EACH OF MAUI ISLAND'S COMMUNITY PLAN AREAS MAY HAVE ITS OWN PLANNING COMMISSION. SO, I, SPOKE WITH OUR OCS ATTORNEY ABOUT THE WORD "MAY", BECAUSE IT'S NOT A "SHALL" AND IT'S NOT A "MUST". IT'S A "MAY", THEREFORE, IT'S KIND OF OPTIONAL. AND SO, MY QUESTION WAS, WHAT HAPPENS IF COMMUNITY PLAN AREAS WAS NOT, DID NOT HAVE A PLANNING COMMISSION? WHO WOULD REPRESENT, WHAT PLANNING COMMISSION WOULD REPRESENT THE INTEREST OF THAT COMMUNITY PLAN AREA? AND SO, I ASKED IF IT WOULD BE POSSIBLE TO COMBINE COMMUNITY PLAN AREAS TO FORM A MULTIPLE COMMUNITY PLAN AREA PLANNING COMMISSION? AND THE RESPONSE WAS THAT IT, THERE'S FLEXIBILITY IN THE LANGUAGE FOR THAT WORK TO BE DONE VIA ORDINANCE. AND SECTION 7 KIND OF . . . THAT LEGISLATIVE INTENT. AND SO, I, I SPEAK IN SUPPORT THE . . . AND THEN, IF MEMBER KING WANTED TO ADD MORE TO LEGISLATIVE . . . AS THE AUTHOR OF THE PROPOSAL. MAHALO CHAIR. CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: THANK YOU, CHAIR. I REMEMBER THIS CAME UP BECAUSE VICE-CHAIR RAWLINS-FERNANDEZ MENTIONED THAT WE MIGHT, YOU KNOW, MAYBE WE COULD COMBINE THEM IF THAT MADE MORE SENSE, AND THAT'S WHY WE CHANGED IT TO "MAY". SO, YEAH, FULL SUPPORT. I'M GLAD YOU, I'M GLAD YOU VERBALIZED IT, BECAUSE NOW IT'S IN THE RECORD THAT THAT'S WHY WE DID THAT. THANK

YOU. CHAIR LEE: ANYONE ELSE? OKAY. NO MORE AMENDMENTS? OH, THIS IS THE SECOND AMENDMENT, RIGHT? ARE YOU CHANGE, THIS IS A NEW AMENDMENT, RIGHT, THAT YOU'RE MAKING? VICE-CHAIR RAWLINS-FERNANDEZ: NO AMENDMENT, CHAIR. JUST THE MAIN MOTION AS AMENDED. CHAIR LEE: OKAY, SO YOU'RE JUST CLARIFYING THAT? VICE-CHAIR RAWLINS-FERNANDEZ: ARTICULATING THE LEGISLATIVE INTENT FOR ANY FUTURE RESEARCHERS WANTING TO UNDERSTAND THE LEGISLATIVE INTENT OF THIS SECTION. CHAIR LEE: ALRIGHT, NOW THE MAIN MOTION AS AMENDED. ROLL CALL. COUNTY CLERK: COUNCILMEMBER SHANE SINENCI. COUNCILMEMBER SINENCI: AYE. COUNTY CLERK: COUNCILMEMBER MIKE MOLINA. COUNCILMEMBER MOLINA: AYE. COUNTY CLERK: COUNCILMEMBER KELLY TAKAYA KING. COUNCILMEMBER KING: AYE. COUNTY CLERK: COUNCILMEMBER GABE JOHNSON. COUNCILMEMBER JOHNSON: AYE. COUNTY CLERK: COUNCILMEMBER TAMARA PALTIN. CHAIR LEE: EXCUSED. OH NO, I'M SORRY. THINKING TASHA KAMA. YOU CAN BE EXCUSED TOO. COUNCILMEMBER PALTIN: WE LOOK SO MUCH ALIKE. CHAIR LEE: YEAH. COUNCILMEMBER PALTIN: I DON'T KNOW IF YOU CAN HEAR ME OVER THE RAIN AND THE COQUIS, BUT I'LL SAY AYE. COUNTY CLERK: COUNCILMEMBER YUKI LEI SUGIMURA. COUNCILMEMBER SUGIMURA: NO. AND I DO HEAR THE COQUI FROGS. THEY'RE PRETTY CLEAR. COUNTY CLERK: COUNCIL PRO TEMP TASHA KAMA. CHAIR LEE: EXCUSED. COUNTY CLERK: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: AYE. COUNTY CLERK: AND COUNCIL CHAIR ALICE L. LEE. CHAIR LEE: NO. COUNTY CLERK: SO, THAT'S ONE "EXCUSED", TWO "NOES", AND SIX "AYES"; MOTION CARRIES. CHAIR LEE: MEMBER PALTIN, WERE THE FROGS MAKING NOISE EARLIER? COUNCILMEMBER PALTIN: SINCE SUNDOWN. AND NOW, THE RAIN IS REALLY LOUD, SO I GOT MY HEADPHONES ON. CHAIR LEE: OH OKAY, BECAUSE I, I THOUGHT I HEARD FROGS, AND THEN I THOUGHT, CAN'T BE. WOULD BE THE, SO IT'S THE HILO FROGS? OKAY. FIRST DEPUTY THOMSON. FIRST DEPUTY CORPORATION COUNSEL: THANK YOU. I'M HOPING THAT COUNCILMEMBER RAWLINS-FERNANDEZ CAN HELP CLARIFY WHETHER, SO THE BALLOT QUESTION, LET ME SCROLL DOWN, SORRY. THE BALLOT QUESTION DISSOLVES THE MAUI PLANNING COMMISSION IMMEDIATELY AND CREATES A PLANNING COMMISSION FOR ALL COMMUNITY PLAN AREAS ON MAUI. BUT THE DISCUSSION AROUND THE WORD "MAY", SO EACH OF MAUI ISLAND'S COMMUNITY PLAN AREAS MAY HAVE ITS OWN PLANNING COMMISSION. IS THE INTENT THAT THESE PLANNING COMMISSIONS BE CREATED BY ORDINANCE OR ARE THEY CREATED ON THE EFFECTIVE DATE OF THIS CHARTER AMENDMENT? THE BALLOT QUESTION AND THAT EXPLANATION, I WASN'T CLEAR IF THEY MATCHED. VICE-CHAIR RAWLINS-FERNANDEZ: THE EFFECTIVE DATE IS JULY 1, 2023. SO, THERE WOULD BE TIME. AND THEN, MY UNDERSTANDING WAS THAT IT WOULD BE ESTABLISHED VIA ORDINANCE. BUT I'LL, I'LL ALSO YIELD TO MEMBER KING. CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: THANK YOU, CHAIR. THAT WAS MY UNDERSTANDING TOO, THAT THAT WOULD BE CREATED BY ORDINANCE, AND THIS GIVES US SIX MONTHS OR SO OR MORE AFTER THE ELECTION. FIRST DEPUTY CORPORATION COUNSEL: THANK YOU. CHAIR LEE: DOES THAT ANSWER YOUR QUESTION, DEPUTY THOMSON? FIRST DEPUTY CORPORATION COUNSEL: I THINK SO. CHAIR LEE: OKAY. FIRST DEPUTY CORPORATION COUNSEL: YEAH. CHAIR LEE: I DON'T KNOW WHY WE'RE HAVING ALL OF THIS DISCUSSION AT A COUNCIL MEETING, QUITE FRANKLY. NEXT ITEM. COUNCILMEMBER MOLINA: MADAM CHAIR? COUNTY CLERK: NEXT ITEM, CHAIR. OH. COUNCILMEMBER MOLINA: SORRY, MADAM CHAIR? CHAIR LEE: YES, MR. MOLINA? COUNCILMEMBER MOLINA: IF THERE ARE NO OBJECTIONS, I KNOW WE'VE BEEN GOING AT IT FOR ABOUT TWO AND A HALF HOURS, SO WOULD IT BE OKAY TO TAKE MAYBE A TEN-MINUTE BREAK? CHAIR LEE: ALRIGHT, 10:17. COUNCILMEMBER MOLINA: OKAY, SOUNDS GOOD. THANK YOU. CHAIR LEE: 10:17, IN RECESS. THE MEETING WAS RECESSED BY THE CHAIR AT 10:07 P.M., AND WAS RECONVENED AT 10:18 P.M. CHAIR LEE: WILL THE MAUI COUNTY COUNCIL JULY

1, 2022 MEETING PLEASE RECONVENE. MADAM, MADAM CLERK. COUNTY CLERK: CHAIR, CONTINUING WITH COMMITTEE REPORTS. COMMITTEE REPORT NO. 22-58 GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE: RECOMMENDING THAT BILL 65 (2022), ENTITLED "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, REGARDING THE ISSUANCE OF A MANAGEMENT RIGHT-OF-ENTRY FOR BRUSH CLEARING AND PUBLIC PARKING PURPOSES," BE PASSED ON FIRST READING AND BE ORDERED TO PRINT. CHAIR LEE: MR. MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. MOVE TO PASS BILL 65 ON FIRST READING. COUNCILMEMBER KING: SECOND. CHAIR LEE: MOVED BY MEMBER MOLINA, SECONDED BY MEMBER KING, TO PASS BILL 65 ON FIRST READING. DISCUSSION, MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. YOUR GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE MET ON JUNE 14, 2022, TO DISCUSS BILL 65. THE PURPOSE OF THIS BILL IS TO AUTHORIZE THE MAYOR OR HIS AUTHORIZED REPRESENTATIVE TO EXECUTE THE MANAGEMENT RIGHT-OF-ENTRY PERMIT AGREEMENT, ATTACHED AS EXHIBIT "1", FOR A PARCEL LOCATED IN KEAWEKAPU, KAMAOLE, MAUI, HAWAII. THE AGREEMENT WOULD ALLOW FOR PUBLIC PARKING AND THE CLEARING OF OVERGROWN BRUSH FROM AN UNENCUMBERED PORTION OF STATE OF HAWAII LAND CONSISTING OF APPROXIMATELY 0.524 ACRES, IDENTIFIED AS EXHIBIT "A". THE BUDGET DIRECTOR SAID THE ADMINISTRATION HAS BEEN WORKING WITH THE STATE OF HAWAII, DLNR, TO OBTAIN AN EXECUTIVE ORDER FOR THE ENTIRE PARCEL. AND THE BUDGET DIRECTOR ALSO SAID \$100,000 WAS ALLOCATED IN THE FISCAL YEAR 2023 BUDGET TO CLEAR THE AREA AND CREATE ABOUT 50 TEMPORARY PARKING STALLS THAT CAN BE USED IMMEDIATELY. YOUR COMMITTEE VOTED 8-0 TO RECOMMEND PASSAGE OF BILL 65 ON FIRST READING, WITH ONE COMMITTEE MEMBER EXCUSED, MEMBER JOHNSON. THANK YOU, MADAM CHAIR. CHAIR LEE: ANY MORE DISCUSSION? IF MEMBER KING. COUNCILMEMBER KING: I JUST WANT TO SPEAK IN STRONG SUPPORT. AND I WANT TO THANK DANIEL ORNELLAS FROM DLNR. I'VE BEEN WORKING WITH HIM ON THIS SINCE 2018, SO HE'S BEEN A HUGE ADVOCATE AND COLLABORATOR. SO, I JUST WANTED TO GIVE HIM SOME KUDOS FOR GETTING THIS, THIS FAR. THANK YOU. CHAIR LEE: OKAY. VERY GOOD. ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY "AYE". MEMBER PALTIN? CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MEMBER KAMA. MOTION CARRIES. COMMITTEE REPORT NO. 22-59 GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE: RECOMMENDING THAT BILL 92, CD1 (2022), ENTITLED "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.60, MAUI COUNTY CODE, RELATING TO A RESIDENCY REQUIREMENT FOR BOARD, COMMISSION, AND COMMITTEE MEMBERS" BE PASSED ON FIRST READING AND BE ORDERED TO PRINT. CHAIR LEE: MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. MOVE TO PASS BILL 92, CD1 (2022) ON FIRST READING. CHAIR LEE: SECOND? COUNCILMEMBER SUGIMURA: SECOND. CHAIR LEE: MOVED BY MEMBER MOLINA, SECONDED BY MEMBER SUGIMURA, TO PASS THE BILL ON FIRST READING. DISCUSSION, MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. YOUR GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE MET ON JUNE 7 AND JUNE 15 TO DISCUSS BILL 92. THE PURPOSE OF THIS BILL IS TO ESTABLISH A COUNTY RESIDENCY REQUIREMENT FOR BOARDS, COMMISSIONS, AND COMMITTEE MEMBERS. YOUR COMMITTEE NOTED INDIVIDUALS APPOINTED AS MEMBERS TO A BOARD, COMMISSION, OR COMMITTEE SHOULD, AT MINIMUM, BE A MAUI COUNTY RESIDENT WITH A GENERAL UNDERSTANDING OF MAUI COUNTY AND THE CHALLENGES FACED BY OUR COMMUNITY. YOUR COMMITTEE NOTED "RESIDENT" MEANS A PERSON WHO MEETS THE REQUIREMENTS OF A HOME AND EXEMPTION CLAIM UNDER SECTION 3.48.050, MAUI COUNTY CODE, OTHER THAN THE REQUIREMENT TO OWN AND OCCUPY REAL

PROPERTY AS A PRINCIPAL HOME. AND YOUR COMMITTEE ALSO NOTED RESIDENCY OUTSIDE OF THE COUNTY OR FAILURE TO REPORT A RESIDENCY CHANGE OUTSIDE OF THE COUNTY WOULD JUSTIFY REMOVAL FROM A BOARD, COMMISSION, OR COMMITTEE. THE COMMITTEE VOTED 7-0 TO RECOMMEND PASSAGE OF BILL 92, CD1 ON FIRST READING, WITH TWO COMMITTEE MEMBERS EXCUSED; MEMBER JOHNSON AND MEMBER SUGIMURA. AND I'D LIKE TO THANK MEMBER PALTIN FOR THIS CONSIDERATION. THANK YOU. CHAIR LEE: ANY MORE DISCUSSION? MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. YOU KNOW, WITH THIS NEW VIRTUAL TECHNOLOGY WHERE WE CAN DO MEETINGS, AND I'M DOING IT . . . THE COUNTY RIGHT NOW, I JUST WANTED TO, YOU KNOW, CLOSE THE GAP AND JUST ENSURE THAT DECISIONS FOR MAUI COUNTY WERE MADE BY MAUI COUNTY RESIDENTS AS BEST AS POSSIBLE. SO, THANK YOU, MEMBERS, FOR THE SUPPORT OF MY BILL. CHAIR LEE: ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: EIGHT "AYES", ONE "EXCUSED"; MOTION CARRIES.

COMMITTEE REPORT NO. 22-60 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE: RECOMMENDING THAT RESOLUTION 22-149 , ENTITLED "REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN LAND USE DESIGNATION TO MF MULTI-FAMILY AND OPEN SPACE AND CHANGE THE ZONING TO A-1 APARTMENT DISTRICT FOR REAL PROPERTY SITUATED AT KIHEI, MAUI, HAWAII, TAX MAP KEYS (2) 2-1-023:004, (2) 2-1-023:005, AND (2) 2-1-023:006 (WAILEA POINT VILLAGE)," BE FILED. CHAIR LEE: MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT NO. 22-60. CHAIR LEE: SECOND? COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: MOVED BY MEMBER PALTIN, SECONDED BY MEMBER SINENCI, TO APPROVE THE RECOMMENDATION IN COMMITTEE REPORT 22-60. DISCUSSION, MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. YOUR PLANNING AND SUSTAINABLE LAND USE COMMITTEE MET ON JUNE 16, 2022, AND DISCUSSED RESOLUTION 22-149 REFERRING TO THE MAUI PLANNING COMMISSION PROPOSED BILLS TO AMEND THE KIHEI-MAKENA COMMUNITY PLAN LAND USE DESIGNATION FROM HOTEL TO MULTI-FAMILY AND OPEN SPACE, AND A CHANGE IN ZONING FROM H-1 HOTEL AND H-2 HOTEL DISTRICT TO A-1 APARTMENT DISTRICT FOR THE WAILEA POINT VILLAGE. YOUR COMMITTEE NOTES WAILEA POINT VILLAGE IS A GATED COMMUNITY CONSISTING OF RESIDENTIAL UNITS, SHORT-TERM RENTAL UNITS, AND LONG-TERM RENTAL UNITS. A REPRESENTATIVE FROM THE DEPARTMENT OF FINANCE SAID 15 OWNERS SELF-DECLARED THEIR UNITS WERE OPERATING SHORT, AS SHORT-TERM RENTALS IN 2020. THE DEPARTMENT OF FINANCE REPRESENTATIVE EXPRESSED CONCERN WITH THE POTENTIAL LOSS IN TAX REVENUE AND POSSIBLY SETTING PRECEDENT FOR OTHER AREAS SEEKING SIMILAR CHANGES IN LAND USE AND TAX CLASSIFICATION. IN 2022, THE AVERAGE ASSESSED VALUE FOR A UNIT WAS \$3.9 MILLION AND THE MINIMUM [SIC] ASSESSED VALUE FOR A UNIT WAS \$10.7 MILLION. A REPRESENTATIVE FROM THE WAILEA POINT VILLAGE SAID AN INDEPENDENT SURVEY WAS CONDUCTED WITH THE OWNERS AND CONCLUDED THAT A MAJORITY SUPPORTED PROHIBITING AND PHASING OUT SHORT-TERM RENTALS. A REPRESENTATIVE OF WAILEA POINT VILLAGE ADDED THAT SOME OWNERS WERE POSSIBLY UNAWARE OF THE COUNTY'S PROPERTY TAX CLASSIFICATIONS AND RATES FOR UNITS AT WAILEA POINT VILLAGE. YOUR COMMITTEE EXPRESSED CONCERN FOR A COUNCIL-INITIATED AMENDMENT IF ALL UNIT OWNERS DID NOT SUPPORT THE CHANGE. AND THE LAND USE CHANGE WOULD FAIL TO PROVIDE THE DESIRED TAX RELIEF FOR WAILEA POINT VILLAGE. YOUR COMMITTEE RECOMMENDED WAILEA POINT VILLAGE APPLY FOR AN AMENDMENT TO CHANGE THE COMMUNITY PLAN LAND USE DESIGNATION AND CHANGE IN ZONING DIRECTLY WITH THE DEPARTMENT OF PLANNING YOUR COMMITTEE VOTED 6-0 TO RECOMMEND FILING OF RESOLUTION 22-149. I RESPECTFULLY ASK FOR THE MEMBERS SUPPORT OF MY MOTION. CHAIR LEE: MORE DISCUSSION? OKAY, ROLL CALL. COUNTY CLERK: COUNCILMEMBER SHANE SINENCI.

COUNCILMEMBER SINENCI: AYE. COUNTY CLERK: COUNCILMEMBER MIKE MOLINA.
COUNCILMEMBER MOLINA: AYE. COUNTY CLERK: COUNCILMEMBER KELLY TAKAYA
KING. COUNCILMEMBER KING: AYE, WITH RESERVATIONS. COUNTY CLERK:
COUNCILMEMBER GABE JOHNSON. COUNCILMEMBER JOHNSON: AYE. COUNTY CLERK:
COUNCILMEMBER TAMARA PALTIN. COUNCILMEMBER PALTIN: AYE. COUNTY CLERK:
COUNCILMEMBER YUKI LEI SUGIMURA. COUNCILMEMBER SUGIMURA: AYE. COUNTY
CLERK: COUNCIL PRO TEMP TASHA KAMA. CHAIR LEE: EXCUSED. COUNTY CLERK:
COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ:
AYE. COUNTY CLERK: AND CHAIR ALICE L. LEE. CHAIR LEE: NO. COUNTY CLERK:
ONE "EXCUSED", ONE "NO", AND SEVEN CHAIR LEE: "AYES". COUNTY CLERK:
"AYES". CHAIR LEE: RESOLUTIONS. COUNTY CLERK: PROCEEDING WITH
RESOLUTIONS. THESE RESOLUTIONS ARE RECOMMENDED FOR REFERRAL TO THE
FOLLOWING COMMITTEES AS NOTED: RESOLUTIONS NO. 22-111 APPROVAL OF COST
ITEMS FOR BARGAINING UNIT 02, SUPERVISORY, BLUE-COLLAR EMPLOYEES THE
RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-111 BE REFERRED TO THE
BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE. RESOLUTION NO. 22-
115 APPROVING COST ITEMS FOR NON-SUPERVISORY WHITE-COLLAR EMPLOYEES
EXCLUDED FROM BARGAINING UNIT 3, SUPERVISORY WHITE-COLLAR EMPLOYEES
EXCLUDED FROM BARGAINING UNIT 4, AND PROFESSIONAL AND SCIENTIFIC
EMPLOYEES EXCLUDED FROM BARGAINING UNIT 13 THE RECOMMENDED ACTION IS THAT
RESOLUTION NO. 22-115 BE REFERRED TO THE BUDGET, FINANCE, AND ECONOMIC
DEVELOPMENT COMMITTEE. RESOLUTION NO. 22-116 APPROVING COST ITEMS FOR
BARGAINING UNIT 3, NON-SUPERVISORY WHITE-COLLAR EMPLOYEES, BARGAINING
UNIT 4, SUPERVISORY WHITE-COLLAR EMPLOYEES, AND BARGAINING UNIT 13,
PROFESSIONAL AND SCIENTIFIC EMPLOYEES THE RECOMMENDED ACTION IS THAT
RESOLUTION NO. 22-116 BE REFERRED TO THE BUDGET, FINANCE, AND ECONOMIC
DEVELOPMENT COMMITTEE. CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. VICE-
CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. DID OUR CLERK ALSO CALL UP 22-
121 AND 122? COUNTY CLERK: I'M GOING TO CALL THEM UP RIGHT NOW. VICE-
CHAIR RAWLINS-FERNANDEZ: OH OKAY. IF SHE MAY? IF THERE'S NO
OBJECTIONS? CHAIR LEE: ANY OBJECTIONS, MEMBERS? MEMBERS VOICED NO
OBJECTION. CHAIR LEE: OKAY. RESOLUTION NO. 22-121 PPROVING COST ITEMS
FOR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 11, FIRE FIGHTERS THE
RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-121 BE REFERRED TO THE
BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE. RESOLUTION NO. 22-
122 APPROVING COST ITEMS FOR BARGAINING UNIT 11, FIRE FIGHTERS THE
RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-122 BE REFERRED TO THE
BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE. CHAIR LEE: VICE-
CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. AND
I MOVE TO DISCHARGE THE BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE FROM FURTHER CONSIDERATION OF RESOLUTIONS 22-111, 22-115, 22-
116, 22-121, AND 22-122. COUNCILMEMBER PALTIN: SECOND. CHAIR LEE: MOVED
BY VICE-CHAIR RAWLINS-FERNANDEZ, SECONDED BY MEMBER PALTIN, TO DISCHARGE
ALL THE RESOS THAT WERE MENTIONED; 111, 115, 116, 121, AND 122.
DISCUSSION? VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. WE REVIEWED
THESE RESOLUTIONS DURING THE JUNE 29 BUDGET, FINANCE, AND ECONOMIC
DEVELOPMENT COMMITTEE. AS DISCUSSED DURING THAT MEETING, THESE ITEMS ARE
TIME SENSITIVE, SO WE MUST TAKE ACTION ON THEM TODAY. CHAIR LEE: OKAY.
ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE DISCHARGE, RAISE YOUR
HAND AND SAY "AYE". CHAIR LEE: OKAY, EIGHT "AYES", ONE "EXCUSED"; MOTION
CARRIES. VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ:
MAHALO CHAIR. I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND
REPORT FOR RESOLUTIONS 22-111, 115, 116, 121, AND 122, IN ACCORDANCE WITH
RULE 7.G. OF THE RULES OF THE COUNCIL. CHAIR LEE: SECOND? COUNCILMEMBER

SINENCI: SECOND. COUNCILMEMBER MOLINA: SECOND. CHAIR LEE: MOVED BY VICE-CHAIR RAWLINS-FERNANDEZ, SECONDED BY MEMBER SINENCI, TO WAIVE THE RULES OF THE COUNCIL ON THE RESOLUTIONS AS STATED BY THE VICE-CHAIR. DISCUSSION, VICE-CHAIR. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. SAME DISCUSSION DURING THE DISCHARGE MOTION. ALL OF THESE RESOLUTIONS ARE TIME SENSITIVE. CHAIR LEE: ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: OKAY, EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. I MOVE TO ADOPT RESOLUTIONS 22-111, 115, 116, 121, AND 122. COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: MOVED BY VICE-CHAIR RAWLINS-FERNANDEZ, SECONDED BY MEMBER SINENCI, TO ADOPT RESOLUTIONS 22-111, 115, 116, 121, AND 122. DISCUSSION, VICE-CHAIR. COUNTY CLERK: DISCHARGE. DISPOSITION. CHAIR LEE: WHAT'S THAT? VICE-CHAIR RAWLINS-FERNANDEZ: MADAM CLERK? COUNTY CLERK: YES? VICE-CHAIR RAWLINS-FERNANDEZ: WERE YOU TALKING TO US? COUNTY CLERK: OH NO. I'M SORRY. I WAS TALKING TO THE STAFF. VICE-CHAIR RAWLINS-FERNANDEZ: OH OKAY. ALRIGHT. CHAIR LEE: OKAY. VICE-CHAIR RAWLINS-FERNANDEZ: MEMBERS, AS STATED CHAIR LEE: GO AHEAD. VICE-CHAIR RAWLINS-FERNANDEZ: AS STATED BY DIRECTOR UNDERWOOD DURING OUR MEETING EARLIER THIS WEEK, THESE AGREEMENTS HAVE TO BE HEARD AND APPROVED BY ALL OF THE LEGISLATIVE BODIES BEFORE THEY CAN GO INTO EFFECT. THESE AGREEMENTS RUN FROM JULY 1, 2021, THROUGH JUNE 30, 2025, AND REFLECT THE SALARY INCREASES AND ANY STEP CHANGES NEGOTIATED BY THE HAWAII GOVERNMENT EMPLOYEES ASSOCIATION AND THE HAWAII FIRE FIGHTERS ASSOCIATION. CHAIR, AT THIS TIME, I WOULD LIKE TO PROCEED WITH PROPOSED AMENDMENTS, BEGINNING WITH THE COUNTY COMMUNICATION 22-152, WHICH WAS BROUGHT UP BY THE CLERK EARLIER. CHAIR LEE: OKAY. VICE-CHAIR RAWLINS-FERNANDEZ: OH SHOOT. CHAIR LEE: GO AHEAD, VICE-CHAIR. VICE-CHAIR RAWLINS-FERNANDEZ: OKAY. MAHALO CHAIR. I MOVE TO AMEND RESOLUTION 22-121 BY REPLACING EXHIBIT "1" WITH A REVISED EXHIBIT "1" CONTAINING UPDATED NUMBERS, AND FILE THE COMMUNICATION. CHAIR LEE: SECOND? COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: MOVED BY VICE-CHAIR RAWLINS-FERNANDEZ, SECONDED BY MEMBER SINENCI, TO REPLACE THE EXHIBIT, AS STATED BY THE VICE-CHAIR. DISCUSSION, VICE-CHAIR. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. THESE, THIS AMENDMENT WOULD ALLOW FOR THE NUMBERS TO BE UPDATED. CHAIR LEE: ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: SEVEN "AYES", EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. I MOVE TO, OH SORRY, LET'S SEE. I WOULD LIKE TO PROCEED WITH COUNTY COMMUNICATION 22-153. I MOVE TO AMEND RESOLUTION 22-122 BY REPLACING EXHIBIT "1" WITH A REVISED EXHIBIT "1" CONTAINING UPDATED NUMBERS, AND TO FILE THE COUNTY COMMUNICATION. CHAIR LEE: SECOND? COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: MOVED BY VICE-CHAIR RAWLINS-FERNANDEZ, SECONDED BY MEMBER SINENCI, TO REPLACE EXHIBIT "1" AND FILE THE COMMUNICATION. DISCUSSION, VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. AGAIN, THIS WOULD UPDATE THE NUMBERS. CHAIR LEE: ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. THAT CONCLUDES MY AMENDMENTS TO THE MAIN MOTION. I RESPECTFULLY ASK FOR THE MEMBERS CONTINUED SUPPORT OF THESE ITEMS. MAHALO CHAIR. CHAIR LEE: ANY MORE DISCUSSION? MAIN MOTION AS AMENDED, RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. MADAM

CLERK. COUNTY CLERK: CONTINUING WITH REFERRALS TO YOUR GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE. RESOLUTION NO. 22-128 RELATING TO THE APPOINTMENT OF RANDON ALIKA SANCHES TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI THE RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-128 BE REFERRED TO THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE. (RESOLUTION NO. 22-128 WAS AMENDED AND ADOPTED LATER IN THE MEETING. SEE PAGES THROUGH FOR DISCUSSION AND ACTION.) RESOLUTION NO. 22-129 RELATING TO THE APPOINTMENT OF POERAVA U?ILANI TEHIVA TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI THE RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-129 BE REFERRED TO THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE. (RESOLUTION NO. 22-129 WAS ADOPTED LATER IN THE MEETING. SEE PAGES THROUGH FOR DISCUSSION AND ACTION.) RESOLUTION NO. 22-160 AUTHORIZING SETTLEMENT OF CLAIM NO. 4056092 OF CRAIG CLOVE THE RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-160 BE REFERRED TO THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE. RESOLUTION NO. 22-161 AUTHORIZING SETTLEMENT OF RONDA SMYTHE AND LIANA P. KANNO V. BRANDON SAFFEELS, ET AL., CASE CV 21-00056 LEK-RT AND ALISHA N.K. CONSTANTINO V. BRANDON SAFFEELS, ET AL., CASE CV 21-00316 LEK-RT THE RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-161 BE REFERRED TO THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE. RESOLUTION NO. 22-163 APROVING THE HAWAI?I STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE'S NOMINATIONS TO THE NATIONAL ASSOCIATION OF COUNTIES AND WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2023 THE RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-163 BE REFERRED TO THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE. (RESOLUTION NO. 22-163 WAS ADOPTED LATER IN THE MEETING. SEE PAGES THROUGH FOR DISCUSSION AND ACTION.) CHAIR LEE: MEMBERS, ANY OBJECTIONS TO THE REFERRALS AS NOTED? MEMBER MOLINA. DISCUSSION RELATING TO RESOLUTION NO. 22-128 COUNCILMEMBER MOLINA: YEAH. YEAH, WITH REGARDS TO RESOLUTION 22-128, I MOVE TO DISCHARGE THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE FROM FURTHER CONSIDERATION OF RESOLUTION 22-128. CHAIR LEE: SECOND? COUNCILMEMBER SUGIMURA: SECOND. CHAIR LEE: MOVED BY MEMBER MOLINA, SECONDED BY MEMBER SUGIMURA, TO DISCHARGE FROM THE COMMITTEE, AS STATED BY MEMBER MOLINA. DISCUSSION? COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. THE COUNCIL'S DEADLINE TO APPROVE OR DISAPPROVE THE NOMINATION OF MR. SANCHES IS JULY 2, 2022. IF WE DON'T TAKE ACTION TODAY, THE NOMINATION WILL AUTOMATICALLY BE DEEMED APPROVED, WHICH IS THE REASON FOR TODAY'S DISCHARGE REQUEST. THANK YOU. CHAIR LEE: ANYMORE DISCUSSION? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, PLEASE RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. MR. MOLINA, HURRY UP BEFORE IT'S 12 MIDNIGHT. COUNCILMEMBER MOLINA: YEAH, THANK YOU. MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR RESOLUTION 22-128 IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL. CHAIR LEE: SECOND? COUNCILMEMBER SUGIMURA: SECOND. CHAIR LEE: MOVED BY MEMBER MOLINA, SECONDED BY MEMBER SUGIMURA, TO WAIVE THE RULES OF THE COUNCIL ON THIS MATTER. DISCUSSION, MEMBER MOLINA. COUNCILMEMBER MOLINA: YEAH, MADAM CHAIR. BECAUSE IT'S TIME SENSITIVE, THAT'S THE REASON FOR THE WAIVER. THANK YOU. CHAIR LEE: OKAY. ANY MORE DISCUSSION? IF NOT, ALL THOSE IN FAVOR OF THE WAIVER, RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. MOVE TO ADOPT RESOLUTION 22-128. CHAIR LEE: SECOND? COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: MOVED BY MEMBER MOLINA, SECONDED BY MEMBER SINENCI, TO ADOPT RESOLUTION 22-128. DISCUSSION,

MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. DURING ITS JUNE 28, 2022, MEETING, YOUR GREAT COMMITTEE DISCUSSED THE MAYOR'S NOMINATION OF RANDON ALIKA SANCHES TO THE COST OF GOVERNMENT COMMISSION FOR A TERM EXPIRING ON MARCH 31, 2023, TO FILL A VACANCY REPLACING NOEMI BARBADILLO. MR. SANCHES IS A PLUMBER AND MANAGER OF RICKY'S PLUMBING AND THE LANAI HIGH SCHOOL TENNIS TEAM COACH. AND BEING THAT, YOU KNOW, WE HARD FROM HIM, I'M CONFIDENT THAT NOMINEE WILL WORK HARD TO EDUCATE HIMSELF IN AREAS THAT HE FEELS HE NEEDS TO AND SUBSEQUENTLY, PROVIDE VALUABLE INSIGHT TO THE COST OF GOVERNMENT COMMISSION. THANK YOU. CHAIR LEE: ANY MORE DISCUSSION? MEMBER JOHNSON. COUNCILMEMBER JOHNSON: CHAIR, I'D LIKE TO MAKE AMENDED TO MOVE TO DISAPPROVE IF, IF THIS IS THE PROPER TIME. CHAIR LEE: YES. SECOND ANYONE? VICE-CHAIR RAWLINS-FERNANDEZ: SECOND. CHAIR LEE: MOVED BY MEMBER JOHNSON, SECONDED BY VICE-CHAIR RAWLINS-FERNANDEZ, TO DISAPPROVE MR. SANCHES. MR. JOHNSON. COUNCILMEMBER JOHNSON: THANK YOU, CHAIR. I, I, ALTHOUGH I APPRECIATE MR. SANCHES' WILLINGNESS TO SERVE, I FEEL THAT HE WOULD BETTER BE SERVED ON HIS FIRST CHOICE OF COMMISSION WHICH WAS THE DISABILITY COMMISSION. SO, I JUST, I RESPECTFULLY ASK THAT HE HOLD OFF UNTIL A SLOT OPENS UP FOR A POSITION THAT I THINK HE WOULD BETTER SERVE ON. THANK YOU, CHAIR. CHAIR LEE: ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE AMENDMENT, RAISE YOUR HAND AND SAY "AYE". WELL, ROLL CALL. I SHOULD SAY ROLL CALL, I'M SORRY. ROLL CALL. COUNTY CLERK: COUNCILMEMBER SHANE SINENCI. COUNCILMEMBER SINENCI: AYE. COUNTY CLERK: COUNCILMEMBER MIKE MOLINA. COUNCILMEMBER MOLINA: NO. COUNTY CLERK: COUNCILMEMBER KELLY TAKAYA KING. COUNCILMEMBER KING: AYE. COUNTY CLERK: COUNCILMEMBER GABE JOHNSON. COUNCILMEMBER JOHNSON: AYE. COUNTY CLERK: COUNCILMEMBER TAMARA PALTIN. COUNCILMEMBER PALTIN: AYE. COUNTY CLERK: COUNCILMEMBER YUKI LEI SUGIMURA. COUNCILMEMBER SUGIMURA: NO. COUNTY CLERK: COUNCIL PRO TEMP TASHA KAMA. CHAIR LEE: EXCUSED. COUNTY CLERK: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: AYE. COUNTY CLERK: AND COUNCIL CHAIR ALICE L. LEE. CHAIR LEE: NO. CHAIR LEE: MOTION CARRIES; FIVE "AYES", THREE "NOES", ONE "EXCUSED". SO, NOW WE HAVE THE MAIN MOTION AS AMENDED. ANY, ANY MORE DISCUSSION? ROLL CALL. COUNTY CLERK: COUNCILMEMBER SHANE SINENCI. COUNCILMEMBER SINENCI: AYE. COUNTY CLERK: COUNCILMEMBER MIKE MOLINA. COUNCILMEMBER MOLINA: NO. COUNTY CLERK: COUNCILMEMBER KELLY TAKAYA KING. COUNCILMEMBER KING: AYE. COUNTY CLERK: COUNCILMEMBER GABE JOHNSON. COUNCILMEMBER JOHNSON: AYE. COUNTY CLERK: COUNCILMEMBER TAMARA PALTIN. COUNCILMEMBER PALTIN: AYE. COUNTY CLERK: COUNCILMEMBER YUKI LEI SUGIMURA. COUNCILMEMBER SUGIMURA: NO. COUNTY CLERK: COUNCIL PRO TEMP TASHA KAMA. CHAIR LEE: EXCUSED. COUNTY CLERK: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: AYE. COUNTY CLERK: AND COUNCIL CHAIR ALICE L. LEE. CHAIR LEE: NO. COUNTY CLERK: THAT'S FIVE "AYES", THREE "NOES", ONE "EXCUSED". MR. SANCHES IS DISAPPROVED. CHAIR LEE: MADAM CLERK. COUNTY CLERK: LET'S SEE. OKAY, SO CHAIR LEE: MR. MOLINA. MR. MOLINA. DISCUSSION RELATING TO RESOLUTION NO. 22-129 COUNCILMEMBER MOLINA: OH, YEAH, SORRY, MADAM CHAIR. CONSIDERATION FOR RESOLUTION 22-129. MOVE TO DISCHARGE THE GREAT COMMITTEE FROM FURTHER CONSIDERATION OF THIS RESOLUTION. COUNCILMEMBER SUGIMURA: SECOND. CHAIR LEE: OKAY. IT'S BEEN MOVED BY MEMBER MOLINA, SECONDED BY MEMBER SUGIMURA, TO DISCHARGE THE COMMITTEE OF 22-129. AND MEMBER MOLINA IS, DISCUSSION. COUNCILMEMBER MOLINA: YEAH, THANK YOU, MADAM CHAIR. THIS HAS TO DO WITH THE NOMINATION OF POERAVA U?ILANI TEHIVA. THIS WILL BE TO THE COST OF GOVERNMENT COMMISSION. AND THE COUNCIL'S DEADLINE TO APPROVE OR DISAPPROVE THIS NOMINEE IS JULY 8, 2022.

SO, AGAIN, LIKE THE PREVIOUS MATTER, IF WE DON'T TAKE ACTION TODAY, THE NOMINATION WILL AUTOMATICALLY BE DEEMED APPROVED. THANK YOU. CHAIR LEE: ANY MORE DISCUSSION? MEMBER SINENCI. MEMBER SINENCI. COUNCILMEMBER SINENCI: THANK YOU, CHAIR. AND WE DID REACH OUT TO MS. TEHIVA. AND WE EXTENDED OUR SENTIMENTS AND ASKED HER IF SHE WAS WILLING TO SERVE, AND SHE'S EXCITED TO SERVE. AGAIN, SHE IS PART OF THE HANA BUSINESS COUNCIL, AS WELL AS A SMALL BUSINESS OWNER. AND SO, WE JUST WANT, WANT TO SPEAK IN SUPPORT OF HER NOMINATION, CHAIR. CHAIR LEE: ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND, SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES MR. MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR RESOLUTION 22-129, IN ACCORDANCE WITH RULE 7.G OF THE RULES OF THE COUNCIL. COUNCILMEMBER SUGIMURA: SECOND. COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: SECOND. MOVED BY MEMBER MOLINA, SECONDED BY MEMBER SUGIMURA, TO WAIVE THE RULES OF THE COUNCIL REGARDING THIS RESOLUTION 22-129. DISCUSSION, MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. AGAIN, THIS MATTER IS TIME SENSITIVE AND THAT'S THE REASON WHY I'M MAKING THIS REQUEST FOR THE DISCHARGE. THANK YOU. CHAIR LEE: ANYMORE DISCUSSION ON THE WAIVER? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND, SAY "AYE". CHAIR LEE: EIGHT "AYES". EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. MR. MOLINA. COUNCILMEMBER MOLINA: THANK YOU. MOVE TO ADOPT RESOLUTION 22-129. COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: SECOND? MOVED BY MEMBER MOLINA, SECONDED BY MEMBER SINENCI, TO ADOPT RESOLUTION 22-129. DISCUSSION, MEMBER MOLINA. COUNCILMEMBER MOLINA: THANK YOU, MADAM CHAIR. AT THE JUNE 28, 2022, GREAT MEETING, WE DISCUSSED THE NOMINATION OF POERVA [SIC], POERAVA U?ILANI TEHIVA TOT THE COST OF GOVERNMENT COMMISSION. AND THIS WILL BE FOR A TERM FOR MARCH 31, 2024, TO FILL A VACANCY REPLACING SUSAN PU. IT'S GETTING LATE, MADAM CHAIR. BUT ANYWAY, MS. TEHIVA IS THE PRESIDENT OF COCONUT GROVE HANA, WHICH IS A, AND SHE'S ALSO A HANA COMMITTEE MEMBER FOR THE FESTIVALS OF ALOHA. AND I APPRECIATE MY COLLEAGUE MR. SINENCI TO, HE WAS GIVING US A, ALSO A NICE DESCRIPTION OF THE NOMINEE. I'M CONFIDENT THAT THIS NOMINEE WILL PROVIDE VALUABLE KNOWLEDGE AND SKILLS TO THE COST OF GOVERNMENT COMMISSION. AND I ASK FOR THE MEMBERS FULL SUPPORT. THANK YOU. CHAIR LEE: ANYMORE DISCUSSION? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, PLEASE RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. MEMBER MOLINA. NO? COUNCILMEMBER MOLINA: NO, I THINK THAT WAS THE CHAIR LEE: MADAM CLERK. COUNCILMEMBER MOLINA: WE JUST TOOK ACTION, YEAH. THANK YOU. CHAIR LEE: OKAY. MADAM CLERK. I THOUGHT YOU WERE GOING TO THE NEXT ONE. COUNTY CLERK: CHAIR, WE HAVE CHAIR LEE: MADAM CLERK. COUNTY CLERK: ONE MORE, ONE MORE REFERRAL TO THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE. RESOLUTION NO. 22-167 AUTHORIZING SETTLEMENT OF VIRGINIA A. CHAPMAN V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-18-01109 THE RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-167 BE REFERRED TO THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE. COUNTY CLERK: AND TO YOUR AFFORDABLE HOUSING COMMITTEE, RESOLUTION CHAIR LEE: OH, MEMBER, WAIT. HOLD UP, MADAM CLERK. MEMBER KING. DISCUSSION RELATING TO RESOLUTION NO. 22-163 COUNCILMEMBER KING: THANK YOU, CHAIR. CAN I ASK FOR CONSIDERATION ON NO. 22-163? CHAIR LEE: OH SURE. WE'LL GO BACK ONE. OKAY, WE'LL GO BACK ONE. COUNCILMEMBER KING: I DIDN'T KNOW SHE WAS MOVING AHEAD. I MOVE TO CHAIR LEE: YEAH. GO AHEAD. COUNCILMEMBER KING: OKAY, THANK YOU. I MOVE TO ADOPT RESOLUTION 22-163. CHAIR LEE: SECOND.

COUNCILMEMBER SUGIMURA: SECOND. CHAIR LEE: MOVED BY MEMBER KING TO, MOVED BY MEMBER KING, SECONDED BY MEMBER SUGIMURA, TO ADOPT RESOLUTION 22-163. DISCUSSION, MEMBER KING. COUNCILMEMBER KING: THANK YOU, CHAIR. AT THE JUNE 16, 2022, MEETING THE HAWAII STATE ASSOCIATION OF COUNTIES, OR HSAC EXECUTIVE COMMITTEE, MADE ITS NOMINATIONS TO THE NATIONAL ASSOCIATION OF COUNTIES, OR NACO AND WESTERN INTERSTATE REGION, WIR, BOARD OF DIRECTORS FOR FISCAL YEAR 2023. RESOLUTION 22-163 OUTLINES THE NOMINEES FOR BOTH NACO AND WIR, WHICH INCLUDES COUNCILMEMBER SHANE SINENCI AS A NOMINEE TO THE WIR BOARD OF DIRECTORS. PURSUANT TO SECTION 5A AND 5C OF THE HSAC BYLAWS, THE HSAC EXECUTIVE COMMITTEE SHALL NOMINATE INDIVIDUALS WHO ARE ELECTED OFFICIALS TO SERVE IN THE POSITIONS PROVIDED. AND EACH COUNCIL SHALL PASS A RESOLUTION NOMINATING THE NACO AND WIR BOARD OF DIRECTORS. AFTER ALL COUNCILS HAVE APPROVED THE NOMINEES, THE HSAC PRESIDENT SHALL FORWARD THE NOMINATIONS TO THE NACO AND WIR PRESIDENT AND BOARD OF DIRECTORS FOR CONSIDERATION. I RESPECTFULLY ASK FOR THE COUNCILMEMBERS SUPPORT OF MY MOTION TO ADOPT THIS RESOLUTION TODAY, THEREBY APPROVING THE NOMINATIONS. I ALSO WANT TO THANK MEMBER SINENCI FOR BEING A DILIGENT ATTENDEE OF THE WIR CONFERENCES WHEN I HAVEN'T BEEN ABLE TO GET THERE. AND THANK YOU, CHAIR. CHAIR LEE: THANK YOU. ANY MORE DISCUSSION? IF NOT, ALL THOSE IN FAVOR OF THE MOTION TO ADOPT RESOLUTION 22-163, RAISE YOUR HAND, SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. MADAM CLERK. COUNTY CLERK: PROCEEDING WITH REFERRALS TO YOUR AFFORDABLE HOUSING COMMITTEE. RESOLUTION NO. 22-162 AUTHORIZING THE PURCHASE OF LAHAINA CROSSROADS APARTMENTS AT 767 LUAKINI STREET, LAHAINA, MAUI, HAWAII THE RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-162 BE REFERRED TO THE AFFORDABLE HOUSING COMMITTEE. CHAIR LEE: MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL. CHAIR LEE: SECOND? COUNCILMEMBER JOHNSON: SECOND. CHAIR LEE: MOVED BY MEMBER PALTIN, SECONDED BY MEMBER JOHNSON, TO WAIVE THE RULES OF THE COUNCIL REGARDING THIS RESOLUTION. MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. APPROVAL OF MY MOTION BY A TWO-THIRDS VOTE WILL ENABLE THE COUNCIL TO CONSIDER THE PROPOSED RESOLUTION TODAY. THESE MATTERS ARE TIME SENSITIVE. AND WHILE THE OWNERS HAVE PAUSED EVICTIONS AND RENT INCREASES AS OF JUNE 27, THEY COULD RESUME. AND I HAVE MORE IF THIS MOTION PASSES. CHAIR LEE: THIS IS ONLY ON THE WAIVER, YEAH? OKAY, ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE WAIVER, RAISE YOUR HAND, SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE, ONE "EXCUSED; MOTION CARRIES. MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. I MOVE TO ADOPT RESOLUTION 22-162 ON FIRST READING. COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: MOVED BY MEMBER PALTIN, SECONDED BY MEMBER SINENCI, TO ADOPT THE RESOLUTION 22-162. DISCUSSION, MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. MAY I PLEASE ASK THE CLERK TO READ THE RESOLUTION IN ITS ENTIRETY? CHAIR LEE: MADAM CLERK. COUNTY CLERK: THANK YOU, CHAIR. (THE RESOLUTION WAS READ IN ITS ENTIRETY.) CHAIR LEE: MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. THIS RESOLUTION WILL ALLOW THE COUNTY TO PURCHASE THE SUBJECT PROPERTY IN LAHAINA. THIS IS URGENT GIVEN THE FACT THAT MANY INDIVIDUALS IN THIS APARTMENT BUILDING ARE LONG-TERM RESIDENTS AND KUPUNA ON FIXED INCOME. DUE TO THE HOUSING CRISIS AND EVER-INCREASING MARKET RATE PRICE OF RENT IN THE COUNTY, MANY OF THESE RESIDENTS WHO HAVE NOWHERE TO GO. AND JUST TO LET YOU FOLKS KNOW, THIS, THIS BUILDING IS IN THE HISTORIC DISTRICT IN LAHAINA. AND I DON'T WANT TO SPELL OUT WHAT THAT MEANS FOR ALL THE SPECULATORS OUT

THERE, BUT WE DO HAVE A CAPS BILL GOING THROUGH THE PLANNING COMMISSION. I HAVE SPOKEN WITH THE OWNER, AND THE OWNER HAS SPOKEN WITH THE MAYOR, AND I HAVE SPOKEN WITH THE MAYOR. WE HAVEN'T ALL SPOKEN WITH EACH OTHER AT THE SAME TIME, BUT THERE'S BEEN CONVERSATION. AND MY INTENTION IS, OR MY HOPE IS THE COUNTY WOULD PURCHASE THIS BUILDING AND KEEP THE UNITS AFFORDABLE FOR THE CURRENT AND FUTURE TENANTS. I DON'T KNOW IF YOU'VE TRIED TO FIND A ONE-BEDROOM IN LAHAINA RIGHT NOW. A QUICK GOOGLE SEARCH WILL TELL YOU \$2300 TO \$2900 IS WHAT IS BEING ASKED FOR A ONE-BEDROOM UNIT IN LAHAINA. I AGREE WITH THE TESTIFIER MR. NAKOA, IF I HAD TO CHOOSE, I WOULD DEFINITELY CHOOSE LAHAINA CROSSROADS. WE ARE AT A CROSSROADS RIGHT NOW. AND YOU'VE HEARD OF THE MANY PEOPLE SLEEPING IN THEIR CARS WITH NO PLACE ELSE TO GO. AND IN MY CONVERSATIONS WITH THE OWNER WHO PURCHASED IT IN APRIL, HE'S A COMMUNITY BUSINESSMAN BORN AND RAISED IN HAWAII, AND IT LOOKED LIKE A GOOD DEAL ON PAPER. HE'S GOTTEN IN OVER HIS HEAD AND, AND REALIZED THIS IS NOT THE IMAGE. THIS IS NO WHO HE WANTS TO BE. HE WANTS TO REMAIN IN OUR COMMUNITY. AND HE'S WILLING TO NEGOTIATE. AND HE HAS HAD OFFERS FROM OFF-SHORE INVESTORS WILLING TO TAKE THIS PROPERTY OFF HIS HANDS FOR MUCH MORE THAN WHAT THE COUNTY WOULD BE WILLING TO PAY. SO, IT IS TIME-SENSITIVE IN THAT NATURE. AND I KNOW IT'S, IT'S, YOU KNOW, IT'S JUST A CHANCE, BUT I'M ASKING YOU GUYS TO GIVE, GIVE MY COMMUNITY A CHANCE. IT'S LIKE A SIX-MONTH DEAL IF WE CAN WORK SOMETHING OUT. I REALIZE THAT IF IT COMES OUT OF AFFORDABLE HOUSING FUNDS, THIS WOULD BE THE ONLY READING. BUT, YOU KNOW, THE MAUI NEWS BUILDING FELL THROUGH AND IF, IF THAT FUNDS ARE BEING USED, IT WOULD COME BACK AS A BUDGET AMENDMENT. SO, I'M JUST ASKING YOU FOLKS TO GIVE THESE GUYS A CHANCE. CHAIR LEE: IS THE APPRAISAL \$10 MILLION, LIKE THE MAUI NEWS BUILDING? COUNCILMEMBER PALTIN: SO, THE CURRENT OWNER IS GOING TO BE OUT OF TOWN ON, I THINK HE HAS A FUNERAL SITUATION, BUT HE'LL COME BACK IN A MONTH, AND WE'LL DO THE, WE'LL GIVE THE APPRAISAL AT, I BELIEVE IT WOULD BE LESS THAN \$10 MILLION. CHAIR LEE: OKAY. THANK YOU. ANY MORE QUESTIONS? IF NOT, ALL THOSE IN FAVOR OF THE MOTION TO ADOPT THIS RESOLUTION, RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED; MOTION CARRIES. COUNCILMEMBER PALTIN: THANK YOU, MEMBERS. CHAIR LEE: MADAM CLERK. RESOLUTION NO. 22-164 AMENDING RESOLUTION 20-123 TO INCLUDE DEADLINES FOR THE COMMENCEMENT AND COMPLETION OF THE 100 PERCENT AFFORDABLE LILOA HALE SENIOR RENTAL HOUSING PROJECT IN ACCORDANCE WITH CHAPTER 2.97, MAUI COUNTY CODE THE RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-102 BE REFERRED TO THE AFFORDABLE HOUSING COMMITTEE. RESOLUTION NO. 22-166 URGING THE DEPARTMENT OF POLICE AND THE DEPARTMENT OF THE PROSECUTING ATTORNEY TO WORK WITH THE STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES TO PRIORITIZE ENFORCEMENT ACTION AGAINST UNAUTHORIZED CAMPING ON UNENCUMBERED PUBLIC LANDS THE RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-166 BE REFERRED TO THE HUMAN CONCERNS AND PARKS COMMITTEE. RESOLUTION NO. 22-168 SUPPORTING OUR KEIKI, WAHINE, AND ?OHANA IN RESPONSE TO THE SUPREME COURT VOTE ON OVERTURNING ROE V. WADE THE RECOMMENDED ACTION IS THAT RESOLUTION NO. 22-168 BE REFERRED TO THE HUMAN CONCERNS AND PARKS COMMITTEE. CHAIR LEE: MEMBERS, ANY OBJECTIONS TO THESE REFERRALS? COUNCILMEMBER SINENCI: CHAIR? CHAIR LEE: OH, I SEE A HAND. MEMBER SINENCI. COUNCILMEMBER SINENCI: THANK YOU, CHAIR. MOVE TO ADOPT RESOLUTION 22-168. COUNCILMEMBER SUGIMURA: SECOND. CHAIR LEE: MOVED BY MEMBER SINENCI, SECONDED BY MEMBER SUGIMURA, TO ADOPT RESOLUTION 22-168. DISCUSSION, MEMBER SINENCI. COUNCILMEMBER SINENCI: MAHALO CHAIR. MAY I REQUEST THE CLERK TO READ THE RESOLUTION IN ITS ENTIRETY, PLEASE? CHAIR LEE: MADAM CLERK. COUNTY CLERK: THANK

YOU, CHAIR. (THE RESOLUTION WAS READ IN ITS ENTIRETY.) CHAIR LEE: MEMBER SINENCI. COUNCILMEMBER SINENCI: MAHALO CHAIR. MEMBERS, AS YOU KNOW, THIS SUPREME COURT DECISION WAS EXPECTED FOR SEVERAL WEEKS NOW. MANY IN OUR COMMUNITY AROUND THE COUNTRY ARE STILL DISMAYED WITH THE INCREASING POLITICIZATION OF OUR LEGAL AND JUDICIAL SYSTEMS. SINCE 1970, REPRODUCTIVE FREEDOM HAS BEEN PROTECTED IN THE STATE OF HAWAII. GOVERNOR IGE AND OTHERS HAVE PLEDGED THAT THESE PROTECTIONS WILL CONTINUE. BUT NO MATTER WHAT YOUR BELIEFS ARE, I HOPE WE CAN ALL AGREE THAT THE PRIORITY OF GOOD GOVERNANCE IS TO ENSURE EQUALITY AND FAIRNESS IN HOW LAWS AND POLICIES ARE DEVELOPED AND APPLIED. AS A TEACHER AND AN ADVOCATE FOR CHILDREN, ESPECIALLY THOSE WITH SPECIAL NEEDS, I CAN ATTEST TO THE STRUGGLE'S FAMILIES AND COMMUNITIES FACE WHEN THERE ARE INSUFFICIENT RESOURCES, A LACK OF SERVICES, AND MISPLACED PRIORITIES IN SOCIETY. OUR FOCUS SHOULD BE ON ERADICATING POVERTY AND ECONOMIC INEQUALITIES; PROVIDE EDUCATION AND EMPLOYMENT OPPORTUNITIES; AND MAKING HOUSING, HEALTHCARE, AND CHILDREN'S HEALTHCARE SERVICES MORE AFFORDABLE TO THOSE WHO NEED THEM THE MOST. MUST LOOK BEYOND THE UNHELPFUL LABELS AND LOOK TOWARDS WHAT IT TRULY MEANS TO BE PONO, WHICH IS CREATING THE CONDITIONS FOR OUR KEIKI WAHINE AND OHANA TO THRIVE. AND SO, MEMBERS, IF THERE ARE NO OBJECTIONS, I'D LIKE TO ADD TO THE RESOLUTION THAT COPIES ALSO BE SENT TO SENATOR SCOTT SAIKI, EXCUSE ME, SPEAKER SCOTT SAIKI, SENATE PRESIDENT KOUCHI, HAWAII CONGRESSIONAL DELEGATION, AND SENATOR JOE MANCHIN. RESPECTFULLY REQUEST THE MEMBERS SUPPORT OF MY MOTION. THANK YOU, CHAIR. CHAIR LEE: ANY MORE DISCUSSION? MEMBER KING. COUNCILMEMBER KING: CHAIR, I JUST WANT TO THANK MEMBER SINENCI FOR BRINGING THIS FORWARD, BECAUSE WE'VE ALL BEEN DISMAYED THIS LAST WEEK ABOUT THE DECISION. WELL, THE LAST TWO WEEKS OF THE DECISIONS THAT THE SUPREME COURT HAS BEEN MAKING. AND I THINK IT'S VERY APROPOS THAT IT CAME FROM ONE OF OUR MALE COUNTERPARTS ON THE, ON THE COUNCIL. I READ AN ARTICLE, LOT OF, LOTS OF ARTICLES, BUT ONE THAT POINTED OUT THAT MEN HAVE NO SUCH LEGAL IMPOSITIONS OR MANDATES ON THEIR HEALTHCARE, AS THE SUPREME COURT IS PUTTING ON WOMEN'S HEALTHCARE. SO, I JUST WANTED TO RECOGNIZE THAT. AND, AND THANK MEMBER SINENCI FOR BRINGING THIS FORWARD. BUT RECOGNIZE ALL OF US BEING, I THINK ALL OF US ARE A LITTLE BIT CONCERNED ABOUT THIS, SO I HOPE THIS PASSES. I'M IN STRONG SUPPORT. THANK YOU. CHAIR LEE: ANYONE ELSE? VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. I SPEAK IN STRONG SUPPORT. AND ALSO, ECHO MEMBER KING'S SENTIMENTS . . . MEMBER SINENCI, I'M SO PROUD TO SIT ON A COUNCIL OF FEMINISTS. EVERYONE ON THE COUNCIL IS FEMINIST. I LOVE IT. THANK YOU. AND JUST REALLY QUICKLY. AS A, AS A POLICYMAKER, I BELIEVE IN PASSING LAWS THAT EFFECTIVELY ADDRESS WHAT IT'S SEEKING TO ADDRESS, AND EFFECTIVELY REDUCING ABORTION IS WHAT THIS RESOLUTION IS CALLING FOR. THAT'S THE MOST EFFECTIVE WAY; HEALTHCARE THAT'S AFFORDABLE AND ACCESSIBLE TO EVERYONE, EDUCATION, CHILDCARE, EVERYTHING THAT MEMBER SINENCI INCLUDED IN HIS RESOLUTION. AND THAT'S HOW YOU KNOW THAT BANNING ABORTION ISN'T ABOUT REDUCING ABORTIONS. IT'S ABOUT CONTROLLING WOMEN, PARTICULARLY WOMEN IN POVERTY THAT DON'T HAVE ACCESS. AND OFTENTIMES, IT'S BLACK AND BROWN WOMEN AND, AND NATIVE WOMEN. SO, I SPEAK IN STRONG SUPPORT OF THE RESOLUTION. MAHALO CHAIR. CHAIR LEE: ANYONE ELSE? I THINK THE ANYONE ELSE'S ALL AGREE WITH WHAT HAS BEEN SAID, AND CONGRATULATE AND COMMEND YOU, MEMBER SINENCI. ALL THOSE IN FAVOR OF THE MOTION, PLEASE RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: ALRIGHT, SO EIGHT "AYES", ZERO "NOES", ONE "EXCUSED; MOTION CARRIES. COUNCILMEMBER SINENCI: THANK YOU, MEMBERS. CHAIR LEE: MADAM CLERK. COUNTY CLERK: PROCEEDING WITH AGENDA ITEM N. BILLS FOR

REFERRAL. VICE-CHAIR RAWLINS-FERNANDEZ: OH, CHAIR? COUNCILMEMBER JOHNSON: CHAIR? CHAIR, I'M SORRY. CHAIR LEE: MEMBER JOHNSON. DISCUSSION RELATING TO RESOLUTION NO. 22-164 COUNCILMEMBER JOHNSON: I THINK I GOT SKIPPED FOR 22-164, BEG YOUR PARDON. COUNTY CLERK: SORRY ABOUT THAT. CHAIR LEE: WELL, YOU DID READ IT, MADAM CLERK. OKAY, LET'S GO BACK TO 22-164. MEMBER JOHNSON. COUNCILMEMBER JOHNSON: THANK YOU, CHAIR. I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G. OF THE COUNCIL. CHAIR LEE: SECOND? COUNCILMEMBER PALTIN: SECOND. CHAIR LEE: OKAY, MOVED BY MEMBER JOHNSON, SECONDED BY MEMBER PALTIN, TO WAIVE THE RULES OF THE COUNCIL ON THIS RESOLUTION 22-164. DISCUSSION, MEMBER JOHNSON. COUNCILMEMBER JOHNSON: THANK YOU, CHAIR. APPROVAL OF MY MOTION BY A TWO-THIRDS VOTE WILL ENABLE THE COUNCIL TO CONSIDER ADOPTING RESOLUTION 22-164 TODAY. THIS MATTER IS TIME SENSITIVE. THE DEVELOPMENT NEEDS TO KNOW WHETHER THE COUNCIL WILL EXTEND DEADLINES FOR LILOA HALE SENIOR RENTAL HOUSING PROJECT IN KIHEI, OTHERWISE THIS PROJECT MAY NOT CHAIR LEE: OKAY. ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE WAIVER, RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED; MOTION CARRIES. MEMBER JOHNSON. COUNCILMEMBER JOHNSON: THANK YOU, CHAIR. I MOVE TO ADOPT THE RESOLUTION 22-164. CHAIR LEE: SECOND? COUNCILMEMBER KING: SECOND. CHAIR LEE: MOVED BY MEMBER JOHNSON, SECONDED BY MEMBER KING, TO ADOPT RESOLUTION 22-164. DISCUSSION, MEMBER JOHNSON. COUNCILMEMBER JOHNSON: THANK YOU, CHAIR. RESOLUTION 20-123, APPROVING THE LILOA HALE SENIOR RENTAL HOUSING PROJECT WITH MODIFICATIONS WAS ADOPTED ON SEPTEMBER 11, 2020. CONSTRUCTION HAS BEEN UNDERSTANDABLY BEEN DELAYED DUE TO THE COVID-19 PANDEMIC. AND BY ADOPTING RESOLUTION 22-164, THE COUNCIL WILL BE GIVING AN ADDITIONAL YEAR FOR BOTH THE START AND COMPLETION DEADLINES, WHICH WOULD BE 2024 AND 2027, RESPECTIVELY. I RESPECTIVELY REQUEST THE COUNCIL'S SUPPORT OF MY MOTION. CHAIR LEE: ANYMORE DISCUSSION? IF NOT, ALL THOSE IN FAVOR OF THE MOTION TO ADOPT THE RESOLUTION, PLEASE RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED; MOTION CARRIES. OKAY. MADAM CLERK. COUNTY CLERK: CHAIR, PROCEEDING WITH BILLS FOR REFERRALS. THESE BILLS ARE RECOMMENDED FOR REFERRAL TO THE FOLLOWING COMMITTEE VICE-CHAIR RAWLINS-FERNANDEZ: CHAIR? COUNTY CLERK: -- AS NOTED. CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. DISCUSSION RELATING TO RESOLUTION NO. 22-166 VICE-CHAIR RAWLINS-FERNANDEZ: SORRY, I WAS TRYING TO GET YOUR ATTENTION EARLIER. I, CONSIDERATION ON 22-166. CHAIR LEE: OH OKAY. MEMBERS, ANY OBJECTIONS? ANY OBJECTIONS? MEMBERS VOICED NO OBJECTION. CHAIR LEE: SO, ORDERED. VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. I MOVE TO FILE RESOLUTION 22-166. COUNCILMEMBER JOHNSON: SECOND. CHAIR LEE: MOVED BY VICE-CHAIR RAWLINS-FERNANDEZ, SECONDED BY MEMBER JOHNSON, TO FILE RESOLUTION 22-166. DISCUSSION? VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. CHAIR LEE: VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. WE RECEIVED A LOT OF TESTIMONY IN OPPOSITION, AND A LOT OF CONCERNS. AND I'M NOT EXACT, I'M NOT EXACTLY CLEAR ON THE INTENT OF THE, OF THE RESOLUTION. BUT PERHAPS INSTEAD OF TAKING IT TO COMMITTEE, IT CAN BE WORKED ON AGAIN TO ADDRESS SOME OF THE CONCERNS THAT WERE SHARED IN TESTIMONY, INSTEAD OF ATTRACTING ALL THE SAME TESTIMONY AGAIN IN COMMITTEE. NOW THAT WE, WE'VE RECEIVED SOME OF THE FEEDBACK, PERHAPS THOSE CAN, YOU KNOW, BE ADJUSTED AND THEN PROPOSED AGAIN IF THAT WOULD BE THE PLEASURE OF THE INTRODUCER. CHAIR LEE: ANY MORE DISCUSSION? VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. CHAIR LEE: ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION TO FILE, RAISE

YOUR HAND AND SAY "AYE". CHAIR LEE: EIGHT "AYES", ZERO "NOES", ONE "EXCUSED; MOTION CARRIES. VICE-CHAIR RAWLINS-FERNANDEZ: OH, CHAIR. MEMBER SUGIMURA, I DON'T THINK IS THERE. CHAIR LEE: OKAY THEN. VICE-CHAIR RAWLINS-FERNANDEZ: OH, I SEE, I SEE SOMETHING MOVING. OH, THERE SHE IS, OKAY. CHAIR LEE: LOOKS LIKE SHE'S ON THE PHONE. OKAY SO, SO LET'S SAY THE VOTE WAS SEVEN "AYES", ZERO, TWO "EXCUSED", NO. WHAT WAS THAT? SIX "AYES", TWO "EXCUSED", THAT'S STILL EIGHT. SIX, SEVEN "AYES", TWO "EXCUSED"; MOTION CARRIES. OKAY. THE EXCUSED WERE MEMBERS KAMA AND SUGIMURA. MADAM CLERK. COUNTY CLERK: CHAIR, BEFORE PROCEEDING, IF WE CAN GET AN INQUIRY ON IF THERE'S NO OTHER OBJECTIONS TO THE RESOS TO BE REFERRED AS READ. CHAIR LEE: OKAY. SO, REPEATING THIS AGAIN, CAUSE I SAID THAT EARLIER, ANY OBJECTIONS TO THE REFERRALS? MEMBERS VOICED NO OBJECTION. CHAIR LEE: OKAY, SO ORDERED. COUNTY CLERK: THANK YOU. AND MOVING FORWARD WITH BILLS FOR REFERRAL, RECOMMENDED FOR REFERRAL TO THE FOLLOWING COMMITTEE AS NOTED: BILLS ORDINANCE NO. BILL NO. 111 (2022) A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII DEPARTMENT OF HEALTH FOR A LOAN FROM THE STATE WATER POLLUTION CONTROL REVOLVING FUND FOR THE COUNTYWIDE RESIDENTIAL CESSPOOL CONVERSION PROGRAM THE RECOMMENDED ACTION IS THAT BILL NO. 111 (2022) BE REFERRED TO THE BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE. CHAIR LEE: ANY ACTION ON THIS ONE? IF NOT, PROCEED. COUNCILMEMBER KING: CHAIR, JUST A QUESTION. CHAIR LEE: OH, MEMBER KING. COUNCILMEMBER KING: YEAH, ON MY, ON MY FORM, IT SAYS GREAT COMMITTEE. BUT I DON'T KNOW IF I HAVE A WRONG VERSION OF THIS. CHAIR LEE: NO. NO, YOU DON'T, YOU MAY HAVE THE WRONG VERSION. THE UPDATED VERSION WAS TO THE BFED COMMITTEE. COUNCILMEMBER KING: OH OKAY. CHAIR LEE: YEAH. COUNCILMEMBER KING: THIS . . . , YEAH, I GUESS I HAVE AN OLD VERSION. CHAIR LEE: YEAH. COUNCILMEMBER KING: THANK YOU. CHAIR LEE: OKAY. MADAM CLERK. COUNTY CLERK: AND THEN, AGENDA ITEM O, BILLS FOR SECOND AND FINAL READING. BILLS - SECOND AND FINAL READING BILL NO. 67 (2022) A BILL FOR AN ORDINANCE FOR A CHANGE IN ZONING FROM INTERIM DISTRICT TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR PROPERTY SITUATED AT KAUNAKAKAI, MOLOKAI, HAWAII, TAX MAP KEY (2) 5-3-002:049 CHAIR LEE: MEMBER PALTIN. COUNCILMEMBER PALTIN: I MOVE TO PASS BILL 67 (2022) ON SECOND AND FINAL READING. VICE-CHAIR RAWLINS-FERNANDEZ: SECOND. CHAIR LEE: MOVED BY MEMBER PALTIN, SECOND BY MEMBER, VICE-CHAIR RAWLINS-FERNANDEZ, TO PASS BILL 67 ON SECOND AND FINAL READING. DISCUSSION, MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. YOUR PLANNING AND SUSTAINABLE LAND USE COMMITTEE MET ON MAY 25, 2022, AND DISCUSSED THE RESOLUTION TO REFER TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL FOR A CHANGE IN ZONING FROM INTERIM ZONE TO B-CT COUNTRY TOWN BUSINESS DISTRICT FOR REAL PROPERTY COMPRISING 32,068 SQUARE FEET LOCATED AT MAKAEANA PLACE, KAUNAKAKAI, MOLOKAI, HAWAII. YOUR COMMITTEE NOTES THAT THE PLANNING AND SUSTAINABLE LAND USE, COUNCIL'S PLANNING AND SUSTAINABLE LAND USE COMMITTEE 2019-2021 TERM MET ON JANUARY 30, 2019. YOUR COMMITTEE NOTES IT PREVIOUSLY REPORTED ON THIS MATTER THROUGH COMMITTEE REPORT 19-37. AT ITS MEETING OF APRIL 5, 2019, THE COUNCIL ADOPTED THE RECOMMENDATIONS IN COMMITTEE REPORT 19-37, RESOLUTION 19-75. YOUR COMMITTEE NOTES THE MOLOKAI PLANNING COMMISSION MET ON OCTOBER 27, 2021, TO REVIEW AND APPROVE THE PROPOSED BILL WITH NO CONDITIONS. YOUR COMMITTEE FURTHER NOTES THE CHANGE IN ZONING WOULD MAKE THE ZONING CONSISTENT WITH THE MOLOKAI ISLAND COMMUNITY PLAN, AND SUPPORTS ECONOMIC DIVERSIFICATION BY CONTINUING TO ALLOW EXISTING COMMERCIAL SPACES TO BE USED BY THE ISLAND'S SMALL BUSINESSES. YOUR COMMITTEE VOTED 9-0 TO

RECOMMEND PASSAGE OF BILL 67 (2022) ON FIRST READING AND FILING OF THE COMMUNICATION. I RESPECTFULLY ASK FOR THE MEMBERS SUPPORT OF MY MOTION. CHAIR LEE: ANY FURTHER DISCUSSION? IF NOT, ALL THOSE IN FAVOR IN THE MOTION, PLEASE RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: SO, WE GOT EIGHT NOW. EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MOTION CARRIES. OKAY. MADAM CLERK. COUNTY CLERK: CHAIR, PROCEEDING WITH ITEM P, UNFINISHED BUSINESS. UNFINISHED BUSINESS COMMITTEE REPORT NO. 22-47 CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE: RECOMMENDING THE FOLLOWING: 1. THAT BILL 21, CD1 (2022), ENTITLED "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING SEABIRDS FROM OUTDOOR LIGHTING," BE PASSED ON FIRST READING AND BE ORDERED TO PRINT; AND 2. THAT COUNTY COMMUNICATION 21-546, FROM COUNCILMEMBER KELLY TAKAYA KING, BE FILED. CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: THANK YOU, CHAIR. I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-47. CHAIR LEE: SECOND? COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: MOVED BY MEMBER KING, SECONDED BY MEMBER SINENCI, TO APPROVE THE RECOMMENDATIONS IN COMMITTEE REPORT 22-47. MEMBER KING, DISCUSSION. COUNCILMEMBER KING: THANK YOU, CHAIR. AT THIS TIME, IF THERE ARE NO OBJECTIONS, I WOULD LIKE TO PROCEED BY INTRODUCING A PROPOSED AMENDMENT. THIS AMENDMENT COMBINES CHAIR LEE: ANY OBJECTIONS? ANY OBJECTIONS, MEMBERS? SO, ORDERED. COUNCILMEMBER MOLINA: NO OBJECTIONS. COUNCILMEMBER KING: OKAY, THANK YOU. THIS AMENDMENT COMBINES CHANGES INCLUDED IN COUNTY COMMUNICATION 22-154 AND ADDS IN EVEN MORE CLARIFICATION TO ADDRESS VOICED CONCERNS. AND I WANT TO THANK MANAGING DIRECTOR SANDY BAZ FOR WORKING WITH US ON THESE CHANGES. I INTEND TO WORK FROM THIS MORE CURRENT ASF, WHICH IS BEING DISTRIBUTED BY THE CLERK'S OFFICE, OR HAS BEEN, I THINK YOU SHOULD HAVE IT MIDDAY, AND FILE COUNTY COMMUNICATION 22-154. OKAY, BEFORE GETTING, I'LL GO INTO THE ASF NEXT. DOES EVERYBODY HAVE THAT? COUNTY CLERK: YES. CHAIR LEE: OKAY. GOT IT. COUNCILMEMBER KING: OKAY, THANK YOU. SO, THE PROPOSED BILL 21, CD1 (2022), ENTITLED "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING SEABIRDS FROM OUTDOOR LIGHTING", THIS, THIS DESCRIPTION, MY AMENDMENTS ADDRESS THREE MAJOR CONCERNS RAISED BY MEMBERS OF THE PUBLIC AND ADMINISTRATION. THE AVAILABILITY OF COMPLIANT LIGHTING FIXTURES IS GREATLY INCREASED BY REMOVING THE REQUIREMENT THAT THE FIXTURES BE FLEDS. ALSO, THE EXEMPTIONS FOR PORTABLE LIGHTING, INCLUDING THOSE FOR, USED FOR EMERGENCY SERVICES AND COMMUNITY EVENTS ARE CLARIFIED, AND EXPANDED. FINALLY, THE EFFECTIVE DATE IS MOVED BACK TO JANUARY 1, 2023, TO ALLOW ADDITIONAL TIME FOR COMPLIANCE. I MOVE TO AMEND THE BILL AS FOLLOWS: 1. AMEND CODE SECTION 20.35.060(D) BY STRIKING "BE FILTERED LIGHT EMITTING DIODE FIXTURES THAT" FROM THE FIRST SENTENCE. 2. AMEND CODE SECTION 20.35.070(B), LIKE BOY, BY ADDING "OR USED AS PORTABLE LIGHTING" AFTER THE WORD "INSTALLED" AND ADDING "TEMPORARY, PORTABLE LIGHTING USED FOR EMERGENCY SERVICES INCLUDING PUBLIC SAFETY, ROAD CONSTRUCTION OR EMERGENCY REPAIR, AND ROAD CROSSING AND" AFTER THE WORDS "EXCEPT THAT." ALSO, ADD "EMERGENCY SERVICES AND" AFTER THE WORDS "STANDARDS FOR". 3. AMEND SECTION 6 OF THE BILL BY CHANGING THE EFFECTIVE DATE TO JANUARY 1, 2023. AMENDING THE BILL TO ALLOW THE USE OF ALL LIGHT FIXTURE TYPES THAT LIMIT SHORT WAVELENGTH CONTENT TO NO MORE THAN TWO PERCENT OF THE BLUE LIGHT CONTENT WILL PROVIDE PEOPLE MORE LIGHTING OPTIONS. THE BILL ORIGINALLY ALLOWED FILTERED LEDS BECAUSE THEY LIMIT BLUE LIGHT AND ARE THE MOST EFFICIENT OPTION. HAWAII ISLAND USES FLEDS, PHOSPHOR CONVERTED AMBER (PCA), NARROW BEAM AMBER (NBA), AND LOW PRESSURE SODIUM (LPS)

FIXTURES THAT CAN ALSO MEET THE TWO PERCENT BLUE LIGHT STANDARD. IF APPROVED, AND AS A COMPROMISE, THIS AMENDMENT WILL ENSURE WIDESPREAD AVAILABILITY OF COMPLIANT FIXTURES. AMENDING THE BILL TO CLARIFY THAT THE EXEMPTIONS INCLUDE EXISTING PORTABLE LIGHTING FOR EMERGENCIES AND COMMUNITY EVENTS LIKE AN OBON FESTIVAL WILL ENSURE A SAFE AND SMOOTH TRANSITION FOR OUR COMMUNITY. FURTHER, AMENDING THE BILL TO CLARIFY THAT TEMPORARY LIGHTING USED FOR EMERGENCY SERVICES IS EXEMPT FOR THREE YEARS AND MAY BE EXEMPTED BEYOND THREE YEARS IF THERE ARE NO COMPLIANT LIGHTING FIXTURES AVAILABLE THAT MEET INDUSTRY STANDARDS FOR EMERGENCY SERVICES. IF MY MOTION IS APPROVED: 1. CODE SECTION 20.35.060(D) WILL READ AS FOLLOWS: ALL OUTDOOR LIGHTING FIXTURES, EXCEPT FOR NEON, MUST LIMIT SHORT WAVELENGTH CONTENT TO NO MORE THAN TWO PERCENT OF BLUE LIGHT CONTENT. "BLUE LIGHT CONTENT" MEANS THE RATIO OF THE AMOUNT OF ENERGY EMITTED BY THE OUTDOOR LIGHT FIXTURE BETWEEN 400 AND 500 NM DIVIDED BY THE AMOUNT OF ENERGY BETWEEN 400 AND 700 NM." 2. COD SECTION 20.35.070(B) WILL READ AS FOLLOWS: ALL OUTDOOR LIGHTING FIXTURES INSTALLED OR USED AS PORTABLE LIGHTING PRIOR TO THE ENACTMENT OF THE ORDINANCE ESTABLISHING SUBSECTIONS 20.30.060(D) AND (E) ARE EXEMPT FROM THE PROVISIONS OF THOSE SUBSECTIONS FOR A PERIOD OF THREE YEARS FROM THE DATE OF ENACTMENT OF THE ORDINANCE ESTABLISHING THOSE SUBSECTIONS; EXCEPT THAT TEMPORARY, PORTABLE LIGHTING USED FOR EMERGENCY SERVICES INCLUDING PUBLIC SAFETY, ROAD CONSTRUCTION OR EMERGENCY REPAIR, AND ROAD CROSSING AND LIGHTING FOR SPORTS AND ATHLETIC FIELDS ON STATE OF HAWAII DEPARTMENT OF EDUCATION PROPERTIES, PRIVATE SCHOOL PROPERTIES, AND COUNTY PARKS AND FACILITIES MAY REMAIN EXEMPT FROM SUBSECTION 20.30.060(D) BEYOND THE THREE-YEAR PERIOD IF, AND FOR ONLY AS LONG AS, THERE ARE NO COMPLIANT LIGHTING FIXTURES AVAILABLE THAT MEET INDUSTRY STANDARDS FOR EMERGENCY SERVICES AND SPORTING EVENTS. AND THEN, 3. SECTION 6 OF THE BILL WILL READ AS FOLLOWS: THIS ORDINANCE TAKES EFFECT ON JANUARY 1, 2023. CHAIR LEE: ANY MORE DISCUSSION? ANY QUESTIONS? COUNCILMEMBER KING: I HAVE A LITTLE MORE DISCUSSION IN MY NOTES, IF THAT'S OKAY. I KNOW IT'S GETTING LATE, BUT. CHAIR LEE: OH, I THOUGHT YOU REACHED THE END. COUNCILMEMBER KING: THAT WAS THE END OF THE ASF, BUT I JUST COMMITTEE NOTES. BEFORE GETTING INTO THE COMMITTEE REPORT, I'D LIKE TO HIGHLIGHT SOME IMPORTANT TESTIMONY WE, WE RECEIVED THAT REINFORCES THE IMPORTANCE OF THIS LEGISLATION. THE CARE COMMITTEE HEARD FROM EARTH JUSTICE SENIOR ATTORNEY DAVID HENKIN, WHO PROVIDED TESTIMONY STATING, "BILL 21, CD1 SUBSTANTIALLY IMPROVES ON PRIOR VERSIONS OF THE BILL BY ENSURING THAT THE COUNTY ADDRESSES THE HARM THAT EXISTING ARTIFICIAL LIGHT IMPOSES TO IMPERILED BIRDS, SEABIRDS, PROVIDES THE REASONABLE PHASE-IN PERIOD FOR THE REPLACEMENT OF EXISTING OUTDOOR LIGHTING. AND FURTHER . . . ON PRIOR VERSIONS OF THE BILL BY ADOPTING THE DEFINITION OF BLUE LIGHT CONTENT FOUND IN HAWAII COUNTY'S LIGHTING ORDINANCE, SPECIFYING THAT LED FIXTURES MUST HAVE "LESS THAN 2" BLUE LIGHT CONTENT". USING THE SAME DEFINITION OF BLUE LIGHT CONTENT ENSURES THAT GOVERNMENT AGENCIES, BUSINESSES, AND INDIVIDUALS OF MAUI COUNTY WILL BE ABLE TO SECURE COMPLIANT OUTDOOR LIGHTING, JUST AS THEIR COUNTERPARTS IN HAWAII COUNTY HAVE BEEN ABLE TO DO FOR MORE THAN A DECADE". AND ALSO, JUST A REMINDER, I THINK DAVID HENKIN IS ON THIS CALL, BUT I'M NOT SURE, BECAUSE HE'S IN CALIFORNIA, SO IT'S THREE HOURS LATER FOR HIM. BUT WE DO HAVE JAY PENNIMAN ON, WHO WE ASKED TO BE A RESOURCE AS WELL. I'D ALSO LIKE TO NOTE A FEW SPECIFICS IN RESPONSE TO CRITICISM THE BILL HAS RECEIVED. THE BILL ALLOWS FOR LONGER THAN THREE YEARS TO COMPLY WITH THE ORDINANCE FOR SPORTS AND ATHLETIC FIELDS, ETC., IF NO COMPLIANT LIGHTING FIXTURES ARE AVAILABLE WITHIN THREE YEARS. EMERGENCY LIGHTING, SERVICES

LIGHTING IS EXEMPT. THE ASF I JUST INTRODUCED MAKES ADDITIONAL LIGHTING OPTIONS MORE WIDELY AVAILABLE. LIGHTING BRIGHTNESS IS NOT AFFECTED BY THE BILL. IT APPLIES TO SHIELDING AND WAVELENGTH. WE ALSO RECEIVED WRITTEN TESTIMONY FROM TAMARA SHERILL, ON BEHALF OF THE MAUI CONSERVATION ALLIANCE, STATING "BILL 21 IS A CRITICAL STEP IN THE RIGHT DIRECTION. THE ORDINANCE INCLUDES PROVISIONS RELATED TO THE DIRECTION OF LIGHTS, SHIELDING STANDARDS, AND WAVELENGTH SPECIFICATIONS THAT ARE MORE SEABIRD FRIENDLY, AND STRATEGIES TO HELP ELIMINATE THE USE OF UNNECESSARY LIGHTING. THE MEASURES INCLUDED IN THE PROPOSED BILL ARE DOABLE. THEY CLOSELY MIRROR OUTDOOR LIGHTING STANDARDS ESTABLISHED BY HAWAII COUNTY IN 1988, NEARLY 25 YEARS AGO. EXTENSION, EXTENSIVE RESEARCH SUPPORTS THE NEED FOR ACTION AND THE SCIENTIFIC JUSTIFICATION FOR THE RECOMMENDATIONS". AS TO THE COMMITTEE REPORT, YOUR CARE COMMITTEE MET ON JUNE 1, 2022, TO DISCUSS BILL 21 (2022), TO IMPLEMENT REGULATION ON ALL OUTDOOR LIGHTING FIXTURES, INCLUDING SWIMMING AND DECORATIVE POOL LIGHTING, TO BE LIGHT EMITTING DIODE FIXTURES THAT ARE DOWN DIRECTED, FULLY SHIELDED, AND MOUNTED AS LOW AS PHYSICALLY POSSIBLE TO LIMIT LIGHT TRESPASS AND REFLECTION OFF GROUND SURFACES TO PROTECT NATIVE HAWAIIAN SEABIRDS FROM BEGINNING, FROM BECOMING DISORIENTED BY ARTIFICIAL LIGHT. YOUR COMMITTEE NOTED THAT NATIVE HAWAIIAN SEABIRDS ARE AN ESSENTIAL PART OF MAUI'S BIODIVERSITY AND THAT PROTECTION OF THESE SEABIRDS IS CRITICAL, AS THEIR VITAL CONNECTION WITH MOUNTAIN WATERSHEDS AND SEASHORE REEFS GREATLY BENEFIT THE HEALTH OF OUR ECOSYSTEM. YOUR COMMITTEE FURTHER NOTED THAT ARTIFICIAL LIGHTING HAS A MAJOR NEGATIVE IMPACT ON VARIOUS SPECIES OF ANIMAL, BUT IS PARTICULARLY HARMFUL TO BIRDS. YOUR COMMITTEE EXPRESSED CONCERN THAT RESIDENTIAL COMPLIANCE MAY BE CHALLENGING DUE TO THE AVAILABILITY OF CONFORMING OUTDOOR LIGHT FIXTURES AND RETAIL ESTABLISHMENTS. BUT THE INCLUSION OF A THREE-YEAR IMPLEMENTATION PERIOD WOULD HELP ENSURE ADEQUATE TIME FOR THE COUNTY AND RESIDENTS TO COMPLY WITH THE NEW REQUIREMENTS. YOUR COMMITTEE AGREED TO AMEND BILL 21 (2022) TO REQUIRE THE DIRECTOR OF PUBLIC WORKS TO ESTABLISH AND MAINTAIN A LIST OF COMPLIANT OUTDOOR LIGHT FIXTURES, AND DEVELOP ADMINISTRATIVE RULES THAT SET HEIGHT RESTRICTIONS FOR OUTDOOR LIGHTING. THE DEPARTMENT OF PUBLIC WORKS WAS IN ATTENDANCE, NOTING THAT THEY WILL BE RESPONSIBLE FOR COMMUNITY EDUCATION AND OUTREACH PROGRAMS. I ALSO WANTED TO NOTE THAT WE DID SEND THE BILL TO THE, THE PUBLIC WORKS COMMISSION AS WELL. YOUR COMMITTEE VOTED 6-1 TO RECOMMEND PASSAGE OF BILL 12, CD1 (2022) ON FIRST READING AND FILING OF THE COMMUNICATION. I RESPECTFULLY ASK FOR THE COUNCIL'S SUPPORT OF YOUR COMMITTEE'S RECOMMENDATION AS AMENDED, AND THE FILING OF COUNTY COMMUNICATION 22-154. THANK YOU. CHAIR LEE: WOW. MEMBER SUGIMURA. COUNCILMEMBER SUGIMURA: GOOD JOB, KELLY. SO, I WANTED TO, BASED UPON THE TESTIMONY AND JUST BY PUBLIC WORKS, POLICE, FIRE, PARKS, WHO ELSE DID I SPEAK TO, CONCERNS THAT, I WOULD EITHER LIKE TO REQUEST THAT THIS GO BACK TO COMMITTEE TO DISCUSS FURTHER, OR I HAD AN AMENDMENT WHICH I WOULD LIKE TO ADD. I'LL JUST TRY TO ADD THE ASF. DID THE ASF GET PASSED OUT? PLEASE. SO, ASF, DID YOU GET IT? I WANTED TO ADD A SECTION, BASICALLY, EXEMPTIONS. AND IT WOULD BE SECTION 20.35.070. EXEMPTIONS. AND BASICALLY, THE EXEMPTIONS WERE CRITICALLY TAKEN FROM THE BIG ISLAND BILL, AND EXEMPTIONS THAT ARE IN THAT BILL, IF I COULD. DID YOU ALL GET THE BILL? ASF, I'M SORRY. MAY I PROCEED? YOU ALL LOOK SO TIRED. YOU FOLKS LOOK SO TIRED. CHAIR LEE: IS IT LONG? WHY DON'T YOU JUST READ IT TO US? COUNCILMEMBER SUGIMURA: YOU WANT ME TO READ IT TO YOU? OKAY. VICE-CHAIR RAWLINS-FERNANDEZ: NO. COUNCILMEMBER SUGIMURA: IT IS LONG. VICE-CHAIR RAWLINS-FERNANDEZ: NO. COUNCILMEMBER SUGIMURA:

WHAT IF I READ IT FAST? OKAY, WHAT DOES THAT MEAN, NO? COUNCILMEMBER KING: IS THERE A SECOND ON THE MOTION? CHAIR LEE: YEAH, WE DID HAVE A SECOND ON THE MOTION. I BELIEVE IT WAS MR. SINENCI? ON WHO'S, YOURS, YOUR MOTION? COUNCILMEMBER KING: NO, ON MEMBER SUGIMURA'S MOTION. CHAIR LEE: NO. SHE DIDN'T COUNCILMEMBER MOLINA: SECOND. CHAIR LEE: REALLY MAKE A MOTION. YOU WANT TO MAKE A MOTION TO AMEND? COUNCILMEMBER SUGIMURA: I WAS READING FROM THE ASF . . . SEE ON YOUR FACES. OKAY, I'M GOING TO PROCEED THEN. I MOVE TO AMEND BILL BY REPLACING SECTION 20.35.070 WITH THE ATTACHED VERSION. AND THE ATTACHED VERSION IS EXEMPTION CHAIR LEE: WELL, OKAY, IS THERE A SECOND TO THE MOTION? COUNCILMEMBER MOLINA: SECOND, FOR DISCUSSION. CHAIR LEE: OKAY. COUNCILMEMBER SUGIMURA: THANK YOU. CHAIR LEE: OKAY, NOW, DISCUSSION. MEMBER SUGIMURA. COUNCILMEMBER SUGIMURA: I WISH I COULD SHOW YOU YOUR FACES. I PROPOSE A NEW VERSION OF SECTION 20.35.070, MAUI COUNTY CODE, WITH AN UPDATED LIST OF EXEMPTIONS THAT INCLUDES EXEMPTIONS FROM THE HAWAII COUNTY CODE (ARTICLE 9, "OUTDOOR LIGHTING"), SPORTS, FIELDS, AND "SPECIAL OCCASIONS", WHICH INCLUDES OBON. ALSO, INCLUDES LIGHTING FROM FIRST FRIDAY, WHICH WOULD THEN BECOME ILLEGAL, LOW WATTAGE LIGHTING FOR HOLIDAY AND EVENTS SUCH AS OBON DANCES. THE PROPOSAL, THIS PROPOSAL RESPONDS TO TESTIFIERS' CONCERNS FROM MEMBERS OF THE PUBLIC AND THE COUNTY AGENCIES. SO, THE ATTACHED IS A NEW VERSION OF, WE ADDED TO THE BILL, OF 20.35.070 TO BE INCLUDED IN AN FD1 VERSION OF BILL 21, SD1 [SIC], I MEAN, CD1 (2022). HOW WOULD YOU LIKE TO PROCEED? ANY QUESTIONS? CHAIR LEE: MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. I'M NOT REALLY SURE WHAT ALL THINGS ARE BEING SAID RIGHT NOW. BUT I HAD A QUESTION, WHICH IS LIKE, SO NOW WE'RE DOING THESE EXEMPTIONS AND THINGS AND I WAS WONDERING WHAT IS THE DIFFERENCE BETWEEN WHAT WE'RE DOING RIGHT NOW AND THE BILL THAT CORPORATION COUNSEL GAVE TO US IN COMMITTEE THAT THEY SAID ACCOMPLISHES THE SAME THING BUT WITH EXEMPTIONS? CAUSE IT FEELS LIKE WE KIND OF CAME FULL CIRCLE TO THAT. BUT I, I CAN'T EVEN FOLLOW THE CONVERSATION VERY GOOD, SO I'M NOT SURE, SO IF SOMEONE COULD EXPLAIN THAT. COUNCILMEMBER SUGIMURA: SO, I THINK WHAT HAPPENED DURING THE COMMITTEE MEETING, IF I COULD, TAMARA, IS THAT KEOLA WHITTAKER, HE TRIED TO EXPLAIN HIS VERSION OF THE BILL BUT WAS NOT ALLOWED TO. SO, THE BILL JUST PROCEEDED WITH WHATEVER WAS PRESENTED BY THE COMMITTEE. SO, I'M NOT SURE IF YOU WERE REFERRING TO THAT PROPOSED LEGISLATION THAT KEOLA HAD PROPOSED. SO, THAT WAS NEVER TAKEN INTO CONSIDERATION OR, OR WAS HE ABLE TO DISCUSS IT. THAT'S MY RECOLLECTION. KELLY HAS HER HAND UP, CHAIR. CHAIR LEE: YEAH. WE HAVE A QUESTION FROM MEMBER KING. COUNCILMEMBER KING: WELL, I'D LIKE TO RESPOND TO THAT. AND I, ACTUALLY IF FORREST, IF JAMES FORREST IS STILL ON THE CALL, I'D ASK HIM TO RESPOND TOO. WE HAD SENT THE BILL TO CORP. COUNSEL ASKING FOR THEM TO REVIEW IT FOR, FOR LEGALITY AND FORMAT AND TO NOT RETURN ANOTHER BILL. SO, WE DIDN'T LISTEN, WE DIDN'T HEAR THAT BILL IN COMMITTEE. THAT BILL WAS NOT POSTED BY US. THE, THE, WHAT WE'RE LOOKING AT FOR MEMBER SUGIMURA IS MOST OF THIS IS ALREADY IN THE BILL, THIS, BEFORE YOU RIGHT NOW. MOST OF THESE EXEMPTIONS ARE ALREADY IN THERE. I'M A LITTLE DISMAYED THAT IT EXEMPTS FOSSIL FUEL LIGHT. I DON'T KNOW WHY THAT WOULD, WE WOULD WANT TO SUPPORT THAT. I DO NOT SUPPORT FOSSIL FUEL LIGHTING. I'M NOT, WE ALREADY HAVE EXEMPTIONS FOR TEMPORARY LIGHTING AND DECORATIVE LIGHTING, AND MOST OF THE THINGS THAT ARE IN HERE. SO, I DON'T SUPPORT THIS, THIS LIST OF EXEMPTIONS. IT'S GOT SOME OF THE THINGS THAT ARE ALREADY IN THE BILL, BUT THEN IT'S GOT SOME NEW THINGS THAT I WOULDN'T WANT TO SUPPORT. . . . ARE IN HERE, BUT THAT WOULD BE, I DON'T KNOW WHEN

WE EVER HAVE THEM, BUT THAT WOULD BE RELATED TO EMERGENCY SERVICES, SO THAT'S ALREADY IN THERE. COUNCILMEMBER SUGIMURA: SO, THIS EXTENSIVE LIST COUNCILMEMBER KING: SO . . . COUNCILMEMBER SUGIMURA: OH, SORRY. COUNCILMEMBER KING: I GUESS I WOULD, I GUESS I WOULD ASK DAVID TO RESPOND TO MEMBER PALTIN'S QUESTION. CHAIR LEE: DAVID, CAN YOU RESPOND TO MEMBER PALTIN'S QUESTION? AND THEN, WE HAVE DEPUTY WHITTAKER ON THE LINE AS WELL. DEPUTY DIRECTOR OF COUNCIL SERVICES: THANK YOU, CHAIR LEE. CHAIR LEE: DAVID, ARE YOU STILL DEPUTY DIRECTOR OF COUNCIL SERVICES: I HAVEN'T HAD A, YEAH, I AM HERE. I HAVEN'T HAD CHANCE TO DO A COMPARISON YET OF THE ASF TO THE EARLIER VERSION THAT COUNCILMEMBER PALTIN REFERENCED. I DO SEE MR. WHITTAKER IS, IS ONLINE IF PERHAPS HE'S ABLE TO ADDRESS THAT, IF YOU'D LIKE, CHAIR? CHAIR LEE: OKAY. KEOLA? DEPUTY CORPORATION COUNSEL WHITTAKER: THANK YOU, CHAIR. SO, TO ANSWER COUNCILMEMBER PALTIN'S QUESTION, THEY'RE COMPLETELY DIFFERENT. THE ASF THAT COUNCILMEMBER SUGIMURA IS PUTTING FORWARD ADOPTS THE EXEMPTIONS THAT ARE EXISTING IN THE HAWAII COUNTY ORDINANCE. AND TO RESPOND TO COUNCILMEMBER KING, YOUR DRAFT ORDINANCE ALSO EXCLUDES FOSSIL FUELS. IT'S JUST THAT KEROSENE, YOU KNOW, IT'S LIKE THE KEROSENE TORCHES, THAT'S AN EXCLUSION IN YOUR BILL AS WELL. SO, IT'S, IT EXISTS IN THE CURRENT ORDINANCE. COUNCILMEMBER KING: OKAY. CHAIR LEE: OH. OH, WAIT, EXCUSE ME. MEMBER PALTIN, YOU DIDN'T HEAR HIM? COUNCILMEMBER PALTIN: I HEARD HIM. I THINK, I'M NOT SURE IF WHAT QUESTION HE WAS ANSWERING OR IF I ASKED THE WRONG QUESTION. BUT MY QUESTION WAS THE ASF THAT WE RECEIVED TODAY, HOW IS THAT DIFFERENT THAN THE, THE BILL THAT YOU GUYS PUT FORWARD THAT WAS SUPPOSED TO ACCOMPLISH THE SAME THING OF THE OTHER BILL, BUT TO MAKE IT LIKE SOMETHING OKAY THAT YOU COULD SIGN OFF ON IS THE ASF THAT WE GOT TODAY WAS MY QUESTION. BUT I DIDN'T HEAR THAT ONE ANSWERED. I THOUGHT WHAT WAS ANSWERED WAS COMPARISON BETWEEN THE TWO ASF'S WE GOT JUST NOW. DEPUTY CORPORATION COUNSEL WHITTAKER: NO, I, I'M SORRY, COUNCILMEMBER PALTIN. I KNOW IT'S LATE FOR BOTH OF US. SO, THE ANSWER IS, IT IS DIFFERENT. SO, THE, THE ALTERNATIVE BILL THAT I PUT FORWARD HAS COMPLETELY DIFFERENT LANGUAGE. THE ASF THAT COUNCILMEMBER SUGIMURA PUT FORWARD TODAY JUST ADOPTS THE EXEMPTIONS THAT ARE IN THE HAWAII COUNTY ORDINANCE. COUNCILMEMBER PALTIN: AND, AND THE ASF THAT COUNCILMEMBER KING PUT FORWARD TODAY IS COMPLETELY DIFFERENT THAN THE BILL THAT YOU PUT FORWARD AS WELL. DOES IT HAVE THE SAME MEANING? DEPUTY CORPORATION COUNSEL WHITTAKER: NO. COUNCILMEMBER SUGIMURA: OR WOULD YOU SIGN OFF ON HER ASF BILL? DEPUTY CORPORATION COUNSEL WHITTAKER: NO. THE REASON WE CAN'T SIGN OFF IS BECAUSE OF THE BLUE LIGHT PERCENTAGE THAT IS CURRENT, IN THE CURRENT BILL. NO OTHER ORGANIZATION IN THE COUNTRY ADOPTS THAT PRECISE BLUE LIGHT PERCENTAGE, EXCEPT FOR THE COUNTY OF HAWAII. THE COUNTY OF HAWAII ADOPTED IT NOT TO SAVE SEABIRDS, BUT FOR MAUNA KEA, FOR THE VISIBILITY OF MAUNA KEA. SO, WE HAVEN'T FOUND ANY OTHER ORGANIZATION IN THE COUNTRY THAT ADOPTS THIS, WHICH IS WHY LIGHTS ARE NOT AVAILABLE ON THE GENERAL MARKET THAT MEET THAT BLUE LIGHT PERCENTAGE. THAT'S WHY WE CAN'T SIGN IT. THAT'S ONE OF THE SEVERAL REASONS WE CAN'T SIGN IT. COUNCILMEMBER PALTIN: AND WE CAN'T SUPPORT MAUNA KEA AS WELL? DEPUTY CORPORATION COUNSEL WHITTAKER: WE CERTAINLY CAN. CHAIR LEE: MEMBER KING. MEMBER KING. DEPUTY CORPORATION COUNSEL WHITTAKER: BUT THAT'S NOT THE REASON FOR THE ORDINANCE. CHAIR LEE: OKAY. MEMBER KING. COUNCILMEMBER KING: THANK YOU, CHAIR. SO, I, I SEE WHAT MEMBER PALTIN'S ASKING ABOUT THE, THE BILL THAT WAS PUT FORWARD BY CORP. COUNSEL ADDRESSES KELVIN, WHICH IS HEAT. WE'RE NOT TALKING ABOUT HEAT MEASURES HERE. WE'RE TALKING, AND SO WE HAD THIS DISCUSSION WITH

OCS, WITH DAVID HENKIN, WITH JAY PENNIMAN. AND IF JAY'S ON, MAYBE HE WOULD LIKE TO COME ON AND SPEAK TO IT. THE, THE TWO PERCENT BLUE LIGHT AS, AS MR. WHITTAKER SAID IS, IS BEING USED ON, IN THE HAWAII ORDINANCE. AND THAT'S WHY WE ADOPTED IT, BECAUSE IT'S WORKING OVER THERE. SO, I DON'T UNDERSTAND THEIR, THEIR SCIENCE WAS NOT SUPPORTED BY OUR EXPERTS. AND I DON'T UNDERSTAND WHY THERE, IT'S A POLICY ISSUE, REALLY, IS WHAT OCS TOLD ME, SO I DON'T UNDERSTAND WHY CORP. COUNSEL IS TAKING THIS POSITION. BUT I DON'T KNOW IF THE, ANYBODY'S STILL AWAKE AND ON THIS CALL, BUT IF YOU ARE, MR. PENNIMAN AND . . . MAYBE YOU COULD, MAYBE YOU COULD GIVE US THAT, THAT ADDITIONAL INSIGHT. I MEAN, WE TALKED ABOUT THIS A LOT IN COMMITTEE. WE'VE HEARD FROM MANY, MANY RESOURCES, HOW AVAILABLE THOSE LIGHTS ARE. I GOT, I HAD SOME ON MY DESK AND IN THE CHAMBERS THAT ONE OF OUR OCS SUPPORTER, OR ONE OF OUR OCS ATTORNEY'S BOUGHT . . . THAT THAT ARE VERY COMPLIANT AND EASILY TO, EASY TO SCREW INTO ANY LIGHTBULB FIXTURE. SO, I GUESS THERE'S A DIFFERENCE OF OPINION ON, ON WHETHER THESE PEOPLE ARE, KNOW WHAT THEY'RE DOING, THESE PEOPLE WHO ARE SUPPLYING THE BIG ISLAND. IT'S, IT'S KIND OF FRUSTRATING TO, TO HAVE THEM BASICALLY TAKE A DIFFERENT POSITION ON THE SCIENCE, BECAUSE WE BROUGHT IN SCIENTISTS AND EXPERTS ON THE LIGHTING. SO, AND ANYWAY, MR. FORREST, IF YOU'RE THERE, DO YOU WANT TO STEP IN AND ADDRESS SOME OF THESE ISSUES THAT WE'VE BEEN TALKING ABOUT FOR, SINCE FEBRUARY? MAYBE HE'S NOT AWAKE EITHER. CHAIR LEE: YEAH, I SEE HIS PICTURE. MR. JAMES FORREST: HELLO? CHAIR LEE: OH THERE'S MR. FORREST: ALOHA CHAIR. CHAIR LEE, THAT'S NOT, THAT'S NOT EXACTLY COMMON PRACTICE, BUT IF YOU'LL ALLOW IT, I WILL PROCEED. COUNCILMEMBER SUGIMURA: WHAT? WHAT IS NOT COMMON PRACTICE? CHAIR LEE: WHAT'S NOT COMMON PRACTICE? MR. FORREST: JUST FOR ANYONE OTHER THAN MR. RAATZ TO ADDRESS THE COUNCIL. CHAIR LEE: OH. WELL, WE'RE, I DON'T KNOW, WE'RE NOT PRIVY TO YOUR ARRANGEMENT WITH MR. RAATZ. BUT CAN, CAN YOU JUST ANSWER THE QUESTION BECAUSE WE'RE VERY, VERY TIRED? MR. FORREST: I CAN ANSWER IT THE BEST I CAN FOR YOU. I WOULD SAY THAT THE EXCEPTIONS FROM THE HAWAII COUNTY LAW ARE A LOT MORE BROAD THAN THE EXCEPTIONS THAT WE APPROVED FOR THE MAUI VERSION. HOWEVER, WE DID, IN THE ASF, EXPAND THE MAUI EXCLUSIONS TO TAKE CARE OF THE EMERGENCY LIGHTING SITUATION. AND WE MADE IT CLEAR THAT ALL THE SPORTING AND COMMUNITY EVENTS ARE PERFECTLY FINE. ONE OF THE BIG DIFFERENCES IS THAT THE MAU, THE HAWAII COUNTY LAW WOULD ALLOW EXISTING FIXTURES TO STAY UNTIL THEY BURN OUT, BASICALLY. AND THE PROBLEM WITH THAT, OR THE POSSIBLE PROBLEM WITH THAT, IS THAT THESE LEDS MIGHT LAST FOR DECADES. AND IF, IF YOU BELIEVE THE SCIENCE THAT IT'S HARMFUL FOR THE ENVIRONMENT, THAT WOULD BE ALLOWING HARM TO CONTINUE FOR DECADES. SO, THAT IS A BIG DIFFERENCE. OUR LAW BASICALLY HAS A THREE-YEAR PHASE-IN PERIOD, SO IT WOULD LIMIT EXISTING LIGHTS TO THREE YEARS. I HOPE THAT ANSWERS YOUR QUESTIONS. I THINK WE CAREFULLY DRAFTED OUR EXCEPTIONS TO MEET THE NEEDS OF FIRE, AND POLICE, AND BASEBALL GAMES. COUNCILMEMBER KING: AND IF I MAY, CHAIR? CHAIR LEE: YES. MEMBER KING. COUNCILMEMBER KING: THANK YOU. YEAH, CAN YOU ALSO, MR. FORREST, JUST EXPLAIN THE DIFFERENCE BETWEEN THE BILL THAT CAME FROM CORP. COUNSEL AND OUR BILL? WHY WE DID NOT USE THAT ONE. MR. FORREST: OKAY, SURE. CHAIR LEE, IF I MAY? CHAIR LEE: SURE. MR. FORREST: I WOULD STATE THE MAIN DIFFERENCE IS THAT IT'S BASED ON THE KELVIN SCALE, AND THAT'S THE TEMPERATURE. AND WE'VE BEEN TOLD AGAIN AND AGAIN BY THE SCIENTIST THAT THAT'S NOT RELEVANT TO PROTECTING THE SEABIRDS OR THE TURTLES. SO, THAT'S THE BIG DIFFERENCE. SO, OURS IS BASED ON A TWO PERCENT SCALE. AND, AND BY THE WAY, ANOTHER CHANGE IN OUR AMENDMENT WAS NOT MAKE IT SO WHERE IT'S NOT

ONLY THE FLEDS THAT MR. BOB ADAMS PROVIDES, BUT IT'S THE AMBER LIGHTS, AND THERE'S A COUPLE OF OTHER LIGHTS THAT ARE ALLOWED, SUCH AS THE GENTLEMAN FROM THE LED HAWAII COMPANY. SO, WE EXPANDED THE AVAILABLE LIGHTING SIGNIFICANTLY SO THAT PEOPLE COULD COMPLY. CHAIR LEE: OKAY. MEMBER SUGIMURA, DO YOU HAVE A QUESTION? COUNCILMEMBER SUGIMURA: YOU KNOW, I JUST WANT TO ADD TO THE DISCUSSION THAT I THINK IT ALSO CAME UP THAT THERE'S A, A DIFFERENCE BETWEEN BIG ISLAND AND THE MAUI VERSION IS BIG ISLAND IS NOT RESIDENTIAL. AND OUR BILL, REMEMBER WHEN WE WERE GOING THROUGH THIS IN COMMITTEE AND I SAID THE WORD "ALL" AND I STOPPED? THE WORD "ALL" MEANS IT'S ALL LIGHTS, RIGHT, EXCEPT WITH, NOW WITH THIS ASF. IT CHANGED SOME WITH WHAT KELLY PROPOSED. AND THEN, I'M TRYING TO, I'M TRYING TO CLARIFY IT MORE WITH MORE EXEMPTIONS. BUT THE BIG DIFFERENCE BETWEEN BIG ISLAND AND OURS IS THAT YOUR LIGHTS AT YOUR HOUSE IS NOW SUBJECT TO THIS, RIGHT? IT IS RESIDENTIAL AND COMMERCIAL, WHICH IS ALL. THIS IS ALL . . . THE BILL THAT MAUI IS DOING IS ALL. AND THAT WAS THE EXCITEMENT, I THINK, IS THAT WE HEARD FROM, OR THE CONCERN THAT WE HEARD FROM SOME OF THE TESTIFIERS THEN AND NOW AND THE DIFFERENCES. SO, AND, AND I, AND YOU ALL HEARD THE TESTIMONY TODAY, WRITTEN TESTIMONY, EVEN MECO HAD A, HAWAIIAN ELECTRIC HAS CONCERN ABOUT THIS BILL AND IN CORRESPONDENCE. AND PARKS DEPARTMENT HAD A CONCERN ABOUT IT. SO, I WOULD LIKE TO PROPOSE THESE EXEMPTIONS, OR ADD THIS TO THE BILL. BUT, AND REALLY, AT THIS HOUR, I REALLY WOULD LIKE TO SEND THIS BACK TO COMMITTEE SO THAT WE CAN TALK ABOUT IT WHEN WE'RE CLEAR AND SOUND MINDS, AND NOT AS TIRED AS YOU ALL LOOK. BUT I WOULD LIKE TO ADD THIS, THE EXEMPTIONS, IF WE'RE GOING TO STILL CONTINUE. BUT I THINK WHAT WE REALLY NEED TO DO IS SEND IT BACK TO COMMITTEE SO THAT WE CAN TALK ABOUT IT IN DETAIL AND GET EVERYBODY WHO SHOULD BE AT THE TABLE TO TALK ABOUT IT AT LENGTH. IF WE CAN SUPPORT THEM. CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: OKAY, SO WE DID REACH OUT TO ALL THE DEPARTMENTS. WE HAD THE DEPARTMENT OF PUBLIC WORKS THERE AT THE LAST MEETING AND MADE SOME OF THESE . . . I DON'T, I DON'T THINK THERE'S, WE'VE BEEN WORKING ON THIS FOR A LONG TIME, I DON'T THINK THERE'S A NEED TO BRING IT BACK TO COMMITTEE. AND ALSO, I WANT TO SAY THAT WE ADDRESSED ALL THE CONCERNS. THE CONCERNS OF FIRE AND POLICE WERE ABOUT EMERGENCY LIGHTING. I EVEN SPOKE WITH THE CHIEF BEFORE THE MEETING, AND HE WAS FINE WITH IT. AND WITH THE CONCERNS OF THE, OF THE OUTDOOR LIGHTING FOR TEMPORARY EVENTS, FOR DECORATIVE LIGHTING, HAVE BEEN TAKEN CARE OF. I DON'T UNDERSTAND WHY WE WOULD EVEN TAKE THIS BACK TO COMMITTEE. BUT WE ALSO, I WANT TO POINT OUT TOO, WE ALSO HEARD FROM MANY, MANY FOLKS WHO LIVE HERE WHO WANT TO PROTECT THE SEABIRDS, AND THE TURTLES, AND WHATEVER OTHER, THE VARIOUS SPECIES OF BIRDS THAT ARE HAVING THAT FALLOUT. AND UNDERSTAND THAT WE'RE SPEAKING UP, WE'RE DOING SOMETHING FOR BIODIVERSITY. OUR, OUR COUNCIL PASSED A RESOLUTION TO SUPPORT BIODIVERSITY AND TO PROTECT ENDANGERED SPECIES. AND SO, THIS IS WHAT WE'RE DOING HERE. WE'RE TAKING THAT ACTION. SO, I, I SPEAK, I THINK THE BILL HAS BEEN WORKED ON EXTENSIVELY. I REALLY APPRECIATE ALL THE WORK THAT OCS PUT INTO IT AND THE, EVEN BEYOND JUST HELPING WRITE A BILL, BUT RESEARCHING IT AND FINDING THE EXPERTS WHO COULD SPEAK TO THIS BILL. AND I, I DON'T KNOW WHAT ELSE TO SAY. I'M JUST, I'M, I THINK WE SHOULD, WE SHOULD CALL THE QUESTION. CHAIR LEE: ANY COUNCILMEMBER SUGIMURA: RICHELLE. CHAIR LEE: ANYBODY, WELL, OKAY, MEMBER MOLINA'S HAND IS UP. AND THEN, I SEE FIRST DEPUTY THOMSON. COUNCILMEMBER MOLINA: YEAH, THANK YOU, MADAM CHAIR. JUST TO GET CLARIFICATION. SO, FROM MEMBER SUGIMURA, SO YOUR AMENDMENT IS, YOUR PROPOSAL IS SEND THIS BACK TO COMMITTEE OR IS IT JUST TO ATTACH YOUR,

THESE EXEMPTIONS FROM THE BIG ISLAND BILL? I JUST WANT . . . EXACTLY WHAT'S ON THE FLOOR WE'RE GOING TO BE VOTING ON. COUNCILMEMBER SUGIMURA: I ACTUALLY WOULD LIKE TO . . . I THINK THERE'S A GREATER DISCUSSION THAT'S NEEDED. BUT IF WE'RE GOING TO VOTE TODAY, THE VOTE ON THE FLOOR IS THE AMENDMENT TO ADD THE EXEMPTIONS AS I READ. COUNCILMEMBER MOLINA: OKAY. SO, NOT TO SEND THIS BACK TO COMMITTEE THEN? IT'S JUST TO ADD THIS, THESE EXEMPTIONS. OKAY. ALRIGHT. THANK YOU. CHAIR LEE: FIRST DEPUTY. FIRST DEPUTY CORPORATION COUNSEL: THANK YOU, CHAIR. WE WOULD ALSO REALLY APPRECIATE THE OPPORTUNITY TO ADDRESS THE ISSUES THAT HAVE COME UP ACROSS MULTIPLE DEPARTMENTS EXPRESSING THEIR CONCERNS WITH THE BILL, THEIR INABILITY TO COMPLY WITH IT, VARIOUS EXEMPTIONS THAT ARE VERY NECESSARY FOR COMMON OPERATIONS. THE ASF THAT'S BEING PROPOSED BY COUNCILMEMBER KING, WHILE IT DOES ADDRESS A CERTAIN PERIOD OF TIME FOR EMERGENCY LIGHTS, IT DOES NOT EXEMPT THEM FROM THE BLUE LIGHT REQUIREMENT. AND THAT'S A CONCERN THAT PUBLIC WORKS, THE PUBLIC WORKS DIRECTOR SPOKE TOWARD THE END OF PUBLIC TESTIMONY TODAY. AND HE SAID THAT HE COULD NOT ENFORCE THIS BILL AND ALSO COULD NOT COMPLY WITH IT. AND THAT COMPLIANCE WOULD COST A SIGNIFICANT AMOUNT OF MONEY IN EQUIPMENT THAT THEY ALREADY HAD IN STOCK. I THINK PARKS HAS SAID SIMILAR THINGS. SO, FROM OUR VIEWPOINT, WE WOULD GREATLY APPRECIATE THE OPPORTUNITY TO WORK WITH ALL OF YOU ON A BILL THAT ACHIEVES THE GOALS, BUT THAT IS ALSO, YOU KNOW, WORKS IN THE REAL WORLD. THERE ARE EXPERTS THAT WE HAVE SPOKEN TO THAT DO NOT AGREE WITH CERTAIN OF THE THINGS THAT HAVE BEN PROMOTED BY SOME OF THE FOLKS THAT HAVE . . . AND COUPLE OF THE REASONS THAT WE CANNOT SIGN OFF ON THIS BILL THOUGH, IN ADDITION TO THE INABILITY TO COMPLY WITH THE TERMS OF IT AND TO ENFORCE IT, AS PUBLIC WORKS SAID, THIS WOULD PUT A HALT TO PROCESSING PERMITS, BECAUSE THIS WOULD APPLY IMMEDIATELY TO ALL NEW LIGHTING FIXTURE, ALL NEW LIGHTING FIXTURES. IT'S, THERE ARE ISSUES WITH PREEMPTION. THIS APPLIES ALSO TO AIRPORTS AND HARBORS. WE DON'T BELIEVE THAT WE CAN, AS A MAUI COUNTY, REGULATE AIRPORT LIGHTING WHERE HARBOR THERE ARE TERMS IN THE BILL THAT ARE VAGUE, SUCH AS NON-REFLECTIVE. THERE'S A, A SECTION IN THE BILL THAT TALKS ABOUT, THAT SHIELDED LIGHTS, THAT IF A LIGHT HITS A WALL SURFACE, THE SURFACE MUST BE NON-REFLECTIVE. THAT WOULD MEAN THAT THE SURFACES WOULD HAVE TO BE MATTE BLACK. AND EVEN MATTE BLACK PAINT, AS THE DIRECTOR OF PUBLIC WORKS SAID, IS A REFLECTIVE PAINT. SO, YOU KNOW, THERE ARE A LOT OF ISSUES WITH THE BILLS; SAFETY HAZARDS, YOU KNOW FOR WORKER SAFETY; YOU KNOW, OCEAN REQUIREMENTS. SO, WE, LIKE I SAID, WE'RE NOT TRYING TO PUT THE KIBOSH ON THE BILL. WE JUST WANT TO HELP YOU CREATE A BILL THAT'S LEGALLY SOUND AND THEN, ALSO, THE DEPARTMENTS THAT HAVE TO CARRY OUT THIS WORK ACTUALLY CAN DO IT. THANK YOU. CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: YEAH, CHAIR, CAN I HAVE MR. FORREST RESPOND TO THOSE. I DON'T UNDERSTAND WHY THEY'RE SAYING WE'D IMMEDIATELY BECOME NONCOMPLIANT WHEN WE'RE NOT EVEN, IT'S NOT EVEN GOING INTO EFFECT TILL JANUARY 1. AND THEN, THERE'S THREE YEARS. SO, SOME OF THIS STUFF THAT WE'RE HEARING, I, JUST IS BEYOND WHY THEY WOULD EVEN REPEAT THOSE KINDS OF THINGS. BUT I JUST WANT, WE'D LIKE MR. FORREST TO ADDRESS WHAT WAS JUST SAID. CHAIR LEE: MR. FORREST. MR. FORREST: THANK YOU, CHAIR. I WOULD JUST SAY THAT THE OCS ATTORNEYS HAVE WORKED COLLABORATIVELY ON THIS BILL. AND WE SUPPORT THE BILL, WE, OR I GUESS WE STAND BEHIND THE LEGALITY OF THE BILL. I THINK THE EASIEST THING TO SAY IS, YOU KNOW, HAWAII COUNTY DOES THIS, THEY ENFORCE THIS. I THINK WE'RE ALL A LITTLE, YOU KNOW . . . FOR OUR DEPARTMENTS NOT TO CALL HAWAII COUNTY, THAT PROBABLY BE THE FIRST STEP I'D RECOMMEND. BUT THE MAIN POINT IS THAT WE

DO STAND BEHIND THE BILL. IT IS LEGALLY DRAFTED. IT'S LEGALLY ENFORCEABLE. AND THAT'S REALLY ALL. AND, YOU KNOW, FROM THE COMMITTEE BILL THAT WAS VOTED ON BY SIX MAJORITY, WE'VE ONLY BROADENED THE EXCEPTIONS TO ADDRESS OTHER ISSUES FROM THE POLICE, FOR EXAMPLE. SO, YOU KNOW, I THINK THAT THAT FIRST BILL WAS PERFECTLY LEGAL. WE'VE IMPROVED IT BY EXPANDING THE EXCEPTIONS AND WE STAND BEHIND OUR BILL. THANK YOU.

COUNCILMEMBER KING: CHAIR, IF I MAY, CAN I ASK ONE MORE QUESTION OF MR. FORREST? CHAIR LEE: SURE. COUNCILMEMBER KING: MR. FORREST, CAN YOU SPEAK TO THE . . . OF THE LIGHTS THAT DEPARTMENT OF PUBLIC WORKS HAS BOUGHT THAT ARE NONCOMPLIANT? THE, YOU KNOW, THEY BROUGHT THAT UP THAT THEY HAVE \$4 MILLION WORTH OF LIGHTS THAT THEY CAN'T USE. MR. FORREST: YES. THANK YOU, CHAIR. I, I UNDERSTAND THAT THAT PURCHASE WAS MADE A FEW YEARS AGO. THERE'S WAS A PROBLEM WITH INSTALLING THE LIGHTS. THERE WAS A LEGAL CASE INVOLVED. THOSE LIGHTS HAVE NOT BEEN INSTALLED. I, I THINK IT WAS DESCRIBED BY A TESTIFIER EARLIER, IS THAT THAT WAS A PURCHASE THAT SHOULDN'T HAVE BEEN MADE IN THE FIRST PLACE. I THINK YOU COULD MITIGATE YOUR DAMAGES. YOU COULD MAYBE SELL THOSE LIGHTS TO SOMEONE ON THE MAINLAND. THERE IS A AFTER-MARKET FILTER THAT COULD GO ON THOSE LIGHTS THAT COULD MAKE THEM COMPLIANT. THERE ARE OPTIONS GOING FORWARD. WHAT I, I THINK THE DIFFERENCE BETWEEN THIS AND, AND FOR EXAMPLE, THE HAWAII EXEMPTIONS IS THE LED LIGHTS LAST A LONG TIME. AND I DON'T THINK THE EXPERTS WOULD WANT YOU TO PUT UP AN LED LIGHT THAT IS NOT COMPLIANT, BECAUSE IT MIGHT LAST FOR 20 YEARS. AND THAT WOULD MEAN THAT YOU'RE LIVING WITH 20 YEARS OF ENVIRONMENTAL DAMAGE. SO, I THINK THAT'S FOR, FOR THOSE LIGHTS IN PARTICULAR, THERE ARE WAYS TO MITIGATE DAMAGES. BUT USING THEM AT THIS POINT WOULD BE CONTRARY TO I THINK WHAT THE COMMITTEE HAD DECIDED AT THE PREVIOUS MEETING AND WHAT THE PUBLIC TESTIFIED TODAY. CHAIR LEE: I SEE MEMBER PALTIN HAS A QUESTION.

COUNCILMEMBER PALTIN: THANK YOU, CHAIR. SO, THE LIGHTS THAT YOU SAID THAT ARE STILL IN THE BOXES ARE PUBLIC WORKS LIGHTS AND YOU THINK THAT PARKS LIGHTS CAN HAVE A FILTER OR A SHIELD? OR ARE THEY THE SAME LIGHTS, PARKS LIGHTS AND PUBLIC WORKS LIGHTS? CHAIR LEE: IS THIS A QUESTION FOR MR. FORREST? COUNCILMEMBER PALTIN: YES. CHAIR LEE: OKAY. MR. FORREST. MR. FORREST: AND CHAIR LEE, THANK YOU. THIS IS COMING FROM THE MANUFACTURER BOB ADAMS. AND HE HAS TOLD PUBLIC WORKS THAT HE COULD MAKE A FILTER FOR THEIR LIGHTS THAT WOULD MAKE THEM COMPLIANT. THAT FILTER, HE ESTIMATED WOULD COST \$100 PER LIGHT. SO, THAT IS A SIGNIFICANT COST OF SOMEWHERE AROUND \$500,000. THAT WHEN YOU'RE TALKING ABOUT AN INVESTMENT OF \$4 MILLION, MAYBE THAT'S THE WAY TO GO. AGAIN, THE OTHER OPTION IS TO SELL THOSE LIGHTS AND BUY COMPLIANT LIGHTS. FOR PARKS AND RECREATION, I THINK MR. ADAMS COULD MAKE AN AFTER-MARKET FILTER FOR JUST ABOUT ANY LIGHT. BUT HE WOULD ALSO SAY THAT THE EXISTING LIGHTS ARE STILL EXEMPT FOR THREE YEARS, SO YOU DON'T HAVE TO DO THIS RIGHT AWAY. YOU HAVE, WE MADE THAT EXEMPTION BROAD FOR A REASON AND WE DO THIS OFTEN. IT'S LIKE PHASE-IN, YOU KNOW, A PHASE-IN RULE. SO, WE'RE GIVING EVERYONE THREE YEARS TO COMPLY AND WE'RE GIVING SUPPLIERS THREE YEARS NOTICE THAT, HEY, COME TO MAUI AND SELL YOUR LIGHTS. COUNCILMEMBER SUGIMURA: MR. WHITTAKER. CHAIR LEE: AND THEN, I SEE DEPUTY WHITTAKER. DEPUTY CORPORATION COUNSEL WHITTAKER: THANK YOU, CHAIR. I'M FAMILIAR WITH THE LITIGATION AND THE LIGHTS, SO I CAN GIVE YOU A LITTLE BIT OF BACKGROUND. SO, THE ONLY THING THAT WAS ESTABLISHED IN THE LITIGATION IS WE HAVE TO GET AN ENVIRONMENTAL ASSESSMENT, WHICH THE PUBLIC WORKS DEPARTMENT HAS. I ENCOURAGE COUNCIL TO WAIT UNTIL THE RESULTS OF THAT ENVIRONMENTAL ASSESSMENT ARE PUBLIC, BECAUSE I THINK WHAT IT WILL SHOW IS THAT THE

LIGHTS THAT WE HAVE PURCHASED ARE FINE FOR AN ENVIRONMENTAL ASSESSMENT. SECONDLY, OUR PUBLIC WORKS DEPARTMENT LIKELY WILL NOT PURCHASE THOSE FILTERS FROM BOB ADAMS, WHO MADE A LOT OF MONEY FROM THE BIG ISLAND, BECAUSE THEY CHANGE, THEY AFFECT THE SAFETY OF THE LIGHT. THERE'S NO INDUSTRY STANDARDS FOR THESE FILTERS. THEY'RE NOT COMMONLY USED. HE DOES SELL THEM, BUT WE CAN'T BE SURE THAT THEY'RE SAFE AND THEY WON'T CAUSE A FIRE HAZARD, WHICH IS WHY OUR PUBLIC WORKS DEPARTMENT WOULD HAVE TO EFFECTIVELY GET RID OF WHAT THEY HAVE AND PURCHASE NEW LED LIGHTS.

CHAIR LEE: COMMENTS, ANYONE? MEMBER KING. COUNCILMEMBER KING: YEAH. JUST TO REITERATE THAT THE LIGHTS THAT WERE PURCHASED ARE HARMFUL TO THE SEABIRDS. THAT'S WHAT WE'RE TRYING TO CHANGE. AND, YOU KNOW, THAT'S THE CHOICE WE'RE MAKING. DO WE WANT TO THROW BAD MONEY AFTER GOOD, OR GOOD MONEY AFTER BAD, WHATEVER THE SAYING IS, YOU KNOW? YOU, YOU, THE MONEY WAS SPENT, THEY WERE, THOSE LIGHTS ARE NOT THE TYPE OF LIGHTS THAT WE WANT. YOU KNOW, IF WE'RE GOING TO PASS THIS BILL, THEY'RE NOT GOING TO BE COMPLIANT BECAUSE THEY DON'T PROTECT THE SEABIRDS. SO, THAT'S KIND OF THE BOTTOM LINE HERE IS WHAT, YOU KNOW, IT'S A POLICY ISSUE WHETHER WE WANT TO MOVE AHEAD. BUT, YOU KNOW, I'M, I'M CONFIDENT THAT THIS IS A GOOD BILL, THAT WE'VE GIVEN PLENTY OF TIME. WE'VE, WE'VE GIVEN PLENTY OF EXEMPTIONS. THERE'S TIME FOR FOLKS TO GET THROUGH WHATEVER PERMIT ISSUES THEY HAVE TO IN THE NEXT SIX MONTHS BEFORE THE BILL EVEN GOES INTO EFFECT. SO, JUST LIKE TO GET THE, GET TO THE VOTE. THANK YOU, CHAIR.

CHAIR LEE: ANYBODY ELSE? MEMBER SUGIMURA, FOR THE LAST TIME.

COUNCILMEMBER SUGIMURA: YEAH. CANNOT IGNORE WHAT KEOLA WHITTAKER HAS SHARED ABOUT THE 2 PERCENT BLUE LIGHT AND THE OTHER, YOU KNOW, INFORMATION THAT HE GAVE US. AND I THINK THAT IF WE WANT TO, YOU KNOW, KEEP THIS DISCUSSION GOING, THAT MORE DISCUSSION IS NEEDED THAN WHAT WE HAVE BEFORE US FOR THE ORIGINAL BILL WITH THE ASF. AND I THINK THIS IS SERIOUS, YOU KNOW. I, YEAH, YOU KNOW, WE ALL WANT TO PROTECT THE ENVIRONMENT AND EVERYTHING, BUT WE ALSO HAVE A FIDUCIARY OR FISCAL RESPONSIBILITY TO MAKE SURE THAT, YOU KNOW, THE DEPARTMENTS ARE GOING TO RUN SAFE AND THEY'RE GOING TO HAVE THE RIGHT EQUIPMENT. I THINK THAT'S PART OF A BIG RESPONSIBILITY THAT WE HAVE. AND I'M SORRY IF I, YOU KNOW, BRINGING THIS UP AT THIS TIME, IT'S LIKE NOW MIDNIGHT. BUT I BELIEVE THAT IT'S IMPORTANT ENOUGH THAT IT'S SOMETHING THAT WE ALL NEED TO DECIDE. AND IF WE AS A COUNCIL ARE GOING TO DECIDE THAT WE DON'T, YOU KNOW, IT DOESN'T MATTER, WHATEVER, THE DEPARTMENTS HAVE SHARED WITH US, THEN THAT'S A DECISION THAT YOU WILL LIVE WITH. BUT I BELIEVE THAT THE DEPARTMENTS CAME OUT STRONG TODAY AND SHARED WITH US WHAT THEY, WHAT THEIR OPINION WAS ON THIS OUTDOOR LIGHTING. SO, MY AMENDMENTS ARE TRYING TO MAKE THIS BILL, WHICH LOOKS LIKE TO ME, YOU KNOW, THE GENERAL SENTIMENT, LOOKS LIKE YOU WANT TO PASS IT. BUT TRY TO, YOU KNOW, PROVIDE THE EXEMPTIONS SO THAT, YOU KNOW, MAYBE THE DEPARTMENTS COULD LIVE WITH IT AND THE RESIDENTS COULD LIVE WITH IT. BUT I BELIEVE THAT THE BILL HAS A LOT OF, A LOT MORE TO GO.

CHAIR LEE: OKAY, SO MEMBER KING, WOULD YOU CONSIDER A COMPROMISE, LIKE AN ADDITIONAL EXTENSION TO JULY 1, YOU KNOW, SO THAT THERE'S ENOUGH TIME TO STUDY THE RESULTS FROM THE EA?

COUNCILMEMBER KING: WELL, IF THAT'S WHAT FOLKS WANT TO DO, CHAIR. BUT THE EA DOES NOT ADDRESS WHAT WE'RE TRYING TO DO, THE PROTECTION. THE EA IS JUST AN ENVIRONMENTAL ASSESSMENT. IT DOESN'T, IT DOESN'T PROTECT, IT'S NOT GOING TO TELL YOU IF IT'S GOING TO PROTECT THE SEABIRDS, WHICH IS THE WHOLE PURPOSE OF THIS BILL. SO, THERE'S ANOTHER PURPOSE FOR THE, UNLESS, UNLESS I'M WRONG ABOUT THAT MR. WHITTAKER. ARE YOU GUYS, ARE YOU GUYS DOING STUDIES ON SEABIRDS? CAUSE I DON'T KNOW HOW YOU COULD DO IT

IN SUCH A SHORT PERIOD OF TIME. CHAIR LEE: MR. WHITTAKER. DEPUTY CORPORATION COUNSEL: I BELIEVE THE RESULTS OF THE EA WILL COME OUT WITHIN TWO WEEKS. SO, IF YOU COULD WAIT ON THIS UNTIL THEN, THAT WOULD BE EXTREMELY HELPFUL. AND IT IS AN ENVIRONMENTAL ASSESSMENT, SO IT INDICATES IT'S A SCIENTIFIC STUDY AS TO THE ENVIRONMENTAL IMPACT OF THE PRECISE KIND OF LIGHTS THAT WE MAY THROW AWAY. SO, I WOULD JUST WAIT UNTIL YOU SEE THAT. SECONDLY, IT'S WEIRD THAT WE'RE MODELING AFTER THE BIG ISLAND, BECAUSE KAUAI DID A MULTI-YEAR STUDY TO PROTECT SEABIRDS, SPECIFICALLY, WITH THE FEDERAL AND STATE GOVERNMENT, AND THEY CAME UP WITH A CONSERVATION PLAN. THEY LOOKED AT PENNIMAN'S RESEARCH AND THEY REJECTED IT. THEY CONCLUDED THAT THERE'S NO SCIENTIFIC EVIDENCE THAT THE BIRDS ARE ATTRACTED TO THE BLUE LIGHT SPECTRUM MORE THAN ANY OTHER SPECTRUM. WHAT THEY DID CONCLUDE IS THAT THE BIRDS ARE ATTRACTED TO BRIGHT LIGHTS. AND SO, WHAT THEY DID ON KAUAI IS THEY DEVELOPED PLANS TO REDUCE BRIGHT LIGHTS THROUGH SHIELDING AND OTHER POLICIES. AND, YOU KNOW, THAT'S SOMETHING YOU MAY WANT TO LOOK AT IN COMMITTEE. BUT THE FEDERAL AND STATE GOVERNMENTS ARE NOT ASKING US TO PUT IN THE BLUE LIGHT RESTRICTION. THAT'S NOT WHAT KAUAI DID. BIG ISLAND DID IT FOR A DIFFERENT REASON. COUNCILMEMBER KING: RIGHT. SO, YOUR EA WON'T ADDRESS THE, THE SEABIRDS. BUT CAN I, CAN I JUST ASK MR. FORREST TO RESPOND TO THAT? CHAIR LEE: SURE. MR. FORREST? MR. FORREST? COUNCILMEMBER KING: I THINK HE'S UNMUTED. CHAIR LEE: WELL, FOLKS, WHAT DO YOU WANT TO DO WITH THIS? COUNCILMEMBER KING: LET'S SEE. CHAIR LEE: ANYBODY? COUNCILMEMBER KING: MR. FORREST, ARE YOU THERE? I KNOW HE WANTED TO RESPOND, SO. CHAIR LEE: JAMES? MEMBER SUGIMURA? COUNCILMEMBER SUGIMURA: SO, YOU KNOW, MIL JOE BALANGITAO WAS IN THE CHAMBERS TODAY AND HE HAD GREAT CONCERNS ABOUT THIS BILL. AND, AND I THINK WE KNEW THAT THE DEPARTMENTS EXPRESSED PRETTY LOUD AND CLEAR, YOU KNOW, ESPECIALLY PUBLIC WORKS. AND THAT THERE IS A CONCERN FROM PARKS DEPARTMENT. AND INTERESTING, JOHNSON CONTROL SAID THERE'S 250 DIFFERENT KIND OF LIGHT, I DON'T KNOW IF IT'S FIXTURES, BUT LIGHTS THAT THEY HAVE AS PART OF THE WORK THAT THEY ARE DOING . . . IT WOULD BE TO OUR BENEFIT TO UNDERSTAND WHAT IS THE FINANCIAL IMPACT OF WHAT WE'RE TRYING TO DO WITH THIS LIGHT, WITH THIS OUTDOOR LIGHTING BILL AND WHAT IS THE IMPACT JOHNSON CONTROLS 250 DIFFERENT LIGHT FIXTURES FROM ALL THE DIFFERENT DEPARTMENTS. I'M NOT SURE WHEN THEIR AUDIT IS GOING TO BE COMPLETED. I THINK IT'S STILL ONGOING. BUT THERE'S ALL KIND OF IMPACTS. I THINK THAT WE STILL NEED TO DISCUSS THIS. CHAIR LEE: I THINK I SAW MR., WHAT'S HIS NAME? MR. FORREST: FORREST. COUNCILMEMBER SUGIMURA: JAMES FORREST. CHAIR LEE: MR. FORREST, I SAW COME BACK. OKAY, MR. FORREST, DO YOU HAVE COMMENTS? MR. FORREST: OKAY, CAN YOU HEAR ME NOW, CHAIR LEE? CHAIR LEE: YES. MR. FORREST: OKAY. SORRY, I HAD TO SWITCH TO MY COMPUTER. YOU KNOW, OVERALL COMMENTS IS A LOT OF, I FEEL LIKE PRETTY MUCH OF THE DISCUSSION BETWEEN THE LAWYERS IS POLICY AND NOT ACTUAL LEGAL ISSUES. WE DID, WE DECIDED TO MODEL THIS AFTER HAWAII BECAUSE OF THE KAUAI RULE AND THE KAUAI SETTLEMENT IS VERY FLAWED. I WAS A CORP. COUNSEL IN, IN KAUAI AND THAT THAT, THEIR LIGHTING BILL IS LAUGHABLE. IT DOESN'T WORK. THAT'S THE REASON WHY WE DIDN'T BASE IT OFF OF KAUAI. AND, YOU KNOW, OVERALL, THE LIGHTING FOR THE, FOR THE STREETLIGHTS IS JUST A VERY SMALL PART OF THIS BILL. I, I, IT, I DON'T THINK IT JUSTIFIES DELAYING THE BILL. AND AGAIN, THAT ENVIRONMENTAL STUDY IS NOT A BLUE LIGHT STUDY BASED ON MAUI SPECIFIC BIRDS. . . . WHENEVER THE LIGHTS WERE PURCHASED BY, YOU KNOW, PUBLIC WORKS, THEY SHOULD HAVE DONE THAT STUDY FOUR YEARS AGO. AND AGAIN, PUBLIC WORKS PROBABLY SHOULD HAVE CONTACTED MAUI COUNTY SIX MONTHS

AGO. I DON'T SEE ANY PROBLEM WITH COMPLIANCE. WE'VE HAD MANUFACTURERS, WE'VE HAD DISTRIBUTORS, THE LIGHTS ARE AVAILABLE. WE EXPANDED THE EXCEPTIONS SO THAT OTHER LIGHTS CAN BE USED. FROM THE BILL THAT PASSED, I'M NOT QUITE SURE WHAT WE COULD ACTUALLY DO IF WE SEND IT BACK TO COMMITTEE. WE'VE ALREADY DONE IT. WE'VE EXPANDED IT JUST MORE THAN, ALMOST MORE THAN MAKES SENSE. BUT WE'VE EXPANDED IT TO COMPLY WITH OBJECTIONS FROM THE POLICE, AND THE FIRE, AND THE BASEBALL FIELDS, AND THE FOOTBALL PEOPLE. WE'VE COVERED THEM ALL. CHAIR LEE: OKAY. ANYBODY ELSE WITH, WITH SOMETHING THAT HAS NOT ALREADY BEEN SAID? COUNCILMEMBER KING: CHAIR? I SEE MR., I SEE MR. PENNIMAN. SO, CAN WE JUST ASK HIM IF HE WANTS TO MAKE ANY COMMENTS? CHAIR LEE: MR. PENNIMAN? MR. PENNIMAN? MR. PENNIMAN: YES, THANK YOU FOR THE CONSIDERATION OF ALL THESE ISSUES. I FIND IT INTERESTING THAT WE'RE LISTENING TO JOHNSON CONTROLS, WHO WAS A VENDOR. AND MEMBER SUGIMURA COMPLAINED ABOUT VENDORS THAT PROVIDED TO THE BIG ISLAND MAKING MONEY BY SELLING LIGHTS HERE. JOHNSON CONTROLS IS DOING THE SAME THING. I THINK YOU HAVE A VENDOR WHO HAS A VESTED INTEREST IN THE LIGHTS THAT THEY PROVIDE. IT, IT'S QUITE CLEAR, WORLDWIDE, THAT WE ARE ON A PATH TO ELIMINATING SHORT WAVELENGTH LIGHT AT NIGHT, AND MAUI NEEDS TO BE A PART OF THAT COMMUNITY DOING THAT. IT'S SEABIRDS THAT BENEFIT, AND ITS WAY BEYOND THAT. IT'S THE CORAL REEF COMMUNITY. IT'S THE HUMAN HEALTH ISSUE. IT'S INVERTEBRATES. THIS, THIS ORDINANCE IS, IT WILL DO EXACTLY AS COUNCILMEMBER KING DESIRES, IS TO BUILD RESILIENCY IN OUR ECOLOGICAL SYSTEM HERE. AND, AND I DON'T KNOW HOW MUCH MORE WE CAN SAY TO ALL OF YOU. YOU ARE WORKING INCREDIBLY LATE AT NIGHT. I CANNOT BELIEVE HOW ABLE YOU ARE TO KEEP UP THESE CONVERSATIONS AND I HONOR YOU FOR DO, DOING IT. IT'S BEEN AN EDUCATION, FOR SURE, TO SEE YOU. AND I JUST, I BELIEVE THAT THIS IS THE BILL THAT WE SHOULD BE FORWARDING TO AN ORDINANCE. THANK YOU. CHAIR LEE: ANYBODY ELSE? NO REPETITION NOW, OKAY. MEMBER SUGIMURA. DON'T REPEAT BECAUSE IT'S USELESS. COUNCILMEMBER SUGIMURA: OKAY, I'M NOT REPEATING. I WOULD LIKE TO MAKE A MOTION TO RECOMMIT THIS BILL BACK TO COMMITTEE. COUNCILMEMBER MOLINA: SECOND. CHAIR LEE: OKAY. COUNCILMEMBER SUGIMURA: THANK YOU. CHAIR LEE: WAIT, DIDN'T YOU HAVE A MOTION ON THE FLOOR ALREADY? COUNCILMEMBER SUGIMURA: OH, THE CHAIR LEE: YEAH, TO REPLACE COUNCILMEMBER SUGIMURA: THE EXEMPTIONS. CHAIR LEE: THE EXEMPTIONS, RIGHT. DO YOU WANT TO TAKE A, DO YOU WANT TO TAKE A, YOU WANT TO WITHDRAW THAT AND PUT YOUR OTHER MOTION FORWARD? COUNCILMEMBER SUGIMURA: TO CONTINUE THAT DISCUSSION, SURE. CHAIR LEE: SO, SO, CAN YOU WITHDRAW YOUR SECOND, MR. MOLINA? COUNCILMEMBER MOLINA: I WITHDRAW MY SECOND. CHAIR LEE: OKAY, WHAT IS YOUR NEW MOTION, MEMBER SUGIMURA? COUNCILMEMBER SUGIMURA: I WANT TO MAKE A MOTION TO RECOMMIT THIS BACK TO COMMITTEE SO WE CAN HAVE AN EXTENSION, EXTENSIVE DISCUSSION. THAT'S MY MOTION. COUNCILMEMBER MOLINA: SECOND. CHAIR LEE: OKAY. DISCUSSION MEMBER SUGIMURA. COUNCILMEMBER SUGIMURA: WELL, I THINK YOU CAN TELL THAT THERE'S, YOU KNOW, ISSUES OUT THERE AND WE'RE HAVING COMMITTEE WORK IN COUNCIL. SO, THE DEPARTMENTS CAME OUT STRONG AND, YOU KNOW, WANTED TO . . . ALSO IN CONSIDERATION WHAT CORP. COUNSEL SAID ABOUT THE BLUE LIGHT AND EVERYTHING, 2 PERCENT BLUE LIGHT AND WHAT THEIR RESEARCH WAS, AS WELL AS, YOU KNOW, THE WORK THAT OCS, MR. FORREST IS TALKING ABOUT, AND AS WELL AS, AND JUST GIVE IT A BETTER, YOU KNOW, MORE ROUNDED SHOT WITH THE DEPARTMENTS INCLUDED. CHAIR LEE: OKAY. ANY MORE DISCUSSION? MEMBER MOLINA. COUNCILMEMBER MOLINA: YEAH, THANK YOU, MADAM CHAIR. THE REASON I WOULD LIKE TO, AT LEAST HAVE ONE MORE MEETING, YOU KNOW, ANY, WELL, FIRST OF ALL, LET ME THANK MY COLLEAGUE FROM SOUTH MAUI MEMBER KING. YOU

KNOW, YOU'RE TAKING THIS BILL TO A DIFFERENT LEVEL. YOU KNOW, NOW IT'S RESIDENTS, BUSINESSES, AND SO FORTH. AND CERTAINLY, THE CAUSE IS GOOD. BUT, YOU KNOW, APPARENTLY, IT'S CAUSING SOME DISCOMFORT, NOT ONLY WITH THE DEPARTMENT, BUT SOME OTHER FOLKS OUT THERE. SO, SOMETIMES IT'S GOOD TO JUST TAKE A, YOU KNOW, TAKE IT BACK JUST A LITTLE BIT. AND THEN, THIS WAY, WE GET ALL OUR BASIS COVERED, CAUSE WHENEVER YOU DO A BILL, YOU NEED TO ALWAYS HEAR BOTH SIDES. AND I'VE ALWAYS TAKEN THAT APPROACH WITH LEGISLATION THAT I PUT OUT, MAKE SURE. SOMETIMES IT TAKES A LITTLE LONGER, BUT SOMETIMES IT'S WORTH TAKING THE TIME TOO. SO, THAT'S JUST MY TAKE. I MEAN, IF IT DOESN'T GO BACK, SO BE IT. BUT, YOU KNOW, BECAUSE IT DOES TAKE THE BILL TO A NEW LEVEL, SO WHICH IS WHY IT'S IMPORTANT TO HEAR. WHEN YOU HAVE THESE CULTURAL GROUPS COME OUT OR, YOU KNOW, THE OBON WITH THEIR CONCERNS, MAYBE WE SHOULD LISTEN, AT LEAST LISTEN. GIVE THEM AN OPPORTUNITY ONE FINAL TIME AND THEN WHATEVER. BUT I DEFINITELY DON'T WANT TO TAKE IT PAST ONE MORE COMMITTEE MEETING, THAT'S FOR SURE. BUT IT'S UP TO THIS BODY. THANK YOU. CHAIR LEE: ANY MORE DISCUSSION? MEMBER KING. COUNCILMEMBER KING: I SPEAK AGAINST THE MOTION, CHAIR. EVERYBODY KEEPS BRINGING UP THE SAME GROUPS THAT WE'VE ALREADY ADDRESSED. WE'VE ALREADY ADDRESSED THE OBON DANCES. THE PERSON WHO BROUGHT THAT UP WAS FINE WITH THE EXCEPTION. THE FIRE DEPARTMENT, THE POLICE DEPARTMENT ARE FINE. THE PARKS DEPARTMENT HAD AN ISSUE WITH BASEBALLS THAT MIGHT GO TO HIGH, AND YOU HEARD WHAT JUNYA NAKOA HAD TO SAY ABOUT THAT. SO, YOU KNOW, WE'VE LISTENED TO THE CONCERNS AND THAT'S WHAT, THAT'S WHY THE BILL IS THE WAY IT IS. THAT'S WHY WE EXPANDED THE EXEMPTIONS. SO, MY, I, NOTHING, I DON'T THINK ANYTHING CAN BE GAINED BY TAKING THIS BACK TO COMMITTEE, EXCEPT A LOT OF PEOPLE ARE GOING TO BE VERY UPSET THAT WE DIDN'T DO THE RIGHT THING. SO, I'M AGAINST THAT MOTION. THANK YOU. CHAIR LEE: ANYONE ELSE? JUST TO LET YOU KNOW HOW I'M GOING TO VOTE, I'M GOING TO VOTE "NO" ON THE MOTION, MAINLY BECAUSE WE'VE HAD A LOT OF DISCUSSION ON THIS. HOWEVER, AS THIS BECOMES AN ACTIVE AND, AND IMPLEMENTED, I'M HOPING TO MAKE THE CHANGES. I MEAN, WE ALL SHOULD BE FOR EVERY, ACTUALLY, EVERY ORDINANCE THAT WE PASS. SO, I FEEL THAT THIS IS, GIVES PEOPLE SOME TIME, SOME ELBOW ROOM. SO, THAT'S WHY I'M NOT OVERLY CONCERNED. AND, AND I KNOW YOU'VE TRIED. I KNOW, MEMBER KING, YOU'VE TRIED TODAY, ALL DAY, TRYING TO ACCOMMODATE THE PEOPLE WHO HAVE BEEN COMING IN WITH THEIR, WITH THEIR CONCERNS. SO, I JUST WANT TO LET YOU KNOW WHERE I AM. ANYBODY ELSE? OKAY, READY FOR THE YES, MEMBER MOLINA? COUNCILMEMBER MOLINA: SORRY. JUST SO WE'RE CLEAR, SO THE MOTION ON THE FLOOR RIGHT NOW IS TO SEND IT BACK TO COMMITTEE. NOW, IF THAT FAILS, THEN WE GOTTA TAKE A VOTE ON THE BILL ITSELF. AM I CORRECT? OKAY. CHAIR LEE: YES. YES. COUNCILMEMBER MOLINA: THANK YOU. CHAIR LEE: ANYBODY ELSE? OKAY, LET'S TAKE A ROLL CALL, MADAM CLERK. COUNTY CLERK: COUNCILMEMBER SHANE SINENCI. COUNCILMEMBER SINENCI: NO. CHAIR LEE: HE SAID "NO". COUNTY CLERK: WHAT WAS THE VOTE? OH, NO. CHAIR LEE: HE SAID "NO". COUNTY CLERK: OKAY. COUNCILMEMBER MIKE MOLINA. COUNCILMEMBER MOLINA: AYE. COUNTY CLERK: COUNCILMEMBER KELLY TAKAYA KING. COUNCILMEMBER KING: NO. COUNTY CLERK: COUNCILMEMBER GABE JOHNSON. CHAIR LEE: LOUDER. COUNCILMEMBER JOHNSON: NO. COUNTY CLERK: COUNCILMEMBER TAMARA PALTIN. COUNCILMEMBER PALTIN: NO. COUNTY CLERK: COUNCILMEMBER YUKI LEI SUGIMURA. COUNCILMEMBER SUGIMURA: YES. CHAIR LEE: AYE. IS YOUR VOTE "AYE"? COUNCILMEMBER SUGIMURA: YES. I SAID "YES". CHAIR LEE: OH OKAY. COUNTY CLERK: COUNCIL PRO TEMP TASHA KAMA. CHAIR LEE: EXCUSED. COUNTY CLERK: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: FOR REAL? WHAT ABOUT NOW? CAN YOU HEAR ME NOW?

CHAIR LEE: YES. VICE-CHAIR RAWLINS-FERNANDEZ: ALRIGHT. I, I, I SAID NO.
COUNTY CLERK: AND COUNCIL CHAIR ALICE LEE. CHAIR LEE: NO. FERNANDEZ,
AND CHAIR LEE. COUNTY CLERK: SO, THAT'S SIX "NOES", TWO "AYES", AND ONE
"EXCUSED". CHAIR LEE: OKAY, THE MOTION NOW IS TO PASS THIS BILL. MEMBER
KING, DID YOU MAKE THE MOTION BEFORE THIS? COUNCILMEMBER KING: I DID. I
DID. CHAIR LEE: OKAY. SO, THE MOTION ON THE FLOOR NOW IS TO PASS THIS
BILL. ANY MORE DISCUSSION? VICE-CHAIR RAWLINS-FERNANDEZ: CHAIR?
COUNCILMEMBER KING: WELL, I THINK WE NEED A MOTION ON THE ASF, SORRY.
IS THAT WHAT YOU WERE GOING TO SAY? CHAIR LEE: YEAH. VICE-CHAIR RAWLINS-
FERNANDEZ: YES. YES, I DON'T KNOW WHAT WE'RE VOTING ON. THERE'S JUST A
BILL, THERE'S SOME AMENDMENTS, I DON'T KNOW. COUNCILMEMBER KING: OKAY,
SO CHAIR LEE: MEMBER KING. COUNCILMEMBER KING: I DID MAKE A MOTION ON
THE AMENDMENT, SO THAT'S WHAT WE'RE VOTING ON FIRST, THE ASF. CHAIR LEE:
OKAY. ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE AS, THE AMENDMENT,
WELL, WAIT A MINUTE. DO WE NEED TO, I GUESS WE DO, ROLL CALL. ROLL
CALL. COUNTY CLERK: COUNCILMEMBER SHANE SINENCI. COUNCILMEMBER SINENCI:
AYE. COUNTY CLERK: COUNCILMEMBER MIKE MOLINA. COUNCILMEMBER MOLINA:
AYE. COUNTY CLERK: COUNCILMEMBER KELLY TAKAYA KING. COUNCILMEMBER KING:
AYE. COUNTY CLERK: COUNCILMEMBER GABE JOHNSON. COUNCILMEMBER JOHNSON:
AYE. COUNTY CLERK: COUNCILMEMBER TAMARA PALTIN. COUNCILMEMBER PALTIN:
THIS IS THE REPLACEMENT, RIGHT? CHAIR LEE: YEAH. THIS IS THE AMENDMENT,
YEAH. COUNCILMEMBER PALTIN: AYE. AYE. COUNTY CLERK: COUNCILMEMBER YUKI
LEI SUGIMURA. COUNCILMEMBER SUGIMURA: AYE. COUNTY CLERK: TASHA, COUNCIL
PRO TEMP TASHA KAMA. CHAIR LEE: EXCUSED. COUNTY CLERK: COUNCILMEMBER,
COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ:
AYE. COUNTY CLERK: AND COUNCIL CHAIR ALICE L. LEE. CHAIR LEE: AYE.
COUNTY CLERK: THAT'S EIGHT "AYES", AND ONE "EXCUSED"; MOTION CARRIES.
CHAIR LEE: SO, THE MAIN MOTION AS AMENDED. ANY MORE DISCUSSION? ALL,
IS EVERYBODY GOING TO SAY "AYE". VICE-CHAIR RAWLINS-FERNANDEZ: NO.
CHAIR, I WOULD LIKE TO SPEAK. AND I SEE MS. THOMSON. I'LL YIELD TO MS.
THOMSON. CHAIR LEE: ALRIGHT. MS. THOMSON. FIRST DEPUTY CORPORATION
COUNSEL: THANK YOU, CHAIR. I'LL MAKE IT BRIEF. THE ASF EXEMPTED SPORTS
AND CERTAIN PUBLIC SAFETY FROM THE BLUE LIGHT CONTENT, BUT IT DOES NOT
EXEMPT THEM FROM THE SHIELDING. I DON'T KNOW IF THAT WAS A DRAFTING
ERROR OR IF THAT WAS INTENTIONAL, SO I WANTED TO CHECK WITH MEMBER KING
TO SEE IF SHE DID IT . . . ONTO NOT EXEMPT SPORTS AND THE EMERGENCY
SERVICES FROM THE SHIELDING REQUIREMENT. CHAIR LEE: MEMBER KING.
COUNCILMEMBER KING: ARE YOU TALKING ABOUT THE PROVISION THAT SAYS, "ALL
OUTDOOR LIGHTING FIXTURES"? IS SAYS, "ARE EXEMPT FROM THE PROVISIONS OF
THOSE SUBSECTIONS"? FIRST DEPUTY CORPORATION COUNSEL: YES. IT'S DOWN
NEAR, FARTHER DOWN TO THE BOTTOM. COUNCILMEMBER KING: . . . FROM THE
PROVISIONS. FIRST DEPUTY CORPORATION COUNSEL: AND THE PARKS AND
FACILITIES MAY REMAIN EXEMPT FROM SUBSECTION 20.30.060(D). D IS
REGARDING BLUE LIGHT. E IS THE REQUIREMENT THAT THE LIGHTS ARE FULLY
SHIELDED. SO, I WANTED TO MAKE SURE THAT YOU DO NOT INTEND TO ALLOW
THOSE USES TO BE EXEMPT FROM THE SHIELDING REQUIREMENT. COUNCILMEMBER
KING: OKAY. WELL, CAN I, CAN I ASK MR. FORREST TO SPEAK TO THAT,
BECAUSE HE DRAFTED THE BILL? CHAIR LEE: MR. FORREST? MR. FORREST? MR.
FORREST: THANK YOU, CHAIR. THANK YOU, CHAIR. IF CORP. COUNSEL THINKS
WE NEED TO ADD LANGUAGE TO MAKE THAT CLEAR, WE CAN. I THINK YOU COULD
JUST SAY THAT THE, THOSE LIGHTINGS ARE EXEMPT FROM THIS CHAPTER. CHAIR
LEE: MS. THOMSON? MS. THOMSON, IS THAT SATISFACTORY? FIRST DEPUTY
CORPORATION COUNSEL: THANK YOU, CHAIR. YES. SO, RATHER THAN
REFERENCING SUBSECTION 20.30.060(D), IT WOULD JUST SAY, "MAY REMAIN

EXEMPT FROM THIS CHAPTER BEYOND THE THREE-YEAR PERIOD". IS THAT CORRECT, MR. FORREST? MR. FORREST: YES. THANK YOU. CHAIR LEE: IS THAT OKAY, MEMBER KING. COUNCILMEMBER KING: THAT'S FINE. DO WE NEED A, CAN WE MAKE A FRIENDLY AMENDMENT, OR DO WE NEED TO MAKE A MOTION? CHAIR LEE: I THINK WE'RE GOING TO NEED A MOTION, BUT LET'S GO TO VICE-CHAIR RAWLINS-FERNANDEZ. SHE HAD HER HAND UP. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. OKAY, SORRY, I FORGOT. SO, I WILL HOLD OFF ON MY DISCUSSION UNTIL AFTER THIS DISCUSSION IS FINISHED. AND I'LL WRITE IT DOWN, SO I DON'T FORGET. CHAIR LEE: OKAY. SO, WE'RE NOT TAKING THE VOTE ON THE MAIN MOTION AS AMENDED YET. OKAY, SO IF YOU CAN MAKE THIS OTHER AMENDED, AMENDMENT. CAN YOU REPEAT WHAT YOU AMENDED? COUNCILMEMBER KING: YEAH, CAN YOU REPEAT THAT, RICHELLE, CAUSE IT'S GETTING LATE. I FORGOT WHAT YOU SAID. CHAIR LEE: RICHELLE, RICHELLE, CAN YOU . . . VICE-CHAIR RAWLINS-FERNANDEZ: EXEMPT FROM THIS CHAPTER. FIRST DEPUTY CORPORATION COUNSEL: EXACTLY. SO, THIS IS FROM THE ASF FORM, IT'S ABOUT FIVE LINES FROM THE BOTTOM. COUNTY PARKS AND FACILITIES, ETCETERA, "IT MAY REMAIN EXEMPT FROM THIS CHAPTER BEYOND THE THREE-YEAR PERIOD". COUNCILMEMBER KING: OKAY. SO, INSTEAD, SO SUBSTITUTE IN THAT SECTION 20.30.060(D) FOR THIS CHAPTER. FIRST DEPUTY CORPORATION COUNSEL: YES. COUNCILMEMBER KING: THAT'S THE MOTION TO COUNCILMEMBER JOHNSON: SECOND. CHAIR LEE: OKAY. AND IT'S SECONDED BY MEMBER JOHNSON. I THINK THERE'S NO DISCUSSION NECESSARY. DO WE NEED ROLL CALL, EVERYBODY? NO ROLL CALL. OKAY. ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY "AYE". CHAIR LEE: OKAY, EIGHT, LET'S SEE, IS EVERYBODY ON THE CALL? OH, TAMARA IS NOT. TAMARA, ARE YOU VOTING "AYE"? COUNCILMEMBER KING: SHE'S THERE. SHE'S, SHE'S COMING IN AND OUT OF THE WAVES THERE. CHAIR LEE: OH. COUNCILMEMBER KING: BUT I SEE HER. CHAIR LEE: CARISSA MOORE. ALRIGHT, EIGHT "AYES", ZERO "NOES", ONE "EXCUSED"; MEMBER TASHA KAMA. MOTION CARRIES. NOW, THE MAIN MOTION AS AMENDED. DID YOU SAY, MEMBER, VICE-CHAIR, YOU HAVE A COMMENT, OR VICE-CHAIR RAWLINS-FERNANDEZ: YES. CHAIR LEE: -- SUGGESTION? VICE-CHAIR RAWLINS-FERNANDEZ: OKAY, SO THIS IS FIRST READING ON THIS BILL. AND SO, THE NEXT, SECOND READING IS GOING TO BE ON JULY 15. AND THAT'S, OKAY, I GUESS THE QUESTION IF FOR MR. WHITTAKER. DID HE REQUEST TWO WEEKS FOR US TO CONSIDER HOLDING OFF ON TAKING ACTION, WELL, FINAL ACTION? SO, THIS IS AN ACTION THAT WE WOULD BE TAKING TODAY IF WE WERE TO PASS IT ON FIRST READING. BUT DO YOU ANTICIPATE THAT EA BEING PUBLISHED BEFORE JULY 15? CHAIR LEE: MR. WHITTAKER? DEPUTY CORPORATION COUNSEL WHITTAKER: THANK YOU, CHAIR. SO, I HAVE A MEETING WITH THE PUBLIC WORKS DEPARTMENT NEXT WEEK TO DISCUSS THE PRELIMINARY EA. I EXPECT IT CAN BE RELEASED SOON THEREAFTER. I CAN'T GUARANTEE YOU IT WILL BE DONE BY THE 15, BUT IT WILL BE RELEASED SOON. VICE-CHAIR RAWLINS-FERNANDEZ: OKAY. OKAY, AND THEN, THE OTHER THING WAS REGARDING ALL THE CONCERNS THAT WE HEARD FROM ALL THE DEPARTMENTS AND OTHERS. SO, THEY DIDN'T GET TO SEE THE ASF BEFORE THEY TESTIFIED AND SOMETIMES, YOU KNOW, CONCEPTUALLY THE IDEA OF A PROPOSAL SOUNDS LIKE SOMETHING YOU WOULD BE SUPPORTIVE OF, BUT YOU'D ALWAYS WANT TO SEE, YOU KNOW, THE ACTUAL LANGUAGE ON PAPER. AND SO, I'M HOPING THAT MEMBER KING WILL BE ABLE TO WORK WITH, YOU KNOW, ENSURE THAT ALL THE DEPARTMENTS HAVE THEIR CONCERNS ALL ADDRESSED. AND THEN, FOR SECOND READING, WE WON'T BE HERE TILL MIDNIGHT. I KNOW IT WASN'T ONLY THE LIGHTING BILL. BUT, CAUSE THEN, IF IT, IF IT, IF ON SECOND READING WE GET THE SAME KIND OF CONCERNS BEING RAISED BY OUR DEPARTMENTS, THEN I MAY FEEL COMPELLED TO SEND IT BACK TO COMMITTEE FOR WORK SO THAT IT CAN, ALL THE CONCERNS CAN FULLY BE ADDRESSED BY, OR BY US FOR OUR DEPARTMENTS. OKAY. MAHALO CHAIR. CHAIR

LEE: ANY COMMENTS? OKAY, IF NOT, READY FOR THE VOTE? THE VOTE IS THE MAIN MOTION AS AMENDED. DO WE NEED A ROLL CALL? COUNCILMEMBER SUGIMURA: YES. CHAIR LEE: OKAY, ROLL CALL. COUNTY CLERK: COUNCILMEMBER SHANE SINENCI. COUNCILMEMBER SINENCI: AYE. COUNTY CLERK: COUNCILMEMBER MIKE MOLINA. COUNCILMEMBER MOLINA: AYE. COUNTY CLERK: COUNCILMEMBER KELLY TAKAYA KING. COUNCILMEMBER KING: AYE. COUNTY CLERK: COUNCILMEMBER GABE JOHNSON. COUNCILMEMBER JOHNSON: AYE. COUNTY CLERK: COUNCILMEMBER TAMARA PALTIN. COUNCILMEMBER PALTIN: AYE. COUNTY CLERK: COUNCILMEMBER YUKI LEI SUGIMURA. COUNCILMEMBER SUGIMURA: NO. CHAIR LEE: SHE SAID "NO". COUNTY CLERK: TASHA, COUNCIL PRO TEMP TASHA KAMA. CHAIR LEE: EXCUSED. COUNTY CLERK: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: AYE. COUNTY CLERK: AND ALICE, CHAIR ALICE L. LEE. CHAIR LEE: AYE. COUNTY CLERK: THAT'S SEVEN "AYES", ONE "NO", AND ONE "EXCUSED". COUNCILMEMBER KING: THANK YOU, MEMBERS. AND THANK YOU, MR. PENNIMAN, FOR STAYING UP LATE WITH US. CHAIR LEE: ALRIGHT. LET'S HIT THE LAST ONE. COMMITTEE REPORT NO. 22-52 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE: RECOMMENDING THAT BILL 82 (2022), ENTITLED "A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.26, MAUI COUNTY CODE, RELATING TO PERMITTED USES IN THE M-2 HEAVY INDUSTRIAL DISTRICT," BE FILED. CHAIR LEE: MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT NO. 22-52. COUNCILMEMBER SINENCI: SECOND. CHAIR LEE: MOVED BY MEMBER PALTIN, SECONDED BY MEMBER SINENCI, TO APPROVE THE COMMITTEE REPORT, THE RECOMMENDATION IN COMMITTEE REPORT 22-52. DISCUSSION, MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. YOUR PLANNING AND SUSTAINABLE LAND USE COMMITTEE MET ON JUNE 2, 2022, AND DISCUSSED BILL 82 TO INCLUDE APARTMENTS AS PERMITTED USES IN THE M-2 HEAVY INDUSTRIAL DISTRICT WHEN CERTAIN CRITERIA ARE MET. YOUR COMMITTEE RECEIVED WRITTEN AND ORAL TESTIMONY RELATING TO CONCERNS OF LIVING IN CLOSE PROXIMITY TO NOXIOUS FUMES, LOUD NOISES, AND POSSIBLE UNSAFE LIVING CONDITIONS. THE PLANNING DIRECTOR SAID THE PROPOSED BILL WOULD HELP TO CREATE HOUSING IN AREAS WITH EXISTING INFRASTRUCTURE. YOUR COMMITTEE DISCUSSED THE CHANGE IN ZONING FOR EACH PARCEL SEPARATELY, INSTEAD OF CREATING A BLANKET EXEMPTION FOR RESIDENTIAL USE IN THE M-2 HEAVY INDUSTRIAL DISTRICT. YOUR COMMITTEE VOTED 5-4 TO RECOMMEND FILING OF BILL 82 (2022). I RESPECTFULLY ASK FOR THE MEMBERS SUPPORT OF MY MOTION. CHAIR LEE: ANY MORE DISCUSSION? MEMBER JOHNSON. COUNCILMEMBER JOHNSON: CHAIR, I APPRECIATE THE WORK THAT WAS DONE IN COMMITTEE. UNFORTUNATELY, I WASN'T THERE. I THINK IF THERE'S STILL WORK COULD BE DONE ON THIS AND I WOULD, I WOULD LIKE TO REQUEST THAT IT BE BROUGHT INTO THE AFFORDABLE HOUSING COMMITTEE IF THE BODY WOULD ALLOW IT. I THINK THERE'S LESSONS I LEARNED FROM HELSINKI ON HOW TO, YOU KNOW, I HEAR IT ALL THE TIME, BUT ONE MORE TOOL IN THE TOOLBOX. BUT BASICALLY, THERE'S WAYS TO CLEANUP HEAVY INDUSTRIAL AND MAKE LIVABLE COMMUNITIES. I, I GOT A MAP HERE, I DON'T WANT TO, IT PROBABLY WON'T SHOW UP. BUT BASICALLY CHAIR LEE: CAN'T, CAN'T SEE IT. COUNCILMEMBER JOHNSON: I'LL JUST EXPLAIN IT. I'LL JUST EXPLAIN IT. THERE IS, THERE WAS A DEEP-WATER HARBOR THAT HELSINKI HAD JUST LIKE, YOU KNOW, WHERE ALL OTHER MATSON CONTAINERS CAME IN. IT TOOK THEM 15 YEARS, THEY CLEANED IT UP, AND NOW IT'S GOT MIXED USE WITH AFFORDABLE HOUSING AND MARKET-RATE HOUSE. IT'S A VERY BEAUTIFUL COMMUNITY. SO, I THINK THAT THERE IS WAYS WE COULD TAKE SOME OF OUR UNDERUSED M-2 ZONES AND MODIFY THEM AND TAKE CARE OF THEM, AND THEN PUT PEOPLE THERE IN APARTMENTS. SO, THAT'S MY SUGGESTION UP TO, BUT IT'S UP TO THE BODY. THANK YOU. CHAIR LEE: MEMBER PALTIN, DO YOU MIND? COUNCILMEMBER PALTIN: YES. WE'VE HEARD PRETTY CONSISTENT TESTIMONY, YOU

KNOW, THROUGHOUT THE COMMUNITY PLANNING PROCESS. FOR WEST MAUI COMMUNITY PLAN, WE WERE REPEATEDLY TOLD THAT HEAVY INDUSTRIAL IS WHERE THE MOST NOXIOUS USES ARE. I HAD TALKED WITH MEMBER KAMA'S AIDE ABOUT PURSUING THE CHANGE IN ZONING. I REPEAT MY SENTIMENT FROM LAST WEEK, THAT WHAT WE'RE TRYING TO DO IS, IF WHAT WE'RE TRYING TO DO IS CREATE HOUSING, IF WE'RE TRYING TO CREATE AFFORDABLE HOUSING AND PEOPLE WANT LIVE, WORK, PLAY, IN THE QUEEN KAAHUMANU CENTER, IN THE KAAHUMANU TRANSIT-ORIENTED CORRIDOR, THE WAY TO DO IT IS NOT TO ALLOW APARTMENTS IN HEAVY INDUSTRIAL. THE WAY TO DO IT IS TO SPEAK WITH THE OWNERS OF THE PLACE. IF THEY ARE NOT DOING HEAVY INDUSTRIAL USES NOW, I DON'T SEE WHAT'S WRONG WITH TAKING HEAVY INDUSTRIAL OFF THE TABLE. IF WE'RE, IF WE'RE TALKING ABOUT MAKING IT AFFORDABLE HOUSING, WHAT MESSAGE DOES THAT SEND? IF, IF YOU CAN'T AFFORD A PLACE TO LIVE, WE CAN PUT YOU WHERE OUR NOXIOUS USES ARE. THERE'S OTHER WAYS. THERE'S LIKE A 1,001 WAYS TO, I DON'T WANT TO SAY SKIN A CAT, BUT SOMETHING; CLIMB A MOUNTAIN. AND, AND I'M, I'M ALL FOR APARTMENTS AT KAAHUMANU CENTER, BUT NOT BY NOT TAKING OFF HEAVY INDUSTRIAL NOXIOUS USES OFF THE TABLE, YOU KNOW. THEY WANT TO, IF THEY'RE OPEN TO PUTTING APARTMENTS THERE, THEN LET'S HAVE THAT DISCUSSION. LET'S DO IT. BUT NOT BY NOT TAKING HEAVY INDUSTRIAL NOXIOUS USES OFF THE TABLE. BECAUSE THE WAY THE BILL IS WRITTEN, IT JUST SAYS, YOU KNOW, YOU CAN'T DO IT WITHIN 500 FEET OR WHATEVER. BUT THEN, YOU BUILD THE APARTMENTS AND THEN THEY SAY, WELL, I'M ZONED HEAVY INDUSTRIAL. I WANT TO DO CHEMICAL MANUFACTURE. NOTHING IS STOPPING THEM. AND, AND I'M NOT SAYING DON'T PURSUE ANOTHER AVENUE. THERE'S CHANGE IN ZONING. THERE'S STARTING A NEW BILL. WE'RE ON A CHARTER DEADLINE ON THIS. AND, AND, YOU KNOW, IF WE START WITH OUR OWN BILL, THEN WE'RE STARTING WITH OUR OWN BILL. WE'RE NOT USING, LIKE LEGISLATION FROM THE PLANNING DEPARTMENT, WHO WE REPEATEDLY HEAR THEY'RE OFF THEIR ROCKER, YOU KNOW. ALL DAY LONG, EVERY DAY, THEY'RE MAKING BAD DECISIONS AND WE'RE THE ONES CLEANING IT UP. IF WE'RE GOING TO MAKE A DECISION, LET'S MAKE A GOOD DECISION FROM THE START AND NOT WORK OFF THEIR LEFTOVERS. THAT'S MY GIST. CHAIR LEE: MEMBER JOHNSON. COUNCILMEMBER JOHNSON: APPRECIATE THOSE POINTS, COUNCILMEMBER. I WOULD COUNTER THEM WITH THE IDEA OF WE, WE WOULD MODIFY AND REWRITE SOME OF THE, SOME OF THAT BILL. AND I THINK, YOU KNOW, IF WE GO BACK TO CHANGE IN ZONING, YOU ARE, WE ARE GOING TO EXTEND THE TIMELINE. IT'S GOING TO BE TAKING A LOT LONGER. I KNOW YOU DIDN'T USE THE EXAMPLE OF QUEEN KAAHUMANU CENTER BUT REMEMBER THERE'S ALSO THE PARCEL THAT IS IN WEST MAUI AND LAHAINA, RIGHT ON LAHAINALUNA ROAD, WHERE THE SCHOOL BUSES PARK, RIGHT BY THE SMOKESTACK THAT THERE'S NO LONGER HEAVY INDUSTRIAL THERE NOW. THERE'S A COFFEE SHOP IN THE PARKING LOT, RIGHT? SO, THERE'S, THAT, I KNOW LIKE, I HEAR WHAT YOU'RE SAYING IS THE IDEA THAT LIKE, YOU KNOW, THE BILL CAME IN AND YOU DIDN'T LIKE IT. BUT MY PROPOSAL WOULD BE, WE WOULD TAKE IT AND WE WOULD, WE WOULD CHANGE IT AROUND SO IT WOULD BE PROTECTIVE OF OUR, OUR, OUR FOLKS WHO NEED HOUSING FIRST, RIGHT? CAN'T HAVE HOUSING FIRST MOTTO WITH NO HOUSING. SO, I MEAN, IT'S, I'M ASKING, IT'S A DEBATE WE COULD HAVE IN MY COMMITTEE. AND ITS, YOU KNOW, WE CAN VOTE IT, IT ON IT IN THERE IF YOU LIKE. BUT I THINK IT WOULD BE, IT COULD BE, THERE'S A NUGGET IN THERE, YOU KNOW, IN THAT BILL. SO, THANK YOU. CHAIR LEE: OKAY, LET'S NOT HAVE TO DEBATE NOW. MEMBER PALTIN. COUNCILMEMBER PALTIN: THANK YOU, CHAIR. THE COFFEE PRODUCTION IS IN USE. I HAVE GOTTEN COMPLAINTS FROM CONSTITUENTS LIVING ACROSS THE STREET FROM THE COFFEE PLACE, THAT WHEN IT'S IN PRODUCTION IT GOES ALL NIGHT AND THE DUST FLIES INTO THEIR PLACE. THERE'S A JUNKYARD GOING ON. WE DON'T HAVE SPACE FOR JUNKYARDS ON THE

OTHER SIDE OF THE HEAVY INDUSTRIAL. AND WE HAVE A LOT OF ABANDONED VEHICLES IN WEST MAUI SIMILAR TO EAST MAUI. AND IF WE CHANGE IT SIGNIFICANTLY SO THAT IT'S AMENABLE, IT HAS TO GO BACK TO THE PLANNING COMMISSION ANYWAY. SO, START FROM SCRATCH WITH A NEW BILL AND SEND IT TO THE PLANNING COMMISSION AND THEN HAVE IT COME BACK TO US. CHAIR LEE: ANYBODY ELSE? OKAY, FOR THE LAST TIME, MEMBER JOHNSON. COUNCILMEMBER JOHNSON: CERTAINLY. LAST, LAST AND FINAL. THE, I WATCHED THE VIDEO ON THE LAST MEETING AND MY UNDERSTANDING WAS IT DID NOT HAVE TO GO TO THE PLANNING COMMISSION. I THINK THAT WAS A QUESTION COUNCILMEMBER KEANI RAWLINS-FERNANDEZ HAD ASKED. BUT THAT'S ALL I WANT TO SAY. THANK YOU, CHAIR. CHAIR LEE: ALRIGHT, WHO ELSE HAD THEIR HAND UP? MEMBER KING. COUNCILMEMBER KING: THANK YOU, CHAIR. YOU KNOW, SOMETHING COMES DIRECTLY FROM THE PLANNING DEPARTMENT, I GUESS, AND IT DOESN'T HAVE TO GO THROUGH THE COUNCIL TO GO TO THE PLANNING DEPARTMENT, TO PLANNING COMMISSION, IS WHAT I REMEMBER. BUT WE HAVE HEAVY, I REALLY APPRECIATE WHAT YOU'RE TRYING TO DO, MR. JOHNSON, BUT WE HAVE HEAVY INDUSTRIAL AREAS FOR A REASON, BECAUSE THERE IS HEAVY INDUSTRIAL OPERATIONS THAT HAVE TO HAPPEN ON OUR ISLAND. AND I DON'T WANT TO SEE THEM GET PUSHED OUT, AND I'VE SEEN THIS IN OTHER COMMUNITIES. . . . AND THEY START COMPLAINING ABOUT THE HEAVY INDUSTRIAL USE AND PRETTY SOON EVERYBODY JUST WANTS THEM OUT. THOSE AREAS WERE CHOSEN FOR A REASON TO BE HEAVY INDUSTRIAL, AND THAT'S WHY I'M NOT FOR BLANKETLY REZONING ALL OF THEM. I WOULD TOTALLY SUPPORT QUEEN KAAHUMANU CENTER IF THEY WANTED TO PUT SOME HOUSING AROUND THERE AND THEY WANTED TO DO A CHANGE IN ZONING FOR THEIR HOUSING IF IT'S, YOU KNOW, AND THEY, THEY WORK WITH THE HEAVY INDUSTRIAL THAT'S NEARBY AND DON'T PUT IT RIGHT NEXT TO IT. BUT I THINK IT NEEDS TO HAPPEN ON A CASE-BY-CASE BASIS AND NOT BE BLANKET. IF YOU WANTED TO DO SOMETHING LIKE, LIKE LIGHT INDUSTRIAL, I THINK THAT MIGHT BE MORE HOPEFUL. AND I WOULD PROBABLY REALLY APPRECIATE THAT DISCUSSION, BUT IT'S JUST PUTTING HEAVY INDUSTRIAL WITH HOUSING, IT JUST DOESN'T, AND MAYBE IT'S BECAUSE I'VE WORKED, YOU KNOW, I HAD A BUSINESS THAT WAS HEAVY INDUSTRIAL AND SO I'VE SEEN THIS KIND OF THING HAPPEN WHERE HOUSING GOES IN, AND HEAVY INDUSTRIAL GOES OUT. SO, THAT'S WHY I'M IN FAVOR OF FILING IT. AND I, I DO THINK THERE NEEDS TO BE A NEW BILL, PROBABLY TRY TO DO SOMETHING LIKE THIS WITH LIGHT INDUSTRIAL ZONING. THAT'S ALL. THANK YOU. CHAIR LEE: MEMBER SINENCI. COUNCILMEMBER SINENCI: THANK YOU, CHAIR, AND MAHALO FOR THE DISCUSSION. AND I DID WANT TO COMMEND MEMBER JOHNSON FOR HIS WILLINGNESS TO, TO INCREASE AFFORDABLE HOUSING IN OUR COUNTY. AT THE LAST MEETING, I DID VOTE AGAINST THE REZONING. I THINK, AND MY REASONS WERE CHANGING ALL OF THE HEAVY INDUSTRIAL JUST FOR THIS ONE PROJECT. AND THAT WAS, THAT DAY, WE JUST WAS THE FIRST DAY THAT WE ACTUALLY HEARD THAT THE QUEEN KAAHUMANU CENTER WANTED, OR WAS CONSIDERING HOUSING. AND I TOO SUPPORT HOUSING IN THAT AREA, IN ITS PROXIMITY TO THE CORRIDOR. BUT LIKE MEMBER KING, I'D LIKE TO SEE MAYBE MORE STACK, POSSIBLY STACKED ZONING WITHIN THE LIGHT INDUSTRIAL FIRST AND, AND THEN MAYBE GO FROM THERE. SO, I KNOW THAT IT WOULD STILL HAVE TO GO THROUGH A COMMUNITY PLAN AMENDMENT, SO I'M OPEN TO HEARING A NEW BILL AT THIS POINT. THANK YOU. CHAIR LEE: MEMBER VICE-CHAIR RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: MAHALO CHAIR. I, I WAS OPEN TO ALLOWING THIS GO BACK TO, OR NOT GO BACK, BUT GO TO THE AFFORDABLE HOUSING COMMITTEE FOR PROPOSED AMENDMENTS. BUT FOR ME, I JUST, I DON'T THINK THERE REALLY COULD BE ANY AMENDMENTS THAT COULD BE MADE THAT I WOULD BE SUPPORTIVE, THAT WOULD MAKE ME SUPPORTIVE OF THIS BILL. ECHOING THE COMMENTS OF MEMBER PALTIN, MEMBER KING, AND MEMBER SINENCI, AND ADDING TO THAT IN DIFFERENT WORDS, THAT I, I SAID

THIS IN THE LAST MEETING, I DON'T WANT TO TAKE AWAY THE COMMUNITY'S ABILITY TO VET PROJECT BY PROJECT. AND BY CHANGING THE PERMISSIBLE USE IN HEAVY INDUSTRIAL WOULD, WOULD DO THAT, I FEEL. AND I WANT TO MAKE SURE THAT THE COMMUNITY HAS THAT ABILITY TO HOLD THOSE DEVELOPERS ACCOUNTABLE TO WHAT THE INTENTION WAS, AND NOT JUST GIVE, YOU KNOW, DEVELOPERS THE GREEN LIGHT BY CHANGING THE ZONING, BY CHANGING THE PERMISSIBLE USE IN THE ZONING. MAHALO MEMBER JOHNSON. SORRY, BUT I'LL BE SUPPORTING THE MOTION TO FILE. MAHALO CHAIR. CHAIR LEE: MEMBER JOHNSON, I AGREE WITH YOU. I DO SEE A NUGGET IN THIS AS WELL. IF YOU LOOK AT THE AREA, THE REASON WHY IT WAS ZONED HEAVY INDUSTRIAL, BECAUSE THERE WAS A PINEAPPLE CANNERY THERE MANY MOONS AGAIN. AND I CAN, I CAN TELL YOU I MADE HISTORY THERE WHEN I WAS 16 YEARS OLD. I LED THE WALKOUT OF ALL THE SUMMER STUDENTS THAT WERE WORKING IN THE CANNERY DUE TO LONG HOURS AND BAD CONDITIONS. AND THAT WAS THE FIRST AND ONLY WALKOUT, SO I'M VERY FAMILIAR WITH THE CANNERY. BUT SINCE THEN, IT'S BEEN TORN DOWN. AND IT'S COVERED WITH WAREHOUSES AND OFFICES. SO, THERE'S, THERE'S NO OPPORTUNITY FOR HEAVY INDUSTRIAL. NOT BECAUSE OF ME, BUT JUST BECAUSE OF THE TIMES. SO, ANYWAY, WHETHER, WHETHER ITS FILED OR NOT FILED, I'M SURE YOU CAN, YOU CAN PICK IT UP AGAIN, TAKE IT IN YOUR COMMITTEE, AND MAKE SOMETHING OUT OF IT. CAUSE I'M SURE YOU LEARNED A LOT IN HELSINKI AND IT'S TAKING OPPORTUNITIES LIKE THIS WHERE ALL THE ACCESSORIES AND AMENITIES ARE CLOSE BY, YOU KNOW. AND IT'S VERY RARE THAT YOU CAN HAVE A WALKABLE, WORKABLE COMMUNITY LIKE THIS. SO, I, I WANT TO VOTE WITH YOU AND HOPE THAT YOU PICK THIS UP AT A LATER DATE. ANYBODY ELSE? ARE, MEMBER SUGIMURA. COUNCILMEMBER SUGIMURA: YEAH, I'M GOING TO, I'M GOING TO VOTE TO SUPPORT GABE. AND I DO THINK WHAT HE'S ACTUALLY SAYING IS THAT HE WANTS TO DO SOMETHING. SO, FOR TONIGHT, WE CAN SEE WHERE THE VOTE IS GOING. I'M GOING TO STAND BY YOU. AND, AND THIS WILL GET FILED, BUT I WILL VOTE WITH GABE. CHAIR LEE: ALRIGHT, MEMBERS, READY FOR THE VOTE? MADAM CLERK, ROLL CALL. VICE-CHAIR RAWLINS-FERNANDEZ: CHAIR, WAIT. WILL YOU REPEAT THE MOTION? CHAIR LEE: THE MOTION IS TO FILE. MADAM CLERK. THIS IS THE LAST VOTE FOR THE NIGHT. COUNTY CLERK: ONE MOMENT. VICE-CHAIR RAWLINS-FERNANDEZ: GREAT, CAUSE I WAS GOING TO ORGANIZE A WALKOUT; LONG HOURS, BAD CONDITIONS. I'M JUST KIDDING. I'M JUST KIDDING. I'M JUST KIDDING. KIND OF. COUNTY CLERK: COUNCILMEMBER SHANE SINENCI. COUNCILMEMBER SINENCI: AYE. COUNTY CLERK: COUNCILMEMBER MIKE MOLINA. COUNCILMEMBER MOLINA: AYE. COUNTY CLERK: COUNCILMEMBER KELLY TAKAYA KING. COUNCILMEMBER KING: AYE. COUNTY CLERK: COUNCILMEMBER GABE JOHNSON. COUNCILMEMBER JOHNSON: NO. COUNTY CLERK: COUNCILMEMBER TAMARA PALTIN. COUNCILMEMBER PALTIN: AYE. COUNTY CLERK: COUNCILMEMBER YUKI LEI SUGIMURA. COUNCILMEMBER SUGIMURA: NO. COUNTY CLERK: COUNCIL PRO TEMP TASHA KAMA. CHAIR LEE: EXCUSED. COUNTY CLERK: COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ. VICE-CHAIR RAWLINS-FERNANDEZ: AYE. COUNTY CLERK: AND COUNCIL CHAIR ALICE L. LEE. CHAIR LEE: NO. COUNTY CLERK: FIVE "AYES", THREE "NOES", ONE "EXCUSED"; MOTION CARRIES. CHAIR LEE: ALRIGHT, EVERYBODY, IT'S TIME TO GO TO BED, YEAH. AND BECAUSE, BECAUSE YOU FOLKS TALKED SO MUCH TONIGHT, I'M GOING TO PLAY LOUSY TOMORROW. I JUST KNOW IT. MY GOLF GAME IS GOING TO JUST GO SOUTH. BUT I HOPE ALL OF YOU HAVE A WONDERFUL TIME, AND ESPECIALLY THOSE TRAVELING TO LANAI TOMORROW. HOPE YOU HAVE A GREAT TIME ON THE PINEAPPLE ISLE. OKAY, ANY, ANYTHING ELSE NEW? ANYTHING COMING UP FOR ANYBODY? OKAY, SO THEN, IF YOU ARE BACK HOME ON SUNDAY, THEN WE'LL SEE YOU AT THE RODEO. AND THIS IS A LONG WEEKEND SO, YOU KNOW, TAKE CARE, DRIVE CAREFULLY. OKAY, SO AT THIS TIME,

WHERE IS MY GAVEL? HERE'S MY GAVEL. IT IS 12:49. AND THIS COUNCIL MEETING OF JULY, WELL, IT WAS JULY 1, 2022, IS NOW ADJOURNED. THE REGULAR MEETING OF JULY 1, 2022 WAS ADJOURNED BY THE CHAIR ON JULY 2, 2022 AT 12:49 A.M.