

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

September 20, 2022

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII AND ONLINE VIA BLUEJEANS, ON TUESDAY, SEPTEMBER 20, 2022, BEGINNING AT 9:01 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: . . . Roll call, Mr. Clerk.

ROLL CALL

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Chair, proceeding with roll call. Members participating from non-public locations should state who, if anyone, except minors, is present with them as part of roll call.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha kakahiaka and chalay.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

CHAIR LEE: Mike? Unmute yourself, Mike. Mike Molina, can you hear us?

Okay, move onto the next Councilmember.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

CHAIR LEE: Okay, is there any particular reason why they can't hear us? They both can't be deliberately unmuted.

DEPUTY COUNTY CLERK: Chair, there might be a technical issue. . . .

CHAIR LEE: For our next number, we're going to do Howdy Doody time.

DEPUTY COUNTY CLERK: Councilmember Mike Molina, can you hear us?

COUNCILMEMBER MOLINA: Can you guys hear me? Okay. I can't hear you guys. Sorry.

COUNCILMEMBER KING: I don't think anybody's talking, Mike.

COUNCILMEMBER MOLINA: Okay, now I can hear you cause, okay.

COUNCILMEMBER KING: Nobody was talking.

COUNCILMEMBER MOLINA: Okay.

CHAIR LEE: . . .

COUNCILMEMBER KING: Alice, we can't--

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:04 A.M., AND WAS RECONVENED AT 9:15 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Maui County Council regular Council meeting of September 20, 2022 please reconvene.

Mr. Clerk, for the record, I see that Vice-Chair Rawlins-Fernandez has joined us on the call. Can you continue with roll call? Or did you finish?

DEPUTY COUNTY CLERK: No, Chair. Currently I called Councilmember Shane Sinenci. So the next Member to call is Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Okay. Good morning, everyone. Thank you. My understanding there was some technical difficulties with the audio, but I'm here in my residence in Makawao, transmitting from here. And I've been informed that the Paia District Office, there are no testifiers. Thank you, Madam Chair.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha kakahiaka and chalay, everyone. I, I see two screens that say poor network, so I'm hoping that's not my connection. But I, I'm here at my home office after a very early morning EPA Committee meeting. And we have reports of no testifiers at the South Maui District Office.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Aloha, Chair, Councilmembers, community members. Chalay to all of you. My understanding there's no testifiers at the Lanai District Office. And I'm here and ready to work. Mahalo, Chair.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Chalay and aloha kakahiaka kakou. There's no testifiers at the Lahaina District Office. Thank you.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Chalay, everyone. I'm in Council chambers. I wish all of you were here to see how many people are in the chambers to be with us today. It's an exciting day. Chair, looking forward to a great meeting.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and chalay to all my colleagues and everyone out here in the chambers. And I am also in the chambers and looking forward to a expeditious meeting today. Thank you, Chair.

CHAIR LEE: We can always dream.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka my Molokai nui ahina. I'm at the Molokai District Office, alone on my side of the office. And we have our community outreach specialist Zhanell Lindo on the other side of the office. We currently have no testifiers at the Molokai District Office. And aloha to everyone in the chambers and logged in. Mahalo, Chair.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: Good morning and chalay and welcome, everyone. We have a nice group of people in the chambers. And it's great to see everyone back, almost back to normal.

We hope to have a expeditious meeting, as mentioned by Pro Tem Kama. But we also have a very full agenda. So, we all need to, Members, stay with our clarifying questions, okay. Very good. Thank you.

Mr. Clerk.

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

EXCUSED: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

For the record, I am Deputy County Clerk James Krueger. Also present from the Office of the County Clerk are Legislative Division staff Joyce Murashige, Lauren Saldana, and Dell Yoshida.

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

CHAIR LEE: Opening remarks by Member Yuki Lei Sugimura.

OPENING REMARKS

The opening remarks were offered by Councilmember Yuki Lei Sugimura.

CHAIR LEE: Thank you for sharing.

Alright, Members, the Pledge of Allegiance. Please join me.

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Proceeding with ceremonial resolutions. Members of the public may testify in the Council chamber, at courtesy testimony sites, or remotely through the information listed on the meeting agenda. Individuals in the Council chamber may sign up to testify with the staff member located at the desk in the eighth-floor lobby.

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, you'll automatically be added to the testifier list. Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by video conference should keep both their video and microphone off and should turn them on only when it is their time to testify.

Testimony is limited to the items listed on the agenda. Individuals may testify for three minutes with up to one minute to conclude per item. When testifying, please state your name and any organization you represent, as well as the items on which you'll be testifying. Please also identify to the Council if you are a paid lobbyist.

Individuals may also be disconnected from the meeting at any time for breaking decorum. At this time, individuals may testify on ceremonial resolution.

We currently have one individual signed up to testify and that is Zhantell Lindo.

CHAIR LEE: Ms. Lindo?

PRESENTATION OF ORAL TESTIMONY

MS. ZHANTELL LINDO (testifying on Resolution No. 22-214):

Mahalo. Thank you for this opportunity. I just wanted to testify on behalf of the Ceremonial Resolution 22-214 and congratulate our team with special emphasis to Auntie Penny Martin and Camie Kimball for always representing our island, and our State with such grace and beauty and strength. And so, congratulations to everyone and thank you for this opportunity.

CHAIR LEE: Thank you, Ms. Lindo. Any questions, Members?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, we might have one person signing up to testify.

CHAIR LEE: And who might that be?

DEPUTY COUNTY CLERK: Perhaps not. Apologies, Chair. Then, there's no one else signed up to testify. We'll do a last call. If there is anyone else who wants to testify on ceremonial resolutions, please identify yourself now. Again, last call for testimony on ceremonial resolutions.

Oh, we do have someone who wishes to testify. Could you please state your name?

MR. WADE HONDO, BALDWIN HIGH SCHOOL (testifying on Resolution No. 22-209):

Good morning. My name is Wade Hondo, I'm the athletic director at Baldwin High School. I'm here on behalf of the Coach Balangitao and the Maui Interscholastic League. On behalf of the MIL, we would like to thank the Council for the resolution, and recognizing and celebrating our student athletes, our Maui County student athletes.

We would also like to congratulate the recipients and their families for their many years of commitment to their sport. I think we can see now that all of your hard work and sacrifices really paid off. Congratulations to all today and again, thank you very much, Council.

CHAIR LEE: Thank you, Mr. Hondo. Any questions, Members? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: I'll once again do a last call for testimony on ceremonial resolutions. If there's anyone else who would like to testify on a ceremonial resolution, please identify yourself now. Again, this is last call.

MS. FRANCINE AARONA:

Aloha. Can you folks hear me?

CHAIR LEE: Yes. Yes.

MS. AARONA: This is Aunt Mopsy. I'm sorry. I think I have my video on. I'm listening and I'm surprised that there was just one testifier. So, I think everybody is looking for a Friday meeting instead of a Tuesday meeting, so they're probably, you know, not ready

for it. And that's why I quickly signed in. But I wanted to talk about Resolution 22-216. And for the record, I'm Francine Aarona, testimony, testifying on my behalf. This is for resolution--

DEPUTY COUNTY CLERK: Oh um--

MS. AARONA: Yes?

DEPUTY COUNTY CLERK: Apologies. Apologies. Right now we're only calling testimony on ceremonial resolutions only. So, those are Resolutions 22-209, 22-214, or 22-215.

MS. AARONA: Okay, so do I call back in for Resolution 22-216?

CHAIR LEE: Yes?

DEPUTY COUNTY CLERK: Yes. Yes. We will call Resolution 22-216 with the other resolutions. Testimony for that item will come up with the other resolutions later in the agenda.

MS. AARONA: Okay. Thank you. You folks have a good day. I'll see you later.

CHAIR LEE: Thank you, Aunty Mopsy.

MS. AARONA: Aloha.

CHAIR LEE: Aloha.

Mr. Clerk, where were we?

DEPUTY COUNTY CLERK: Chair, no one else has indicated that they would like to testify on ceremonial resolutions.

CHAIR LEE: Members, are there any objections to closing public testimony and accepting written testimony for ceremonial resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 22-209

CONGRATULATING MAUI COUNTY WINNERS
AT THE 2022 ISLAND MOVERS/HAWAII HIGH
SCHOOL ATHLETIC ASSOCIATION STATE
TRACK AND FIELD CHAMPIONSHIPS

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 22-209.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Pro Tem Kama, to adopt Resolution 22-209.

Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. May I please ask the Clerk to read the resolution in its entirety?

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Members, I would like to ask for your support of the resolution. I'm pleased to have the opportunity to recognize the tremendous efforts these student athletes have demonstrated in their pursuit of excellence in the sport of track and field while maintaining their unwavering commitment to their studies, that's important.

These impressive young men and women have earned the title of champions, which is much to be commended. Congratulations to Baldwin High School Senior Justin Kahalewai, champion of the 110-meter hurdles. Maui High School Senior Kaimana Cantere, champion in the 800-meter run, who was also recognized as the Maui News Boys Track and Field Athlete of the Year. Seabury Hall Senior Kaylee Volner, champion in the 3,000-meter run, was also recognized as the Maui News Girls Track and Field Athlete of the Year. And also, to Baldwin High School Joseph Randolph, who finished first in the 100-meter dash with a winning time record of 10.97 seconds, and has also earned the unofficial title fastest in the state. That's impressive.

I would also like to recognize the outstanding efforts of their coaches, Derick Dahilig of Baldwin High School, Belden Bautista of Maui High School, Bobby Grossman of Seabury Hall. And please join me in congratulating these amazing students, coaches, on their accomplishments.

We have in the audience today also parents of the athletes that could join us. And at the appropriate time, Chair, if I could, call the athletes, the coaches, and the parents to come, stand beside them so we can get a picture, so we can memorialize the moment.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: I want to say that we have Kaylee Volner, who has gone off to college. So, we did a short video from her to be present. And then, we have another athlete who could not be here and will be online. So, it's Kaimana Cantere. So, we have two here and the rest.

CHAIR LEE: Right. And we will ask the other Members if they have any comments.

COUNCILMEMBER SUGIMURA: Yeah. Yeah.

CHAIR LEE: Members, any other comments? Questions? Comments?

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And mahalo Member Sugimura for this well-deserved resolution for our very fine young student athletes and champions. Congratulations to all of you. And it's extra special when you do it on the road because it's really difficult, you have to, you're performing, in general, not in front of the home crowd, so to speak. So, what you have done is certainly quite an accomplishment. And the lessons you will learn and carry with you from these experiences will certainly benefit you well down the road in life.

Congratulations to all the coaches for your commitment and hard work to these young people, to the schools. And last but not least the parents. Students, make sure you show your love to your parents cause they're there with you all the time. And I'm certainly sure there are times when not everything was good. It can get pretty tense with practice and academic responsibilities. So, your parents and family are the ones there for you, so make sure you show them some love. And parents, you did a great job in raising these wonderful, wonderful athletes. And best of luck to all of you. Mahalo, Madam Chair.

CHAIR LEE: Mahalo, Member Molina. Beautiful words. You probably were a track and field star in your day.

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I just also want to echo the sentiments of congratulations. Really exciting to see you folks do great things. And I want to look forward to you doing great things as you grow into adulthood. And let's see where this takes you. Mahalo, Chair.

CHAIR LEE: Thank you. Anyone else? Alright. Member Sugimura, you mentioned we have people here. Are you going to introduce them. And then, I'm going to take the vote. And then, I'm going to ask you to introduce those folks to say a few words. And then, you mentioned a video.

COUNCILMEMBER SUGIMURA: From Kaylee Volner.

CHAIR LEE: Okay. And that's all set up?

COUNCILMEMBER SUGIMURA: Who's off to college, Santa Cruz.

CHAIR LEE: Oh, okay. Alright, Members, if there are no more comments or discussion, all those in favor of adopting the resolution, raise your hand and say "aye".

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

NOES: NONE.

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

Mr. Clerk, please call up the people, the guests.

DEPUTY COUNTY CLERK: Oh yes. Will the individuals who are being recognized please come forward.

COUNCILMEMBER SUGIMURA: We have Justin Kahalewai here from Baldwin High School and Joseph Randolph. They're both here in person. And the other two are, so Jared is from Maui High School and he's listening in online. I don't know if we have a way of seeing him. Jordan, Jordan from my office, who coordinated this, oh, there you are. Hi. Oh good. So, maybe you can, we can have you say a few words first. Kaimana Cantere is here, video. He just logged on. You want to say a few words?

CHAIR LEE: You're unmuted. Or, muted, I should say. You're muted.

COUNCILMEMBER SUGIMURA: There.

CHAIR LEE: Oh, there you go. Can you say something, so we can test your audio?

MR. KAIMANA CANTERE: Is this thing on?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: There you go. Okay.

MR. CANTERE: I just want to say it's an honor to be recognized as one of the people who represented Maui County under the track and field sport. And, and I have no other words besides that. I'm just kind of.

CHAIR LEE: Well, thank you very much, Kaimana. Thank you for joining us and congratulations again.

And then we have two young men in the, here.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Would you like to say a few words?

COUNCILMEMBER SUGIMURA: So, Chair, if they could say a few words? And could we have all the coaches and the parents to stand behind them?

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: And we can do a picture. So, everybody, we gave your leis before, but the parents, could you--

CHAIR LEE: The parents, you can come down while they're speaking, and coaches. Please go up to the microphone and say who you are.

MR. JOSEPH RANDOLPH: Hi, I'm Joseph Randolph. I'd like to say that it is truly an honor to be recognized by the Council for this award. I'd like to thank my family for their commitment and hustle to raise me. I'd also like to thank my coaches for the, for believing, and for their coaching, something I'm really grateful for. Just such beautiful people in my life that I truly cherish forever. Thank you.

CHAIR LEE: And thank you, Mr. Randolph.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Next speaker.

MR. JUSTIN KAHALEWAI: Hi. My name is Justin Kahalewai. And I would just like to take this time to thank my parents, and my family, friends, and coaches for all the support, and for all the blessings and getting me to where I am. Thank you. Thank you very much.

COUNCILMEMBER SUGIMURA: Thank you. So, if you would just stand there for a while. And then, if all the parents and coaches can stand in the back of you, please.

CHAIR LEE: Okay. Can we run the video of the--

COUNCILMEMBER SUGIMURA: Oh we can.

CHAIR LEE: --Kaylee?

COUNCILMEMBER SUGIMURA: Oh, we can. Okay, Jordan Helle, can you run the video from Kaylee Volner?

CHAIR LEE: Where is Jordan?

COUNCILMEMBER SUGIMURA: Jordan's in our office. Are you going to, is it working, Jordan, share screen? While he's getting that up, I just wanted to say, in person we have Erin and Rick Volner, Kaylee's parents; track coach Bobby Grossman, from Seabury; and virtually online is Yacine Meyer, which is the athletic director from Seabury; Maui High School, Mike Ban, who is the athletic director; . . . and other family

members; and Wade Hondo. And I think Wade came in, I owe you a lei also. So, okay, do we have the video, Jordan? Looks like it's not working, huh?

CHAIR LEE: Okay, we're going to have to move on. Mr. Grossman.

MR. BOBBY GROSSMAN: Yes.

COUNCILMEMBER SUGIMURA: Okay.

MR. GROSSMAN: Congratulations to all the track athletes and I'm glad they were recognized today. This group of four went through the pandemic and lost two track seasons and stayed steadfast. And they continue to work hard. I think this . . . to be successful through this process. It was pretty emotional for them, I think, to do this and finally have a State championship. And so, thank you for recognizing them today. Thank you.

CHAIR LEE: So, we can offer the resolutions to the folks receiving them, and the leis, and the photos.

COUNCILMEMBER SUGIMURA: Yeah, thank you. We gave everybody the leis, so if you could just stand there, and we want to do a quick photo.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR LEE: So, who's taking the picture?

COUNCILMEMBER SUGIMURA: OCS.

CHAIR LEE: Nalani.

COUNCILMEMBER SUGIMURA: Oh, can we, you want to stand in front of you?

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Can all of you come forward?

CHAIR LEE: Come everyone.

COUNCILMEMBER SUGIMURA: And stand in front of the Chair's.

CHAIR LEE: Over here.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: And then, all the Councilmembers.

Mr. Clerk, may we have the next item?

DEPUTY COUNTY CLERK: Yes, Chair.

RESOLUTION
NO. 22-214

CONGRATULATING THE 2022 INTERNATIONAL
VA'A FEDERATION VA'A WORLD SPRINT
CHAMPIONSHIPS GOLD MEDAL WINNERS
FROM MAUI COUNTY

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTION 22-214.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Johnson, to adopt the resolution.

Discussion? Perhaps we could have the Clerk read the resolution in its entirety?

(The resolution was read in its entirety.)

CHAIR LEE: Discussion, Members? Vice-Chair, do you have any comments?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I speak in strong support of the resolution recognizing our paddlers who proudly represented Hawaii, specifically Maui County, on the world stage at the 2022 IVF World Sports held at the cloudy Dorney

Lake. I have to especially recognize my two aunties; Aunty Penny Rawlins Martin and Aunty Camie, who always showcase what we deem as our Molokai hammahs.

These events are referred to as the master's events here in Hawaii. And indeed, mastery is what you've all demonstrated and accomplished. We look forward to seeing you all with more hardware in Hilo in two years, ho'omaika'i . . . Mahalo, Chair.

CHAIR LEE: Well said. Anyone else? If not, oh, I'm sorry, I didn't look on the screen. Anyone else? If not, all those in favor of the motion, please say "aye" and raise your hand.

Okay, I cannot see Member King, so eight "ayes", zero "noes".

COUNCILMEMBER KING: Can you hear me?

CHAIR LEE: Oh okay, we can hear you.

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes", motion carries. Congratulations to everyone.

Now, we are going to give leis to the, could you please come to the podium. Any, would anybody like to speak on behalf of the organization? Feel free to go up to the microphone. State your name.

MS. VANESSA WEISS: Good morning, Honorable Chair Lee and Members of the County Council. My name is Vanessa Weiss and I am proud to be the coach and coordinator of this contingency that competed in the 2022 Va'a World Sprints in London. We are honored by this recognition given to us today, and proud to represent Maui County.

At this time, I'd like to introduce to you the gold medal winners that represented my club in contributing 8 of the 12 gold medals won by Hawaii region. I'm so proud of them. I'll start with younger ones. So, when I call your name, just kind of stick the hand up. Okay, from our Women's Open Division, that means anywhere from 18 to, I guess now 80, I have Jen Edwards, Sandy Carvalho, Michelle Willmering, Allison Lee, Suzanne Conlon, and Julie Shoup. They competed in the 1500-meter with five turns and beat a lot of intensely competitive women around the world. It was a pleasure to watch that particular race.

On the other end of the spectrum from our 75-age Division, I have Diane Wetzel, Wanda Sheriff, Mary Akiono, and Donna Newhart. This was truly exciting. I helped coach the 70s and 75s, and this was the first time the IVF included the 75 and 80 division, so that's a breakthrough. So, I hope they continue that in Hilo. So we'll just wait and see. That's their decision.

I just, I stand before you representing the Women's 60 Division. And the only person missing is my teammate Torrey Goodman from Molokai. Obviously, she couldn't be here. But we won a gold medal in our double hull event. From our 70 Division, unfortunately, the ones mentioned Camie Kimball and Penny Martin from Molokai, they couldn't be here also. But they, their crew, who actually, I'm on usually, but I was one year too short, they won three gold medals. So, three of the eight was won by their crew, so my heads off to my best friends. Once again, mahalo from all the of us. We're honored. We truly are. This is wonderful.

CHAIR LEE: Thank you very much. We are honored. And thank you for all of your hard work and sportsmanship. We'd like to give you some leis right now and congratulate you in person.

Mr. Clerk.

RESOLUTION
NO. 22-215

RECOGNIZING SEPTEMBER 2022 AS
CHILDHOOD CANCER AWARENESS MONTH

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTION 22-215.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Shane Sinenci, to adopt Resolution 22-215.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request the Clerk read the resolution in its entirety?

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Vice-Chair Rawlins-Fernandez. Any more discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm in strong support of the resolution. Mahalo.

CHAIR LEE: Thank you. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just like to speak in support of the resolution before us this morning. No family is untouched by childhood cancer, and so I just wanted to send out our prayers and to all those that are battling cancer at this moment. Also, to all the families that has helped with this journey. Your journey is our journey too. So, to express our support. Thank you, Chair.

CHAIR LEE: Thank you very much for those beautiful words.

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I also want to rise in full support. I don't know if many folks know this, but I had a form of childhood cancer when I was young and that turned me into the environmentalist that I am today, because I beat it and I won. But I know the cause of it was environmental pollution in the town that I grew up in. So, there's some kids that don't make it through that journey, and I just want to stand in strong support of that. And I do believe that our medical technology has been getting better, but it always could do better. And I think to have our government support this is a way to really help those folks and save them. So, thank you, Chair.

CHAIR LEE: Thank you for sharing your story, Member Johnson. Anyone else? If not, all those in favor of the motion, please say "aye" and raise your hand.

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

NOES: NONE.

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

Now, we do not have representatives here in the chamber, but I think they were planning, hoping to join us online.

Mr. Clerk, do you see anyone?

DEPUTY COUNTY CLERK: Chair, if the Firestein's are online, you're welcome to unmute yourselves now. Chair, I do not see them connected to the meeting.

CHAIR LEE: Okay. Well, we'll make sure they get this resolution. Thank you, Members.

Mr. Clerk.

SET THE CONSENT CALENDAR

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on the setting of the Consent Calendar. Chair, as of right now, we do not have any individuals who would like to testify on the setting of the Consent Calendar. But we'll do a last call. If there is anybody who does wish to testify on the setting of the Consent Calendar, please identify yourself now. Again, last call.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: Well, I was looking at the consent, the testifier list and it looks like there's one. Zhanell Lindo is signed up for the Consent Calendar testimony.

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes?

DEPUTY COUNTY CLERK: That's for Consent Calendar itself. Right now, we're accepting testimony only on the setting of the Consent Calendar.

COUNCILMEMBER KING: Oh, I see. Okay. Thank you.

CHAIR LEE: No one here to testify? Are there any objections to closing public testimony and accepting written testimony for the setting of the Consent Calendar?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Members, at this time, we will set the Consent Calendar.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ: I'd like to request removing County Communication 22-223 from the Consent Calendar please.

CHAIR LEE: 22-223, did you say.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, Mayor informing of a vacancy on the Commission on Healing Solutions for Homelessness due to the passing of George Kaimiola.

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

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, no objections to setting the Consent Calendar. The Consent Calendar is set.

Members, before proceeding, I am notifying you that I will be enforcing Rule 9.F, no Member may speak more than twice on any pending motion. Members may speak for two minutes during their first opportunity to speak on a motion. During their second opportunity, the Members will have one minute.

Mr. Clerk.

DEPUTY COUNTY CLERK: Proceeding with testimony on minutes. There is currently no one signed up to testify on minutes. If there is any individuals who would like to testify on minutes, please identify yourself now. This is our last call for testimony on minutes. Chair, no one has indicated that they'd like to testify on minutes.

CHAIR LEE: Are there any objections to closing public testimony and accepting written testimony for minutes?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of May 6, 2022, was presented at this time.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO APPROVE THE MINUTES OF THE REGULAR
MEETING OF MAY 6, 2022.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Tem Kama, to approve the minutes of May 6, 2022.

Any discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just a quick question if the Clerk's would be able to respond regarding the minutes in May. It's September, just wondering what the delay was?

CHAIR LEE: Mr. Clerk or staff?

DEPUTY COUNTY CLERK: Chair, yes, we do our best to work on minutes as expeditiously as possible. But the Council meetings have been quite long this year, so minutes have

been taking a bit longer than usual. But we are attempting to work through and complete minutes as quickly as possible. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Deputy Clerk. Very much understandable. Mahalo for that response.

Mahalo, Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I guess I want to thank the staff in the Clerk's Office, because not only do they do these things, help us, but also, they help with elections. And I know elections was a big undertaking, so I just want to, you know, mahalo them. And that may have been part of the reason why we're asking this question today. But thank you very much for your hard work.

CHAIR LEE: Any other comments or questions? If not, all those in favor of approving the minutes, raise your hand and say "aye".

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

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on the Consent Calendar. Individuals at this time may testify on the Consent Calendar itself. We currently have one individual signed up to testify. That would be Zhantell Lindo.

CHAIR LEE: Ms. Lindo.

MS. ZHANTELL LINDO (testifying on County Communication No. 22-223):

Mahalo, Councilmembers. Thank you for allowing me this opportunity. My name is Zhantell Lindo, testifying on Consent Calendar item 22-223. And I am testifying on my own time, and on my own behalf.

I first off wanted to ask the Council to consider finding an appropriate place for honoring current people who are serving in our commissions, and in our volunteer services, our community boards. The space in the agenda to honor them, because I feel like the way this was listed, it was just to replace him. And I know that that's not the intention, because I no think somebody like George can be replaced. But as the new Chair of the homeless commission, the Healing Solutions for Homelessness, it probably would be a great idea to honor these people and no have to be one fancy resolution like you do in the beginning. But it probably warrants a special place on the agenda to be able to thank them for their service, especially when they're actively serving.

So, I would just like this time to say thank you to George and his family for allowing him to serve on this newly-constructed commission that's had its share of challenges. He was the Vice-Chair. He also worked for Family Life Center, and was adamant about his aloha, and his commitment and hard work to homelessness, and really trying to eliminate and be compassionate in the way that he dealt with initiatives and ideas to solve our homeless and poverty in Maui County.

So, I not speaking officially on behalf of the commission, but I'm sure my fellow commissioners join me in thanking him for his service, and his time, and that we were very honored and privileged to benefit from his wisdom, and his life, and the way that he walked out his life in service of this County, and of our people. And mahalo his family for allowing him that time and space to do so. Mahalo.

CHAIR LEE: Thank you, Ms. Lindo. Any comments or questions for Ms. Lindo? Thank you very much.

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Mr. Clerk. Yes.

DEPUTY COUNTY CLERK: There's no one else signed up to testify on items on the Consent Calendar. We will do a last call at this time. If there is anybody else who would like to testify on an item in the Consent Calendar, please identify yourself now. I repeat, last call. Chair, no one else has indicated that they'd like to testify at this time.

CHAIR LEE: Any objections to closing public testimony and accepting written testimony for items in the Consent Calendar?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

DEPUTY COUNTY CLERK: Chair, proceeding with the Consent Calendar.

ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS

NO. 22-214 - JOHN PELLETIER, CHIEF OF POLICE,
(dated August 29, 2022)

Transmitting a copy of the budget approved by the E911 Board in the amount of \$1,650,713.

NO. 22-215 - JOHN PELLETIER, CHIEF OF POLICE,
(dated September 7, 2022)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Human Services, Office of Youth Services for the KALO Program in the amount of \$89,000.

NO. 22-216 - MARC I. TAKAMORI, DIRECTOR OF TRANSPORTATION,
(dated August 30, 2022)

Transmitting a copy of the notice of grant award from the State Department of Transportation for the transportation planning portion of the Maui MPO FY2023 Unified Planning Work Program totaling \$200,000.

NO. 22-217 - MARC I. TAKAMORI, DIRECTOR OF TRANSPORTATION,
(dated August 10, 2022)

Transmitting a copy of the check received for payment of dues, paid pursuant to HRS 279D, from the State Department of Transportation for the transportation planning portion of the Maui MPO FY2023 Unified Planning Work Program totaling \$50,000.

NO. 22-218 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 6, 2022)

Informing of the sale of \$60,875,000 of General Obligation Bonds Series 2022 on August 17, 2022.

NO. 22-219 - BRADFORD K. VENTURA, FIRE CHIEF
(dated September 2, 2022)

Transmitting a copy of the finalized Memorandum of Agreement with the State of Hawaii, Department of Land and Natural Resources for Lifeguard Services at Makena State Beach Park in the amount of \$1,610,237.

NO. 22-220 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated September 1, 2022)

Transmitting a copy of the intent to commit letter of the grant-in-aid award from the State of Hawaii, Office of Planning for the Coastal Zone Management Grant in the amount of \$463,697.

NO. 22-221 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,
(dated September 9, 2022)

Informing the Department's intent to expend \$5,226 in federal forfeiture funds for travel expenses.

NO. 22-222 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,
(dated September 9, 2022)

Transmitting a copy of the grant agreement with the State of Hawaii, Department of Transportation for the Maui Prosecutor's Office Traffic Records grant in the amount of \$8,491.02.

NO. 22-224 - MICHAEL P. VICTORINO, MAYOR,
(dated September 1, 2022)

Informing of a vacancy on the South Maui Advisory Committee due to the resignation of Thomas Cook, effective September 1, 2022.

NO. 22-225 - MICHAEL P. VICTORINO, MAYOR,
(dated September 1, 2022)

Informing of the appointment of Randol Leach to the South Maui Advisory Committee.

NO. 22-226 - MICHAEL P. VICTORINO, MAYOR,
(dated August 30, 2022)

Informing of the appointments of Tom Richard Blackburn-Rodriguez, Wayne Nishiki, Jennifer Rose Sullivan, and Brian Thomas Ward to the South Maui Community Plan Advisory Committee.

NO. 22-227 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 2, 2022)

Informing of the acceptance of Waterline Easement K, affecting Lots 48 & 55, Kehalani Subdivision Module 2, TMK: (2) 3-5-001:075 POR.

NO. 22-228 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 2, 2022)

Informing of the acceptance of Waterline Easement M, N, & O, affecting Lots 60, 61, & 62, Kehalani Subdivision Module 2, TMK: (2) 3-5-001:075 POR.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL ITEMS ON THE CONSENT CALENDAR.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to file all items on the Consent Calendar, except 22-223.

VICE-CHAIR RAWLINS-FERNANDEZ: It's no longer on the Consent Calendar, because we removed it from the consent.

CHAIR LEE: Okay. Alright, anymore discussion on this item? If not, all those in favor of the motion please say "aye", raise your hand.

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

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with county communications, testimony on county communications. We'll be accepting testimony on county communications at this time, as well as on CC 22-223, which was removed from the Consent Calendar. There are no individuals who are signed up to testify on any of these items at this time. We'll do a last call. If there is anyone who would like to testify on county communications, including CC 22-223, please identify yourself now. Again, last call.

MS. AARONA: Hi. It's me again. I'm not sure if this is the time to testify on 22-216.

DEPUTY COUNTY CLERK: Apologies, not yet. Right now, we're only on county communications.

MS. AARONA: Okay.

CHAIR LEE: Pretty soon.

MS. AARONA: Thank you.

CHAIR LEE: Okay, Mr. Clerk.

MS. AARONA: I got to follow the new laws, new rules.

DEPUTY COUNTY CLERK: Chair, no one else has indicated that they'd like to testify on these items.

CHAIR LEE: Any objections, Members, to closing public testimony and accepting written testimony for county communications?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections, so, so ordered.

Mr. Clerk.

COUNTY COMMUNICATIONS

NO. 22-223 - MICHAEL P. VICTORINO, MAYOR,
(dated September 7, 2022)

Informing of a vacancy on the Commission on Healing Solutions for Homelessness due to the passing of George Kaimiola, on September 2, 2022.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 22-223.

COUNCILMEMBER PALTIN:

SECOND.

COUNCILMEMBER SINENCI: Second.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to file County Communication 22-223.

Any more discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo for the opportunity to speak to honor Mr. Kaimiola for his services for our community. I think our Commission on Healing Solutions for Homelessness Chair Zhanell Lindo really summed it up nicely, that George really walked his talk, and through his lived experiences wanted to bless others as he was blessed. And I really enjoyed seeing him at the different events

and wanted to extend my aloha to his wife and his ohana. And he will be sorely missed. Mahalo, Chair.

CHAIR LEE: Thank you. Members Paltin, then Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. I fully echo the words of my colleague and I'm grateful that she pulled this one out. I first met Mr. Kaimiola at the senior luncheon, and he was offering to help me carry all the things inside. And then, after that, you know, every, every event that I saw him at and his wife, Zilpah, you know, we always talk story at the church events and like that. And I'll definitely miss him. And you know, I don't know if that is as common as it used to be to have these types of members in our community that are so engaged, and you know, right or wrong, just show up and, and care. And so, you know, for me, he'll definitely sorely be missed. Thank you.

CHAIR LEE: Thank you. Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Yeah, I echo the sentiments of our Members. I first met George Kaimiola when he was with the Bailey House Museum. That's when I first met him years ago. And I just thought, wow, this guy is very special. And then, I saw him in this, in his new role with, in terms of helping the homeless. And he definitely had a very compassionate heart and spirit, and I will miss him.

And I have to admit, as much as I have been working with Zilpah for many, many years, I didn't realize that that was Zilpah's husband. I kind of put them together recently by another person who said, did you hear that Zilpah's husband passed away? And I was like oh, my god, that's Zilpah's husband, he's so special like her. So, my heart goes out to their family. I know that during the kupuna luncheon, Zilpah was visiting him at the hospital and I'm sorry that he passed. Thank you very much for bringing this out and for letting us speak about this special man. Thank you.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I too wanted to send our deepest condolences to Kaimiola Ohana, to Zilpah, and to his sons.

(Spoke in Hawaiian.)

CHAIR LEE: Thank you. Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I too, want to express my condolences to the Kaimiola Ohana and agree with a lot of the wonderful things said about Mr. Kaimiola, certainly true. And he was a very straightforward person, but so

dedicated, especially a very spiritual man. You know, the lord now has a wonderful angel working with him. So, he certainly will be missed. And we all express our condolences to his wife. Just a terrific guy, Madam Chair. Mahalo.

CHAIR LEE: Thank you. Anyone else? Pro Tem Kama, then Member Johnson.

COUNCILMEMBER KAMA: Thank you, Chair. I think what Member Paltin was referring to, there such a person that still has the aloha spirit roaming around this earth on Maui. And I think what made George so special was his faith, that he actually lived, and activated that, to have love for people. And to have love for the god that he worshipped. And that's the George Kaimiola I know. And that's the George I will always know, that his love for god, his love for his fellow man, his love for his family. And that's what he did, and that's how he lived. And that's what I will always remember about him. So, thank you, Chair.

CHAIR LEE: Thank you. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I can only add, or I can't really add much to what was already said. I really appreciate all of George's hard work with our houseless, houseless community. They often say houseless work is the hardest work. And I just want to appreciate him and recognize his hard work. It says a lot about one's character when they choose that kind of line, that line of work. So, I want to thank him and all of his family, who have, you know, gone through a hard time when someone passes so young. But thank you so much. Thank you, Chair.

CHAIR LEE: Thank you. Anybody else? If not, thank you very much. This item will be filed.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the item still remains on the floor.

CHAIR LEE: Oh okay.

DEPUTY COUNTY CLERK: Council hasn't voted on it yet.

CHAIR LEE: Alright, was there a motion? There was a motion?

VICE-CHAIR RAWLINS-FERNANDEZ: I made the motion.

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

Member King? Member King? Okay.

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

NOES: NONE.

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

Mr. Clerk.

NO. 22-229 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 6, 2022)

Transmitting 116 contracts/grants for August 2022.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: 22-229.

VICE-CHAIR RAWLINS-FERNANDEZ: 229? Oh okay, okay.

I MOVE TO FILE COUNTY COMMUNICATION 22-229, EXCEPT
FOR THE GRANTS AND CONTRACTS THAT MEMBERS MAY
WISH TO REMOVE.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci,
to file County Communication 22-229, except for the contracts Members wish to refer.
Members, you have any items to refer?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

IF THE BODY ALLOWS, I'D LIKE TO REFER THREE TO MY COMMITTEE, AND THE FOLLOWING NUMBERS ARE: G5654, AND G5655, AND G5656. THEY'RE ALL WITH FAMILY LIFE CENTER: HOMELESS CASE MANAGEMENT, HOMELESS OUTREACH PROGRAM, AND MOLOKAI HOMELESS SHELTER.

Thank you, Chair.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered that these three contracts be referred to the Affordable Housing Committee, pertaining to Family Life Center.

Alright, anymore you'd like to refer to a Committee, Members? I don't see any hands. Alright then, all those in favor of the motion to file County Communication 22-229, except for the items, the contracts mentioned, requested by Councilmember Johnson, raise your hand and say "aye".

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

NOES: NONE.

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

Mr. Clerk.

NO. 22-230 - SHANE M. SINENCI, COUNCILMEMBER,
(dated September 12, 2022)

Transmitting a proposed amendment to Bill 56 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY CODE, RELATING TO KULA AGRICULTURAL PARK".

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. If there are no objections, I request that we defer County Communication 22-230 until Bill 56 is taken up.

CHAIR LEE: Okay. Bill which?

COUNCILMEMBER SINENCI: Bill 56, Chair.

CHAIR LEE: 56. Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

COUNCILMEMBER SINENCI: Thank you.

(See pages 228, 229, and 257 through 260 for discussion and action.)

CHAIR LEE: Next item.

NO. 22-231 - SHANE M. SINENCI, COUNCILMEMBER,
(dated September 12, 2022)

Transmitting a proposed amendment to Bill 105, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.12 AND TITLE 22, MAUI COUNTY CODE, TO ESTABLISH POLICIES RELATED TO THE DEPARTMENT OF AGRICULTURE".

CHAIR LEE: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. If there are no objections, I'd request that this also be deferred, County Communication 22-231, until Bill 105, CD1 is taken up.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

(See pages 260 through 265 for discussion and action.)

CHAIR LEE: Next item.

DEPUTY COUNTY CLERK: Chair, proceeding with county communications recommended for referral.

NO. 22-232 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated September 2, 2022)

Transmitting the County of Maui's Single Audit Report for the Fiscal Year Ended June 30, 2021, submitted by N&K CPAs, Inc.

The recommended action is that County Communication No. 22-232 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-233 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated September 6, 2022)

Transmitting the following reports from N&K CPAs, Inc., relating to financial data schedules for Section 8 and Family Self-Sufficiency Programs, entitled:

1. "COUNTY OF MAUI DEPARTMENT OF HOUSING AND HUMAN CONCERNS: INDEPENDENT AUDITOR'S REPORT ON SUPPLEMENTARY INFORMATION, Fiscal Year Ended June 30, 2021"; and
2. "COUNTY OF MAUI DEPARTMENT OF HOUSING AND HUMAN CONCERNS: INDEPENDENT ACCOUNTANT'S REPORT ON APPLYING AGREED-UPON PROCEDURES, Fiscal Year Ended June 30, 2021".

The recommended action is that County Communication No. 22-233 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-234 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 7, 2022)

Transmitting the Short-Term Investment Reports as of June 30, 2022 (Fiscal Year 2022 Fourth Quarter).

The recommended action is that County Communication No. 22-234 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-235 - HELENE KAU, DIRECTOR OF WATER SUPPLY,
(dated September 6, 2022)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending August 2022.

The recommended action is that County Communication No. 22-235 be referred to the Infrastructure and Transportation Committee.

CHAIR LEE: Any objections, Members, to the referrals?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on committee reports. The first individual we have signed up to testify is Eric Miyasato. To be followed by Jordan Hocker.

CHAIR LEE: Mr. Miyasato?

PRESENTATION OF ORAL TESTIMONY

MR. ERIC MIYASATO (testifying on Committee Report No 22-90):

Hello? Can you hear me?

CHAIR LEE: Yes, we can.

MR. MIYASATO: Okay, thank you. Aloha, Council. My name is Eric Miyasato. I am a licensed electrical engineer and I am in the lighting industry in Hawaii. I am disappointed that Bill 21 only had one opportunity to discuss the revisions in the CARE Committee.

I have submitted written documents on the technical aspects and definitions. The current bill does not define the type of light to use in turtle nesting areas. U.S. Fish and Wildlife and Florida Fish and Wildlife call for amber or red spectrum lights to be used, not filtered lights. The Big Island lights used on roadways and parking lots are filtered

lights and would not comply with turtle nesting areas. Also in Florida, turtle nesting areas are protected by the coastal construction control line. This ranges from the waterline to the sandy dunes, roughly about 200-300, depending on topology. In this area, the use of amber and red spectrum lights are used. Outside of this area, they use shielded and down-directed lights. International Dark Sky Association calls for 3,000K and lower in color temperature.

Lastly, since there is liability for existing businesses for adequate lighting, all existing businesses will have to hire consultants to determine the right type of light to replace. Then they would have to submit for permit with the documentation required. This is a very large burden for existing small businesses. For example, a gas station in Kahului or Wailuku would have to comply to this bill and change the lights to less than two percent blue content. Depending on the type of light they use, and what color the pump handles are, the user filling the gas might not be able to distinguish between diesel and gas. This is an application where color rendition is important.

I ask that this bill go back to the CARE Committee to write a better and workable lighting ordinance for the people of Maui. Thank you.

CHAIR LEE: Thank you. Members, any questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much for testifying. And I know that you've been an advocate for trying to get this right. So, since you are in the industry, you're saying that the way the bill is written now will cost small businesses, and would that impact residents also? Small businesses, you, you--

MR. MIYASATO: . . . small businesses, they would have to make sure that they have adequate light levels in their parking lots, in their walkways, if someone was to trip in that area. So, by changing the type of light, they would have to see what type of light source and the amount of light would be needed in that area in order to fulfill the lighting requirements.

COUNCILMEMBER SUGIMURA: Okay. So, but would this impact all businesses, or just businesses that are close to the ocean that will impact, I guess we threw in at the last bill, turtles. It was first only seabirds, but now it has turtles. So, are you saying that all businesses will have to be impacted by this?

MR. MIYASATO: I'm saying all businesses would be impacted by this that are not covered under the exemption.

COUNCILMEMBER SUGIMURA: And most of the exemptions that you see would impact most small businesses? Or most businesses?

MR. MIYASATO: It would affect most businesses. The exemptions are mainly for sports fields and other special, you know, events.

COUNCILMEMBER SUGIMURA: Okay. Thank you. We have a problem. Thank you very much.

COUNCILMEMBER KAMA: Chair?

CHAIR LEE: Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you. If you don't know the answer to the question, Mr. Miyasato, it's okay. But do you have a sense of what that cost might be?

MR. MIYASATO: One example, you know, like hotel rooms, their exterior lanai, that's a covered lanai, but is it considered outdoor? Is it considered indoor? If that light was to be changed, rough cost of a fixture is probably 300 to 400. The labor to change that, about 100. Now multiply that by the number of hotel rooms on Maui. It could be in the hundreds, or a million to change. And that's only one application.

You also have to look at, you know, shopping center, businesses within the shopping center, signages, other types of application of lighting that is also affected by this bill.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Miyasato.

CHAIR LEE: Any more questions or comments? If not, thank you very much.

MR. MIYASATO: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Jordan Hocker, to be followed by Mike Moran.

MS. JORDAN HOCKER (testifying on Committee Report No. 22-96):

Aloha, Councilmembers. My name is Jordan Hocker, I'm a resident of Kula. And I am testifying today on Committee Report 22-96, regarding the inclusion of a resolution into

the 2023 Hawaii State Legislative Package. It would give Maui County an opportunity to set its own minimum wage.

I want to recommend the adoption of this. As someone who closely followed the State Legislature in terms of minimum wage increase, I was disappointed to see the schedule, cause I did not feel like it was aggressive enough to actually address our cost of living. Instead, it's likely that our cost of living will go up in relation to, to that schedule. Being that every island is different here, giving the counties the ability to set that on their own, I think would be a wise choice. I think it's about having the power to do so, not necessarily saying okay, once we have that ability, then we're going to do that without thoroughly vetting it.

I know there is a concern with small businesses, and how that would affect small businesses. But what has been the norm is basically businesses have not been accounting properly for the cost of labor in their business plans. Banks have been giving loans to businesses that are not adequately setting aside the money that they need or to actually pay for labor and the cost of living. And the fact of the matter is that when our economy is so heavily based in tourism, we have a lot of people who show up here to make money off of that without really considering how that's going to affect our workers here in Maui County.

I think that we need to have the ability to set that on our own, separate of the State, because it is much harder to get legislature passed that helps us here in county, in Maui County on a State level than it is to have our County Council be able to undertake something like that, which is so deeply personal and unique to what we need here.

I would like to bring up the example of how a small business has actually adapted to the State legislation for minimum wage. And that would be Pukalani Superette has actually shifted to where they're hiring ahead of the schedule. So, any new-hires and their current employees are being moved up to that \$18 an hour. And the reality is Pukalani Superette, a small local grocery store that has withstand, with, that has been able to withstand the test of time post-pandemic can make this change, then businesses that are profiting millions of dollars a year off of tourism, these corporations that move in, like the recent fast-food chains that we've had, they can pay a living wage in Maui County. If Pukalani Superette can do it, any corporation that's grossing millions or billions of dollars has the ability to do it. And I think that we should be taking control of that here locally within Maui County. So, I strongly support the adoption of that resolution being included and for . . . Thank you so much.

CHAIR LEE: Thank you. Members, questions? If not, thank you very much.

Mr. Clerk, how many more testifiers do we have?

DEPUTY COUNTY CLERK: Chair, there are currently seven more individuals signed up to testify on committee reports.

CHAIR LEE: Members, are you ready for your morning break? Ten minutes? It is, according to my clock, 10:37. So, we'll be back at 10:47. This meeting is in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:37 A.M., AND WAS RECONVENED AT 10:53 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of September 20, 2022, please reconvene. Members, we have about seven people signed up to testify for committee reports; another 14 or so for the next category, resolutions; and about 12 for bills. So, I want to commend you for keeping your comments short, and perhaps you can keep it even shorter, as we move forward. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify on committee reports is Mike Moran, to be followed by Neldon Mamuad.

MR. MIKE MORAN, KIHAI COMMUNITY ASSOCIATION (testifying on Committee Report Nos. 22-90 and 22-93)

Good morning, Chair, Chair Lee and Councilmembers. Mike Moran for the Kihei Community Association. Chair Lee, I have been watching and I understand the situation with the timing and I see how far you're in, I get it. My intent was just on two here, on 22-90 and 22-93. My intent was to just say on 90, we've testified on this countless times. I've lost track of how many hearings you've had, and I thought we were at the end of the line.

And I try not to comment on other testifiers, but I feel obligated when I hear somebody jump in with the same thing, oh here's a last-minute issue. And this is a business person, who has a business interest. Maybe he's not a paid lobbyist. And as far as I can tell, he's not even from Maui County. And how much credence do we give to this, as opposed to the people who live here, the people who speak for the creatures who don't have voices?

Of course, that's your decisions as Councilmembers. But as one who's participated frequently for our association, I find it distressing. We continue to support it. We think that the Committee Chair King has made numerous adjustments and so have all the

others who have participated in the bill. So, we hope you can move this forward today. But of course, it's your choice. So, I will cut it off there to not make it any more, any lengthier.

And move on to 22-93, which we had spoken on this before. And it seems to have a great need, but there's so many in the community who don't get it. I hear the complaints about they don't like this new system. They don't know why, why it is they just don't like it. And it seems like this Council is trying to do what they can to rectify the situation. So, we too, speak in support of this. And I believe anybody who knows what this is about, why we're proceeding when we are in Council, in testimony, would be in support of it as well. So, thank you for the opportunity to testify, and I'll cut this short, too. Aloha.

CHAIR LEE: Aloha, Mike. Any questions, Members? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Neldon Mamuad. To be followed by Lisa Paulson.

MR. NELDON MAMUAD (testifying on Committee Report No. 22-90):

Aloha. Good morning, Council. Turning the camera on. Alright, run the clock. Good morning everyone. Neldon Mamuad with the event industry for over 20 years, testifying for Bill 21. I was able to testify in Committee and, you know, I thought we had some good effort going forward. But I think we still fell short of what we need to see happen to, you know, be fair to everyone. You know, in looking at the HRS side of things, you know, there is an exemption that classifies special events as temporary outdoor lighting. Special events as temporary outdoor lighting is the language that we'd like to see happen in the bill.

The second issue in the bill I see is classifications. I got to speak with Director Molina, to kind of play out the scenarios of, of you know, where does, where do we fit in the realm of classifications? You know, and it's kind of a blur between Class II and Class III. You know, special events should be really in its own class. You know, it is very special indeed, as the industry, we use specialized equipment beyond what you would see on a standard building or open space. We use things such as intelligent lighting fixtures that are programmed to master control. The master control controls color, intensity, movement. Finding compliant bulbs for specialized fixtures like that would be impossible to find, just because, you know, it's by manufacturer only. So,

you wouldn't be able to get a sub of the bulb. You would have to be manufacturer-driven to get something compliant.

Second is enforcement. You know, even with the lack of awareness, you know, this bill has been on the books since 2007. Talking to Director Molina, there's been only one complaint that has risen to the violation stage of enforcement. So, you know, this kind of supports our advocacy for proper exemptions at special events being temporary in nature have not risen to the violation in the years that the rule has been on the books. And if it did happen, you know, if there was, you know, enforcement, we're talking about an administrative rule of \$150 initial fine and \$50 a day. And keep in mind that every event would be a separate case and investigation, making it very difficult to enforce.

Finally, the appearance of fairness, you know, with the current set of exemptions. As a matter of technical fact on outdoor luminaries, the lighting footprint of events such as the County Fair, concerts at the MACC, War Memorial Complex sports games, would carry an impact equal to or greater than that of other special events on private property, including those on hotel property. So, to single out special events on hotel property would not only be unfair, but detrimental to all events tied to our number one economy from concerts to even the luaus. I don't even think they know that it impacts them. The impact of the visitor experience will jeopardize the group and set of markets, yet, the, far reaching enough to affect even the small weddings in those areas for the visitors and the kamaaina alike.

CHAIR LEE: Mr. Mamuad, could you please conclude your testimony?

MR. MAMUAD: In conclusion, we need more time to discuss the bill's impact with the stakeholders far outside these walls, and bring a commonsense approach to balancing the environmental concern with the industry, instead of leaving unclear rules on the books left up for interpretation by bureaucrats that have neither the time nor resources to properly enforce a bill this far-reaching. Mahalo, Chair.

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

Yes, Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Mr. Mamuad. Yeah, we've discussed this actual issue many, many times in Committee. We've only seen the visitor industry once I think, come to Committee on this issue. But my question for you is, you currently have lighting right now that is unshielded, the string lighting, that is LED?

MR. MAMUAD: Yeah, all string lightings, when you purchase them from the store or online, come unshielded. You know, you go to Costco it's all unshielded. So, that's a common, common . . .

COUNCILMEMBER KING: Currently, right, that's something that's currently in our ordinance as illegal. And that's why we added the, the statement that, you know, we are, we are allowing all legal lights to three years to comply. But you know, what you're doing, there's several entities right now that are using lighting that is not legal due to our current ordinance. So, I just wanted to ask you about that and whether you plan to change to legal lighting under our current ordinance?

MR. MAMUAD: Yeah, and that's kind of what the, figuring out what class we would fall in between class. So, when you look at string lighting on its own by definition, in the classifications, it doesn't say. It'll be under all others, but between Class II and III. But you call it out in the level of exemption, too. So, there's a little bit of an imbalance of, you know, where the, where does the square fit? Does it fit in the classification hole number 1 of the foundational roll. And then, the exemptions, it kind of carves it out separately outside of the current classification.

COUNCILMEMBER KING: Yeah, I--

MR. MAMUAD: That's what's confusing.

COUNCILMEMBER KING: Right now, LED's have to be shielded under all classifications. So, probably the first thing is to check the current, you know, ordinance that you're operating under. That's all. Thank you, Chair.

CHAIR LEE: Any other questions, Members? If not, thank you, Mr. Mamuad.

MR. MAMUAD: Mahalo.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Lisa Paulson. To be followed by Jeff Bagshaw.

MS. LISA PAULSON, MAUI HOTEL & LODGING ASSOCIATION (testifying on Committee Report No. 22-90):

Aloha Chair Lee and Members of the Council. My name is Lisa Paulson, and I am a paid lobbyist for the Maui Hotel & Lodging Association. We are the legislative arm of the visitor industry for Maui County. We represent over 180 property and allied business members and more than 22,000 workers.

When the Council recommitted Bill 21 on July 15, it was done so additional information and concerns could be gathered from the community. And when the amended version of Bill 21 was presented to the CARE Committee on September 8, it was noted by MHLA in written testimony that hotels' properties conducting special events with temporary lighting were not listed on the exclusion list. We submitted the written testimony requesting that permitted special events with temporary lighting at hotel properties be added to the list Section 20.35.070, number 4.

Now, in the latest version of Bill 21, hotel and transient accommodation properties are specifically listed not to have any exemption for temporary lighting. Many of the special events held outdoors at hotel properties are for fundraising efforts for our local non-profits, such as The 'Aipono Awards, Sentry, and Hawaii Food & Wine. These organizations give part of their proceeds back to the community. Additionally, these special events employ outside companies that rely on these outdoor events to support their families.

MHLA is strongly opposed to this recent amendment and requests that the Council defer any further movement on this bill until the industry is consulted on the loss of income for special event companies, wedding businesses, florists, photographers, and equipment rental companies.

The fact that special events with temporary lighting can occur at various locations outdoors except hotel properties is very punitive. Thank you for the opportunity to testify.

CHAIR LEE: Members, question?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you for being here. You're saying that by including the new verbiage, which was done in Committee, 20.35.070 Exemptions, item number 4. The phrase added on "except for hotels and other transient accommodations", the impact would be far-reaching?

MS. PAULSON: Correct. For example, a private property right next door to a hotel in a sea-level rise exposure area would only have to comply from May through December. So, why the distinction where hotels cannot?

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Other questions, Members? No questions. Thank you.

MS. PAULSON: Thank you very much.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Jeff Bagshaw. To be followed by Jay Penniman.

MR. JEFF BAGSHAW, DIVISION OF FORESTRY AND WILDLIFE (testifying on Committee Report No. 22-90):

Aloha, Maui County Council. Jeff Bagshaw again, here with Division of Forestry and Wildlife. We are in support of Bill 21, CD2, FD1, to limit the blue light content to two percent, to down direct lighting, and ensure that those lights are fully protected, not just to protect seabirds and turtles, but to also protect our freshwater. As you heard me testify before, we have to consider our freshwater security.

And this may seem like a stretch but bear with me for just a moment. Thirty percent of our freshwater, 30 percent on Maui, is generated by native forests without clouds actually forming raindrops. It's when clouds hit the mountain side, condense on native plants which are superior to say eucalyptus or conifers, that's channeled down to our aquifers. And those plants just don't grow on water alone. They need nutrients. Throughout the world, seabirds provide those nutrients.

We are aware that there are burdens and costs. Let's balance both columns. Let's really consider the costs. If you were to take the production of those seabirds out of the chain, and had to replace it with human effort, I estimate that would cost about \$11 million each year on Maui, \$11 million to fertilize 80,000 acres with human effort. The seabirds are doing this for us for free. And that's how this connects to our freshwater. So, even if you're not interested in native plants, birds, seabirds, turtles, you're getting our freshwater this way. We have to balance the cost. Yes, there are burdens. Yes, there are costs. But we've been cheating. We've been cheating and receiving these benefits for a long time.

And if you want to talk about visitor industry benefits, maybe somebody at the Visitor's Bureau could do this better than I. But I would just put out there, look at all the stuffed animals, keychains, caps, posters, stickers, of one of our most iconic animals, sea turtles. People come here depending on an experience with the sea turtle. They expect that. That's again a benefit we're getting from these native ecosystems for free. And that's personal businesses as well.

So, we are benefiting from these resources. We have to pay back. Otherwise, we're going to have to pay back exorbitantly. And I want to emphasize DOFAW has no plans to do aerial spraying or ariel fertilizing, but that's what it would cost to replace these animals. So, please consider the real costs. We can get solid numbers from somebody saying it's going to cost this much dollars to replace a bulb. But we are not balancing both columns if we don't look at the benefits we receive from these ecosystems for free. Thank you.

CHAIR LEE: Questions?

Member Sugimura.

CHAIR LEE: Thank you. Thank you very much, Jeff, for being here. I appreciate your advocacy. So, right now without this law you are seeing a decrease of the benefits that you just described. And is that what you're saying?

MR. BAGSHAW: Yes. And we don't know, we can only guesstimate from previous populations of seabirds. That's why we're trying to protect everyone that we can. You know, if we have a thousand seabirds fall out each year, how many die, that's less.

COUNCILMEMBER SUGIMURA: Thank you.

MR. BAGSHAW: We know that the ecosystem is already impaired. So, we're trying to repair that.

COUNCILMEMBER SUGIMURA: So, you see dead birds? You see dead birds in whatever areas that you may have under your jurisdiction with the State Department of Land and Natural Resources, specifically the study designated Hana side of, or east side of Haleakala?

MR. BAGSHAW: Right.

COUNCILMEMBER SUGIMURA: Do you see it any other place, according to the U.S. Fish and Wildlife Services?

MR. BAGSHAW: We do. Over a thousand seabirds fall out each year. Now that's only the ones we find. I don't have the data on how many of those don't survive. But I should also emphasize we keep getting the question about hotspots and exact areas, and inland versus coastal. These birds and animals are attracted inland, where they tire when lighting. So, yes, this should apply. We should focus on lighting islandwide, not just on the coastal areas. If you, if you're out to sea, say at Molokini and look at the coastline, it's like it's on fire, so.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Members, any more questions? Member Paltin.

COUNCILMEMBER PALTIN: Thanks, Chair. . . . I was recently out on sea and I seen the coastline look like it's on fire. And in regards to what the, the current bill is, I was wondering, it seems like that is not being complied with. And I just was wondering, you know, legislation is just a piece of paper, have you folks had any efforts to get compliance with existing legislation? On Kauai, I heard that Center for Biological Diversity drove around the island to find compliance.

MR. BAGSHAW: Unfortunately, we, we're, if we can't, our agency, Division of Forestry and Wildlife, can't really go and knock on doors and say hey, you need to change your lighting. That's really out of our purview there.

COUNCILMEMBER PALTIN: Oh, to clarify, have you reached out to Center for Biological Diversity, if they would be willing to come over here and do what they did for Kauai over here?

MR. BAGSHAW: That's a great idea. Not to my knowledge, no. So, that kind of effort from partners would be, that's a really great idea.

COUNCILMEMBER PALTIN: Thank you, Chair.

CHAIR LEE: Any more questions? If not, thank you very much, Mr. Bagshaw.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Jay Penniman. To be followed by Kalani Rodrigues.

MR. JAY PENNIMAN (testifying on Committee Report No. 22-90):

Aloha, Chair Lee and Members of the Council. Chalay.

At the time that turned the heat of the earth,
At the time when the heavens turned and changed,
At the time when the light of the sun was subdued
To cause light to break forth,
At the time of the night of Makali'i,

Then began the slime that established the earth,
The source of deepest darkness.
Of the depth of darkness, of the depth of darkness,
Of the depth of the darkness of the sun, in the depth of night,
It is night,
So was night was born.

And of course from the Kumulipo.

Yin and yang elements come in pairs such as the moon and sun, female and male, dark and bright, cold and hot, passive and active, and so on. But note that yin and yang are not static or mutually exclusive terms. While the world is composed of many different, sometimes opposing forces, these can coexist and even complement each other. Sometimes forces opposed in nature even rely on one another to exist. The nature of the yin and yang lies in the interchange and interplay of the two components. The alternation of day and night is just an example.

There cannot be a shadow without light, and that, an interpretation from the Yijing. Photobiology is the study of the role that darkness plays in living organisms and shows that interrupting darkness by light pollution causes drastic effects for most organisms changing their food gathering and feeding habitats habits, their mating and reproduction behavior, and migration behavior, and social behavior. Approximately 30 percent of vertebrates and 60 percent of invertebrates are nocturnal, meaning that they depend on darkness. Their everyday behaviors are biologically evolved to adapt in uninterrupted darkness.

Human health is also adversely affected by the effects of light pollution. Light during nighttime hours has been linked to human cancers and psychological disorders. You have before you today a bill for an ordinance that will limit light pollution from the islands of Maui Nui. May you choose wisely, and recognize that the ecology of the night is something that can be restored if you choose to recognize its importance. Mahalo.

CHAIR LEE: Questions, Members?

Vice-Chair Rawlins-Fernandez, then Member King.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Penniman. Mahalo for your very eloquent testimony today. And concisely one of the things I've been thinking about, I was hoping when this bill came back to Council, that a lot of the conflict would have been resolved in Committee, so that, cause I don't think anyone on the Council denies the ecoservices that seabirds provide and want to protect our native seabirds. Was there no way to find common ground for these opposing forces to co-exist in this

bill? Because we are still getting testimony against some of the components that I was hoping would have been worked out in Committee. Or are those just non-negotiable, is that we, this Council will just have to decide whether we're going to force these things upon those that are testifying against the bill, or was there a way to find some kind of common ground so that it wasn't, it isn't such, it isn't so conflicting?

MR. PENNIMAN: I do not believe that the elements of this bill are as radical as the opposing testimony presents. And I think you have only to look at the island of Hawaii and note that they are operating on a perfectly balanced, and their tourism industry is not hurting. They are doing fundraising events. They are having sports events. People are living normal lives with a bill that is all but identical to what we are asking.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Mr. Penniman. Mahalo, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Actually, mine is sort of in line with the question that was just asked by Vice-Chair Rawlins-Fernandez that, you know, the conflict of, of, of what the hotels are doing. Because, you know, the hotels are mostly along the shoreline was one of the things that the Committee decided not to look at, because we were listening to our experts. So, would you agree that, that, you know, there's, that's probably the area that does the most harm because of their location, and because they're not, those lights are not just temporary lights, they are consistent every night almost as an event.

MR. PENNIMAN: That is correct. And the lack of enforcement has been an ongoing issue and it still is. And we have very limited resources for addressing that. We have addressed it with some hotels. There is actually legal action going on right now, because of light, shoreline lighting from the resort industry. And it's an ongoing problem that needs to be further addressed. And part of our work is to continue to do that. There are areas that we will continue to go to.

The current lighting ordinance is clear about not directing lighting toward the ocean, and yet, there are hotels that carry on luaus with brilliant lights blasting out over the ocean. So, it's just a constant effort that we have to keep up. And having an ordinance like this will bring the County into compliance in street lighting which is a major benefit. There will continue to be the need for enforcement and education for those in the coastline areas.

COUNCILMEMBER KING: And, and Chair, just one follow-up question, because Mr. Penniman has been in all the Committee meetings and the Council meetings when we've discussed this, and discussed what's available. So, the lighting that's available

in your, your participation in our discussions seems to be, and I just wanted your, your understanding of this issue, seems to not be that much more expensive and actually much more efficient. So, it appears that the, the change to this other lighting will actually save on utility bills. I'm not sure why all of this threat of having to close down events is happening? But did they do, did they have to close any events on the Big Island when they came into compliance and they, which they've been doing for ten years?

MR. PENNIMAN: I'm not aware of any impacts such as that on the Big Island. The lighting is available. It continues to become more and more accessible. And worldwide, people are looking at defining the levels of short wavelength content in light in line with what Hawaii Island is doing now. Chile has done it in all of their wildlife sensitive areas. And in fact, even less or more restrictive of short wavelength light than here. And the people I've been in contact with there are aware of even more suppliers of these types of lights than we've identified so far in our looking from Hawaii. So, I do not believe that it will be that big of an economic impact.

COUNCILMEMBER KING: Okay. Thank you so much, Mr. Penniman.

MR. PENNIMAN: You're welcome.

CHAIR LEE: Any more questions?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Penniman. I just had a few quick questions, kind of yes or no ones. I received the data that you sent. Did you receive the analysis that I sent back of the data that you provided?

MR. PENNIMAN: I did not. When did you send that?

COUNCILMEMBER PALTIN: Okay. A little while ago. Have you ever analyzed that data set that you provided us?

MR. PENNIMAN: We have analyzed it in various ways, looking at the numbers in the different areas. And there's a number of different analyses that could be done. We've not published any of that data at this point.

COUNCILMEMBER PALTIN: And then I guess my final question is, given the stringent shielding laws that we have now and me looking at the coastline from Mokulele from my cousin's boat recently in the dark time hours, it seems that there isn't really any compliance with that shielding. And I just was wondering the rationale between, behind

continuing to go with legislation as a route, and then in, when it's currently not being followed?

MR. PENNIMAN: I think that the, the original ordinance had good intention. I think there's further clarification in this ordinance, as . . . bill proposed for an ordinance that would improve upon that. And with this much discussion going on and the expectation that the Department of Public Works will follow the guidelines as set down by the law, if this becomes law, I think the improvements would be vast. And we have a continual issue of trying to make the understanding that shielding does not just mean protecting from light going upward, but it also needs to protect from light going toward the ocean. And this has been clarified within this improved legislation, the update to the outdoor lighting ordinance.

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

CHAIR LEE: Any more questions, Members? If not, thank you very much, Mr. Penniman.

MR. PENNIMAN: Thank you for the time. Aloha.

DEPUTY COUNTY CLERK: The next person signed up to testify is Kalani Rodrigues. To be followed by Junya Nakoa.

MR. KALANI RODRIGUES (testifying on Committee Report No. 22-90):

Aloha Chair Lee and Members of the City Council. Can you hear me?

CHAIR LEE: Yes.

MR. RODRIGUES: Thank you. I'm just a little bit, we work for a private lighting company, we're a small lighting company. I've been doing shows over 30 years. We do a lot of events on the Big Island. This hasn't affected our work at all. The events that we do are so temporary and fleeting when you consider the amount of time and light you're putting up anywhere whether it be on the beach, in the air, compared to tennis courts or stadiums, whether they be high school or professional or whatever. I'm kind of just blown away that, and when we're talking about exemptions for these events, they're temporary, they are so few, they are so frequent. I think Councilmember King hit it on the head, the Big Island has a lot of what this bill, I believe, was meant to be, what it was designed to be.

When you look back at the shore, you keep talking about looking back at the shoreline. You're not looking at these concerts. You're not looking at the minimum amount of

string lights you're talking about. Those, I mean you're talking about big box stores, you're talking about parking lots, you're talking about, I just don't understand how we can say that, and I do support the bill, if it's done correctly.

I'm just, the idea of how these temporary events, if you added up to lumens, the foot candles that are emitted from what we do compared to one stadium, it just blows my mind that we're talking about this. It just, again, I mean if you want to take light meter readings, and I just don't see how, and then we're talking about private events as opposed to nonprofit events. We do Make-A-Wish. We do the Shriners. We've done a lot of non-profit events and the reason we're being able, that we've been able to do these events and contribute to them is because of the private events.

So, a lot of these we donate all of the equipment and our time, and it's balanced. So, we're able to help Make-A-Wish, and the Shriners, that's crippled, and it blows my mind that people think a seabird is going to be able to identify oh, that's a, that's a nonprofit event, so that light's okay. That's a paid event, I'm going to crash. That's bizarre. It's bizarre that we're discussing this.

I've never seen a single dead seabird, and I've been doing this for 30 years, not one. I've run into turtles nesting on the beach in Kauai remotely, but a single seabird, no. Not that I don't think something should be done. I want to protect the seabirds. I believe in that. But I think the way we're looking at this just kind of blows me away. Thank you for your time.

CHAIR LEE: Thank you. Questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Rodrigues. Do you currently use unshielded string lights in your events.

MR. RODRIGUES: We don't have any shielded string lights, and the focus on string lights. A lot of what we do is concert lighting. If you go to a concert or a convention, or to a--

COUNCILMEMBER KING: I'm asking if you currently use unshielded LED lights?

MR. RODRIGUES: Unfortunately, all of the string lights that we own are unshielded. I don't, in this industry, again, I don't know what a shielded string light is, unless it has a cover.

COUNCILMEMBER KING: Yeah, they have covers and, you know, which are not that expensive. But if you are using unshielded LED's, you are actually violating the current law right now. So, maybe you could look at the current ordinance.

MR. RODRIGUES: Is that just on Maui or is that elsewhere? I apologize.

COUNCILMEMBER KING: I'm just talking about the current law on Maui. But, you know, our ordinance for where we're, where we're advancing the current ordinance is following along with the Big Island, which, you know, the hotels over there are bragging about being in compliance with these laws. So, I just, I'm not sure what, but I think, you know, you're not the only one. There's a lot of events right now that are not in compliance. So, that would be the first place to go to look at that.

MR. RODRIGUES: Thank you. We will.

CHAIR LEE: Any more questions, comments?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you for being here. Thank you for testifying. And so, you're saying that if we pass this law, you would have to change your lights? You would have to purchase all new lights to comply, well, your string lights?

MR. RODRIGUES: I don't think it's, doing events on private property are not exempt. So, we couldn't use stage light, we couldn't use any of the lighting fixtures that we use, not just string lights. I mean, when you're talking about the vast array of theatrical lighting fixtures, a lot of them are specialized for the stage and lighting industry. If you go to a concert and you see the ones that move and change color and do all of that fun stuff, that makes a show fun, you wouldn't be able to do that.

And a good example, if you go to the Maui Arts and Cultural Center, they have lighting systems up outside that they use. You know, if you see it change color, the lights all move down to the singer and turn to blue, that's what they do. So, they're all programmed via a lighting console. And it's a fairly complex system. I don't know, I mean, a lot of these lights are adjustable in color temperature, because you have a full spectrum of color. But I don't think any are specifically designed to be compliant with this.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Members, any other questions? If not, thank you very much.

Mr. Clerk, I did receive a request from a Mr. Kyle Caires, did you see that? Members, there is a provision on a, our agenda which says testimony will be taken before each

agenda section unless extenuating circumstances require otherwise subject to the approval by a majority of the Council. So, we have a request before us by Mr. Kyle Caires to provide testimony, because he cannot, this is the only time he can do it. And he is, it's on, let me see, what is it on? Yeah, it is Bill 105, Bill 105. So, Members, I put this out to you.

COUNCILMEMBER PALTIN: If the lawyers are okay, I'm okay.

COUNCILMEMBER SUGIMURA: I'm, yeah, great.

CHAIR LEE: Members, any--

VICE-CHAIR RAWLINS-FERNANDEZ: I'm sorry, I, it's a slippery slope. It's hard to, where do we draw the line? Are we going to get other requests from testifiers saying that they have to go back to work and then we're going to let them jump the line?

CHAIR LEE: Well, it's up to the Members. Okay, so we have one "no". Any others? Any others? Any other "noes"?

If not, Mr. Clerk, could you please call up Mr. Caires?

DEPUTY COUNTY CLERK: Yes, Chair. So, I suppose at this time we'll accept testimony from Mr. Kyle Caires.

MR. KYLE CAIRES, MAUI COUNTY FARM BUREAU [testifying on Bill 105, CD1 (2022)]:

Mahalo, Chair and Councilmembers. I just wanted to provide some brief testimony regarding Bill 105. I appreciate the fact that everyone's been able to submit testimony and have dialogue. I guess representing the Farm Bureau, I, I just wanted to provide sort of a synopsis. The duties that are spilled out, or spelled out for entry into the code, I think everyone looks at those and says wow, this is, this is really good. It's just such an enormity of roles, responsibilities, and duties thereon.

You know, with a new department, we would envision that the administrative burden of trying to report on all of those duties, especially for the first few years, would be very difficult. To me, what's presented for the code seems like a great start for a strategic planning or a strategic visioning aspect for the department. And I believe Farm Bureau and, you know, other allied industry organizations would appreciate the time for grading some of the performance measures and action steps to allow for those duties and responsibilities to be easier achieved and are reported on by the director, the deputy, and their staff. We just don't want to set them up for failure.

And the concern is with such a huge vast array of responsibilities, that may be difficult for, you know, anyone let alone, you know, superman or superwoman to try and, you know, report on effectively, especially during the first few years. And we liked, we recognize the need for collaboration amongst entities at various levels and we recognize the need for developing programs in collaboration with the new department. We want that to be successful.

CHAIR LEE: Alright, thank you. Members, do you have any questions for Mr. Caires? If not, thank you very much. Thank you.

MR. CAIRES: Mahalo.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify back on testimony for committee reports is Junya Nakoa. To be followed by Scott Rollins.

MR. JUNYA NAKOA (testifying on Committee Report No. 22-90):

You can hear me?

CHAIR LEE: Yes, we can.

MR. NAKOA: Okay, I don't know what the heck just when happen, but, cause according to, I don't know, in the beginning I can talk all one time, you know, all the stuff that I when talk about. I never have the opportunity this one, okay. Now, I gotta wait till everyone, and then when I was up, the buggah can cut in front me. That's like elementary school. I going call the principal on you guys. You know, what I mean? It's kind of weird. It's kind of screwed up. But hopefully you guys can figure um out, cause this is very confusing for the people who like testify, yeah? But see now, fricken, I don't know where the heck I stay.

Brah, it is stupid. Okay, what number I was supposed to talk about, dammit. The 22-90.

CHAIR LEE: Committee reports.

MR. NAKOA: 22-90, yeah?

CHAIR LEE: Committee reports.

MR. NAKOA: Yeah, yeah, that's what I mean, stay all over the damn place. Okay.

CHAIR LEE: Okay.

MR. NAKOA: Okay, so 22-90, that's the lighting one, yeah? Okay.

CHAIR LEE: Right.

MR. NAKOA: Yeah, so I will tell you guys, you guys badass. Figure by now, how many fricken meetings had already?

CHAIR LEE: Junya, what did I tell you about your language? We may have children watching this show, okay?

MR. NAKOA: I never say, what the heck?

CHAIR LEE: You want me to repeat it? You said about five in a row. Come on.

MR. NAKOA: Okay, my bad. Okay. Hurry up. Okay, be quiet. Now, my, the lighting one, yeah. Okay, so, you know, how much time you . . . the exemptions and all this kine stuff? I going just give you one short, short, short explanation. When I was working with the film industry, yeah, they had to do all kine changes because of the lighting, cause of this seabirds thing, okay. And they probably not going like what I'm saying, but I don't give a crap, okay. Cause I care about my island, and my resources, and all our native birds and turtles and all that stuff. And that's why I went on that, on that, on that stupid show for make sure they do everything right, yeah?

So just make sure everybody do everything right, because I going tell you right now, the problem is enforcement. Even in the Planning Department, every place else, enforcement, enforcement, enforcement. Okay, because I think plenty of the guys who in the hotel industry, I bet you anything, we can go over there and you going find, we can find violations all over the, all over the place, yeah. But, so these guys, the one that, you know, the guys that protecting our birds, and turtle and all that, brah, look like they going file one suit because of this whole thing about protecting our, our . . .

Look what happening to our island and our resources, gang. You know, like the braddah when say, I don't know, I not that smart. You going say the birds help make the water fresh. We no more fresh water, guys. Hawaiian Homes gotta use R-1 water, you know what I mean? So, if we can find a way to keep more fresh water in our system, let's do it. Yeah, so, yeah, I'm totally all over the place now. You guys better

be ready for me today. Okay. I think, so, that's all I can talk about, right? I no can go all over the place anymore, yeah?

CHAIR LEE: Yes. You can come back.

MR. NAKOA: I know, that's the problem, gotta come back. Okay, goodbye. You guys going deal with me all day, dang it.

CHAIR LEE: Looking forward to it, Junya. Any questions? Any questions, anyone? Thank you. We'll see you later.

DEPUTY COUNTY CLERK: The next person signed up to testify is Scott Rollins. To be followed by Zhantell Lindo.

MR. SCOTT ROLLINS, MAUI COUNTY WASTEWATER RECLAMATION DIVISION
(testifying on Committee Report No. 22-90):

Excuse me. Good morning, Chair Lee, Councilmembers. I'm Scott Rollins, Maui County's Wastewater Reclamation Division Chief, and I want to testify on this Bill 21. We are in support of limiting light pollution and mitigating the effects on the environment and that goes without saying. We plan to comply with the ordinance; however we have not completed a complete review of our facilities to know if it's 100 percent possible or hardship it may cause at this point.

So, again, like I testified in the past, I'd ask you to consider allowing for the exemption of our County wastewater facilities. They are limited in number and an essential public service operating 24 hours a day, seven days a week. As you know, our facilities are large in nature, require perimeter lighting, lighting of walkways, treatment basins, ponds, channels, to monitor our treatment process, safety of our employees and others. And it also provides a security or a deterrent from intruders.

We also require adequate lighting for security cameras which can identify individuals that are causing issues with our treatment plant. Night-time callouts for staff answering alarms or retrieving equipment for emergency repairs requires adequate lighting in order to see surrounding areas, minimize areas where people can hide, and avoid possible hazards.

Retrofitting any lights not in compliance may be somewhat simple, but adding additional lighting to supplement changes may prove quite invasive to our treatment plants and expensive. Also, immediate repainting of a lot of our facilities will also be a major project for us. Short of this, there should at least be a provision that if steps are

taken to comply, but it's not 100 percent possible for some reason, which I don't have those reasons right now, then County facilities or essential activities could be allowed to apply for an exemption. Maybe this is allowed through the Board of Variance and Appeals. If that's so, maybe you can say that so.

Also, I'd ask that you change the effective date to 1/1/2024. That gives the, our Department, our Division enough time to study our facility in order to identify the effective lighting and request the necessary funding to do any changes we need.

Another minor issue I noticed, it's not in the bill, but in Section 20.35.030. It says it'll be administered and enforced by the Department of Public Works and Environmental Management. I think since we split departments, that should just be Department of Public Works. That should be a change in this also. I appreciate your time to testify. And thanks for your consideration.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Rollins, and for your support of the bill. You, have you reached out to the Big Island? Because they've been complying with these requirements for ten years.

MR. ROLLINS: No, we haven't talked with the Big Island.

COUNCILMEMBER KING: Okay. Cause you can probably find information on the, you know, compliant lights actually do exist now. But you also, I'm not sure if you realize this, but the bill goes into effect in the first of January. But then, you have three years to comply. So, basically, you have a little over three and a quarter years to come into compliance.

MR. ROLLINS: Thank you for clarifying that.

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

CHAIR LEE: And I saw Member Johnson's hand up.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. Rollins. Thanks for joining us. I just want to clarify your testimony. You said the lighting you have now is essential for your operations, and then you went down a list of safety issues and security issues. I think that everybody has that, you know? Every facility has safety issues and security issues when it comes to lighting. But was there anything specifically to wastewater treatment plants that need lighting? I'm just asking, because if it's just security and safety, that's, that would be, I think everybody has that. But is there something specific to your operations?

MR. ROLLINS: Thank you for the question.

CHAIR LEE: Mr. Rollins.

MR. ROLLINS: Thank you for the question. No, I believe it's just safety and security at this point. Nothing special about treatment or anything else.

COUNCILMEMBER JOHNSON: Okay. Yeah, cause I understand, you know, we don't want people slipping and falling, you want, you know, well-lit areas of course. But I just wanted to follow-up on that. So, thank you so much, Chair. Thank you.

CHAIR LEE: Any more questions, Members?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Mr. Rollins, for testifying. So, I believe, I guess you have, have you looked for any of these lighting that is being proposed for us to convert or are you going to just wait till the bill gets passed or not?

CHAIR LEE: Mr. Rollins.

MR. ROLLINS: No. We'll be looking at converting our lighting, making sure everything is LED, etc. But we haven't done an extensive study yet to see where that leads us.

COUNCILMEMBER SUGIMURA: And will you need more time to see how we can comply with this before we enact a law and the feasibility of it?

MR. ROLLINS: That's why I was asking for an extra year in order to look at it, so.

COUNCILMEMBER SUGIMURA: Thank you.

MR. ROLLINS: Thank you.

CHAIR LEE: Any more questions, Members? If not, thank you very much, Mr. Rollins.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last person we have signed up to testify on committee reports is Zhantell Lindo. If there's anybody else connected to the meeting who would like to testify on committee reports, please identify yourself now in the meeting chat or with the appropriate staff person. Zhantell Lindo.

MS. ZHANTELL LINDO (testifying on Committee Report No. 22-92):

Mahalo, Council, Council Chair Lee. Thank you for this opportunity. I'm testifying, my name is Zhantell Dudoit, testifying on my own time. My name is Zhantell Lindo, testifying on my own time, for CR 22-92, supporting the adoption of Resolution 22-178, the approving appointment of Rogerene "Kali" Arce as Director of Ag, the Department of Agriculture.

I just wanted to speak on behalf of our community, even though they not here and nobody else testified on this, I think it's a sign that everybody's confident in this choice. And it's not a lack of support, but more just super support that we no need testify on this, because it's a easy decision. So, Kali is awesome, she going benefit our County and I look forward to her becoming the Director of the Department of Ag. Mahalo.

CHAIR LEE: Mahalo. Questions, Members? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Members, do you want to, before we go to the next section, take a lunch break? Or go to, start the next, start the next section? Okay. Mr. Clerk.

COUNCILMEMBER PALTIN: Chair, there's two more testifiers.

CHAIR LEE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Josiah Nishita. To be followed by Jordan Molina.

DEPUTY MANAGING DIRECTOR JOSIAH NISHITA (testifying on Committee Report No. 22-92):

Aloha, Chair Lee, Member, Vice-Chair Rawlins-Fernandez, and Members of the Maui County Council. Thanks for allowing me the opportunity to testify here today in support of Kali Arce as the new Director of the Department of Ag. We have had a chance to, you know, talk with all of you folks previously, so I won't belabor the point. But we stand in strong support and ask for the Members continued support of the new leadership and the Department of Ag. Thank you very much.

CHAIR LEE: Questions, Members? If not, thank you.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Jordan Molina. To be followed by Albert Perez.

DIRECTOR OF PUBLIC WORKS JORDAN MOLINA (testifying on Committee Report No. 22-90):

Thank you, Chair, Members of the Council. My name is Jordan Molina, I'm the Director with Public Works. I'm here testifying on Committee Report 22-90. The Department requests consideration for amending the implementation period for this ordinance.

There's several different dates in this bill, currently. You have one year for the Director of Public Works to establish rules on height restrictions. You have no timeframe for the Director of Public Works to establish a list of light fixtures. You have three years for existing fixtures to get compliant. And then, you have three months for this ordinance to take effect. So, you have all these competing dates in this ordinance.

We would request that if we could just have a consistent implementation time to get prepared to develop those rules, develop those lists that are required under this ordinance, and request a one-year implementation time for this ordinance. And that's all we have to ask for today. Thank you for your consideration.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Director. So, you're asking that, give us a year, or when, what would you like to recommend, because the Department of Public Works is heavily involved in implementation and compliance.

DIRECTOR OF PUBLIC WORKS: So, amending Section 7, so the ordinance would take effect January 1, 2024.

COUNCILMEMBER SUGIMURA: I didn't hear. What did you say? You broke up. 23? 24?

DIRECTOR OF PUBLIC WORKS: Yeah, so to give us an extra year to allow the ordinance to take effect in January of 2024.

COUNCILMEMBER SUGIMURA: And then, you would be able to come up with your rules and be in compliant thereafter, three years?

DIRECTOR OF PUBLIC WORKS: Yeah, I think we'll be on better footing to hit the ground running than in the next three months to get that accomplished.

COUNCILMEMBER SUGIMURA: Point well taken. Thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Sorry, I just had a delivery, so I was in and out. Sorry about that. But thanks for being here, Director Molina. So, you have three years to come into compliance after it goes into effect. And, you know, often we will pass bills that go into effect immediately, but still allow time for the departments to make administrative rules. So, are you saying that you only need a year? You don't need the full three years?

DIRECTOR OF PUBLIC WORKS: Thank you, Chair. So, like I mentioned, there's several different clocks at play in this ordinance. Because the three-year component only applies to changing of existing fixtures, as I understand it. It doesn't apply to new installations, which will be relying on us establishing this list of compliant lighting fixtures. That list, my understanding, needs to be in effect by January 1, 2023, as currently. But then, you go ahead and allow one year for development of the height standards under Section 20.35.060.D. So, in keeping with that one year, we would ask for a year for, before this ordinance to take effect to allow us to get prepared to implement it.

COUNCILMEMBER KING: Okay. But then you're asking, you're basically asking for four years to come into compliance. Cause there's, or are you, are you asking for year to, for it to take effect and then two years to get into compliance?

DIRECTOR OF PUBLIC WORKS: Yes. So, if you wanted to modify that time, that clock for the existing fixtures--

COUNCILMEMBER KING: I'm sorry, you, I lost you there.

DIRECTOR OF PUBLIC WORKS: Sorry. I see a whole bunch of blank screens right now. I'm not sure if the connection--

COUNCILMEMBER KING: Yeah, I'm seeing that too. I didn't know if it was me or them. A lot of poor network screens. I think it might be in the chambers, because I see Vice-Chair, I see Member Molina. All of us who are not in the chambers seem to be talking to each other.

COUNCILMEMBER MOLINA: Yeah, I can't, everything went out too.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:50 A.M., AND WAS RECONVENED AT 11:57 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the September 20, 2022, Council meeting please reconvene.

Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes. Vice-Chair.

COUNCILMEMBER KING: I was in the middle of--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, your video is not on.

CHAIR LEE: My video is not on.

COUNCILMEMBER KING: Yeah, we can't see you.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, there you go.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Okay, yeah, that's good to know because I didn't turn it off. This place is haunted.

Mr. Clerk.

COUNCILMEMBER KING: Can I, can I finish my question, Ms., Chair? I was in the middle of asking Director Molina, if he can come back on. Okay, great.

So, Director Molina, if, it, would it work for you if we change the start date to July 1, which is the beginning of next fiscal year?

DIRECTOR OF PUBLIC WORKS: I mean, any additional time will help ensure we're better prepared. I guess, I just, one quick comment as to why the existing fixtures versus new fixtures get this different clock, because I think both will be faced with a similar challenge of getting . . .

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:59 A.M., AND WAS RECONVENED AT 12:06 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the September 20, 2022 Council meeting please reconvene. We apologize to everyone for all of these interruptions, but we apparently are having network problems, or connectivity problems throughout the whole building, not just on this floor. So, until, we're hoping to take some time off during the lunch period to work on these issues. So, we will take a lunch break from now, 12:07, to 1:10, okay? 1:10, everybody returns. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:07 P.M., AND WAS RECONVENED AT 1:12 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of September 20, 2022, please reconvene.

Mr. Clerk, let's pick up where we left off.

DEPUTY COUNTY CLERK: Chair, continuing with testimony on committee reports. The next person signed up to testify is Albert Perez. To be followed by Jennifer Karaca.

MR. ALBERT PEREZ, MAUI TOMORROW [testifying on Committee Report Nos. 22-90 & 22-93 and Bill Nos. 138 (2022) & 91, CD1 (2022)]:

Aloha, Chair Lee, Members of the Council. Albert Perez, Maui Tomorrow. I had a couple of major items I want to testify on, and then I'll just briefly mention support for some others.

So, the first one is CR 22-90. And that's the seabird lighting bill. I'd like to support that. And I just wanted to share my experience with some of these seabirds that I had heard about, just to kind of give us a picture of what we're talking about. So, my friend Simon Russell and I went hiking into Haleakala, and we came out a little bit too late so it was already getting kind of dark when we were going up the switchbacks.

And there's this seabird called 'ua'u. And as soon as I heard their call, I knew why they were called that, because they sound just like that 'ua'u. So, anyway, we got up the switchbacks and by that time it was really dark. And I just have this memory of them all around us in the bushes, and flying around us, and it was pitch black. And I could see Simon's silhouette against the Milky Way. And the birds, the 'ua'u, they were flying right around his head. So, he could feel the wind from their head, but they could see perfectly. So, I just wanted to share that experience that this what we're talking about, a bird that is so well-adapted to darkness, that it can see perfectly well at night. And

so, that to me describes why it's so important that we shield them from these lights, because they get disoriented. So anyway, support that part of the bill. Support that, that bill.

For the next one, I'd like to testify about Resolution 22-199, and this is the Council's wanting to send something to the Legislature to amend the Sunshine Law. And I actually, I just looked at it, today I looked at the wording of the amendment to the Sunshine Law, and I think that this proposal to amend it is unnecessary. So, the recent sun, shun, sorry, the recent Sunshine Law amendments do not prohibit taking testimony at the beginning of a meeting.

What the bill does say is that testimony shall not be limited to the beginning of the meeting. This means you can offer people a choice of testifying at the beginning, or when the item comes up on the agenda, just like you were doing before. And this is really the best of both worlds, because: 1) it allows people who cannot stay all day to testify early; and 2) it allows other people who do want more information to be able to view a presentation on their agenda item before testifying. And people should have to choose. They shouldn't be allowed to do both. I would like to see the Council going back to that method of taking testimony because the current practice is discouraging public testimony from those who cannot stay all day. So, I believe that this resolution is unnecessary.

Moving onto Bill 138, the tourism management commission. Just very briefly, we strongly support this.

Bill 91, the wetlands, I've testified numerous times about this. Wetlands provide services that we would otherwise have to pay a lot of money to provide. And they protect our reefs, which protects the shoreline.

CHAIR LEE: Mr. Perez, Albert.

MR. PEREZ: Yes?

CHAIR LEE: We're only on committee reports.

MR. PEREZ: Oh, sorry. See, but this, you know, I, I could claim extenuating circumstances cause I have other work to do, but I will, I will wait. So, thank you.

CHAIR LEE: Thank you. Members, any questions for the testifier? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last person we currently have to testify on committee reports is Jennifer Karaca.

MS. JENNIFER KARACA (testifying on Committee Report No. 22-92):

Aloha, Council. Thank you for allowing me to testify. I'm just here to testify in support of Kali. I think she's doing a great job. Her and . . . are going around . . . a lot of people. They're going to do their own strategic plan. I'm hoping that they can include all the groups. But I'm in support of their work so far. And yeah, hope that you guys can support her too. I'll make it quick, cause you're going to see me again in a minute. Bye.

CHAIR LEE: Members, questions? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, I think Councilmember King might have a question.

CHAIR LEE: Oh, I'm sorry. I didn't see that. Member King.

COUNCILMEMBER KING: That's okay. It was a little late. I think in poker, they would accuse me of a string bet. But so, I just wanted to ask you, are you here, Jennifer, still?

CHAIR LEE: Yes.

COUNCILMEMBER KING: There you are. Hi. Thanks for testifying. And I wanted to ask you, you had some proposed amendments to, to the bill that you just spoke about, 105 or no?

MS. KARACA: I didn't testify for Bill 105 yet, just for support of Kali cause Bill 105 is later in the agenda. So, I was just trying to be super quick and support Kali, so that I can testify on that later when . . .

COUNCILMEMBER KING: I'm sorry, I got confused between Albert testifying . . . Sorry. Okay, I'll, I'll--

MS. KARACA: . . . really quick so you guys can get through everything.

COUNCILMEMBER KING: Thank you. Sorry, Chair.

CHAIR LEE: Alright. Anybody else, Members? If not, thank you very much.

Next.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify on committee reports is Cheryl King.

CHAIR LEE: Ms. King.

MS. CHERYL KING (testifying on Committee Report No. 22-90):

Aloha.

CHAIR LEE: Mr. Sinenci?

MS. KING: Can you guys hear me alright?

CHAIR LEE: Yes, we can.

MS. KING: Sorry to come in here so last minute. Appreciate your guys patience on this. My name is Cheryl King, I'm here to testify on the lighting, Committee Report 22-90. . . . perspective as we come together to learn about how lighting impacts our natural environment and the life here on Maui. It's been a long journey, so thanks for sticking with it and it's such an important issue.

As you may have all heard in my previous testimonies, as a marine biologist, I've dedicated my life to saving native wildlife, basically sea turtles, and now in the last five years, seabirds as well. It's a wonderful addition to this amazing island that we have in our natural beauty of the world. I'm a pretty intuitive person, feeling way more comfortable being around these animals than those humans. So, I'll absolutely admit that my perspectives on this lighting issue, this bill is obviously skewed in the animals' favor over the potential difficulties that this bill may cause humans.

But it may sound like, it may sound complicated, but it really doesn't have to be. Passing this bill is a real solution and the simplest thing we can do to make a real difference for future generations, our kids, our animals, everyone involved as a community. And you really need to come together now on this, so you can, . . . doesn't get even worse. I know it's not considered fair to compare human lives to those of animals, but just throwing it out there for somebody to ponder that if it was the case that this many people as wildlife would be confused, injured, tragically killed by lighting on our roads every day, we'd really try to figure out a way to fix it much faster due to

community outrage. And this would not be okay. And it's just a bummer to realize that we're not prioritizing these native wildlife's lives.

So, I really think that everyone wants to do the right thing and wants to save the environment. We just, we just have to figure out the best way to do that. This is a good step. So everyone here, and all them paying attention, they all know the facts. They know that what's real. They know there are affordable and often simple solutions that do exist. And there's no reason to delay it even more, cause it's just going to say that okay we're okay with more wildlife potentially dying in the future. And I know we're not okay with that.

I just, we just want us to really do the right thing on this. We don't want to kick the can down the road. It's just, we've made such good progress and awareness, and it's growing. And I know everyone wants to help these animals. So, we're not getting any younger and Maui County isn't getting any darker. So, we just, you know, the time is now. So, thank you for what you are doing and would love to clarify anything if anyone has questions or anything. But want to make this good for everyone. So, thank you.

CHAIR LEE: Thank you. Members, questions? King, Member King.

COUNCILMEMBER KING: Thank you, Chair. No relation to Cheryl, although wouldn't mind being related to her, she's a pretty cool person. So, Cheryl, thank you again for the webinar you did yesterday on the, the turtles and how they're affected. And I just wonder if you could send that portion of the presentation to the Council for Members who didn't get a chance to see it last night?

MS. KING: We're, and I think it's been recorded by . . . Human Resources Council as well, so more people can see it.

COUNCILMEMBER KING: Yeah, if you could send that recorded version, that would be really helpful. I think we have Mr. Penniman's PowerPoint.

MS. KING: Okay.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Okay, any more questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there are no other individuals signed up to testify on committee reports, so we'll do a last call. If there's anyone else who wishes to testify

on any item in committee reports, please identify yourself now. I repeat, this is our last call.

CHAIR LEE: Somebody trying to log on?

DEPUTY COUNTY CLERK: Is, was, is anybody indicating that they'd like to testify on committee reports? No, Chair, there's no one else indicating that they'd like to testify on a committee report.

CHAIR LEE: Members, any objections to closing public testimony and accepting written testimony for committee reports?

MEMBERS VOICED NO OBJECTION.

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

1. Eric Miyasato;
2. Neldon Mamuad;
3. Lisa Paulson, Maui Hotel & Lodging Association;
4. Jeff Bagshaw;
5. Kyle Caires, Maui County Farm Bureau;
6. Shay Chan Hodges;
7. Brandi Corpuz;
8. Cassandra Abdul, Na Hale O Maui;
9. Barbara Barry;
10. Nicole Davis;
11. John De Fries, Hawaii Tourism Authority;
12. Meagan DeGaia, Maui Visitors Bureau;
13. Lily Diamond;
14. Mary Drayer;
15. Kekoa Enomoto, Pa'upena;
16. Bill Greenleaf;
17. Whitney Herrelson;
18. Wayne Hikiji;
19. Jenna Holladay;
20. Spencer Hyde;
21. Carol Lee Kamekona;
22. Joe Kent, Grassroot Institute of Hawaii;
23. Johann Hall;
24. Kainoa Lei MacDonald;

25. Chase Martin, Maui Nui Resource Council;
26. Pahnelopi McKenzie;
27. Lauren Nelson;
28. Michele Paularena;
29. Michelei Tancayo;
30. Pamela Tumpap, Maui Chamber of Commerce;
31. Cheryl Vasconcellos, Hana Health;
32. Chris Wagaman;
33. Richard J. Wainscoat;
34. Kalani Werner, UPW, and;
35. Earl Yamamoto, Hawaii Department of Agriculture.

CHAIR LEE: So, ordered. So, ordered.

DEPUTY COUNTY CLERK: Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 22-90 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT
COMMITTEE:

Recommending that Bill 21, CD2, FD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING WILDLIFE FROM OUTDOOR LIGHTING AND PRESERVING DARK SKIES," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-90.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Johnson, to approve the recommendations in Committee Report 22-90.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. Your Climate Action, Resilience, and Environment Committee met on August 31, 2022, and reconvened on September 8, 2022, to discuss Bill 21, CD1, FD1 (2022), to regulate outdoor lighting fixtures and protect native Hawaiian seabirds from, and, and native Hawaiian turtles from becoming disoriented by artificial light.

After hearing from the community, experts, and Administration, your Committee agreed to amend Bill 21, CD1, FD1. The most impactful amendments being, one, exempted most residential uses, expanded the exemption for sporting event and special events, and broaden the exemption for police, fire, and other emergency services.

Your Committee supported legislation protecting wildlife, native Hawaiian cultural practices, and astronomical, astronomical research from the destructive impacts of light pollution.

Your Committee voted 6-0 to recommend passage of Bill 21, CD2, FD1 (2022), on first reading.

Last night, Maui Nui Marine Resource Council held a webinar for, it was actually attended by folks across the State. And we, we, they again reiterated the science that we've been talking about through many, many Committee meetings and even Council meetings on what happens when seabirds or, native seabirds and our native honu get disoriented by our lighting. So, I want to thank them for that. And that was also part of the information that's been disseminated through our utility bill by Hawaii Electric Company.

So, with that, I know we've had discussion over and over and over again. And if, if there are questions about compliant lighting fixtures that are available, we have that information to share with Members, too. We've just recently had Honolulu Beachside Lighting contact us with some information. They're very excited because all of their lighting is compliant with our proposed bill and the ordinance on the Big Island. And they're excited to share their data with us as well. So, with that, I will respectfully ask for the Members support of your Committee's recommendation, and thank everyone for their participation in this discussion of the bill over the last few months. Thank you, Chair.

I also have one amendment I'd like to propose. Chair, is this a good time to do that?

CHAIR LEE: Yeah, well, any more discussion on this? Okay, now would be a good time for your amendment.

COUNCILMEMBER KING: Okay. Thank you, Chair. I don't have an ASF, because it just kind of came up in discussion today.

BUT I WOULD LIKE TO PROPOSE TO AMEND THE BILL TO
CHANGE THE IMPLEMENTATION DATE TO JULY 1, 2023,
FROM JANUARY 1.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Sinenci to move the, is it the effective date to July 1, 2023.

Discussion? Member King.

COUNCILMEMBER KING: Thank you, Chair. And this will, as you, you know, this was, this postponement was a request made by Director Molina. It will give the Administration and possibly the next Administration a chance to create the administrative rules and the compliant list. The compliant list of lighting that exists is not going to be that difficult, because there are existing lists we can pull from. But writing the administrative rules seems to be the issue that they have. So, I would hope that everybody can support this amendment.

CHAIR LEE: Any more discussion? Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Just kind of FYI, I can only see myself on my, my computer screen. And if I look up, I can see everybody there. It's kind of weird. I don't know if it's making any difference. But anyway, I'm going to speak against the motion. Director Molina, when he was here before us today, he asked that it be to January 2024 for the effective date.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Wait, one second. Member Sugimura, are you done?

COUNCILMEMBER SUGIMURA: I'm done. Trying to get it fixed, computer fixed.

CHAIR LEE: Okay. Member King.

COUNCILMEMBER KING: Thank you, Chair. You know, when we talked about that when he was here, we talked about also changing the compliance time to two years. And so, as a compromise, rather than changing the compliance time to two years, I'd like to see the, the effective date be the beginning of the next fiscal year, and then keep, keeping the three-year compliance date. So, that effectively gives over three-and-a-half years for anyone to become compliant.

CHAIR LEE: Alright, any more discussion? Member Sinenci.

COUNCILMEMBER SINENCI: Chair, this is on the amendment? I can wait till the final vote. Thank you, Chair.

CHAIR LEE: What was that? Oh, alright. Yeah, this is on the amendment. Any more discussion on the amendment? If not, let's take a roll call, Mr. Clerk, on the amendment.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

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

NOES: COUNCILMEMBER SUGIMURA.

COUNTY CLERK: Chair, there are eight "ayes", one "no"; motion carries.

CHAIR LEE: Now, the main motion as amended.

Discussion? Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, for my opportunity. I'd like to support this bill as amended. And I wanted to mahalo Councilmember King for bringing this up and for, you know, listening to both the scientists, as well as our County Departments, making those exemptions and accommodations so that everybody has enough time to go ahead and make the necessary changes. This is not easy. I think we've seen in past legislation, including our plastics bill and our pesticides bill, it's, with new legislation like this, it takes time for people to get used to it. But I think as people get more acclimated to it, I think overall, it comes out everyone's happy, and then we can rest assure that our ecosystem is saved. So, mahalo for this. Thank you.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I have an amendment, Chair. Okay.

CHAIR LEE: Alright, what is your amendment?

COUNCILMEMBER SUGIMURA: So, I have it written, and how do I, can I ask Clerks to help me transmit it to everybody?

CHAIR LEE: Is it that long? Can't you just--

COUNCILMEMBER SUGIMURA: I can read it.

CHAIR LEE: Yeah, read it.

COUNCILMEMBER SUGIMURA: But, Lauren, can you help me transmit it to everybody? Thank you.

MOVE TO AMEND SECTION 20.35.070.A, BY ADDING THE FOLLOWING SUBSECTIONS:

7. TEMPORARY OUTDOOR LIGHTING USED FOR CONCERTS, THEATRICAL PERFORMANCES, OR FILMING, PROVIDED THE LIGHTS ARE USED ONLY WHILE THE FACILITIES OR AMENITIES ARE IN USE;
8. UNSHIELDED STRING LIGHTING WITH NO MORE THAN 200 LUMENS PER FOOT PROVIDED THAT THE LIGHTING IS TURNED OFF BETWEEN 11:00 P.M. AND 6:00 A.M.; AND
9. TEMPORARY LIGHTING LOW WATTAGE LIGHTS FOR PUBLIC FESTIVALS, CULTURAL ACTIVITIES, CELEBRATIONS, AND SEASONAL OR HOLIDAY OBSERVANCES, PROVIDED THAT SUCH LIGHTS ARE USED FOR NO MORE THAN THIRTY DAYS IN A CALENDAR YEAR.

That is my motion. I need a second.

COUNCILMEMBER KAMA:

I'LL SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Member Kama, with this motion. Any further discussion?

COUNCILMEMBER SUGIMURA: Yeah, thank you.

CHAIR LEE: You want discussion?

COUNCILMEMBER SUGIMURA: Yeah. So, basically, this was in response to Neldon and his testimony that he sent in between that meeting and, I mean, the CARE meeting and today. And I worked on this with Corp. Counsel just to get the language and to amend this to add to those exemptions, these, these three items. And just to make it clear. Yeah, so, that's it.

CHAIR LEE: Alright, any more discussion, Members?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I speak against this motion. And actually, what this motion does is it weakens our existing law from our current ordinance by allowing people who are breaking the law to now to be in compliance with the law. And what we really want them to do is get into compliance, so that they're, they're obeying the existing law and, and, you know, look towards what we're, the future protections that we're trying to put in. So, I would not want to see us go backwards by amending the law to just accommodate everybody at the most convenience to them. What we're trying to do is environmental protection. I don't believe that the, I believe that the exemptions that we have in there are, are far enough. And if we, if we go further into exempting, we're going to actually eliminate the intent of this ordinance. So, I, I will not be supporting the amendment. Thank you.

CHAIR LEE: Anyone else?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. It sounded like Member Sugimura was reading something. Would it be possible for her to put it in the chat? It was kind of long.

CHAIR LEE: Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, we emailed out the ASF as well.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Deputy Clerk. Okay, I'll check it out.

COUNCILMEMBER SUGIMURA: Thank you. Did everybody get it?

CHAIR LEE: Well, she's reading it right now.

COUNCILMEMBER SUGIMURA: Oh, okay.

CHAIR LEE: So, she probably read it. I'm ready for the, Mr. Clerk, roll call on the amendment.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote on the amendment.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NO.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: NO.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: NO.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: NO.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: NO.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: YES.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: NO.

AYES: COUNCILMEMBERS KAMA, SUGIMURA, AND
VICE-CHAIR RAWLINS-FERNANDEZ.

NOES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, AND CHAIR LEE.

COUNTY CLERK: Chair, there are three "ayes", six "noes"; motion fails.

CHAIR LEE: Alright, back to the main motion, Members.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the main motion as amended is on the floor.

CHAIR LEE: Roll call. Do you have more discussion?

COUNCILMEMBER SUGIMURA: I want to speak to it.

CHAIR LEE: Alright. Ms. Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Yeah, thank you, everybody for this effort to save the wildlife and I guess turtles and birds through this ordinance. Thank you, Kelly King, for your hard work.

That I just want to say that first of all, I want to speak to Mr. Miyasato, who has been testifying, and he is a Baldwin High School graduate, born and raised on Maui. He has a love for our island. And I know that in testimony, some people were thinking that he didn't belong to speak out. And I just want to thank him for being an electrical engineer and spending his time, which is his free time, trying to help Maui County, and a place that he grew up. So I just wanted to speak in his behalf on that and appreciate people who care enough to spend their personal time, cause it is his personal time, for our community.

I do want to say that I'm concerned, and I will tell you this, that being out in the community, just be careful, Members, because the community is saying, if we have to pay for these light fixtures, and we cannot afford it, I hope the County is going to help us pay for it. And these are not big businesses that are making this comment, but

people I see in the shopping, you know, going shopping and just talking-story with people. It's a good thing to save the wildlife, and the turtles, and you know, everything else that we care about for the future. And I just want to say that please care about the people who cannot afford to make this change and to find the fixtures.

And I guess you all know that Mr. Adams, who testified early on, who has not testified recently, but his company is the one that primarily has provided the lighting for the Big Island, which we're modeling this bill after. And over time, different businesses will see that there is money to be made and then provide the fixtures. But I hope that we do not get sued by companies who look at us as being non-compliant.

I wish that we would have listened to Director of Public Works and Scott Rollins from Environmental Management asking that they need to do their work in order to find the fixtures that we have, or make, I guess, do an inventory, and figuring out what is this going to cost, so that we, the taxpayers, will be able to see what this kind of law is going to cost us. And it's not only going to be big business, but it's going to affect all of the taxpayers. So, with that, I'm going to be voting against this amendment, of this, I'm sorry, this bill. Thank you.

CHAIR LEE: Any more discussion?

Member King.

COUNCILMEMBER KING: Thank you, Chair. It's a false narrative that this is going to cost a lot of money. Now with three-and-a-half years to come into compliance, I mean, most people's lights are going to burn out in that time, and you have to replace light bulbs anyway. But the, the bottom line is these lights are compliant. The compliant lights exist now. There are lists in Florida, there are lists on the Big Island, there are local companies like Beachside Lighting in Honolulu that provide 100 percent compliant list, or lights, and are willing to do so now. It's not just one company in Hawaii, or one person in Hawaii that supplies these lights. There, the, the list of compliant lights will grow over the next years as well. This is how we affect change.

When we affected change by eliminating plastic bags, the, the stores actually made money. They're making money now because they can sell their own reusable bags and they don't have to provide plastic bags for the general populous.

So, I watched the push-back, the same kind of push-back and the fearmongering when we did the Styrofoam ban. And there was a big public relations move to, you know, it was called "Save our Plate Lunch". Well, the plate lunch is, was not about the plate, the Styrofoam box, it was about the food. And now we're getting our plate lunches in compostable containers, which respects the environment, it doesn't cost that much

more. And the more, the more businesses that get on-board, the cheaper the supply becomes because they're able to buy in bigger bulk. So, this is the same thing.

We've seen the video of folks in Florida, who have switched over, and actually saved money on their utility bill because these lights are more energy efficient. There's less greenhouse gas emissions and they're actually lasting longer, so they're saving more money, in the hundreds of dollars that we've seen. So, I think there's a, there's a fear out there, and there's folks, who don't want to come into compliance with even the existing law that are trying to kind of backpedal. But if we're going to move ahead with respect for the aina and respect for our ecosystems, we've got to figure out a way to exist, to co-exist and to not put our commercial needs first.

We've been looking at this with other ordinances and certainly the moratorium bill. You know, we had the hotels come out en masse, asking for a compromise. We did not do that, because we wanted to put our, our local people and the environment first. And that's what this bill does. It, you know, we're not going to be able to give all the hotels everything they want. In fact, Member Sugimura was the one who proposed the amendment that exempted the hotels. And it's just recognition that it shouldn't be that difficult for the hotels that are making mega dollars, I mean, we all seen what the rates are these days, to come into compliance. And they'll probably actually save money on their bills.

I don't foresee any activities being stopped or eliminated because of this bill. I think it'll just encourage over the next three-and-a-half years for folks to come into compliance to help save our environment, help save our wildlife. And generally, the people that have started coming into compliance with some of our other laws like the plastic bag, like the Styrofoam ban, like the sunscreen chemical ban, which goes into effect next month, there's already stores that have come into compliance. All of the, the tourist boat companies that I know of are already eliminating those chemicals. And so, I'm really impressed with this community and how fast we do get onboard, once we see the environmental benefits. And I think this is going to be another tool in our, in our arsenal of protections for the environment.

So, I hope, I hope we can pass this bill out today, and move on, and protect our wildlife, protect the cultural practices that happen in the dark sky, protect our whatever astronomical research we're doing. And I would love to see, I mean, we've heard the benefits of the dark skies and the people who are actually writing about dark skies Upcountry. You know, let's get some of that down country, too. And let's save the wildlife while we're at it, alright. Thank you.

CHAIR LEE: Member King, you're lucky I have a slow watch.

COUNCILMEMBER KING: Oh, was I, was I--

CHAIR LEE: Anymore discussion? Yeah, slightly over time. Members?

Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. How's your watch working now? Is it on? Okay. Alright. I'm going to vote in favor of the motion, because as Member King said, I, I want to put our natural environment ahead of our economic drivers that rely on our environment. And that I want to protect our seabirds, especially those that are going endangered, and our sea turtles.

Okay, so I watched the CARE meeting and one of the things that struck me, and it's concerning right now for me, is something that Corporation Counsel brought up. And there's some Deputy Corporation Counsels that I trust more than others, and Mr. Whittaker is one of em that I trust a lot. And he brought up the concern that some of what this policy is grounded in, the data does not support that direction. It's not substantiated strong enough to withstand litigation. And that's concerning to me, because I want this to happen. I want us to protect the seabirds, the turtles, and to have darker skies. And we won't be able to achieve that if this law is overturned by a court, and is, an injunction is granted by a judge.

And so, I, in Committee, when Mr. Whittaker brought that up, the Chair at the time, Member King, said that this is a policy decision. And he responded that yes, it is a policy decision. But in order for us to build a strong enough case so that when we're sued, and it sounds like we might be, that we will prevail. And it's really important that we prevail in court, so that our policies aren't overturned by the court. So, that's my concern today. This is first reading. It needs to go through second reading. I am going to support it on first reading.

I was hoping, as I stated earlier, that a lot of the concerns that were brought up when this came to Council the last time would have been addressed. And it's unfortunate that it, it hasn't all been addressed. I know that Member King worked hard to address a lot of them, and I really appreciate that. But it sounds like there's still some concerns that are unresolved, one of which is the one that I just stated that Mr. Whittaker brought up. So, mahalo, Member King, for your work on this.

Oh, the last thing I'll, I wanted to bring up is, Member Sugimura, and I'm sure I'm getting close to two minutes, if not it's already been two minutes, brought up the cost thing. And so perhaps as we're moving into budget, if, you know, I, I would support investing in, more into protecting our seabirds by, you know, providing, if it becomes a cost issue, some kind of a grant program to, you know, support our residents that cannot afford, you know, this type of compliance. Yeah, I think that's everything. Mahalo, Chair.

CHAIR LEE: Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: And Chair, you're doing the, you can only speak twice for each motion, right, each Member?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo.

COUNCILMEMBER PALTIN: This is my first time. I held it in. I somewhat a little bit disagree. That was the concern at the first bill, and when we got to second reading, it's true from what I hear that blue light and seabirds data isn't conclusive. I spoke to some folks on Kauai, they said the only thing that they know in regards of seabirds is that they don't know yet. However, blue light disrupts the circadian rhythms of many things in the environment. It's not good for astronomy and it's not good for turtles. And it contributes a lot to light pollution.

And I think that, you know, the main thing is that possibly, we as humans, think that it's better if it's brighter. But when you look at the sky at night and you can't see the stars, it's not following the way of nature, which is something that we really gotten away from and that's why we do think of ourselves as separate from nature.

And you know, we can't fix it all in one go. We have exemptions for sports. We have exemptions for cultural activities. But it's, it's a first step, and it's educational that bigger is not always better, brighter is not always better. And just to appreciate nature's way. And so, I will be speaking, voting in support of the motion today. And with the knowledge that it's, it's not just about seabirds, and that less light is better. We only need the amount of light that we need. And to appreciate the brilliance of the stars, because you know, we try to imitate nature, but we can never be better. Thank you.

CHAIR LEE: Any more comments? Questions? Mr. Clerk, roll call.

COUNCILMEMBER MOLINA: Chair?

CHAIR LEE: I'm sorry.

COUNCILMEMBER MOLINA: I think Member Johnson and myself wanted to speak to the motion.

CHAIR LEE: I'm sorry, I didn't see that.

Member Johnson and then Member Molina, or is it the other way around?

COUNCILMEMBER MOLINA: I yield to Member Johnson.

COUNCILMEMBER JOHNSON: Okay. Alright. Thank you. Thank you, Councilmember. I rise in full support of this motion. The work we did in Committee, it got a lot of press, because it does affect, you know, everyone. And I think we, some part of discussion is not really focusing on the idea that it's light pollution. Light pollution, right? So, we, we would be remiss if we didn't come up with rules and legislation to address a type of pollution, right? And I think that's what this, in this body . . . I support it.

You know, I have many years working in conservation on, with Pulama Lanai on Lanai, and that was exactly what we were doing was protecting the 'ua'u and 'ua'u kani. And I know what one of the testifiers was speaking of in the idea of if you ever hear these birds at night, how beautiful they are.

I mean, there's so many reasons and a lot of the testifiers went through it about how it helps our water system, increase 30 percent of the water, a thousand birds downed a year in, through our lighting systems. We have to do something, and I think it's kind of a slap in the face to the folks like MISC who hike the mountains and work their tail off, the folks who work in conservation, the green collar jobs. If we're not doing our end, then, and we ask them to go hike straight up a mountain and try to protect these birds, then I don't think we're doing good enough. So, that's what I wanted to say. I rise in full support. Thank you, Chair.

CHAIR LEE: Thank you.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I'll be supporting this bill at first reading. And certainly, the debate on data is something worthy to consider of. But by the same token, I thank Member King for being very patient with this. I think the bill was sent back and revisions were made, but certainly not to the satisfaction of all. But it is what it is. And sometimes change can be difficult for a lot of people, and it's

understandable. But we have to find that right balance between protecting that nature as well as the concerns of residents and businesses. So, I say let it happen.

And of course, there's a delayed implementation date on the bill. If there are real problems down the road, assuming this passes of course, future Council can make whatever necessary revisions it has to, if as to go as far as even repealing this bill. That's something for a future Council to decide. But this Council, or a majority of the Members, the way I see it, feel that let's go ahead and address these concerns.

And, you know, as Maui is growing, we need to also pay attention to environmental concerns. After all, this is what makes our place special for those of us who grew up here. You know, we remember a much more innocent Maui, with a heck of a lot less lights, and traffic, and everything else. So, we have to, while we grow, we have to do what we need to do to protect the essence of a former community that many of us experienced, a much more innocent, less, I guess, urbanized community, if you will.

So, I will be supporting it. And thank everyone involved. And certainly, appreciate everyone's input on this, because there's been really good valid arguments both for and against this initiative from Member King. So, but anyway, we'll see what happens. But I will support this at first reading today. Thank you, Madam Chair.

CHAIR LEE: Anyone else? I see no hands.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote on the main motion as amended.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES, WITH RESERVATIONS.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

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

NOES: COUNCILMEMBER SUGIMURA.

COUNTY CLERK: Chair, there are eight "ayes", one "no"; motion carries.

CHAIR LEE: Next item.

COUNCILMEMBER KING: Mahalo.

COMMITTEE REPORT

NO. 22-91 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Resolution 22-196, entitled "APPROVING FOR INCLUSION IN THE 2023 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", be FILED; and
2. That Resolution 22-201, entitled "APPROVING FOR INCLUSION IN THE 2023 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", be FILED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 22-91.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by, moved by Member Molina, seconded by Member Sugimura, to approve the recommendations in Committee Reports 22-91.

Discussion? Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your Government Relations, Ethics, and Transparency Committee met on August 30 and 31, 2022, to discuss the proposed resolutions to approve for inclusion in their respective legislative packages, a proposed State bill, related to the Residential Landlord-Tenant Code.

Your Committee heard from and agreed with the numerous testifiers who called for the protection of hard-working families who are affected by the shortage of housing inventory and outpriced by the ever-increasing cost of homeownership and rent.

Your Committee further agreed that addressing these issues is of the utmost importance and pointed out the negative impact on Maui County's workforce as families must relocate due to the lack of attainable housing.

Your Committee voted 7-0 to recommend the filing of Resolutions 22-196 and 22-201. I ask for the Members full support. Thank you.

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

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

NOES: NONE.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 22-92 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending that Resolution 22-178, entitled "APPROVING THE
APPOINTMENT OF ROGERENE 'KALI' ARCE AS THE DIRECTOR OF
AGRICULTURE", be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 22-92.

COUNCILMEMBER KAMA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Moved by Councilmember Molina, seconded by Pro Tem Kama, to approve the recommendation in Committee Report 22-92.

Discussion? Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your Government Relations, Ethics, and Transparency Committee met on August 30 and 31, of 2022, to discuss Resolution 22-178 to approve the appointment of Rogerene "Kali" Arce as the Director of Agriculture, and the interview of the appointee.

During this process, Ms. Arce noted the task she has of building a new County department from the ground up, and said her goal is to provide balance and unbiased support to all farms throughout Maui County.

Additionally, since being appointed by the Mayor as the Acting Director of Agriculture, Ms. Arce has already met with agricultural groups in each district to receive input on the types of support they need.

And after the interview and considering her impressive resume and the voluminous oral and written testimony received in support of her appointment, your Committee was satisfied that Ms. Arce met the qualifications for the director, serving as Director of Agriculture, and expressed their gratitude to her for taking on this task.

And thus, your Committee voted 9-0 to recommend adoption of Resolution 22-178, approving her nomination as Director of Agriculture. Thank you, Madam Chair.

CHAIR LEE: Thank you. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I speak in strong support of confirming Acting Director Kali Arce. I know its, people have been calling her Kali, it's Kali, as our first Department of Ag Director.

In Committee, we heard testifier after testifier describe challenges Ms. Arce was faced with and then described how she brilliantly rose to the occasion to transform a problem into an opportunity. And that is something I would hope for every one of our County leaders, that they would see the opportunity in every problem and be the creative visionaries our community deserves.

One quality that our community highlighted that truly stands out is that Ms. Arce possesses, that Ms. Arce possesses is that she is someone that is one of us, the community. Someone that is passionate about this work, is accessible to all members

of our community, is relatable, is someone that our community members see themselves in and are confident that she will lift all of our community as she has done in the past. From keiki to kupuna, native plant nursery advocates, land trust members, homesteaders, ranchers, farmers of all kinds, community members have rallied around her pledging their commitment to see her and the Department flourish.

I want to again thank the selection committee for choosing someone so qualified, and so grounded as a kanaka. It is such a privilege to sit on the Council that gets to approve the first Molokai resident as a Department Director. I look forward to watching her nurture the growth of this Department from the aina up. Mahalo, Chair.

CHAIR LEE: Alright. Anyone else?

Member Johnson, and then Member Paltin.

COUNCILMEMBER JOHNSON: Thank you, Chair. I also rise in full support of this decision to make Acting Director Arce a Director. And I, I know Councilmember Rawlins-Fernandez said a lot of things I wanted to say, so I can just say ditto. But from one farmer to another, I'm humbled and happy that she, we will be working together in any capacity that we can.

I, I had a few meetings with Acting Director Arce in regards to agriculture parks, and she shares that passion that I share. So, we're going to hopefully get some stuff going, and ready to hit the ground running when she's fully confirmed. Mahalo, Chair.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I also speak in support of Ms. Arce. And she has a huge task ahead of her and I feel that she's up to it.

I also wanted to give a shout-out to the Administration for the process that they followed in selecting her, all the selection committee members, and kind of you know, the transparency of it that they shared with us during the confirmation committee hearing. It was refreshing and more of that please. Thank you.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I think I want to say ditto, ditto, ditto, starting from Keani. But good job, Gabe and Tamara.

I just want to say that you know she's a rising star, because one morning I turned on Hawaii News Now and there she was being interviewed as our new and first County

Department of Ag Director. And after I spoke, I said Kali, you make ice cream? She had made ice cream, right? Talk about value-added. So she said she learned to make ice cream from her mother-in-law's sour sap tree, and so she would do that with her kids. I didn't even know she has kids; she looks so young. And she actually brought back for, brought that to the TV show for the Hawaii News Now newscasters. So, they were commenting on her ingenious creative way of, you know, using agriculture products.

I would also like to tell you that it would not be a meeting if I didn't try to get her to take over the axis deer task force. And she was very clear, she said that is a job that her Department, Department of Ag, will not take over. But she stands by me in terms of legislation and different projects that I had put on our to-do list from the task force that came from the task force of doing composting. And so, there are parts of this, which we already have in motion, that she did say that she will work with us. So, I value her, she is a breath of fresh air. She has a big job ahead of her, and I totally support her as the first Director for the Department of Agriculture. Thank you.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I, too, will uphold my vote in support of Ms. Arce from Committee. And I wanted to mahalo the hiring team for bringing forth such a qualified applicant for the first-ever County Department of Agriculture.

I am also appreciative of her going out into the districts, including the Hana districts, and also putting out her survey and beginning her strategic plans. So, looking forward to some great things moving forward. Thank you, Chair.

CHAIR LEE: Thank you. Anybody else? If not, all those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 22-93 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 22-199, CD1, entitled "APPROVING FOR INCLUSION IN THE 2023 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO PUBLIC TESTIMONY AT OPEN MEETINGS", be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 22-93.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Johnson, to approve the committee, the recommendations in Committee Report 22-93.

Discussion? Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your Government Relations, Ethics, and Transparency Committee met on August 30 and 31, of 2022, to discuss Resolution 22-199, to approve for inclusion in the 2023 Maui County Council Legislative Package a proposed State bill related to public testimony at open meetings.

Madam Chair, you know, Act 264, which was enacted on July 2022, the State Sunshine Law that amends and creates this requirement that testimony be taken either immediately prior to discussion of each item or prior to each category or set of agenda items, rather than allowing for all testimony to be taken at the beginning of a public meeting.

To mildly say, it's created some public confusion, places unfair restrictions on public bodies in the conduct of its meetings, and poses challenges to meet legal deadlines.

The proposed State bill would address these issues by removing the requirement that the presentation of testimony not be limited to the beginning of a boards' agenda or meeting.

Your Committee expressed its gratitude to the citizens of Maui County for their dedications and enthusiasm in participating in meetings of the Council and noted the proposed State bill would help to streamline the testimony process and allow for more predictability and clarification for testifiers.

And your Committee also noted streamlining the testimony process would reduce the time it takes for the Council to hear from its constituents, therefore, saving taxpayer dollars.

And your Committee agreed to amend the proposed State bill attached to Resolution 22-199 by exempting legislative bodies of each county from the requirement to receive oral testimonies at any point other than the beginning of agenda or meetings. Your Committee voted 6-2 to recommend adoption of Resolution 22-199, CD1. Thank you.

CHAIR LEE: Any more discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I'm going to need a roll call vote. I'll be upholding my vote from Committee. Thank you. For the same reasons.

CHAIR LEE: Okay. Any more discussion?

If not, roll call, Mr. Clerk.

DEPUTY COUNTY CLERK: Proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: NO.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: YES.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: NO.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: COUNCILMEMBER PALTIN AND VICE-CHAIR
RAWLINS-FERNANDEZ.

COUNTY CLERK: Chair, there are seven "ayes", two "noes"; motion carries.

CHAIR LEE: Thank you.

Next item.

COMMITTEE REPORT

NO. 22-94 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Resolution 22-195, CD1, entitled "APPROVING FOR INCLUSION IN THE 2023 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO REMOVE THE MINIMUM AGE REQUIREMENT FOR POLICE OFFICER RETIREMENT", be ADOPTED; and
2. That Resolution 22-200, CD1, entitled "APPROVING FOR INCLUSION IN THE 2023 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL TO REMOVE THE MINIMUM AGE REQUIREMENT FOR POLICE OFFICER RETIREMENT", be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 22-94.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Member Molina, seconded by Pro Tem Kama, to approve the recommendation in Committee Report 22-94.

Discussion? Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GREAT Committee met on August 30 and 31, of 2022, and discussed the proposed resolutions to approve for inclusion in the respective legislative packages a proposed State bill to provide an incentive to recruit and retain Police Officers by removing the minimum-age requirement for Police Officer retirement of 55 years for Police Officers to retire but maintains the requirement for 25 years of service.

Your Committee notes the proposed legislation seeks to address concerns expressed by the Maui County Police Officers by improving the Department of Police's ability to recruit and retain officers, while also addressing the cost impacts to the State of Hawaii's Employees' Retirement System resulting from excessive overtime due to staff shortages.

Your Committee noted that Police Officers often feel overworked and as a result, feel they are being placed in unsafe working conditions.

And that a number of Police Officers have relocated and sought employment in states where there is no minimum age requirement for retirement or that offer more competitive retirement benefits.

The Assistant Chief at the meeting noted Police Officers and their families face increased stress and must often make personal sacrifices including missing out on important life events. He said, removing the minimum-age requirement would help to attract potential applicants who are worried about those risks and allow for more years in post-retirement.

The Director of Personnel Services expressed support of the proposal, but said that Sections 88-99 of the HRS prohibits the increase or enhancements of retirement benefits for public employees until the ERS is fully funded.

Director also noted that in 2012, the Hawaii State Legislature enacted a number of amendments that impacted retirement benefits for all public employees in response to unfunded liabilities in the ERS. ERS is 53 to 54 percent funded at this point, which is still a \$14 billion shortfall.

So, in order to address the concerns raised by the Director, the First Deputy Corporation Counsel advised amending Resolutions 22-195 and 22-200, by noting corresponding changes to HRS Section 88-99, which the Committee agreed to.

And after all of that, Madam Chair, your Committee voted 7-0 to recommend adoption of Resolution 22-195, CD1 and Resolution 22-200, CD1. I ask for the Members full support of this motion. Thank you, Madam Chair.

CHAIR LEE: You're welcome.

Discussion? Member Paltin, and then Member Sugimura.

COUNCILMEMBER PALTIN: Thank you, Chair. This bill was created in discussion with some of the police officers. It was a request by them. And you know, in speaking with them,

I did mention that it is kind of a long shot, and that we, the County Council, doesn't pass State legislation. And they still wanted it to be moved forward. So, I'm happy to accommodate.

I think that, you know, the rest of the emergency services that had this firefighters, lifeguards, you know, when they come along, plenty people are happy to see them and like them. And not all the time are people happy to see police until they really need them.

And right now, we have such a shortage that it's a hardship. And we're losing our recruits to other jurisdictions that offer this type of benefits specifically. So, you know, if they want us to put it forward, I think it's the least that we can do if we cannot pass it, put it forward and let them take it from here. Thank you.

CHAIR LEE: Thank you.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I support this. But I just wanted to, I was hoping I'd go after Mr. Molina presented because I wanted to say, boy we going miss you. You did a good job presenting the item and mouthful that you put in a very interesting way. So, thank you very much, Member Molina. That's all.

CHAIR LEE: Any other comments?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I support this motion, this, both of these recommendations. And I think it's, especially at the HSAC level, I think it's very important to, when we can get all the counties, and I'm assuming we're going to be able to get all of the counties onboard, that we focus on the issue of recruitment and how many vacancies we have. And that we have to, you know, we're, we're asking the Police Department to, to find new creative ways to get recruitment to happen, to fill all those vacancies.

And this is one thing that we can do, the support of this statewide legislation. So, I not only will support this, and will support it at HSAC, but I'm also hoping that Members of the Council, who will, who will survive me, and Mr. Molina next year will come out in force and testify in favor of this bill. Because I think it makes a difference, hearing from the counties about the need for recruitment is a big deal for the State Legislature. Thank you, Mr. Molina. And thank you, Chair.

CHAIR LEE: Thank you. Anyone else?

Member Molina.

COUNCILMEMBER MOLINA: Yeah, Madam Chair, I want to get in a thank you. I believe it was Member Paltin that introduced this, so I want to make sure I give credit where credit is due. So, thank you, Member Paltin, for this.

CHAIR LEE: I was just thinking that, but you're such a classy person, I knew you would say that. Any other comments, Members?

Mr. Clerk. I suppose we could take a voice vote. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 22-95 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending the following:

1. That Resolution 22-197, entitled "APPROVING FOR INCLUSION IN THE 2023 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE", be ADOPTED; and
2. That Resolution 22-202, entitled "APPROVING FOR INCLUSION IN THE 2023 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE", be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 22-95.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member King, to approve the recommendations in Committee Report 22-96 *[sic]*.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GREAT Committee met on August 30 and 31, 2022, to discuss the proposed resolutions to approve for inclusion in the respective legislative packages a proposed State bill to preserve administrative resources by ensuring that only qualified contractors and subcontractors are awarded capital improvement projects based on past experience, quality craftwork, efficient operation, and safety.

Your Committee notes the proposed State bills were modeled after legislation proposed by the Indiana, Illinois, Iowa Foundation for Fair Contracting and drafted in response to concerns posed by skilled laborers who felt cheated out of fair wages but failed to bring the issue up with their employers out of fear for their job security.

Now, your Committee agreed with testifiers who called for transparency in government spending by ensuring procurement laws are followed. They stressed the importance of requiring specific qualifications for contractors and subcontractors and that this information be disclosed and made available for public inspection for increased accountability.

Your Committee received testimony which noted that since the mid-1990s, your organization's compliance team filed many complaints with public agencies against "low road" contractors who cheated their employees out of proper wages, vacation pay, medical and health benefits, and retirement pay.

Testimony added that by establishing, excuse me, verifiable standards and objective criteria, the legislation would ensure public agencies employ "high road" contractors

who adhere to high ethical standards, ensure training for their employees, and follow Hawaii's laws for procurement, wage standards, and safety.

And with all that, your Committee voted 7-0 to recommend adoption of Resolution 22-197 and 22-202. I'd like to thank Member Paltin for this consideration, as well as we had Mr. Dwight Burns as a resource to provide assistance to the Committee. Thank you, Madam Chair.

CHAIR LEE: Thank you. Discussion, Members?

Member Paltin, yeah. Can you raise your hand? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. This, you know, I did get some feedback that this doesn't go quite far enough, but it has worked in the triple I states. And you know, it's a really simple thing, and it puts the onus on the contractors, and it lets them know that we're, we're kind of paying attention.

And the part I especially liked about it was the transparency aspect. And so, you know, it's just one step forward to try and make the industry more accountable. And so, you know, I think the bad actors will come out against it, but it's something that we need. Thank you.

CHAIR LEE: Any more discussion?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I support the motion. And I think just to build on what Member Paltin said that this also puts the onus on our departments to make sure that the contractors are in compliance. And with what we've seen over the past couple of years with some of the, you know, statewide, the, the different departments and the different councils, and some of the charges that have been brought up against public officials even, the more transparency we can bring, the more responsibility and accountability we can bring to procurement processes, I think the better. And if not now, when is what I say. I think this would be an opportune time for the State Legislature to pass a very meaningful piece of legislation. So, thank you, Member Paltin. And thank you, Member Molina. And thank you, Chair.

CHAIR LEE: And thank you, Member King. Anybody else? If not, roll call, oh, probably not. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, you have before you Committee Report 22 . . .
Resolution--

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes?

COUNCILMEMBER KING: The Clerk is breaking up like every few seconds. I'm only
catching bits of his sentences.

CHAIR LEE: Okay, same with you, Member Molina? Same with you, Vice-Chair Rawlins-
Fernandez?

DEPUTY COUNTY CLERK: It could be my mic. I'll switch to a different mic.

CHAIR LEE: Okay, let's try that.

COMMITTEE REPORT

NO. 22-96 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY
COMMITTEE:

Recommending the following:

1. That Resolution 22-198, entitled "APPROVING FOR INCLUSION IN THE
2023 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE
PACKAGE A STATE BILL RELATING TO THE MINIMUM WAGE", be
ADOPTED; and
2. That Resolution 22-203, entitled "APPROVING FOR INCLUSION IN THE
2023 MAUI COUNTY COUNCIL LEGISLATIVE PACKAGE A STATE BILL
RELATING TO THE MINIMUM WAGE", be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 22-96.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Johnson, to approve the recommendations in Committee Report 22-96.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Last one for me from now, Members. Your GREAT Committee met on August 30 and 31, of 2022, to discuss the proposed resolutions to approve for inclusion in the respective legislative packages a proposed State bill to ensure counties may appropriately respond to local economic conditions by authorizing counties to establish a County minimum wage by ordinance.

Your Committee notes that many residents work multiple jobs to earn enough money to live in Maui County and should instead be able to make livable wages from one job.

The proposed State bill would be enabling legislation to allow counties to exercise home rule by setting the minimum wage for their respective county at a rate higher than that established by Section 387-2 of the HRS.

A Deputy Corporation Counsel said the proposed legislation would not affect the wages of civil service employees because those wages are affected at the State level through collective bargaining.

And the Director of Personnel Services added that legislation on the county level would not allow for unilateral action for civil service employees because bargaining with County employee representatives for each bargaining unit would be required.

Your Committee voted 5-3 to recommend adoption Resolutions 22-198 and 22-203. I'd like to thank Member Johnson for this consideration. Thank you, Madam Chair.

CHAIR LEE: Thank you, Mr. Molina. Any further discussion?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. If I could just add, I want to thank Councilmember Molina for allowing this to be discussed in his Committee. This proposal for State legislation is to empower counties in Hawaii to set the minimum wages that are higher than the State and Federal minimum.

This proposed legislation is about home rule and acknowledges counties are best suited to respond to economic conditions in their own communities by setting a minimum wage that meets the needs of the working people and local businesses.

According to the State Department of Business, Economic Development, and Tourism, the self-sufficient wage for single adult varies between counties by more than 30 percent. County government is the closest level of government to the people, and I understand the concerns of small local businesses regarding the raises of the minimum wage. But let me be clear, this bill would not raise the minimum wage, but it will allow for a debate in Maui County, rather than at the State Capitol in Honolulu.

There are many other districts that, that do this, Cook County, Illinois; San Jose and West Hollywood in California. Many states across the nation allow municipalities to set the local, set local minimum wages. And I look forward to seeing this legislation through the State Legislature. I then will look forward to a robust and genuine discussion with local workers and businesses during the next Council term about how as we as Maui County can move forward in a way that improves our economy and quality of life. Mahalo, Chair.

CHAIR LEE: Any more discussion?

Member King.

COUNCILMEMBER KING: Yes, Chair, thank you. I'm going to support this legislation, this proposed legislation. I think it's going to be a hard sell at the State Legislature, but I think most of us who are employers understand that we can't, I, I mean, I don't even understand why anybody would, how anybody could even use the propo, the upcoming minimum wage is supposed to be going into effect because you can't get employees these days at that rate. You're going to have to, you're going to have to pay more. It's a very competitive market out there for employees.

So, you know, if this bill has a chance of passing, I think it's on that alone. But I think it's going to take a lot, I just wanted to say I'm going to support it, but it's going to take a lot of lobbying at the State Legislature. So, I hope the folks who support this at the County level can come forward and, and you know, be active at the State Legislature this year. Thank you.

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

COUNCILMEMBER SINENCI: Aye.

VICE-CHAIR RAWLINS-FERNANDEZ: Aye.

COUNCILMEMBER MOLINA: Aye.

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

COUNCILMEMBER KING: I think Member Sugimura . . .

CHAIR LEE: Okay. Roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

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

NOES: COUNCILMEMBER SUGIMURA.

COUNTY CLERK: Chair, there are eight "ayes", one "no"; motion carries.

CHAIR LEE: Resolutions. Testimony.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with testimony on resolutions. The first person we have signed up to testify on resolutions is Keisa Liu. To be followed by Lisa Seikai Darcy.

MS. KEISA LIU (testifying on Resolution No. 22-216):

Oh, my god. I've been waiting five hours to testify on my first agenda item. I was the first person in this meeting. This is like painful for the public to take time out of their day to participate in this democracy and it's absolutely . . . But I'm going to move on and actually do my testimony.

Aloha. My name is Keisa Liu and I'm here to testify on Resolution 22-216. This resolution exists because of the failure to follow the intent of Bill 108 and the process

that was clearly spelled out. Someone decided to do what they wanted to do instead of the right thing to do and let me explain. Councilmember King put a budget proposal for a safe sleeping lot for South Maui as a pilot project to work with Lisa Darcy from Share your Mana to develop language. I was in one of those meetings.

Intent was discussed in the April 28 BFED meeting, which you were all in attendance. But let me remind you what was said by reading from page 21 of those minutes.

"MS. YOSHIMURA: So if another organization...let's say Women Helping Women. If they wanted to apply for the grant, then they would have to work with Share Your Mana is what you are saying?

COUNCILMEMBER KING: Correct.

MS. YOSHIMURA: I will ask Kristina Toshikiyo to assist with that language."

Language was finalized in that meeting and put into the Operating Budget. On page 9 of the Operating Budget, under Human Concerns Program, (4)(v) Homeless Programs, it states, "Up to \$200,000 must be used to establish a safe zone or sleeping space for the houseless. Grantee must consult with Share Your Mana prior to grant application".

The Mayor then puts out a press release on September 8, stating that, "The Maui County Council and the Mayor's Office worked together to identify the J. Walter Cameron Center in Wailuku as the County's preferred site." And goes on to say, "According to Mayor Victorino, the pilot program could begin as soon as October, following finalization of contract details. With this bill's passage, the pilot program is allocated to receive up to \$200,000 in the FY 2023 Budget."

Now, I have some questions. What loophole was used to ignore the intent of the bill in a process that was to be followed? Now you're going to tell us which Councilmembers worked with the Mayor to identify the Cameron Center and pushed for approval before consulting with Share Your Mana, or am I going to have to do that research, too?

And lastly, when are we going to face the truth we all know? Someone did not want to give Lisa Darcy an ounce of power when it came to homeless services, because if they did, it would delegitimize the time and effort they put in to villainize and ostracize her within the homeless services community. She spent years as a passionate advocate for our houseless residents with little resources while being gaslighted by leadership. Giving her a real platform to expose the dispassionate, complicit, and lazy behavior of the houseless advocacy leadership including the County and its partners would make

someone feel bad and hurt their ego, through their ego. Do the right thing. Mahalo for your time and consideration.

CHAIR LEE: Members, any questions? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Lisa Seikai Darcy. To be followed by Jordan Hocker.

MS. LISA SEIKAI DARCY, SHARE YOUR MANA (testifying on Resolution No. 22-216):

Good afternoon, everyone. My name is Lisa Darcy, and I'm the founder of Share Your Mana and a commissioner on Healing Solutions for Homelessness. As a singular commission awarded a three-year term, Share Your Mana has been at the forefront in recognizing the immense obstacles upon Maui County to tackle the unhoused complexities of needs.

I'm a little overwhelmed from the previous testifier, trying to concentrate. I'm not a paid lobbyist. I'm still hoping and waiting. I'm here to testify on the passage of Resolution 22-216. I'm testifying on a series of events, as I have been privy, recognizing I have continued exclusion, so I may not have the complete picture. Leaders take the necessary path and work within a community. Politicians take an easy path and make unilateral decisions and exclude community. Leaders build trust. Politicians build a power base.

Resolution 22-216 identifies, clearly identifies Mayor Victorino and the Director of, Tshako, that they have taken this political path. Councilmember King and members of Share Your Mana, and the previous testifier, Keisa Liu, worked together this past Spring to carefully design a budget item on page 9 of Maui County Fiscal 2023 Budget, to be implemented through the lived experience of many of those in inhabitable conditions, both mentally and physically. It passed through the Budget with the Mayor signed. Recently, we carefully amended the enabling legislation to make this feasible for a very small pilot project, very small, and we're waiting patiently for Director Tshako to release the RFP so agencies could apply for the grant.

Leadership was at work through all of this process. A unanimous vote from all Councilmembers kept this moving. However, unbeknownst to Councilmember King and Share Your Mana, other Councilmembers and the Department of Housing and Human Concerns had other designs. They met privately, intentionally not including Share Your Mana and thus deviating from the design process. On September 8, the

Mayor publicly usurped the process in a surprise press conference, which eliminated the budgetary requirements. He and Director Tsuhako tethered themselves in full support, which is a 180-degree change from previous testimony.

Let me be clear, by not allowing the grant to go through the expected application process and to be awarded, and instead to have a backroom discussion and remove all the measures which guaranteed community participation is unethical and I believe it's illegal. On page 44 of budget, Section 21 states, "Penalties. Whoever intentionally or knowingly violates this ordinance may, upon conviction, be fined not more than \$1,000 or imprisoned for *[sic]* more than 30 days, or both."

I'm hoping this is not where we are at today. It is so painful to be able to have to bring this testimony forward. And thank you to the previous testifier with, when you exclude the voice and all the voices in Share Your Mana, you're excluding your community. Mahalo. And may these shenanigans cease.

CHAIR LEE: Members, Questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Darcy. Mahalo for your testimony today and for waiting for so long to testify, you and the previous testifier. And I hope we can improve this process of testifying, so that it doesn't have to continue this way.

My question for you is did you meet with the Cameron Center folks and the Administration prior to the announcement of that parking lot being selected for the pilot program?

MS. DARCY: No. I received a call from Chair Lee directly after the press conference, asking to meet at the Cameron Center the following day. That's the only information Share Your Mana had received. Actually, I'm sorry, it wasn't a call, it was actually a text.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. So, you met with them after . . .

MS. DARCY: After the, after the press conference, the next day.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay, so you met with them. Okay. Mahalo, Ms. Darcy. Mahalo, Chair.

MS. DARCY: And for clarification, it was not a meeting to discuss the process. It was, I don't know the, the intent of the meeting was to introduce me to Cesar, but I've known him for a decade. So that didn't make sense.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification, Ms. Darcy. I was going to ask a follow up question, but I didn't want to . . . Mahalo, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. And thank you for being here, Lisa. And so, that meeting was after the fact. And would you, do you consider that a consultation?

MS. DARCY: Thank you for asking, because I was very clear that this was not a consultation, and that this, because as I still have on my books a meeting with the Parks Director to talk about locations. And I have been asked to be a part of that for next week. And so, I am still and I re-emailed the Parks and everybody and said what's going on? Is, is this a done deal? Because it was intended to be in a park, where you would have the bathrooms and you would have the shade and all that, and just a little privacy. And so, there was no, no, no, no. And I'm, no, it was not a consultation.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair. I am assuming and Member King can correct me if I'm wrong, that the intention is to try to pass this on the floor today. And if it is, should we just request Ms. Darcy as a resource person, so that when the item comes up, we can ask follow up questions instead of during public testimony?

COUNCILMEMBER KING: No objections. That's, that's a great suggestion, Vice-Chair.

CHAIR LEE: I do have a--

VICE-CHAIR RAWLINS-FERNANDEZ: If Ms. Darcy is available.

MS. DARCY: Thank you. I shall . . .

CHAIR LEE: Before we do that, I do want to mention to you, Ms. Darcy, that the way the meeting came about was Cesar contacted you, then he contacted me, then you contacted me to ask if Member King should come along? And I have that documented, so thank you.

MS. DARCY: Just to let you know that--

CHAIR LEE: Any objections to having Ms. Darcy be a resource person when the item comes up?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Thank you. So, ordered. So, we'll call you in a little while, when this item comes up, okay?

MS. DARCY: Mahalo.

CHAIR LEE: Thanks. Next testifier.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Jordan Hocker. To be followed by Mike Moran.

MS. JORDAN HOCKER (testifying on Resolution No. 22-216):

Aloha, Councilmembers. It's been nice to spend this day with you today. So, I am testifying in support of the resolution. My name is Jordan Hocker. I've worked in homeless advocacy and the two previous testifiers really outlined the situation really well. So, I'm just going to speak to something that I've seen in my work, and why I think that the consultation process with Share Your Mana should not be skipped. And it is a little suspect that this specific entity was left out of the loop.

So, in regards to the Mayor's Administration and the Department of Housing and Human Concerns, I have witnessed a large amount of bias towards our unsheltered community members, a large amount of bias. I believe that this bias affects how willing the Administration is to work with boots on the ground, people who provide support. The reality is that Share Your Mana has a perspective that the Administration does not, that the Department of Housing and Human Concerns does not.

And it's this insight that is deeply lacking. It's this insight that got the County involved in this lack of insight that got the County involved in litigation for basic human rights violations around people's material possessions back in the sweep. I mean, the Department of Housing and Human Concerns has a compassionate relocation model, which is a sweep model, okay? And the Mayor is quoted within the housing meeting as saying you can lead a jackass to water, but you can't make him drink, okay.

So, that form of bias doesn't get people the help that they need. And I know for a fact that the people that this parking lot is supposed to be functionally providing a safe space for are working-class homeless, and that Lisa Darcy has probably walked people through the process of having to show up after being cited for sleeping in their car. If you do not know what that perspective is like, if you haven't lived it, if you haven't walked directly alongside people to try to make sure that their rights are protected, then you don't know. And the Mayor's Administration and the Department of Housing and Human Concerns don't know. That's not their perspective. They're not one step away from being in that situation.

And so, I find it deeply troubling that Share Your Mana, who put forward the idea, for something that we need in the community to serve our community members being left out of this process. I mean, it's one thing to not like what somebody has to say because they are telling the truth. It's completely another thing to usurp something that they put time and energy in that is based in their community experience, to try and help people who do not fit the narrative of general bias against our unsheltered community members. People who are living in their cars are going to work. They're not drug addicts, they're not lazy, and they don't deserve to be cited. And so, as a pilot project that came about as Share Your Mana's work, I'm going to urge this Council to relieve, uphold this resolution today. Thank you for your time.

CHAIR LEE: Thank you. Any questions, Members? Okay, if not, thank you.

Shall we go on to the next testifier?

DEPUTY COUNTY CLERK: The next person signed up to testify is Mike Moran. To be followed by Scott Crawford.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION (testifying on Resolution Nos. 22-216 and 22-222):

Aloha, once again, Chair and Council members.

CHAIR LEE: Aloha.

MR. MORAN: I'm Mike Moran for KCA, and we're on 22-216 and 22-222. On 22-216, trying to step carefully so that we do follow the laws, and what this is approaching. With the history, this concept was first mentioned to KCA perhaps five years ago when our South Maui rep brought up this issue. And while, you know, all districts, I think all districts have some issue with the homeless/houseless people.

In South Maui, we have no shelter. So, it's a little bit more pronounced, well where are these people going to go? Where in South Maui? And this concept was offered, well this will give them a place, a better place, as we have testified on this before. None of us are advocating this is a solution. It's a temporary stopgap to allow working families, often, maybe singles, but also families, who do the normal family things. The parents work, the kids go to school, they can't make rent, so they're out on the street. Can we at least allow them a safe place to sleep in their cars?

We certainly don't have the intimate knowledge that the prior testifiers said. But when we saw what the Mayor said that this . . . nothing in South Maui. Anyway, it even made it difficult, or couldn't we testify on the issue, so we just present that historical perspective. That is all we can contribute to this issue. But we do support the concept, so we do support the measure today.

And then, moving on to 222, which is a strong South Maui issue and doesn't seem to be much communitywide, we're still having this roaring community discussions. I was challenged by someone yesterday, just last week, why did you guys wait ten years to do this? It's like, we didn't wait ten years. We've been trying to do everything since the condition was, and why didn't you go to the Governor? We did. Why didn't you go to, we went to everyone we could. And we appreciate the Council stepping up, even though there's not much you can do to force a State agency to do something. But you do what you can by trying to do this, and we certainly appreciate it. Of course, we don't see much support from the State agencies. We do from State Legislature members, but they too can only do so much. So, we are in support of you attempting this resolution as something that we can, we can support. So, thank you for the opportunity to testify.

CHAIR LEE: Thank you. Any questions, Members? If not, thank you very much, Mr. Moran.

DEPUTY COUNTY CLERK: The next person signed up to testify is Scott Crawford. To be followed by Tweetie Lind.

MR. SCOTT CRAWFORD, KĪPAHULU 'OHANA, INC. (testifying on Resolution No. 22-219):

Aloha, Madam Chair and Members of the Council. Good afternoon. I'm here to, on behalf of Kīpahulu Ohana today, testify in support of Resolution 22-219, for open space funding for the acquisition of a parcel in Kipahulu known as 'Opelu Point. These are funds that have already, were already approved in the budget. And we're really thankful for the Mayor's Office and Council's support for this item.

And at this time, we're just coming back for the, basically approving the resolution to release the funds and, you know, encumber and approve the grant, and also approve the County to be able to . . . that will go on the parcel. Because of the, the sensitive timing of this, we have been informed by the sellers', the sellers' agent that they have a backup offer in place that would go into effect if we aren't able to close. And so we would like to ask today for you to pass the resolution on the floor without, and waive Committee referral.

And we're, we've been working very closely with the, with the Mayor's Office and Corporation Counsel, as well as Hawaii Land Trust to get all the paperwork in order. The, the, you know, the grant contract, as well as the conservation easement, the baseline documentation, all of that is in process, and we're really thankful for their support for this. And we're just closing in on the, the final, you know, couple few weeks to sort of put everything together.

So, I'm happy to take any questions, and also to be available as a resource person when you get to this item if you'd like me to. But with that, I'll express my thanks for your, again, for your support for the Kīpahulu Ohana to be able to become stewards of this very special property.

CHAIR LEE: Thank you. Questions?

Member Sugimura, then Member Sinenci.

COUNCILMEMBER SUGIMURA: Thank you. So, Mr. Crawford, you mentioned that there's a deadline, or is time sensitive. Can you share what the deadline is?

MR. CRAWFORD: Closing date of the purchase contract is October 15. And we have been told by the sellers' agent that we could possibly get a short extension beyond that, but that's really the date, the target date that we're looking at. But we do feel confident that we can make that date with all the work that's been done up to this point to get all the paperwork in order.

COUNCILMEMBER SUGIMURA: I'm sorry, you said October 15th? Is that correct?

MR. CRAWFORD: That's correct.

COUNCILMEMBER SUGIMURA: Thank you.

MR. CRAWFORD: Thank you.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Due to the time-sensitivity of this item, can we ask Mr. Crawford to stay on as a resource, if Members have questions for him?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Do you want to save your questions for him at that time, then?

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Alright. May we have the next testifier?

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Tweetie Lind. To be followed by Maya Marquez.

MS. TWEETIE LIND (testifying on Resolution No. 22-219):

Hi everybody. I see you've been working hard by listening, and discussion, and I can see all that hard work. I too, have been waiting here till 9, at least at 9:00. And I embrace all what you've been doing. I am very much in support of the open space money to come to the Kīpahulu Ohana. This is a dream come true. This is a dream that has been long time focused on and part of the last, one of the last things my husband Jackie-Boy has wanted to be, where the Ohana would be embracing this land.

That particular land we do not want it to be a gentleman estate, but to be owned by the Kīpahulu Ohana, is basically a Native Hawaiian corporation. We live in this community, we eat from this community, we harvest from this community. Those that want to come in have not that kind of lifestyle, or love for the people, the aina, and all things that goes with it. We are very fortunate enough where we were even, where I came across this open space money that was going to be awarded for this kind of project.

So, I encourage the Maui County to please move forward into moving this. We do not want to give someone else the chance to even buying this land and changing the mind of the owner. We have been working close with them through the steps, and I'm just fortunate enough where I am able to speak to you, and to encourage you to please, please, let it be in our hands, and let the Kīpahulu Ohana finally have ownership to land. All the lands that we have are all leased lands or agreement lands. So, finally, with this land, we are able to fulfill part of our vision, which is to fishing, growing limu, providing some kind of housing, growing vegetables, planting trees, all those things

that will be, which we have always been doing. Like I say now, it's going to be . . . Kīpahulu Ohana in with the Trust and the County. We will all comply. I heard you keep saying words like that, to comply. And that is what we have always tried to do.

I thank you very much, and you folks all have a wonderful afternoon. And I hope . . . cause I was . . . Thank you, Tasha. Thank you, Palin [sic]. Thank you, Shane. Thank you, Rawlins. Thank you, Molina. And thank you, Kelly King and Sugimura, and most of all, Alice. Thank you old timers. Mahalo. And Gabe Johnson, keep Lanai, too, like how we, the people want it to be. We have a lot of friends all over and they all maybe might not come out to support fully like how I've been. But thank you. I know they are behind us in spirit. Thank you so much. A hui hou. Any questions, please refer to Scott. Thank you.

CHAIR LEE: Okay. We got that order. Alright. All my classmates at St. Anthony are bossy. Classmate, yeah.

Alright. Next testifier.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Maya Marquez. To be followed by Zhantell Lindo. Maya Marquez, it is your time to testify.

MS. LIU: Councilmembers, she's currently still driving, so it might be better if we put her towards the end.

DEPUTY COUNTY CLERK: Then we'll move on to the next testifier, which will be Zhantell Lindo. To be followed by Junya Nakoa.

MS. ZHANTELL LINDO (testifying on Resolution No. 22-216):

Mahalo, Councilmembers, again. My name is Zhantell Lindo. I am testifying on my own time and my own behalf. I also want to acknowledge that I am the new Chair of the homeless, Healing Solutions for Homelessness, but I am not a representation of the organization, and testifying on my own behalf concerning resolution for the reso regarding safe zone sleeping project.

First off, I just want to say that, whoa, plenty accusations, and plenty of passion going on. And I learned long time ago from my tutus that passion is good unless it's unrestrained and not focused on solutions. And so, I just want to put that out there cause, whoa, my heart was racing too and then, I had to kind of restrain myself back to one positive place.

So, this kind of took me by surprise, only because we've heard talk about a site selection for this, but was real casual. We weren't consulted as a commission, which I think we would have or should have been too. But that wasn't the most important thing for me. I think I was excited at first because in the magnitude of what's going on with homelessness, a proactive approach to at least address something was a good idea to me. I personally felt like, you know, just the speed and execution of being able to find a site that was a compatible and suitable may not have been the best idea, but sometimes from not so great ideas, we get to work on them till they become the best idea and solution.

So, first, I going follow my own rule, and I not going maha'oi in other people's ahupua'a, okay, cause that's my history. I no like nobody maha'oi in my Molokai and tell me what is best for me. So, I not going do that to Maui people. I just going stick to the resolution itself so that I can be the expert in my own kuleana where I have.

First of all, as I read the resolution in the second "WHEREAS", there are two things that concern me. It specifically says that "the appropriation includes the following condition: that the Grantee must consult Share Your Mana". First of all, from what I understand, the Mayor did not confirm that Cameron Center people were a grantee. So, that verbiage tells me that consultation can still happen without the project being hindered. I'm not sure if this resolution is to stop so that you can reselect the site, but I hope it's not cause then I would not support this resolution.

I think we need to move forward on something. The Commission has been criticized in doing nothing for last 18 months. And junk kind stuff going on about us. And part of it is that we always stuck in talk. But you get people like Gabe Johnson and Tamara and other people who are really proactive in the areas that they are, and we responders, we act out, even if we going get bashed and stuff. But we try something, and when we no work, we try again. But we no just sit down talking. Sorry. Okay. I just going finish up. It doesn't define "consult" or what that means.

And then, I also want to just address that if I could have, I don't support this resolution. I want us to work it out. I love Lisa Darcy. But I believe that if any ordinance or resolution concerning homelessness is going to be specified for consultation, it should be to the Commission that you guys approved, and that the Mayor approves. And that it should not be just to one organization, because the Commission is composed of all combination and collaborations of organizations that can have good input and insight, including me. Mahalo.

CHAIR LEE: Questions, Members?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify, was that that you liked what we were doing or you didn't like what we were doing?

MS. LINDO: I like what you guys do when you're proactive. I don't want this resolution if it means that we not taking a step to try to do something. And I don't want this to, without, with due respect, I don't want this, and I not saying, pointing anybody out in particular, but this cannot be one political initiative. This gotta be one healing solution, and keep all that out of there and be unafraid to make one move even if we going be junk. It's one pilot project, that's what it's about. Right, so, yeah.

COUNCILMEMBER PALTIN: Would it be okay to request Ms. Lindo as a resource as well?

CHAIR LEE: Members?

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Ms. Lindo, are you going to be available?

MS. LINDO: All day.

CHAIR LEE: All day. Oh, okay. Alright. Thank you.

May we have our next testifier?

COUNCILMEMBER KING: I had a question for her, Chair.

CHAIR LEE: Well, she's going to be our resource person. Could you wait until then?

COUNCILMEMBER KING: Okay. I just wanted to find out what background she had with the, with the item, so. I can ask.

CHAIR LEE: Isn't she the Chair of the Homeless Commission?

COUNCILMEMBER KING: It's like she said, she didn't have anything to do with this item, so.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh.

CHAIR LEE: Okay, but apparently, the majority feels that, you know, they would like her for, to be a resource.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Junya Nakoa. To be followed by Francine Aarona.

MR. JUNYA NAKOA (testifying on Resolution Nos. 22-216, 22-219 and 22-220):

Yo. Still stay here. Yeah, I tell you guys right now, this, this system is screwed up. Screw everybody up, yeah. Yeah, seriously. But since I going, now that we talking about what, resolutions? I going talk about the kine then, the one that they just when talk about, the Share Your Mana kine. You know how everybody else scared for be political, I not scared. Yeah, I running for office, but I no scared. Yeah, this is typical political actions, yeah. Somebody taking credit for somebody else's hard work, like the two ladies that when talk in the very beginning, their hard work. That's how, that's nuff already, I no need get fully into it. But that's bottom line. I just speaking the truth.

And then the next one, 22-219. Yeah, I going support the Kipahulu. Same thing like I told you guys the last times, about us guys here in Kahana, we take care our own place. So, same thing like them. So, go support those buggahs.

Now, this is where the confusion starts, where I got confused. Cause on top the agenda, you get two 22-220. And so, I just when put that and send um. So, I was going talk about both of em. I no care if I get scoldings. Communications 22-220, the one about the SMA money, that \$400,000 something going to the SMA people.

Yeah, the da kine, the Planning Director when have somebody go sign the SMA permit. And then, she said the reason why she did um, because no more enough money for, no more enough people inside that Department, yeah. So, maybe you guys should put that \$400,000 something to that, to that, to that to hiring some more people, so they can get the right people signing the permit. Not, not somebody else. The Planning Director, yeah, sign the SMA permits, not somebody else. You guys going look um.

And then, now, okay, going back to 22-220 Communication, yeah I support you guys. We already when, you know, the sunscreen stuff yeah. But yeah, no put that buggah on the beaches, so you know, especially in Kaanapali. You know what I mean? Cause over there stay all getting buss up but, by the disrespect that we getting from tourism. So, you know what, go over there, go put that buggah over there.

Yeah, okay, brah, I pau. I see you guys later on, three more times. Okay, cause this system kind of jam up. I think, I think we gotta go, like Albert Perez said, go back to where we can talk in the beginning and then we pau, eh. And then, if you like stay longer, it's up to you, it's up to you. Okay, shoot.

CHAIR LEE: Any questions for Junya Nakoa? Okay. We'll see you later, Junya. Thank you.

MR. NAKOA: Yeah, yeah. Thank you.

CHAIR LEE: Next testifier.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Francine Aarona. To be followed by Faith Chase.

MS. FRANCINE AARONA (testifying on Resolution No. 22-216):

Well, good afternoon everyone.

CHAIR LEE: Hello.

MS. AARONA: You know, it's good that I retired, I can listen to all the manao that you folks have to share with us. I learn something every day. But anyway, I am also calling again for the Resolution 22-216. Mahalo, Zhantell Lindo, you said everything I wanted to say.

That's the biggest concern I had when I looked at the resolution. That who gets to choose just one specific organization? And nothing against what Lisa Darcy has been doing, but just that organization to, to receive all the applications before the grant is given out. We have many organizations out there, every services. So, I mean, the Commission, let's do a correct process in going with this resolution. And we need to urge the Mayor that, you know, we have to be transparent. There's so many issues. In Paia alone, we are facing critical transitions in taking care of people that don't have a place to sleep, people that don't have food. We have our core group that comes out on Mondays.

You know, some say they're against that in the community. But you know, it's working. We taking care of the fire. They have security, Sam Hirbod had taken care of that. But to do this process in picking a site, there's many issues that follow that site area. But yes, it's a pilot program, so let's get it off on the road. Let's work it. Let's do something. Like Lindo said, let's do something. Let's get this going, and, and then we work from there.

But don't forget to let the community know what you're doing step by step so that we can promote you, we can be behind you, we can work with you. Because my gosh, why have all of these agencies and services? I mean, I saw the, the criteria and all of the feedback, the survey of the grants, and the not so good and the good. So, you know, we have to make this work, and we can make it work if we all put our hearts together. So, that's it.

Biggest, biggest concern, nothing against the Share Your Mana, but we need to incorporate everyone. And we need to go through a more direct process in choosing, in giving the branch out to someone that can work the process for us. So, mahalo. I waited all morning and afternoon to share my manao with you. And you have had your own share of technical difficulties this morning. But anyway, my blessings to all of you. Continue your good work and let's move forward with this. Mahalo.

CHAIR LEE: And mahalo to you. Members, questions?

MS. AARONA: Bye.

CHAIR LEE: No questions? Thank you, Aunt Mopsy.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Faith Chase. To be followed by Sam Small.

MS. FAITH CHASE (testifying on Resolution Nos. 22-216 and 22-219):

Hi. Aloha, Maui County Council. I'd like to speak on two items, actually. I didn't put it in the text message. I'd like to speak on the Kipahulu item 22-219 first. . . . testimony by Scott and Aunt Tweetie. This is my backyard playground. I never . . . that such protection . . . place. And I think that you should all be very, very, very proud to be a part of that. Thank you for supporting, continuing to support that. And I hope they meet their October 15 deadline.

I need to speak on 22-216. And I apologize for having to follow the sweet testimony of Zhanell and Aunt Mopsy. But I'm baffled. I'm wondering maybe is there a committee that can introduce a bill that becomes a grant babysitter or something? Because this is not the first-time grants have been hijacked. I'm not going to go down that road. I've already said that in a lot of different testimonies. I mean, I've had to chase, correct the trajectory, and hold people accountable with grant dissemination. It's exhausting. I don't understand how this went sneaky, super sneaky.

Thank you for this resolution to try to correct the situation. It is a sad last ditch effort to make some sort of mark, any mark, any tiny . . . and contribution towards approaching the problem of homelessness from the Victorino Administration. This is not a challenge what we're at with the homelessness. This is not a difficulty. This is not a situation. It is crisis. And quite frankly, a parking lot is nothing cause it deserves an emergency declaration, especially when you have someone like Lisa Darcy. Exactly how she said, these shanigans [sic], they have to stop. I appreciate this resolution to resolve this exact debacle, this one situation in the sheen of the greater problems.

And I concur with my Chair of the, I'm a Chair [sic] on the Healing Solutions for Homelessness. I concur with my Chair for the Healing Solutions of Homelessness in some respects, that it would be apropos to be consulted as a Commission that was tasked to make these kind of considerations. And while I have massive respect for my Chair, I absolutely love her. I'm in support of this resolution because Share Your Mana has 18 years on Maui of dealing with unnecessary, she's had to deal with unnecessary push back and basically gag orders on humanitarian matters on this island. And she's a resource, please somebody ask her some history. Please somebody just ask her a little elevator pitch about her history, because you never get to hear that. You never get to hear what her resume is, or read her CV.

The audacity of this Victorino Administration is so baffling. They've been shooting from the hip from the beginning. I've got records of hours, and hours, and hours of calls getting nowhere, and lies. They don't, nobody's recognizing the hard work of volunteers. The volunteers, unpaid. I'm, I'm unemployed. I mean, I seek part-time jobs, or whatever, but I'm unemployed, unpaid volunteer. There's saints and samaritans that work tireless to pick up the slack and the lackadaisical work of these political shenanigans. It is so sad. I'm so sad.

Please fix this, because I hate when problems within our local government, and you know, most of you know that I've had to file lawsuits and I've won. I hate when the problems have to drive me to be the one to file the lawsuit. It is not fun. And we are on an island. Basically, we all know each other. You're a pebble in the middle of the

ocean. So, trying to stay like, excuse me, sorry, I love the testifiers before me, I love them personally and professionally.

But Lisa Darcy is an amazing resource, and she was carefully chosen. She was, Lisa Darcy was carefully chosen as a consultant in this specific area. Please, please, do whatever you got to do to fix this. All she was told is to be a consultant. And so, I don't know, I guess it was, it had to be hijacked because it was a great political PR. I have no idea. But thank you for the script of resolution to try to fix this. And sorry for babbling. And I, I, I'm just, I'm just dismayed. I was out of range for a while and I came back to a bunch of bs, and I appreciate whatever you guys can do to fix this. Thank you.

CHAIR LEE: Thank you. Members, questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Member King had her hand up before me. I'll yield to her and then after her, I'll.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Vice-Chair. I was just going to ask if, because Ms. Chase was part of the team that was trying to put this together, if we could ask her to be a resource if she's available as well when we get to this item?

CHAIR LEE: Members? No objections. So, ordered.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I was just going to ask for clarification on her testimony, but I don't know, do you want me to ask the clarification now or hold it until the item comes up?

CHAIR LEE: Yeah, could you hold it?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Mahalo, Chair.

CHAIR LEE: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Did we ask Ms. Chase if she would be available first?
Sorry.

MS. CHASE: Sure. Yeah. You know, while I really appreciate that, I will do my best, but I'm not sure how long it'll be. But I will stay on as long as I can. It's been a long day. And thank you for the work to fix the testimony timing and stuff like that. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Since there's no guarantee that Ms. Chase will be available when this item comes up, can I just ask for clarification real quick?

CHAIR LEE: Alright. Ms. Chase?

VICE-CHAIR RAWLINS-FERNANDEZ: I'll make it quick. Aloha, Ms. Chase. Mahalo for your testimony and for all of your community service, all unpaid out of aloha. So, I just, we've tried to, this Council has tried to provide grants to Share Your Mana directly before. And Ms. Darcy has told us that she is just unable to apply, go through the application process and apply for the grants when we've line itemed grants directly to Share Your Mana. So, I just wanted clarification on your use of the word "hijacked"? So, who was this grant hijacked from?

MS. CHASE: Sorry, I was speaking in the greater scheme of other grants, and I really don't want to bore you with those, because it's not relevant. But it feels the same way. It seems similar, you know. While she was meant to be consult, a consultation, you know, sort of organization, the fact that that was skipped over is probably maybe not the right word, disregarded rather than hijacked. But thank you for that clarification. But there have been other grants that has been hijacked, and it's laborious, in three years, four years going. So, thank you for the question.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, I know which grants you are likely talking about. But okay, I just wanted to clarify that. Mahalo for that clarification.

MS. CHASE: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Alright, we have a couple more testifiers.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Sam Small. To be followed by Jeff Bagshaw. Jeff Bagshaw is the left person we have signed up to testify on resolutions. So, if there's anybody else who wishes to testify on resolutions, please identify yourself now. Sam Small.

MR. SAM SMALL (testifying on County Communication No. 22-220):

Thank you. Appreciate it. As always, it's an honor to participate in this process with you all. And thank you to other members of the community. There's many of us out there who put a tremendous amount of time and energy of our own private time because we care.

And so, SMA is something that I care deeply about, because I've got direct experience of how abused the system is. You guys are being offered close to half a million dollars to administer SMA permit process. And our function as a County is extraordinarily dysfunctional when it comes to SMA. You have an investigation into Greg Brown, because the Director allowed a permit examiner to sign off on an SMA exemption on their own authority. I, does anybody know anywhere where that is allowed?

The SMA, the State recognizes that Maui County has empowered the Director to be the administrator for SMA permits. How is it that an employee of the Director was able to sign off on Greg Brown's monster hotel, which has now generated tremendous expenses? You're going out, out of house to hire a consultant to run the investigation. That never should have happened. Our Administration --

CHAIR LEE: Mr. Small? Mr. Small?

MR. SMALL: Yeah.

CHAIR LEE: Can you tell me which resolution you're testifying on?

MR. SMALL: Yeah, it's that, that the County is receiving close to half a million dollars; 20, 20, 220, something like that. I don't have it in front of me. It's on the, it's on the list.

CHAIR LEE: Okay. It's a resolution, huh?

MR. SMALL: They, they, I told them that I wanted to testify on that issue, and they told me this is where they put me on the queue. So, I can only respond to how they placed me to speak.

CHAIR LEE: Mr. Small, what you're talking about is--

MR. SMALL: Reso 22-220.

CHAIR LEE: Sunscreen Dispenser. Okay.

MR. SMALL: No. You're receiving, you're receiving close to half a million dollars for the administration of SMA permitting. Do I have that right?

CHAIR LEE: Okay, it's a county communication that you're speaking on, and we had, we closed that testimony a while back. So, now we're on resolutions. And then, for every section we open up new testimony. So, we finished and closed the communications section, and now we're on resolutions.

MR. SMALL: Well, I told them I wanted to testify on 2022, and this is where they put me in the queue.

CHAIR LEE: Okay.

MR. SMALL: So, I'm not responsible for where they put me in the queue.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Okay. Okay, Members, any objections to letting him proceed based on the confusion over the number, the numbering?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. No objection. Can you proceed, Mr. Small? And I apologize for the error.

MR. SMALL: I totally understand it. You know, I appreciate that you guys are trying to refine the system, and it's not an easy thing. And I appreciate your diligence, and your, your responding to the community's needs. Our ability to be able to testify this way is fantastic and, and, and, and everything that we can do to support you in this.

So, the, the, the Director, SMA is a mess. It has been brought in front of several committees. Shane Sinenci worked with Chris Salem extensively, and then SMA was transferred over to Kelly King. And there needs to be a complete review of our SMA process, because our departments are doing a deplorable job.

Angus McKelvey told me directly that he is considering working to remove Maui's administration of SMA because we're doing such a lousy job of it. And, and everyone is affected by how SMA permits are administered.

I don't live in Napili Bay, but I as a citizen was, had my rights violated by Rulon Waikiki, a plan examiner, who there can, there are affidavits that have been signed, Kanamu Balinbin named her for taking bribes to be able to facilitate getting plans approved. Greg Brown never deserved to get the plan, the SMA exemption that he, that Rulon Waikiki awarded him, in place signing for Michele McLean.

And I still ask again, by what authority? I can't find any authority that allows an employee to sign off on the Director's responsibilities. But that's what happened. And I, you know, I bring all of this up, because you are about to receive half a million dollars to continue a, a, a farce, continue an, a, a faulty administration of these kinds of permits, SMA permit. That's it.

CHAIR LEE: Thank you, Mr. Small. Any questions, Members? If not, thank you very much. Appreciate your patience. Thank you.

MR. SMALL: Yeah, no problem. Thank you all.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last person we currently have signed up to testify is Jeff Bagshaw.

MR. JEFF BAGSHAW (testifying on Resolution Nos. 22-219 and 22-220):

Aloha, County Council. Thanks again for your patience and your diligence on this long day. Just to . . . I will be uncharacteristically short. Just to, I work with the Kīpahulu Ohana, when I was with the National Park Service some years ago. And by the way, I'm speaking for myself, not for my agency. I think they'll do a great job with the grant money. They're very responsible, so I hope that goes through. That'll be great for the whole community there.

And just to report to you that on number 220, the mineral sunblock dispensers that we have at the Natural Area Reserve and at the State Park are wildly popular and it's doing what we had hoped, which is initiate people into the idea of using mineral sun blocks and they work great. And so, seeing that spread across County parks would be just another great step in helping people evolve. So, hope that goes through as well. So, thanks for your efforts. That's all.

CHAIR LEE: Thank you, Mr. Bagshaw. Any questions, Members?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Jeff. Thanks for being here today on both issues. And I just want to, was, I know DLNR was involved with the first mineral sunscreen dispensers. Are they involved in this next tranche of dispensers as well?

MR. BAGSHAW: Only to the extent that I've been working with the Michelle Nuijen, if I pronounced her name right, with the County's Environmental Office, and just giving her feedback on how its worked for us. And so, that's our involvement there. So, we're happy to assist if we can.

COUNCILMEMBER KING: Okay, great. Thank you. Thank you so much.

CHAIR LEE: Any more questions? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there's no one else currently signed up to testify on resolutions. So, we'll do last call at this time. If there is, oh, someone just signed up. Kai Nishiki.

CHAIR LEE: Good afternoon, Kai.

MS. KAI NISHIKI (testifying on Resolution No. 22-216):

Good afternoon. Testifying on Resolution 22-216. I am in opposition to this resolution. I think it's kind of ridiculous that this is being proposed or just like, even given any time today. It is a great solution to have the houseless at the Cameron Center, and I'm actually quite surprised that Share Your Mana would be suggesting in their testimony that we have the houseless in a park. I mean, I know that anyone I talk to, like, wants to not have the houseless in our parks, so that the parks can be used for our keiki in a safe and clean manner.

So, you know, I think it's, they should be asked, like, what is your objection to the Cameron Center? It's close to all the facilities that can service them, and in a very safe manner with the police station there, and the hospital, and all the other services that could be provided. So, you know, I just feel like this is a huge waste of the Council's time.

And you know, if we're going to be talking about wasting the Council's time on something like this, you know, the public would really just like to be able to offer, have that option to offer testimony in the beginning, or on the items that they want to speak on. And that right there would be helpful to conserving the Council's time, and the public's time. Thank you.

CHAIR LEE: Thank you. Members, questions? No questions. Thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Kalani Warner.

MR. KALANI WARNER (testifying on Resolution No. 22-221):

Good afternoon, Council, Chair. I apologize, I snuck in there last second there. Hello. I know you had the word for good morning, but whatever it is for afternoon, good afternoon, and thank you for your time. Been here all day with you folks. I thank you for all your work and everything you do. We caught that first flight over from Oahu to come out, and I rise in support of Resolution 22-221. This is in support for resolving a grievance between United Public Workers and Maui County with our hazard pay.

Since the start of the pandemic, the members of UPW was asked to go out and perform essential work in conditions that brought on anxiety and health risks throughout the pandemic. And our contract calls for the likely exposure that may cause death is the most severe, which this pandemic provided. But in our contract, it says before you go to arbitration, you should be able to consult with the employer and consult with the Mayor, and to try to resolve a grievance, which we have. And that's how we came to this solution, and our members came out and voted. And they came out with 100 percent yes vote in support of this resolution. So, I stand here today in support. Thank you for your time.

CHAIR LEE: Thank you very much, Mr. Warner. Questions, Members?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much, Kalani, for hanging out all day. I saw you there. But is this time sensitive, do you know?

MR. WARNER: It is not time sensitive. It is just something that's just really overdue on behalf of the membership.

COUNCILMEMBER SUGIMURA: Okay. Thank you for fighting for them. Thank you.

CHAIR LEE: Any more questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Warner. Mahalo for your testimony today, and for waiting so long to testify. Are, what, are you able to stay a little longer, or do you have to go to your flight?

MR. WARNER: Yes, I'll be here. I'll be here.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I, I will see if Members would be interested in taking it up today, the item. And if so, then to have you available for questions might be good.

MR. WARNER: Oh, yes, definitely. It wouldn't be in good faith to just pick up and go after being up here, so I'll wait a little longer.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, if there are no objections, if we can ask Mr. Warner to serve as a resource person?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Members? No objections. So, ordered. Could you stay a little while?

MR. WARNER: Yes, I will.

CHAIR LEE: Okay.

MR. WARNER: Thank you.

CHAIR LEE: Thank you. Alright, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there are no other individuals signed up to testify on resolutions. So, we'll proceed with last call at this time. If there is anybody else who would like to testify on any items in the resolutions section, please identify yourself now. Again, last call for testimony on resolutions.

CHAIR LEE: Any objections to closing public testimony, and accepting written testimony on resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Vice-Chair, I mean, not Vice-Chair, but Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with resolutions. You have before you Resolution 22-210, entitled--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair? Chair?

CHAIR LEE: Yes?

VICE-CHAIR RAWLINS-FERNANDEZ: I read your mind, Member Molina. May we take our afternoon break before we dive into the resolutions?

CHAIR LEE: Any objections, Members? Ten-minute break?

COUNCILMEMBER PALTIN: I thought that was against the law.

CHAIR LEE: You're kidding?

COUNCILMEMBER PALTIN: Cause you're not allowed to take any break after you hear the testimony, right?

CHAIR LEE: Mr. Raatz.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, we have before.

COUNCILMEMBER KING: I thought we were supposed to start.

CHAIR LEE: That's the problem with government, too many rules.

DEPUTY DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Chair Lee. We've been advised that under the new Sunshine Law, by the Office of Information Practices, that if you want to close testimony on an item or a section of items as you're doing today, you first have to begin deliberation. So, if you take a recess immediately after the last testifier, when you come back, testimony would still be open.

CHAIR LEE: Do you want testimony to still be open? Okay, let's finish the testimony then.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Chair?

CHAIR LEE: Yes?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I think we closed public testimony. Resolution 22-210 is pretty simple. If we wanted to start deliberations with that, we could do that and then take our break, I think. Is that, did I understand that correctly, Mr. Raatz, that we would start our deliberations and then take a break, but not close, not take a break immediately and then recess?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Council Chair and Council Vice-Chair. Yes, that's correct. We've been advised as long as you start deliberations, then you can take recess mid-deliberations and testimony can be closed. Thank you.

CHAIR LEE: Okay, Members, do you want to start deliberating on Resolution 22-210?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Okay. No objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk, can you call that item up?

RESOLUTIONS

RESOLUTION
NO. 22-210

AUTHORIZING THE TRANSFER OF AN UNENCUMBERED
APPROPRIATION BALANCE WITHIN THE
OFFICE OF THE COUNTY CLERK,
FISCAL YEAR 2023 BUDGET

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR RESOLUTION 22-210, IN ACCORDANCE WITH RULE 7.G OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Alright. It's been moved and seconded to waive the Rules of the Council on Resolution 22-210.

Discussion, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the urgency and time sensitivity of this is that the transfer relates to funding for temporary workers for the 2022 General Election. With the Election approaching very quickly, this resolution is very time sensitive. Mahalo, Chair.

CHAIR LEE: Any questions, Members? Any discussion? All those in favor of the motion to adopt *[sic]* the resolution, please raise your hand and say "aye".

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTION 22-210.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Tem Kama, to adopt Resolution 22-210.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the purpose of this resolution is to authorize the transfer of unencumbered appropriation balance in the Office of the County Clerk, in the amount of \$168,960 from Category A (Salaries), to Category B (Operations and Equipment), for a contract with Employers Option to provide temporary workers for the 2022 Elections.

We do have a representative from the Office of the County Clerk available for any questions.

And I'll add that I've met with the Office of the County Clerk to figure out how we can improve some of the services, and this was one of the ways, so that we'll get more staffing to support all of our workers during, particularly, during Election Day, but throughout the election period. So, I fully support this move for better servicing our community for the General Elections. Mahalo, Chair.

CHAIR LEE: Any, yes, Vice-Chair Rawlins-Fernandez, not, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. So, I too want to, I'm in strong support of this because I too did talk to some of the members of the Elections. And they were looking for additional bodies, and I heard that you made the--

CHAIR LEE: Commitment.

COUNCILMEMBER SUGIMURA: Commitment, right. Commitment for this funding. And thank you very much, Keani Rawlins-Fernandez and Chair Lee for thinking the same so that we can have more expeditious work being done in the General Election. Thank you, James. Thank you, Joycie. Thank you, you know, everybody. So, thanks a lot.

VICE-CHAIR RAWLINS-FERNANDEZ: Kathy.

COUNCILMEMBER SUGIMURA: Kathy.

CHAIR LEE: Any more questions?

COUNCILMEMBER SUGIMURA: Jo-Jo.

CHAIR LEE: Comments?

COUNCILMEMBER SUGIMURA: Vote yes.

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

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

NOES: NONE.

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

Now, Mr. Raatz, can we take a ten-minute break? Okay, everybody, let's take a ten-minute break before the State Legislature passes another law against us. It is now 3:34. The meeting shall be in recess until 3:44. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:34 P.M., AND WAS RECONVENED AT 3:48 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the September 20, 2022, Council meeting please reconvene.

So, Member, here's, here's the deal, we have the opportunity, there's several people who have to leave today, like at 5. So, knowing that, and it's almost 4:00, would you like to just take testimony the rest of the afternoon? So, in other words, skip over the resolutions and start taking testimony on the first, the bills for first reading and the bills for second reading, out of consideration of the people who have been waiting all day to testify.

COUNCILMEMBER PALTIN: Is that legal?

CHAIR LEE: Wait. Well, if it's not, then we're all going to jail, because that's what I have been advised. Okay, so secondly, that's one choice. The other choice is to continue on the track we're on and keep going through the resolutions and reschedule the meeting for, let's say, Monday at 1:30? How's everybody, either way, we're going to have to reschedule this meeting. So, how's everybody's schedule at 1:30 on Monday? So, it's not avail, okay--

COUNCILMEMBER SUGIMURA: . . . what time.

CHAIR LEE: What time are your interviews? See, most of us are going to be at HSAC next week from Tuesday on, so, the next--

COUNCILMEMBER PALTIN: 8:30, 10, 11:30, 2:30, and then I think there's a meeting at 4:00.

CHAIR LEE: Okay. Another option is to just keep going until we drop today. That's an option.

COUNCILMEMBER KING: Chair?

COUNCILMEMBER PALTIN: Let's do it. Talk fast.

CHAIR LEE: Well, most of us had appointments this evening, but majority rules here.

COUNCILMEMBER SUGIMURA: How about Tuesday?

CHAIR LEE: Well, I won't be here.

COUNCILMEMBER SUGIMURA: Oh, I thought you're leaving Wednesday?

CHAIR LEE: I'm leaving Tuesday.

COUNCILMEMBER KING: You're leaving--

CHAIR LEE: But, wait, let me check what time I'm leaving. Well, how's Tuesday, everyone?

COUNCILMEMBER KING: HSAC, HSAC starts on Wednesday.

CHAIR LEE: No, no, no. No, no, but I was going to leave early. Okay, wait. How's Tuesday, everybody? Tuesday morning at 9:00?

COUNCILMEMBER KING: I can do that.

COUNCILMEMBER SUGIMURA: I can adjust my schedule. I can . . .

CHAIR LEE: Looking good? Looking good?

COUNCILMEMBER SUGIMURA: Yeah, Tuesday, the 27th.

CHAIR LEE: Let me check my schedule too. Okay, I can do Tuesday at 9:00.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yeah, cause I'm going to Kona after that.

Yes, let me get back to you. Wait, let me minimize that, go back to that. Who can make, who cannot make 9:00 on Tuesday, 9 to 12? Anybody, raise your hand.

Member Molina.

COUNCILMEMBER MOLINA: Chair, I could, I could do afternoon, but that's just me.

CHAIR LEE: I cannot do afternoon. So, besides Member Molina, who else has a hard time getting to Tuesday on, at 9? Tuesday at 9. Well, I'm afraid we're going to have to take Tuesday at 9, Member Molina. That's all we have.

COUNCILMEMBER JOHNSON: Chair, what about we cancelling the Chair's meeting, put this in place?

CHAIR LEE: Well, Member Molina cannot make the meeting. And then, Member Paltin has to leave at 11 tomorrow. So, we don't have a full attendance tomorrow at the Chair's meeting. Alright, so at this point, Tuesday at 9:00. Is everybody okay with that?

Now, that takes care of rescheduling the meeting, I mean, reconvening, recessing, and reconvening on Tuesday. Now, as far as proceeding with today's agenda, do you want us to go through where we, to pick up where we left off on resolutions and just going through that until we hit 5:00, let's say?

COUNCILMEMBER PALTIN: Yes, please.

CHAIR LEE: Okay. Or, the other way is to take all the testimony that's left for today and, and then do all the deliberations on Tuesday?

COUNCILMEMBER MOLINA: Testimony.

COUNCILMEMBER KING: Testimony.

CHAIR LEE: Testimony. Testimony.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: I, I also kind of question the legality of it. But yeah, testimony is fine. But so, if we don't plan to take up any of the items today at all, then I think we should let our resource personnel know, so that they can go instead of just waiting around for nothing.

CHAIR LEE: Yes, but we haven't decided on that yet. We haven't decided on a course of action yet.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. And also, item 22-219 is time sensitive. So, even if we were able to take a vote on it, even though it wouldn't become law until we adjourn, would still be helpful to the Administration and our attorneys that are working on it.

CHAIR LEE: Okay, let's take that into consideration, Mr. Raatz.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I just wanted to clarify. If we take the testimony today, it's still open--

CHAIR LEE: Yes.

COUNCILMEMBER PALTIN: --when we open on Tuesday.

CHAIR LEE: It's still open.

COUNCILMEMBER PALTIN: But the people that testified today won't be able to testify on Tuesday.

CHAIR LEE: Yes.

COUNCILMEMBER PALTIN: Okay. And then, if they want to test, then we gotta make that clear to the folks, because they might choose to testify right before then, or?

CHAIR LEE: No. If they testify today, we'll tell them they cannot come back on Tuesday to testify again. Yeah.

COUNCILMEMBER PALTIN: Okay. I'm, I'm not sure if a lot of folks would want to do that, but okay.

CHAIR LEE: Well, I don't think too many people want to wait several hours again to testify. That's, we're thinking of them, because for us it doesn't matter. We all have to be here anyway. So, we're trying to consider the convenience of our, of our public.

Now, mem, not mem, Mr. Raatz, can you explain whether our choices that we're considering are legal or not?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair Lee. Yes, we've been having our legal staff look at the new Sunshine Law, make sure we're clear on the new requirements. You're allowed to accept testimony before you get to the category, or the item, if you'd like. So, for the folks who are waiting to testify on bills, even though you haven't got to bills yet, if you choose to allow them for their convenience to testify today as opposed to waiting for a reconvened time, that's fine as long as they have the choice. They have the right to wait until immediately you get to, immediately prior to you getting to the deliberations on the bill. So, again, as long as the testifiers are given that choice, you're in compliance with the new Sunshine Law.

CHAIR LEE: Alright, everybody, any questions to Mr. Raatz?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Oh, you didn't have your hand up?

VICE-CHAIR RAWLINS-FERNANDEZ: I did. And mahalo for that clarification, Mr. Raatz, on how we would remain in compliance with the new State law.

I also asked Mr. Warner if he would stay for the item if Members wanted, 22-221. So, there's 219 and 221, if we wanted to take those up today.

CHAIR LEE: Okay, we have actually another option, Members. Okay. We could postpone any remaining, except the ones that we want to take up today, we could postpone any remaining items and post a new agenda for Tuesday. Comments? Feedback?

VICE-CHAIR RAWLINS-FERNANDEZ: If we post a new agenda, Chair?

CHAIR LEE: The Clerk says we have enough time to post.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes?

VICE-CHAIR RAWLINS-FERNANDEZ: So, if we post a new agenda, then everyone that's testified on all the items today would be able to testify again, because it would be a new agenda.

CHAIR LEE: Yes.

COUNCILMEMBER PALTIN: No, we finish up this, if we finish this section, defer everything else, and then the new agenda would have everything that we haven't taken up yet.

CHAIR LEE: Right.

COUNCILMEMBER PALTIN: So--

CHAIR LEE: Yeah, conceivably we would take up at least the resolutions today, yeah? And then finish up with the bills for first reading and second reading on Tuesday. How's that? Okay?

Oh, Mr. Sinenci.

COUNCILMEMBER SINENCI: So, we could release the testifiers who signed up for bills, and bills on first and second and final reading?

CHAIR LEE: Yeah, we would do that.

COUNCILMEMBER SINENCI: Okay.

CHAIR LEE: Resolutions, we'll do. Well, try to do, if all of us pitch in and be concise in how we handle all the discussions. Okay.

Mr. Raatz, can we do that? Can you take care of that.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Well, thank you, Chair Lee. The only possible wrinkle is we do have folks signed up to testify on bills. And while you have testifiers waiting, you can't adjourn a meeting. You've got to get through all the testimony, unless if you do happen to lose quorum, then the meeting would be canceled and the remaining Members would be able to accept the testimony, even though you don't have quorum to take action. But the idea is you need to try your best to accommodate folks who have signed up to testify before you either, before you adjourn. Thank you.

CHAIR LEE: You can take all of it . . . We're not talking lack of quorum, lack of almost everybody.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Yeah, thank you, Chair. I think the way the Sunshine Law reads, when you lose quorum, as long as you have one board member, the Council is considered a board for purposes of the Sunshine Law. That person

would be with staff, required to document the testimony, and make that available for public viewing.

CHAIR LEE: Everybody agree to that?

COUNCILMEMBER KING: Agree to what? What is . . .

COUNCILMEMBER PALTIN: I'll take one for the team.

CHAIR LEE: Agree to let Member Paltin to stay back and take all the testimony for today.

COUNCILMEMBER KING: Are we, Chair?

CHAIR LEE: Yes?

COUNCILMEMBER KING: Are we talking adjourning, adjourning now, and then, or just the Members leaving now and then Member Paltin would just be here and take the rest of the testimony?

COUNCILMEMBER PALTIN: We'd finish the resolutions, and then I'd listen to all the testimony, and then we'd adjourn, and then we'd reschedule bills for first and second reading. And reso--

CHAIR LEE: Yeah. See, if we finish the resolutions, we already took the testimony on resolutions. So, if we finish our work on all of the resolutions today, let's say by 5:00, what's left would be the bills for first and second reading, for which we have not received testimony. So, she can receive testimony on all the bills, so that when we meet again next Tuesday, we will not have to take testimony. We can go straight into deliberations.

COUNCILMEMBER KING: Well, doesn't that, doesn't that fall into that same issue that we had before we broke, before we had our afternoon break? Which is, you cannot take testimony and close testimony and not go into deliberations.

COUNCILMEMBER PALTIN: Yeah, we still have to have testimony again.

COUNCILMEMBER KING: Plus, I, I really think it's not fair to testifiers to, to only be talking to one Councilmember. You know, they came here to talk to all of the nine Councilmembers. And it doesn't seem right to just, you know, abandon the testifiers. I mean, my, my personal preference would be to just go through the rest of the testimony we have today, since we have to do that, and then recess till next Tuesday.

CHAIR LEE: The only problem with that is that we do have a couple of time sensitive resolution. And so, you know, the thing is we need to come to a resolution like now, because we're eating up the clock. So, the fastest way, I think, to deal with this is to continue on with the resolutions. And then, whatever is completed by 5:00 is completed and then we adjourn the meeting, and then post for another one on Tuesday. Is that, is that agreeable to everybody? Okay.

Mr. Molina.

COUNCILMEMBER MOLINA: No, I was going to say just finish up resolutions, take up the testimony as long as it takes, and then, you know, adjourn from there. So, I'm good with that.

CHAIR LEE: Okay. Alright. And everybody agrees that we're going to have a hard stop at 5:00? We are going to finish up with resolutions and then take testimony on the bills, up until 5:00 today. Up until 5:00. And then, we will resume, we're going to, well, we don't know, and this discussion is just taking up a lot of time.

VICE-CHAIR RAWLINS-FERNANDEZ: Member King, you're unmuted.

Okay, Chair, sorry, I just want to make sure I understand what your suggestion is.

CHAIR LEE: Okay. Okay, could you hold on? Vice-Chair, what is your question?

VICE-CHAIR RAWLINS-FERNANDEZ: No, no, I was just going to restate it, so that I understand what we're doing.

CHAIR LEE: So, we're doing--

VICE-CHAIR RAWLINS-FERNANDEZ: If I'm confused, I'm sure the public is confused, too.

CHAIR LEE: Well, this gentleman started talking and he has been here all day, so I thought he was deserving of an answer, but his questions keep coming. So, you know, we can't keep discussing different scenarios, because honestly, we don't really, we haven't decided exactly what we're going to do yet. So, Vice-Chair, what is your question or comment again?

VICE-CHAIR RAWLINS-FERNANDEZ: Well, you were going to ask if, if we're okay with that, and I didn't understand what it was that we would be okay with? So, I just wanted to restate to make sure that I understand it correctly.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, it's 4:06. We're going to deliberate and vote on all of the resolutions. Then we're going to take testimony on the bills on first reading, and the bills on second reading until 5:00. Now this is the part that I'm not sure. Are we recessing, or are we adjourning?

CHAIR LEE: Well, Mr. Raatz said it's best that we, actually--

DEPUTY DIRECTOR OF COUNCIL SERVICES: Chair Lee, if I may. Under our understanding of the Sunshine Law, you can't actually adjourn while you have testifiers waiting. So, you can either recess to try to accommodate the testifiers at another date and time, or if you lose quorum, the meeting would be terminated.

CHAIR LEE: Oh, that's right.

DEPUTY DIRECTOR OF COUNCIL SERVICES: So, not adjourned, but terminated. And any remaining Member would be able to accept the testimony on the body's behalf.

CHAIR LEE: Okay, to make things simple, we'll just recess the meeting, okay? Yeah, recess the meeting. No matter what happens, we'll recess the meeting. It's just too complicated to do it the other way.

Alright, so now, Mr. Clerk, what we're going to do is finish up on the resos.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with resolutions.

RESOLUTION
NO. 22-211

AUTHORIZING SETTLEMENT OF DEPARTMENT OF HEALTH, STATE OF
HAWAII VS. DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI,
DOCKET NO.: 2022-CW-EO-11

The recommended action is that Resolution No. 22-211 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION
NO. 22-212

AUTHORIZING SETTLEMENT OF CLAIM NO. 4067712
OF PAULINE TIU

The recommended action is that Resolution No. 22-212 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION
NO. 22-213

REFERRING TO THE MAUI PLANNING
COMMISSION A PROPOSED BILL TO AMEND
ORDINANCE 2924 (CONDITIONAL ZONING)
FOR EMERGENCY AIRSTRIP OPERATIONS AT
KAPALUA AIRPORT

The recommended action is that Resolution No. 22-213 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Okay. Any objections to referring these items?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Mr. Clerk.

RESOLUTION
NO. 22-216

URGING THE MAYOR TO FOLLOW THE
APPLICABLE BUDGET CONDITION, PROVIDE
GREATER TRANSPARENCY, AND ENSURE
COMPLIANCE WITH THE COUNCIL'S
LEGISLATIVE INTENT IN THE ESTABLISHMENT
OF THE SAFE ZONE SLEEPING PILOT
PROJECT

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I would like to ask for consideration of Resolution 22-216.

AND MOVE TO ADOPT RESOLUTION 22-216.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Been moved by Member King, seconded by Member Johnson, to adopt Resolution 22-216.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. And I, first I want to iterate that this is not a discussion on the best location for this project. This is really a discussion on the process that was used or was usurped for this actual budget item.

So Members, on September 8, 2022, the Mayor's press release stated that he signed Bill 108, CD1, FD1 *[sic]* (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.76 AND SECTION 13.04A.070, MAUI COUNTY CODE, RELATING TO THE USE OF VEHICLES FOR PURPOSES OF HUMAN HABITATION AT COUNTY PARKING LOTS". This, this was an enabling bill to help us with a budget item of the same, that falls into the same category. The press release also stated that the Maui County Council and the Mayor's Office worked together to identify the J. Walter Cameron Center in Wailuku as the County, as the County's preferred site. Personally, I was not involved in that. I had no knowledge that that, that that was going on.

But Members, the Fiscal Year 2023 Budget ordinance clearly reflects the Council's intent that the grantee must consult with Share Your Mana prior to grant application. The Mayor's press release mentioned that the Administration had started implementation of the pilot project, but made no mention of the required consultation with Share Your Mana having occurred.

Adopting this resolution today would ensure the Mayor's urge to follow this budget condition, which is the will of this body. And, so this is really about when we put things in the budget, and we often put specific nonprofits in there, this was one that we did not put the nonprofit as receiving it, but we put the nonprofit that we recognized as being boots on the ground, to be part of the consultation of how this project is done. Which to me, you know, when I read the details of this, of what was being proposed,

is in danger of not being successful, because the devils in the details. It's, it's not necessarily just about the site.

But some of the requirements that the, the County has decided, the Administration has decided will be required, such as car registration, and safety checks, and some of these things that are very sensitive issues for the houseless population. Which is why we wanted to bring in Share Your Mana to help with these kinds of details and decide.

I mean, part of the intent was to help the homeless people with their, with some of these issues, and help them get registered, help them get licensed or safety checks. But if they can't come into the parking lot before they have these things, it's likely to be a very limited success at all. Plus, I've talked to some of the houseless people who are worried about the location being in proximity to the police station.

So, you know, the issue is just, you know, having, having the best possible situation for success. And that was why we put in the requirement to consult with Share Your Mana. And this is why folks who I had been talking to before I proposed this budget item are very upset. Because they did have specific ideas and specific intent in how this project should go forward once a site was picked. So, that's the situation we're in and I appreciate the Members consideration of this, this very sticky issue. Because it's really about process, it's not about the actual project location. Thank you. Thank you, Chair.

CHAIR LEE: Okay, any more discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to ask as to the time-sensitivity, because I just feel like I would like to hear from the Administration if they are at the grant application stage. Is it too late? Do they plan on doing this, or, or what? So, just inquiring as to that.

COUNCILMEMBER KING: I can respond.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Yeah, I can respond. Thank you for that question, Member Paltin. I actually went with Lisa Darcy to meet with Chair Lee and, and Cesar from the Cameron Center. He did say it was a done deal, that they were told they were going to be given the contract. So, that was one of the really disturbing things, is that, you know, the process had been usurped. And so, you know, if we can back it up, and go through a process where we're actually consulting with the folks who will be the ones

using this parking lot, it will have the best chance for success. But right now, they've announced that they plan to start it on October 1, so that doesn't give us very much time to back up that process.

COUNCILMEMBER PALTIN: And, and just to follow-up. So then if we pass the resolution, the intent is to stop the process from starting on October 1?

COUNCILMEMBER KING: Well, the intent would be to get the Administration to, to the con, an actual consultation with Share Your Mana, you know, on, on the way that this is being proposed, on some of the details of the proposal. And also, you know, give them a chance to be partners in this project, because they were the ones that actually created it.

COUNCILMEMBER PALTIN: Okay. Can I yield to Director Tsuhako?

CHAIR LEE: Yeah, it appears that Director Tsuhako is on the line. Members, any objections to calling upon her for her comments?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered.

Director Tsuhako.

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

CHAIR LEE: Did you hear the question?

DIRECTOR OF HOUSING AND HUMAN CONCERNS: I did. Thank you, Madam Chair. Let me respond. The Administration's purpose in selecting Cameron Center as the grantee is because this was created as a pilot project. The selection of the site, now, I'm not sure if, who talked Mr. Cesar into offering Cameron Center as a site, but I think the, the media messages have been really clear that it's close to the Police Department, it's close to social services at MEO, as well as at the site of Cameron Center itself, so people might have access to that. It's centrally located, and it's not in a park that's meant for recreation for the entire community.

There were some challenges initially in the discussion with Cameron Center about the site, but it seems like we're making progress on, on overcoming some of those obstacles. The grant agreement hasn't been executed yet. My staff is still working with Cameron Center to go through and ensure that all of the requirements of our, of

our County grantees are met through that execution of that agreement. So, we haven't gotten an agreement yet. But Cameron Center is working on the application that we ask of all grantees to, to finish.

The language in the budget ordinance, I think, reads the grantee shall consult with Share Your Mana. I don't think it requires the grantee to pay for a consultation fee with Share Your Mana. If that was this body's intent, it wasn't reflected in that language. I think that, you know, when I checked with Finance, we are, we meaning the Department, wasn't able to make a selection and offer a grant, because it is a pilot project. And the idea is we're going to see how efficiently it works, what the outcomes are, before there's a determination that we will execute a larger procurement for more sites or more programming. I think it's feasible, and I think it's a logical way to take things from, and to actually operate a pilot project.

We're not trying to create a big, a big project and, you know, have all the evaluation pieces in place. There is no actual evaluation, formally, of this project. It's really based on what our outcomes are going to be worked out with Cameron Center. So, I think that it's prudent to start with one site and see how that works and then develop an RFP if the, if the choice is to offer this program in a much wider and different geographic areas of the island.

But anyway, Councilmember Paltin, that was, that was the answer. We haven't executed the agreement yet.

COUNCILMEMBER PALTIN: Thank you. Do you intend to consult with Ms. Darcy still?

DIRECTOR OF HOUSING AND HUMAN CONCERNS: It is, it, once that grant agreement is executed it will be the responsibility of the grantee as noted in that proviso that the grantee shall consult with Share Your Mana.

COUNCILMEMBER KING: Chair?

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Member King, and then Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KING: The, the budget item actually says that they need to consult with Share Your Mana before the grant application. So, that's one of the disturbing things. The fact that it's a pilot project was, it was written as a pilot project, so that's nothing new. But it was written as a pilot project with the intent that Share Your Mana would help it become successful. Because, you know, if the details that you're working off of

are not acceptable to the houseless community, it will not be, it will not be successful. And then, you'll never do another project. So, that, that's one of the problems.

And if you recall, Director Tshako, when I proposed this, you told me it was not your top priority. So, you know, having an organization work on this, whose, who this is all they do, this is their work, this is their top priority, that was the intent of having them consult before the grant application. But you know, we were told by Cesar that this is supposed to start on October 1. Thank you, Chair.

CHAIR LEE: Alright. Could you hold on one second?

COUNCILMEMBER KAMA: Thank you.

CHAIR LEE: Member Johnson, you have a quick question, and then Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'd like to hear from your resource . . . Lisa Darcy, in regards to the consultation fee. I'd like to clarify on that. And then, if she's got anything else to add. Thank you, Chair.

CHAIR LEE: Consultation fee?

MS. DARCY: Thank you for the question. And there's, that is, I'm not sure where Director Tshako got that. The, the process by which the budget actually says is that grantee must consult with Share Your Mana prior to grant application. So, it doesn't mention fees. It's really about bringing in expertise, and the knowledge of how to make this most successful. And the other piece is that we've been waiting to apply for this grant. And we were expecting to be able to be a part of the application process.

And I've already spoken with an umbrella agency that had spoken about supporting this, because we haven't been in the position to be able to do that. When the original grant, the one that the County gave to Share Your Mana like two years ago and I said I can't handle it, and you gave it to me anyway, which I thank you for, but I was like, I couldn't handle it. But now we're in a better position. And so, we've been sitting here waiting for these normal processes to occur. And that's why this has been a really shocking experience is that the normal processes have not been, when it is specifically here, we're specifically here, so that this is successful.

Maui County doesn't even know what success looks like, and so sometimes I think that you can't even get your head around it. I know what success looks like and feels like and I won't give up. And no matter how, you know, crazy this gets, I'm never going to

give up. And I know it can work, and that's why it's really important that you not eliminate . . .

CHAIR LEE: Thank you, Lisa. Thank you for answering the question. We have other questions from the Members.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so this is from budget session. This was a priority from Member King. And because of so many budget amendments that we've gone through in the process that I introduced allowing each Member to have a number of priorities including provisos or conditional language that we include in our budget that we adopt.

So, in looking at the language, the conditional language, grantee. So, what is a grantee? A grantee is someone that receives a grant. And so, a person cannot become a grantee until they receive a grant. So, that already is a little confusing before, prior to the grant application. So, it probably should have been any, you know, consultant intending to apply for this funding, you know, consult with Share Your Mana prior to submitting a grant application, and that would have been a little clearer. But because of the language that is what we adopted is grantee, and so that would be the person who receives the grant. But I understand that the Cameron Center has not received the grant yet, because out of respect for trying to figure out this process.

So, consult is the next word that is not clear in the language here. So, there is no criteria that would deem this element of the language as satisfied. So, I understand that there was a meeting. And oftentimes when we have consultations, it looks like a meeting, and it's to receive feedback from the community, or in this case, a specific entity, which is Share Your Mana. And so, I understand that a meeting did take place.

Now, because there is no definition of what a consultation is or is not, then it is really vague and is up to the discretion of those executing the vague language that we as a Council adopted to understand what this means. And it sounds like they tried to. And again, there isn't any criteria outlined that would enable the Department to understand when they've met this criteria of consult.

So, my last question, or that wasn't questions, those were comments. But my question, I guess, in following up with the comments from Ms. Darcy. Ms. Darcy, so, I mean, is, so your intention was to bid on the RFP if an RFP was put out? And I hope that's not why we're, you know, stopping this whole process. Is it because Share Your Mana had intended to bid on the RFP?

MS. DARCY: I can't speak for other agencies. It was the understanding that this was going to have an RFP. And many people, and I know that there was another agency that was interested in being a part of this. So, yeah, and I think it's really important that you stop because of that. It's really important that you don't just have one person deciding where this is going to go. We put a lot of time. This has been a community effort. And if I do, if we do all this work and then whatever Mayor, whoever Mayor just decides they can just do what they want, I think it really is important. It's really important that we stop.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MS. DARCY: And recognize that. And the other thing is you said, if, if there is an RFP, I would replace that, is when there is an RFP. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Darcy. Okay. I guess, okay, so that was in the meeting minutes that there was a guarantee that there would be an RFP? Cause the conditional language doesn't state that there would be. And I know this is about, Member King said this was about process and not site selection. But I really like the site that was selected, and I really don't want to risk losing it. So, is that, is part of it you don't support the site that was selected?

MS. DARCY: One of the, thank you, that's a, it's really important, because a lot of people are stuck right here. And a lot of people who have not had any lived experience get stuck right here. It is not about the location. And in fact, I, I never work on my own. Share Your Mana works in, in balance with many, many individuals who are extremely knowledgeable about what helps them to be successful, and what does not? So, we haven't even been able to get to that because our team really thought we were going to have a chance at being kind of the, one of the groups that gets to maybe herald this forward. So, we haven't even gotten a chance to discuss that.

And again, this was, the intention was put in, and not the intention, the wording was intentionally put in because the Administration has never replied back throughout this entire four years, three years, whatever, to any emails, to any call, to any text, to any cries of absolute panic and help. The Mayoral Administration hasn't replied to one email. And we've had so many different, we've put in, hundreds of people have signed petitions, and we've never even been replied to.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Darcy.

MS. DARCY: So, again, it's to include, so this is successful and it's not--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Darcy.

MS. DARCY: --being designed to be successful.

CHAIR LEE: Thank you.

MS. DARCY: It's important that you understand that.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Darcy. We're on a clock. So, mahalo Chair.

CHAIR LEE: I think, I think it's, I think it's time for Lori Tzuhako to have an opportunity for feedback, but limited. But I just want to, before we end the day, clarify that the way I got involved in the beginning was I did think about the Cameron Center and I mentioned it to the Mayor.

But then, I thought being a legislator, I would now step away, because as I explained to Lisa, after we make an appropriation in the budget, the Mayor implements, yeah. It's the Mayor's job to implement, and not the Council's job to implement. So, what happened is the Mayor contacted Cesar of Cameron Center, and then Cesar contacted me to set-up a meeting with Lisa Darcy. But in spite of the fact that they may have known each other for a long time, he felt comfortable if I attended the meeting. So, that's what I did. Then I called her, well, I texted her, and asked if we could set up a meeting. And then that, to me, was not considered a consultation. That was just a sort of a getting to know you informational meeting. And that's all it was.

And then, I was not involved after that. Then, the Department, Department and the Mayor's Office took over. And I don't know what happened after that. So, now you're up to date and now Ms. Tzuhako is in charge of the project. So, she's the one to ask about details.

Director.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for the clarification on that, Chair.

CHAIR LEE: Thank you. Director.

DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you, Madam Chair. And thank you, Madam Vice-Chair, also for your clarifying comments. The, after your meeting with Ms. Darcy, and Councilmember King, and Cameron Center, Friday, I believe that was the 9th, I received several emails from Cameron Center informing me that the meeting had occurred. There was a, there was a question about whether there was a

fee involved in the consultation. I didn't know that. I asked for clarification about that, whether that was the intent of this body.

And then, I received a email forwarded from Cameron Center, informing me that Ms. Darcy was going to withdraw any further involvement with the project because she was not pleased with how the Cameron Center was selected for this pilot project. So, that's what I had to go on. I didn't speak to Ms. Darcy directly. But I did see the email that she sent to Cameron Center.

So, what happened is the, the Department has contacted Cameron Center. Curtis Jamison has been working with them on getting the information needed to execute a grant agreement. I think the date of October 1 was set as a target. And I think that target date was set in order to, in order to encourage the Department to do our processes very efficiently, so that we could get to a point of offering that safe space for people to park in without, without any unnecessary delays. So, that was the urgency, is that I think the Mayor and also Cameron Center itself wanted to get started to offer that service.

So, we have been pursuing all of the regulatory requirements the Department has to address in order to execute the grant agreement. And that has been ongoing since the time of the Mayor's announcement and his signing of Bill 108. That's all I have, Madam Chair.

CHAIR LEE: Other Members have questions?

Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Ms. Tsuhako. So, some of the comments I've heard is that maybe the cars would not be registered. I guess the, will there be rules, as we hear about Ka Hale A Ke Ola, like no drinking, no drugs. Are there going to be those kind of rules, or?

CHAIR LEE: Member Sugimura, those are very good questions, but we're kind of concentrating on process right now, the procedure, the basic procedure of selection of how the, this whole thing evolved. What you're talking about is actual operations, you know. And that is a future discussion.

COUNCILMEMBER SUGIMURA: Okay. I thought it would be all part of the one decision. But thank you. I'm fine.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: I can ask later.

CHAIR LEE: Thank you. Anybody else on the process?

Member Paltin.

COUNCILMEMBER PALTIN: Sorry. I just, with the 26 minutes we have left, I don't think we're going to come to a resolution. Is it possible we can address this in Committee and ask the Administration maybe to work with Ms. Darcy on the side and maybe when we get to Committee, that it'll be no need for a resolution.

CHAIR LEE: Members, how do you feel about that? The suggestion is to refer this to Committee for further discussion.

COUNCILMEMBER SUGIMURA: Agree.

CHAIR LEE: Okay, so would that be HCP? Human Concerns and Parks? Well, you want it to go to your, do you have time?

COUNCILMEMBER JOHNSON: Chair, I'm kind of, I'm really at capacity right now. I don't know how Councilmember Kama's Committee is going on at this time?

COUNCILMEMBER KAMA: If Member Johnson doesn't have time, I can take it.

CHAIR LEE: Member Johnson, do you have time?

COUNCILMEMBER JOHNSON: Let me just check my, my schedule here. Do I have to tell you right now?

CHAIR LEE: Yes, you do.

COUNCILMEMBER JOHNSON: Okay. Yeah, I'm really busy with the upcoming change, we're trying, we're, I don't think I have time.

CHAIR LEE: You don't have time?

COUNCILMEMBER KAMA: Okay.

CHAIR LEE: Okay, Members, so now we're back--

COUNCILMEMBER KING: Chair?

CHAIR LEE: --we're looking at--

Yes?

COUNCILMEMBER KING: I have--

CHAIR LEE: Who said Chair? Member King.

COUNCILMEMBER KING: I have three Committee meeting dates in November, and I was going to cancel one of them. So, if Mr. Johnson, if Member Johnson wants to take this on, I could give you that extra time. Because it was in your Committee before the actual ordinance.

COUNCILMEMBER JOHNSON: That's correct.

CHAIR LEE: Okay. So, Member Johnson, you're volunteering to take this item?

COUNCILMEMBER JOHNSON: . . . I'll do it.

CHAIR LEE: Okay. Alright. Alright, thank you very much. This, without objection, this item will be referred to the Affordable Housing Committee. Any objections?

COUNCILMEMBER KING: Chair?

CHAIR LEE: Member King.

COUNCILMEMBER KING: I was just saying, I'll withdraw my motion, because we have a motion on the floor.

CHAIR LEE: Okay. Thank you.

COUNCILMEMBER KING: . . . withdraw the motion.

CHAIR LEE: Thank you. Thank you. No objections to referring this item and the motion to adopt the resolution was withdrawn.

MEMBERS VOICED NO OBJECTION.

The recommended action is that Resolution No. 22-216 be referred to the Affordable Housing Committee.

CHAIR LEE: Thank you everybody for your cooperation on this one.

And Mr. Clerk, shall we move on to the next one?

RESOLUTION
NO. 22-217

REFERRING TO THE MAUI PLANNING
COMMISSION BILL 127 (2022), AMENDING THE
STATE LAND USE DISTRICT CLASSIFICATION
FROM AGRICULTURAL DISTRICT TO URBAN
DISTRICT (CONDITIONAL BOUNDARY
AMENDMENT) FOR THE PROPOSED KUIKAHI
VILLAGE WORKFORCE HOUSING PROJECT IN
WAILUKU, MAUI, HAWAII

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO DISCHARGE THE AFFORDABLE HOUSING
COMMITTEE FROM FURTHER CONSIDERATION OF BILL 127
(2022), AND TO ADOPT RESOLUTION 22-217.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Been moved by Member Johnson, seconded by Member Sinenci, to waive,
what was that? You were asking for a waiver?

COUNCILMEMBER JOHNSON: Moved to discharge.

CHAIR LEE: Oh discharge. The discharge, okay. Discharge.

COUNCILMEMBER JOHNSON: And to adopt.

CHAIR LEE: Well, we'll discharge first, okay?

COUNCILMEMBER JOHNSON: Okay.

CHAIR LEE: Discharge. Any discussion on that? No. All those in favor of discharging, raise your hand, say "aye".

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

NOES: NONE.

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

Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. The bill will, the bill would approve the State District Boundary Amendment that is needed for the Kuikahi Village Workforce Housing Project.

On September 13, the Affordable Housing Committee recommended approval of the project under Chapter 2.97 fast-track resolution.

Bill 127 was referred to the Committee as well, but it was referred without a resolution to refer the bill to the appropriate planning commission, which is required for land use ordinances in the Charter. The Rules of the Council allow for resolutions referring land use ordinance to planning commissions to be adopted on the floor without Committee referral, so no waiver is required for this action today.

CHAIR LEE: Any more discussion?

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: So, my understanding what occurred on the floor was that the body, there was a motion to discharge and the body voted 9-0 to discharge.

CHAIR LEE: Yeah.

DEPUTY COUNTY CLERK: There's no other motion on the floor currently pending.

CHAIR LEE: I thought the motion was to now adopt the resolution?

DEPUTY COUNTY CLERK: So, are we, should I interpret it that there was like two motions put on the floor at the same time?

CHAIR LEE: We took a vote on the discharge.

DEPUTY COUNTY CLERK: Yes.

COUNCILMEMBER JOHNSON: I moved, you want, shall I make a cleanup? Okay.

I MOVE TO ADOPT RESOLUTION 22-217.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, I thought you did say that. You did? Okay, that's alright. Let him go. Alright, anymore discussion? No? All those in favor of the motion say "aye".

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

NOES: NONE.

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

COUNCILMEMBER JOHNSON: Mahalo, Members.

CHAIR LEE: Next.

RESOLUTION
NO. 22-218

URGING THE ADMINISTRATION TO
AUTHORIZE RETENTION BONUSES FOR MAUI
POLICE DEPARTMENT OFFICERS

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Members, this resolution was posted to the Council agenda. And I got a call from the Administration saying that they're working on this. So, no need for the resolution, but if you'll allow me just to say a few words about it and why, Tamara.

ANYWAY, SO, I MOVE TO FILE RESOLUTION 22-218.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay, moved to file Resolution 22-218.

Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Thank you, Members. So, I initially introduced this resolution to highlight our wonderful police officers, who work so hard to protect and serve our community. This was, this suggestion did come from SHOPO, and supported by them. And I guess they also were speaking with Administration simultaneously.

Unfortunately, we've seen a trend of police officers leaving the force, and police departments struggling to retain and recruit officers. So, this resolution sought to urge the Administration to incentivize our valued police officers, to remain with the Department through retention bonuses.

After posting this resolution, I received a call from the representative, or from the Administration, who informed me that they're working on it, so we will definitely see something in the future as an amendment to help retain our police officers. I look forward to speaking with Chief about this at the appropriate time. And I'm now confident the Administration is making progress with this issue, and that's why I'm asking to file this at this time. So, I respectfully request the Members support of this motion.

And I want to thank OCS for writing the resolution, seeing it through. Corp. Counsel did everything they could to get it expeditiously put on your agenda, Chair, only to find out that this is already in motion. So, thank you very much, Members. I hope that by filing this doesn't mean that we don't want to work on it. I want to see that it's going to happen. Thank you.

CHAIR LEE: Okay. Very good. Any more discussion? Okay, all those in favor of the motion, you did make a motion, right?

COUNCILMEMBER SUGIMURA: Yeah, to file.

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

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

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, recommended for referral to your Budget, Finance, and Economic Development Committee is Resolution No. 22-219.

RESOLUTION
NO. 22-219

AUTHORIZING THE USE OF OPEN SPACE, NATURAL RESOURCES,
CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUNDS
BY GRANT TO KĪPAHULU OHANA, INC. TO BE USED TO PURCHASE
PROPERTY IN KĪPAHULU, MAUI, HAWAII, AND AUTHORIZING THE
COUNTY TO RECEIVE A PERPETUAL CONSERVATION EASEMENT

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I asked if we could take action on 219 to support the Corporation Counsel and others in the Administration to, you know, get the work done. There's a time sensitivity associated with this item. So, can I--

CHAIR LEE: Make a motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Can I do that now? Okay. And then, if there, if there are no objections, Chair, may I also take up 22-221 at the same time in the same motion, if there are no objections? And then, the Clerk would have to call it up.

CHAIR LEE: Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. 221. Okay, Mr. Clerk.

RESOLUTION
NO. 22-221

AUTHORIZING SETTLEMENT OF GRIEVANCE CASE
MS-20-04 FILED ON BEHALF OF ALL UNITED PUBLIC
WORKERS, BU-01 EMPLOYEES IN ALL DEPARTMENTS

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR RESOLUTIONS 22-219 AND
22-221, IN ACCORDANCE WITH RULE 7.G OF THE RULES OF
THE COUNCIL.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez. Alright, and seconded by Member Paltin, to waive the Rules of the Council, 7.G on Resolution 22-119, 22-221.

Okay, anymore discussion before we have more people talk on the call about dinner? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: No further discussion. These items are time sensitive, and I can explain when we have the final motion.

CHAIR LEE: Okay, let's take a vote on the motion of waiving the Rule. All those in favor of the motion, raise your hand, say "aye".

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTIONS 22-219 AND 22-221.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to adopt Resolutions 22-219 and 22-221.

Discussion. Vice-Chair, did you hear that?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, someone . . .

CHAIR LEE: They're calling for the question to keep it short.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. I will quickly say this. Members, the purpose of the resolution is to authorize the Mayor to execute Grant G5808 from Open Space, Natural Resources, Cultural Resources and Scenic Views Preservation Fund to Kīpahulu Ohana Inc., to provide \$2.5 million for the purchase of approximately 9.5 acres in Kīpahulu identified as Tax Map Key (2) 1-6-101:005.

Funding for this purchase was appropriated in the Fiscal 2023 Budget, Appendix A, Part II. We have representatives from the Administration if Members have questions.

Resolution 22-221, approves settlement of Grievance Case MS-20-04, filed on behalf of all United Public Workers BU-1 employees in all departments, and authorizes the Mayor to executive a release and settlement agreement on behalf of the County, and

authorizes the Director of Finance to satisfy settlement of this case. And we do have Mr. Warner here if Members had any questions?

And for further discussion on the terms, I could take this up as a 7.B presentation in Committee, if that's why Mr. Whittaker turned on his video. Okay. Just checking. Okay, so we also have Mr. Whittaker here, if Members have any questions? Mahalo, Chair.

CHAIR LEE: Members? Mr. Whitaker, did you have something to say?

DEPUTY CORPORATION COUNSEL KEOLA WHITTAKER: Yes, I just need to add on something to the Kīpahulu, No. 22-219. You'll notice that in that resolution, it says that the County will receive a perpetual conservation easement. We just received word that the Hawaii Land Trust, HILT, is willing to cooperate with us. And although we don't have a final vote from the Board of Health, as it expected that they will be able to hold the conservation easement along with the County. Unfortunately, due to the time-sensitivity, and we need to close very quickly, the County will initially hold the conservation easement, and then after the closing, we expect to file an amended conservation easement in which HILT will come on as a co-holder of that easement, which will make it a lot easier for the County. So, thank you so much for allowing me to put that on the record, Chair.

CHAIR LEE: Any questions, Members? So, we can proceed with the vote the way it is, right?

DEPUTY CORPORATION COUNSEL WHITTAKER: Correct. Thank you.

CHAIR LEE: Okay. Alright, no more discussions. Members, ready to vote on both resolutions? All those in favor of both resolutions, raise your hand and say "aye".

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

NOES: NONE.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Did we have Mr. Nishita wanting to say something after the vote?

(Councilmember King was excused from the meeting at 4:49 p.m.)

DEPUTY MANAGING DIRECTOR: I apologize, Chair. It's just a concern I had. I would defer to, maybe Mr. Raatz or Moana Lutey, on the call. Just regarding Resolution 22-221, in the "BE IT RESOLVED" section, it just identifies approving the settlement as discussed in the terms of an executive meeting before the GREAT Committee. I think, cause we were originally anticipating it was going to get referred to Committee. So, if, just may I ask for consideration about maybe amending the language in there to be consistent with the actions taken today, that would be appreciated. Thanks.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

(Councilmember Paltin was excused from the meeting at 4:50 p.m.)

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE FOR RECONSIDERATION.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Of, of just 221, right?

VICE-CHAIR RAWLINS-FERNANDEZ: Of 221.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Tem Kama, to reconsider Resolution 22-221.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, the main motion on the floor is to adopt Resolution 22-221.

AND I MOVE TO AMEND THE RESOLUTION TO STRIKE THAT SECTION IN THE BE IT, THEREFORE BE IT RESOLVED CLAUSE.

Sorry, I'm trying to pull it up. And if any--

CHAIR LEE: I'm sorry, could you just hold onto that. The reconsideration is still on the floor. Let, so we need to vote on that.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Sorry. Go ahead.

CHAIR LEE: Okay, let's vote on that. All in favor of the reconsideration, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KING AND PALTIN.

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

COUNCILMEMBER SUGIMURA: Tamara.

CHAIR LEE: Okay, now you can continue.

COUNCILMEMBER SUGIMURA: Tamara is excused.

CHAIR LEE: Oh, Tamara's not here.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR LEE: Okay. The vote was--

COUNCILMEMBER SUGIMURA: Seven "ayes", two excused.

CHAIR LEE: Two "excused", seven "ayes". The excused are Member Paltin and Member King. That was on the reconsideration.

Now, do you want to continue on with your amendment, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Mahalo Chair. So, right now we're on the main motion of adopting Resolution 22-221.

I MOVE TO AMEND THE RESOLUTION BY STRIKING THE
WORD "DEPARTMENT, UNDER THE TERMS".

CHAIR LEE: The word "Department"? That's all? Just striking the word "Department"?

VICE-CHAIR RAWLINS-FERNANDEZ: Deputy Managing Director Nishita clarify.

(Councilmember Paltin returned to the meeting at 4:52 p.m.)

DEPUTY MANAGING DIRECTOR: Yeah. Thank you, Chair and Vice-Chair. Yeah, the "BE IT RESOLVED" section number 1, says, "That it approves settlement of Grievance Case MS-20-04 Filed on Behalf of All United Public Workers BU1 Employees in All Departments". And currently, it says, "under the terms in an executive meeting before its Government Relations, Ethics, and Transparency Committee". I'm not sure if it's sufficient enough to just strike out the, starting from the word "under" to the words, you know, "Transparency Committee", that remaining ending of the sentence. And I guess I'd defer to Corporation Counsel or, you know, your own attorneys, whether that would satisfy kind of the intent of the resolution to ratify the agreement.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Deputy Managing Director Nishita.

I MOVE TO STRIKE, UNDER THE FIRST "BE IT RESOLVED,"
"UNDER THE TERMS IN AN EXECUTIVE MEETING BEFORE
ITS GREAT COMMITTEE.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Mr. Nishita, does that cover it?

DEPUTY MANAGING DIRECTOR: Yeah, like I said, I'd defer to the attorneys to just make sure it's clear from a legal standpoint that, you know, we're being authorized--

CHAIR LEE: Okay, Mr. Whittaker? Mr. Whittaker, are you on the line? Oh, Ms. Lutey, under the name of Richelle Thomson.

CORPORATION COUNSEL MOANA LUTEY: Oh, no. Oops, sorry, it is me. Thank you, Chair. Could we, so the Union ratified what their agreement is on this, so I think you could clear this up by saying, "as ratified by the UPW".

CHAIR LEE: In addition to what she already proposed?

CORPORATION COUNSEL: Yes, as just--

CHAIR LEE: Just the verbiage.

CORPORATION COUNSEL: --adding the word "approve settlement of Grievance Case filed on behalf of them as ratified by the, by that Union". I guess it's somewhat repetitive. I'll type something in the chat, see if that makes it a little clearer.

VICE-CHAIR RAWLINS-FERNANDEZ: So, we would strike that language, Chair, and then we would replace it with the language that Corporation Counsel Lutey is putting in the chat.

OKAY, SO, I, I WHILE WE'RE WAITING FOR THAT, I WILL
WITHDRAW MY MOTION, IF WE CAN GET THE SECONDER.

COUNCILMEMBER KAMA:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ:

AND THEN, IN THE MEANTIME, WHILE WE WAIT FOR THAT
LANGUAGE, CAN I MAKE A MOTION TO WAIVE RULE 19.C
OF THE RULES OF THE COUNCIL, SO THAT WE CAN TAKE
ACTION AFTER AMENDING.

Chair? Would that be okay?

CHAIR LEE: Wait, wait, wait, let's, who seconded her first motion? Pro Tem Kama. Okay, you withdraw your second? Alright. So, the motion and the second was withdrawn.

And Vice-Chair, could you repeat what you just said?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Mahalo Chair.

I MOVE TO WAIVE RULE 19.C OF THE RULES OF THE
COUNCIL, SO THAT WE CAN TAKE ACTION TODAY.

CHAIR LEE: Okay, the motion is to waive the Rules of the Council 19.C to take action today.

Any further discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, mahalo, Chair. I would need a second.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: I'm sorry. Second by Pro Tem Kama. Okay. Now, you can proceed Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think it's clear with the Members what we are trying to accomplish today by including that language, as recommended by the Administration and the, our attorneys, so that we can support our employees as quickly as possible, cause they've waiting a long. Mahalo, Chair.

CHAIR LEE: Okay, did she type the message in the chat? I don't see it.

VICE-CHAIR RAWLINS-FERNANDEZ: We still need a vote on 19.C waiver.

CHAIR LEE: Oh, okay. 19.C waiver, all those in favor, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay, we got one back. Now, Member King is excused. I see Member Molina. And Member Paltin is back. So, eight "ayes", one "excused"; motion carries.

Okay, now I see the information in the chat. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO AMEND THE RESOLUTION TO STRIKE THE LANGUAGE, "UNDER THE TERMS IN AN EXECUTIVE MEETING FOR ITS GREAT COMMITTEE", SO THAT IT WILL READ, "THAT IT APPROVES SETTLEMENT OF GRIEVANCE CASE MS-20-04 AS RATIFIED BY THE UNITED PUBLIC WORKERS UNION IN GRIEVANCE CASE MS-20-04 ON BEHALF OF ALL UNITED PUBLIC WORKERS BU1 EMPLOYEES IN ALL DEPARTMENTS".

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Tem Kama, to amend the motion to include those, the verbiage just read by Vice-Chair.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: No further discussion, Chair.

CHAIR LEE: Anybody else? No further discussion. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Okay, all "ayes". That means eight "ayes", one "excused"; motion carries.

Safe travels. We can't, we have to go on. Okay, you're welcome.

Alright, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the main motion as amended is still before the body at this time.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", one "excused"; motion carries. The excused is Member King.

Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair and mahalo Mr. Warner, for staying.

DEPUTY COUNTY CLERK: You have before you. Recommended for referral to your Climate Action, Resilience, and Environment Committee:

RESOLUTION
NO. 22-220

AUTHORIZING THE COUNTY TO ENTER INTO AN AGREEMENT WITH
THE MAUI VISITORS AND CONVENTION BUREAU REGARDING THE
PLACEMENT AND MAINTENANCE OF REEF SAFE SUNSCREEN
DISPENSERS AT MAUI COUNTY BEACH PARKS AND
OTHER LOCATIONS

CHAIR LEE: Any objection to--

COUNCILMEMBER SINENCI: Chair?

CHAIR LEE: Yes, Member Sinenci.

COUNCILMEMBER SINENCI: Consideration for 22-220.

CHAIR LEE: What is your motion?

COUNCILMEMBER SINENCI:

MOVE TO ADOPT RESOLUTION 22-220.

CHAIR LEE: Okay. Do we have to waive anything? Alright, second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Vice-Chair Rawlins-Fernandez, to adopt Resolution 22-220.

Discussion, Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. This resolution encourages the Administration to expedite the process for Maui Visitors and Convention Bureau to place and maintain Reef Safe Sunscreen Dispensers at County beach parks and other locations.

The resolution is time-sensitive given that Chapter 20.42, of the Maui County Code, takes effect on October 1, and will prohibit the use of non-reef safe sunscreen. The MVB would like to have all dispensers in place by the State. And I respectfully request the Councilmembers support of my motion.

Although, I do have one friendly amendment to add in the "BE IT RESOLVED" no. 3.

CHAIR LEE: Are you adding somebody's name on something?

COUNCILMEMBER SINENCI: Yeah, just to add the Department of Land and Natural Resources, Chair.

CHAIR LEE: Okay, any objections to that friendly amendment, inclusion?

MEMBERS VOICED NO OBJECTION.

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

Member Kama?

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Eight "ayes", one "excused"; motion carries. Member King is excused.

COUNCILMEMBER SINENCI: Mahalo, Members.

CHAIR LEE: So, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair you have before you Resolution--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

DEPUTY COUNTY CLERK: Oh.

VICE-CHAIR RAWLINS-FERNANDEZ: I was just going to say it's 5:01, Chair. And you said hard stop at 5. I don't have to leave. I can stay.

CHAIR LEE: Okay, we're going to do one last one, right? Mr. Clerk, we have just one last one?

DEPUTY COUNTY CLERK: We have two resolutions remaining, Chair.

CHAIR LEE: Two? 22-223 and what else?

DEPUTY COUNTY CLERK: And 22-222.

CHAIR LEE: Oh, 222. Okay.

RESOLUTION
NO. 22-222

URGING THE GOVERNOR OF THE STATE OF
HAWAII AND OTHER STATE OFFICIALS TO
SUPPORT THE COMMUNITY AND THE STATE
LAND USE COMMISSION'S CONDITION OF
SAFETY BEFORE KŪLANIHĀKO'I HIGH
SCHOOL OPENS

CHAIR LEE: Any objections to referring this to the PSLU Committee?

COUNCILMEMBER SINENCI: No objections.

COUNCILMEMBER JOHNSON: No objections.

COUNCILMEMBER MOLINA: Chair? Chair, sorry. Chair?

CHAIR LEE: Yes. Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, I would like some consideration to act on this resolution on the floor today, Chair.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, Mr. Molina. Go ahead.

COUNCILMEMBER MOLINA: Okay, thank you. And thank you, Member Paltin.

ON BEHALF OF COUNCILMEMBER KING, I MOVE TO ADOPT
RESOLUTION 22-222.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez,
to adopt Resolution 22-222.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I know why some of you
may be giggling. Sounds like that Frank Delima taxi commercial, yeah, 4222, nothing
but 2's. But anyway, getting serious here. May we have the Clerk to read the resolution
in its entirety?

CHAIR LEE: Mr. Clerk.

Mr. Molina, you really need it to be read in its entirety?

COUNCILMEMBER MOLINA: Up to the body. If, unless everybody understands what the
resolution is about, I'm okay, you know, if nobody wants it read into the record.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Oh, Chair, I just wanted to remind the body that we did kind of
take up this matter up in PSLU and have a discussion. And this was the course of
action we decided on, so we're good.

CHAIR LEE: Everybody's good? Okay.

COUNCILMEMBER MOLINA: With that being said, Madam Chair, I guess I'll just go ahead
and speak to the motion. Anyway, I was asked by Member King to bring this to your

attention. So, this is somewhat of an impromptu performance by me, so please bear with me.

As you can recall during our PSLU meeting, which Member Paltin chaired, there was some concerns about the proposed roundabout. And bigger concern was there was no representative from the State to respond to any questions. And some of us made some very strong comments. Yours truly was one of them.

And recently, I've, DOE Deputy Superintendent Mr. Randall Tanaka contacted our office and wanted to speak to me, I guess, maybe in relation to my comments. And with that meeting, I invited area representative Member King. And he explained to us what happened. They did receive the communication from the PSLU Committee to be part of this meeting. But I guess things fell through the cracks. He said the person that takes that messages like that was on vacation, so it never got around to, they never got around to responding in time to the Committee as far as whether they were going to send somebody to be at the PSLU meeting. So, that was the basic explanation. So, he expressed his apology for that.

But he did indicate to us they do intend to proceed forward with the proposed roundabout and will have meetings. And myself and Member King just mentioned our concerns, and that we wanted to make sure that the Governor's ear will be heard as far as from not only us, but members of the South Maui community with this proposed roundabout, hence the proposed resolution here today, Madam Chair. Thank you.

CHAIR LEE: Alright, any other comments, questions? If not, all those in favor of the resolution, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR LEE: Looks like eight "ayes", one "excused"; Member King. Motion carries.

Okay, the final one.

COUNCILMEMBER MOLINA: Thank you, Members.

RESOLUTION
NO. 22-223

REFERRING TO THE PLANNING COMMISSIONS
AND ADVISORY COMMITTEES TO THE MAUI
PLANNING COMMISSION A PROPOSED BILL TO
FACILITATE THE USE OF ELECTRIC VEHICLES

The recommended action is that Resolution No. 22-223 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Any objections to this referral, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Alright. So, then we're at the end of the calendar for today. Members, don't forget the next meeting is next Tuesday at 9:00. And was it 9:00? 9:00, okay. Any parting remarks?

COUNCILMEMBER PALTIN: So, recess; right?

CHAIR LEE: Yeah, we're going to recess. Recess.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Yeah, thank you, Chair. Maybe the Clerk wants to add something. But I was just going to say, before you recess, I think it should be made very clear at the end of this session, that you're going to be using the same venues, and exactly the date and time of the reconvened meeting. Thank you.

CHAIR LEE: We, we'll be recessing this meeting, reconvening next Tuesday at 9:00 here in the chambers, and at our district offices. The testimony will be available on the bills for first and second reading, and that's all. And hopefully, we can get, conclude our business next Tuesday, because we wouldn't be able to finish this up for weeks after that.

So, any final remarks? Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, just to clarify for the public, that for the recess that they'll also be able to attend the meeting virtually using the same Bluejeans link that we posted and used for today's meeting. Thank you.

CHAIR LEE: Okay, any final remarks? You know how people go to our Lahaina District Office for marriage licenses? Well, I got one. Somebody came to see, to our office today for a divorce. Anyway, we aim to please one way or the other. Alright, everybody, thank you very much for a full day, and we'll see you next Tuesday. This meeting is in recess.

(THE MEETING OF *SEPTEMBER 20, 2022* WAS RECESSED BY THE CHAIR AT 5:08 P.M., AND WAS RECONVENED BY THE CHAIR ON *SEPTEMBER 27, 2022* AT 9:02 A.M.)

CHAIR LEE: Will the meeting of September 20, 2022, please reconvene. This is a Council meeting. Members, we would like to get through testimony as quickly as possible and begin our deliberations, but we'll see what happens, alright.

So, let's get right into roll call.

ROLL CALL

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Chair, proceeding with roll call. Members participating from non-public locations should state who, if anyone, except minors, is present with them as part of roll call.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Yassas, Chair and aloha kakahiaka kakou my Maui hikina. For the record, we're broadcasting this morning from 4974 Uakea Road in Hana. And I'm here with my district staff Mavis Medeiros. And there are no testifiers, Chair.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Good morning and aloha, Madam Chair. And Yassas to you, my colleagues and everyone else joining for our recessed Council meeting. For the record, I am transmitting out of the District Office at Heritage Hall here in Paia. I'm accompanied by district office specialist Jade Rojas-Letisi. And there are no testifiers here for this morning's agenda. Thank you.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha kakahiaka and yassas, Madam Chair and colleagues. I am broadcasting from my home office. I have no one in the house with me this morning. And, and we have not testifiers at the South Maui District Office.

CHAIR LEE: Thank you.

COUNCILMEMBER KING: Knock on wood for an expeditious meeting today so we can get through all of this.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Yassas and aloha, Chair, Councilmembers, and community members. I have been informed there's no infor, no testifiers at the Lanai District Office. And I'm here and ready to work quickly. Mahalo, Chair.

CHAIR LEE: Alright. Thank you.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

CHAIR LEE: Excused for now.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Yassas, everybody. Good morning. I'm in the Council Chambers and looking forward to a expeditious meeting this morning. Thank you.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and yassas to all of my colleagues. And I am here in my workspace. I am alone, and I'm looking forward to a very productive, as well as expeditious meeting today, Chair. Thank you.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka kakou. Broadcasting live and direct from Historic Lahaina Town. And I have with me Christian Balagso, and we have nobody waiting to testify at this time. Thank you.

CHAIR LEE: Thank you.

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

CHAIR LEE: Excused.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: I'm here, present in my workspace at home. And looking forward to, like all of you said, an expeditious meeting. So, Members, shall we, what we're going to try and do is get through all, if possible, all the testimony today. So, please try to remember that we have time constraints, so if you could keep your clarifying questions, you know, as concise as possible. That will be really appreciated.

So now then, Mr. Clerk, can we begin with testimony?

PRESENT: COUNCILMEMBERS SHANE M. SINENCI, MICHAEL J. MOLINA, KELLY T. KING, GABRIEL JOHNSON, TAMARA A.M. PALTIN, YUKI LEI K. SUGIMURA, NATALIE A. KAMA, AND CHAIR ALICE L. LEE.

EXCUSED: VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ.

(Vice-Chair Rawlins-Fernandez was not present during roll call, however, she arrived to the meeting at 10:56 a.m.)

DEPUTY COUNTY CLERK: Yes, Chair. Just for the record, there are eight Members currently present, one Member excused. A quorum is present to conduct the business of the Council.

For the record, I am Deputy County Clerk James Krueger. Also present from the Office of the County Clerk are Legislative Division staff Joyce Murashige, Lauren Saldana, and Dell Yoshida.

And joining the meeting from the Department of the Corporation Counsel is Corporation Counsel Moana Lutey.

And then, Chair, just for, just for everybody's knowledge, we're having, we're encountering technical difficulties with Granicus at the moment, so we're not broadcasting on Granicus, but we are still up on Akaku.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on bills. Chair, the first person we have signed up to testify is Sergio Alcubilla. To be followed by Zhantell Lindo.

COUNCILMEMBER SUGIMURA: Mr. Molina had his hand up, Chair Lee.

CHAIR LEE: Oh, I'm sorry. Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Sorry for the interruption. If I recall at our last meeting, we enforced Council Rule. Was that on speaking to the motion or was that related to the amount of time people were supposed to be giving responses to any questions from the Councilmembers. If you can help me on that. And also, Chair, if you wanted to enforce any specific rule today to help the meeting be, move along more expeditiously, I would have no objections to that as well. But if you can just help me with my, I'm trying to recall, I believe you had mentioned at the last meeting that you're going to enforce a Council Rule?

CHAIR LEE: I'm not sure. Honestly, I don't recall.

Mr. Clerk. Mr. Clerk, do you recall that discussion?

DEPUTY COUNTY CLERK: Yes, Chair. Just real briefly at the beginning of the meeting, you mentioned the enforcement of Council Rule 9.F, relating to Members speaking only twice on any given motion.

CHAIR LEE: Oh okay.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you.

CHAIR LEE: Alright, but that's the normal rule. I'm not, you know, asking you to forgo that. But I'm just asking, you know, if you can keep your questions short, that would be helpful.

COUNCILMEMBER MOLINA: Okay.

CHAIR LEE: But you can still speak twice on something.

COUNCILMEMBER MOLINA: Thank you.

CHAIR LEE: But we're hoping to even get there cause we have, in fact, Mr. Clerk, how many testifiers do we have signed up?

DEPUTY COUNTY CLERK: Chair, currently, at the moment there's approximately 24 individuals signed up to testify. They are people who are signed up from last meeting, so they might not all be present at this time. But if they arrive then, you know, they're welcome to testify.

CHAIR LEE: Alright. Okay. I'm sorry to the first testifier. Could you please begin? Mr. Clerk, could you call his name up again?

DEPUTY COUNTY CLERK: Yes. The first testifier today is Sergio Alcubilla. To be followed by Zhantell Lindo.

MR. SERGIO ALCUBILLA, HAWAII WORKERS CENTER [testifying on Bill No. 139 (2022)]:

Thank you. Good morning, Chair Lee and Members of the Maui Council. Thank you again for this opportunity to be able to testify. My name is Sergio Alcubilla, I'm here on behalf of the Hawaii Workers Center. We are a nonprofit organization that advocates for the rights of low wage, non-union workers. And I'm here in support of Bill 139.

As many of you all are well aware, the lack of affordable housing, especially there on Maui, is a critical issue. It impacts workers in the labor movement. You know, when we speak with a lot of workers, one of the things that, one of the biggest issues that they face are landlord tenant issues, and it's all tied together. They're all interconnected.

You know, many of them, they fear losing their housing. You know, they're, they're worried about retaliation from their employers because they won't be able to make rent. And if they do, you know, say something against their employers and they lose their job, then of course, then that trickledown effect where they won't be able to make rent for the month. And not only that, you know, if they, even if it's a retaliatory eviction, it's hard for them to be able to find another place.

So, again, my name is Sergio Alcubilla and I just want to keep it brief. We are here in support of Bill 139, to add to the supply of affordable housing here on Maui County. And it would help workers statewide just for them to be able to advocate for their rights knowing that their housing is safe and stable. So, again, my name is Sergio Alcubilla. And thank you again, Members of the Council, for your, this opportunity to testify.

CHAIR LEE: Thank you, Mr. Alcubilla. Members, do you have any questions? If not, thank you very much.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify on Section M. Bills is Zhantell Lindo. To be followed by Aaron Kamaunu.

MS. ZHANTELL LINDO [testifying on Bill 138 (2022)]:

Aloha and good morning, Councilmembers, Chair Lee. Thank you for this opportunity. Real quick, I just wanted to stand in support of Bill No. 138, a bill for an ordinance to establish a Tourism Management Commission.

I think it's necessary. I love that commissions give our community an opportunity to weigh in on critical issues before they just have to show up for three minutes on decision making day. I love the proactive approach as opposed to the reactive approach. And I think this is a necessary commission.

I also would like to just inject that in the establishment of this, maybe seeking out, because we were a newly formed commission, homelessness. There's some real critical formation type discussion that I think is needed to be had when you forming the commission that can help to expedite a more effective and, and you know, get the commission off on a better start when, from the ground up, that we've learned through this last year. So, thank you.

CHAIR LEE: Thank you. Questions? If not, thank you, Zhantell and aloha.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last individual we have signed up to testify on items in agenda Section M. Bills is Aaron Kamaunu. If there's anybody else who would like to testify on any of these items, please identify yourself. Aaron Kamaunu. Last call, Aaron Kamaunu.

Then, Chair, we'll do last call for testimony on M. Bills. If there is anybody who wants to testify on these items, please identify yourself now. We currently have no one else to testify, so this is last call. Chair, no one else has indicated that they'd like to testify on any of these items.

CHAIR LEE: Members, any objections to closing testimony on M., the letter M. Bills?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: And receiving written testimony into the record?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So ordered.

Mr. Clerk, please proceed.

BILLS

ORDINANCE NO. _____
BILL NO. 138 (2022)

A BILL FOR AN ORDINANCE AMENDING TITLE 2, MAUI COUNTY CODE, ESTABLISHING A TOURISM MANAGEMENT COMMISSION

The recommended action is that Bill No. 138 (2022) be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 139 (2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, AFFORDABLE HOUSING FUND (LĀHAINA CROSSROADS APARTMENTS)

CHAIR LEE: Alright. This is, yes, Member Paltin.

COUNCILMEMBER PALTIN:

I'D LIKE TO MOVE TO WAIVE COMMITTEE REFERRAL TO
PASS THIS BILL ON THE FLOOR.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN:

FOR FIRST READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second. Moved by Member Paltin, Member Paltin and seconded by Member Sinenci, to, to waive the Rules of the Council. To waive Committee referral.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. If you recall, we did pass a resolution earlier this year authorizing the Mayor to purchase Lāhaina Crossroads Apart--

CHAIR LEE: Okay. This is only on the referral, I mean, the waiver. Okay.

COUNCILMEMBER PALTIN: Oh. Sorry. I move, I, this is a time-sensitive matter in that we have a willing seller at this moment. And we have people living in unstable housing conditions. So, I'd like to take this matter up expeditiously, so we don't get . . . out by the private sector folks trying to turn things into hotels and whatnot. Thank you.

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

Member Sugimura, aye?

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Okay, eight "ayes", zero "noes", one "excused"; Member Rawlins-Fernandez. Motion carries.

Member Paltin, again.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO PASS THIS BILL . . .

CHAIR LEE: Okay. Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Member, okay, moved by--

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes?

DEPUTY COUNTY CLERK: Apologies to interject, Chair, but Councilmember Paltin froze on our end. We didn't catch her entire motion.

COUNCILMEMBER KING: She's frozen on my end too. I didn't hear her motion.

CHAIR LEE: Member Paltin?

COUNCILMEMBER KAMA: She's still frozen.

COUNCILMEMBER KING: Now she has poor--

CHAIR LEE: I think she's trying to come back by shutting off her video. Member Paltin, can you hear us?

Okay, you know, to keep things moving, Member Johnson, did you want to make the motion? Member Sinenci, you want to second?

COUNCILMEMBER JOHNSON:

SO MOVED.

CHAIR LEE: Okay, okay, I see Member Paltin just joined the call. Anybody see her? But it has been moved--

COUNCILMEMBER PALTIN: Having network issues over here and I'm on my phone. Can you hear me and see me?

CHAIR LEE: Yes. Member Paltin, just for your information, Member Johnson moved to, moved to approve the Bill 139, yeah, and Member Sinenci seconded it. So, now we're in discussion.

COUNCILMEMBER PALTIN: . . . time to speak or?

CHAIR LEE: Well--

COUNCILMEMBER JOHNSON: If allowable, I defer to Councilmember Paltin.

CHAIR LEE: Yeah, let's hear from you before, in case you go off again.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Member Johnson and Member Sinenci. If Members recall, we earlier passed a resolution authorizing the Mayor to purchase the Lāhaina Crossroads Apartments. This area is an area that we are trying to address in the . . . bill, the Historic District of Lahaina, as a permitted use allows hotel use similar to Napili Bay Civic Improvement District used to. So, there are no discretionary permits required for buildings or houses to be turned into hotels.

Due to public outcry and the loss of so much housing that is turning into hotels and short-term rentals, it's fortunate that we have a local owner who made a wrong decision, or a mistake that he would do something like this as well, and is now a willing seller, willing to work with the County to keep this housing affordable for Lahaina, which has such a desperate need. And it's my request that we also move expeditiously in line with what the Administration has accomplished so far. And you know, once this building is lost to become a hotel, I don't think we'll ever get it back.

I know the price is higher, but if you think to what the price would be to acquire land, permitting and design, construction time, it just makes sense for my community to keep this as affordable and workforce housing. Thank you.

CHAIR LEE: Okay. Any more discussion?

Yes, Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I also rise in full support of the motion. You know, we, we here on Maui County follow the housing first model, which means we got to put our folks in housing first and then wrap around services if they need them. And get, the main thing is to do the housing first. But how can we do housing first

when we don't have housing? So, they're having a building already there, already constructed, you can allow our folks to be in, what they, in a home that they need at this present time. There's no waitlist like what Councilmember Paltin was speaking on.

So, I think this is a great idea and I'm, I just want to rise in full support and let everybody know that this is a, this is a way, this should happen more than just this one time. This is a way forward. We should be looking at other buildings and grabbing them up for our workforce and our affordable housing. Mahalo, Chair.

CHAIR LEE: So, we have the seconder Mr. Sinenci, and the Mr. Molina, then Member King.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah.

CHAIR LEE: You have anything to add, Mr. Sinenci?

COUNCILMEMBER SINENCI: No, just speak in support of the motion, Chair. Thank you.

CHAIR LEE: Okay. Thank you.

Member Molina.

COUNCILMEMBER MOLINA: Madam Chair, you know what, I'm going to be courteous to my colleagues. I saw Member Sugimura's hand go up before mine--

CHAIR LEE: Oh, okay.

COUNCILMEMBER MOLINA: --and I think Member King.

CHAIR LEE: Thank you.

COUNCILMEMBER MOLINA: So, I can allow my colleagues to go first.

CHAIR LEE: Thank you.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. There are many situations like this where our residents are being impacted. So, I understand the need for it and concern for our residents who otherwise would not have housing. And, and situations here in Wailuku where property, long time family sold their property and then rents doubled, and everybody had to scramble to, you know, find a place to live. But, Tamara, I'm just curious, I've been hearing that the new owners of Lāhaina Crossroads that we're trying

to buy this property, that they would make a mil, no sorry, \$4 million by this purchase. Do you know what that number is?

COUNCILMEMBER PALTIN: Chair?

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you. My understanding is they're still waiting on the assessment. That's why it says up to \$11 million. I know that there were some financing issues and whatnot. But I think, from what I have heard also, is if the County doesn't buy it, they can make a lot more selling it to off-island interest for the purpose of the hotel. So, as with everything, it's a compromise. And as Member Johnson said, we need to be diligent and get it before these middle folks get it, you know.

We live in a capitalistic society where that's not against the law. In a lot of cases, it's even encouraged to make money in this fashion. So, we were not proactive. Somebody saw an opportunity to build generational wealth or what have you. They got the feedback from the community that it's not accepted.

We spoke with this individual in our community. The Mayor spoke with this individual in the community. I believe the agreement was not to go past \$11 million. We're waiting on the assessment is my understanding. And, you know, if this falls through, there's no doubt off-island interest will be paying way more for it, it than \$11 million, and that it will be a hotel. There's no doubt in my mind.

And so we're in a, we're in a bad position and let this be a lesson to all of us that we need to be more proactive and get these types of properties before speculators do and preserve our housing inventory. This is a hard lesson to learn. It's an expensive lesson. But we can't allow it to continue to happen, because we're already struggling, and it'll get much worse. So, it's a difficult lesson. But we need to be more proactive in preserving our existing housing, as well as building more housing.

CHAIR LEE: Okay. Does that answer your question, Member Sugimura?

COUNCILMEMBER SUGIMURA: So, I think what--

CHAIR LEE: You have another question?

COUNCILMEMBER SUGIMURA: Well, just as a follow up to Ms. Paltin, because she said we were waiting for the assessments, so any kind of time schedule? I saw Linda Munsell's name pop up. I just wondered if their department had any kind, more details? Cause we're not doing Committee referral.

CHAIR LEE: Member, I mean, not Member, but Ms. Munsell, are you there? Can you answer the question?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS LINDA MUNSELL: Yes, I'm here. But unfortunately, no, I can't answer that question. I apologize.

CHAIR LEE: Okay. Any other questions? Maybe, Member Sugimura, you can, you can check with them, yeah? Later in the week.

Any other, wow, I saw two of you, Member Paltin. Alright, the next person is Member King. Is it Member King?

COUNCILMEMBER KING: Thank you, Chair. Yeah, thank you, Member Molina, for deferring. So, I support this, I support this bill. And I think we did learn a hard lesson when we were in negotiations with Mā'alaea Mauka, and that got scooped out from underneath us. So, I wish we could've moved as quickly on that property as well. We still have an opportunity, but now we don't have a willing seller. So, kudos to the seller for being willing.

I don't think we should base our decision on whether or not it's valuable to the County to buy this on how much the seller is going to make. I mean, that's, you know, if they're making money, they're making money. But this is a valuable purchase for the County of Maui and so, I think we should stay focused on keeping people in affordable housing and, and trying to close on this deal. So, I appreciate bringing this forward at this time, because we've seen what can happen if we don't move quickly enough.

And you know, I'd rather not go into, I don't, I also wanted to say I don't think this could be developed into a hotel because we have a moratorium right now on new visitor accommodations. So, I don't know, I don't think this was, this would be a new hotel, which is precluded by the new moratorium. But I do, I do think it's a good idea to purchase it, so I'm going to stand in support of the bill as well.

CHAIR LEE: Okay. I'll get back to you, Member Paltin.

But Member Kama, did you have something?

COUNCILMEMBER KING: I think Member Molina was next.

COUNCILMEMBER KAMA: Oh yeah, Member Molina first.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. And my colleague from South Maui hit the nail on the head. I was going to make mention of Mā'alaea Mauka, but that certainly was a hard lesson. So, a great example as to why we need to act on this measure today. Mahalo to Member Paltin for looking out for your constituents in West Maui, because we gotta take advantage of this opportunity, cause otherwise this is what happens when a property owner, they get tired of the wait. And they can just turn around and just say, you know what, forget selling it to the County. I'm going to sell it to someone else, maybe make more money.

But this is a golden opportunity for us to take advantage of this. And time is of the essence, cause what we certainly don't need is anymore constituents facing the prospect of being houseless. So, this is an act of compassion on the part of Member Paltin and the rest of us who's going to support this, which I certainly will. So, thank you, Member Paltin. This is a golden opportunity, and this will help many, many people and not face the prospect of not having shelter, cause that's certainly what we don't need any more of here in Maui County. Thank you, Madam Chair.

CHAIR LEE: Thank you.

Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, yes, I am in total support of this bill. I mean, when you do the math, it's like \$500,000 per unit. That's, if you take a look at that and you can't find a home, you can't find a unit, you can't find a condominium for that much money. And so, we are really fortunate to be able to take advantage. But like Member Paltin says, we have to strike when the iron is hot. And right now, it's hot, so let's go get it. So, thank you, Chair. And thank you, Member Paltin.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just received the official words. I can share them with you. The purpose of this bill is to amend Fiscal Year 2023 Budget, Appendix A, Part II, to add an appropriation from the Affordable Housing Fund for the acquisition of the Lāhaina Crossroads Apartment in the amount of \$11 million.

In June of this year, the tenants of the building re--

CHAIR LEE: Uh oh, frozen again.

COUNCILMEMBER KING: Again.

CHAIR LEE: Member Paltin, can you turn off your video? Can you hear us? Member Paltin?

COUNCILMEMBER KING: She might have to go back to her phone.

(Councilmember Paltin was excused from the meeting at 9:29 a.m.)

CHAIR LEE: I think she heard you. Member Paltin, can you try and speak?

Okay, Members, let's move forward with the vote. Do we need roll call? No. All those in favor of the motion to approve Bill 139, please raise your hand and say "aye".

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER PALTIN AND VICE-CHAIR
RAWLINS-FERNANDEZ.

CHAIR LEE: Okay, three, four, five, six, seven "ayes", zero "noes"; motion carries. Two excused; Member Paltin and Vice-Chair Rawlins-Fernandez.

Okay, Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 140 (2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023,
ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS
REVOLVING FUND (MOLOKAI GLASS HOUSE AT MAPULEHU)

(Councilmember Paltin returned to the meeting at 9:30 a.m.)

COUNCILMEMBER PALTIN: Sorry.

CHAIR LEE: Anybody want to take this on. Member Paltin.

COUNCILMEMBER PALTIN: Sorry. When, when did I cut out?

CHAIR LEE: I don't know, you were still talking about the assume, the, did the appraisal come in?

COUNCILMEMBER PALTIN: No, the appraisal didn't come in yet. And--

CHAIR LEE: Okay. But you were talking about the, about the purchase and everybody got the gist of what you were saying. And the motion passed. So, we're onto, we're onto Bill 130, I mean 140, 141, and actually 142, which was scheduled for action. Are you prepared to take that on?

COUNCILMEMBER PALTIN: I'm pre, sorry, I'll stay, I'll keep my phone on cause the Spectrum is kind of spotty, I guess.

CHAIR LEE: Okay. Then, so we'll go back to, we'll go back to the Clerk so he can call up those items.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 141 (2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023,
HAWAIIAN CULTURAL RESTORATION REVOLVING FUND

ORDINANCE NO. _____
BILL NO. 142 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF THE PROSECUTING ATTORNEY
(HAWAII CAREER CRIMINAL PROSECUTION PROGRAM)

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR BILL 140, 141, AND 142--

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER PALTIN:

--IN ACCORDANCE WITH RULE 7.G OF THE RULES OF THE
COUNCIL.

(Vice-Chair Rawlins-Fernandez arrived at the meeting at 9:33 a.m.)

CHAIR LEE: 7.G. Alright, any discussion? It was moved by Member Paltin, seconded by Pro Tem Kama, to waive the Rules of the Council in order to take up Bills 140, 141, and 142.

Any further discussion, or any discussion, Member Paltin, on the waiver?

COUNCILMEMBER PALTIN: I think that these will be better to be done now than later.

CHAIR LEE: I like your in-depth discussion of that matter.

Member King, and then Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KING: Can you give, Member Paltin, can you give us some explanation for the urgency?

COUNCILMEMBER PALTIN: I think--

CHAIR LEE: Member Paltin, I see Vice-Chair Rawlins-Fernandez on the call now. You want to--

COUNCILMEMBER PALTIN: I will defer to her.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Chair. Aloha, everyone. I am on Mokulele airplane in a public space. . . . Okay, so Members, Bill 140. This bill would add an appropriation for a preservation and access plan for Molokai Glass House at Mapulehu. This is already in our budget and we were able to contract the person to complete this . . . that grant.

For 141, this bill would allow funds from the Hawaiian Cultural Restoration Revolving Funds be used for a burial treatment plan, as well as a development and implementation of a management strategy for Moku'ula and Mokuhinia. And that's also a grant for items that we've already supported. So, we . . .

For 142, this is also a grant for funding for the Career Criminal Prosecution Program. And then, the sooner we can recognize these grants in our budget, then the Prosecuting Attorney's Office, Department can move forward with this program. Mahalo, Chair.

CHAIR LEE: Okay. Any further discussion, Members? All those in favor of passing Bills 140, 141, and 142--

COUNCILMEMBER KING: Oh, sorry, Chair--

DEPUTY COUNTY CLERK: Chair?

COUNCILMEMBER KING: Point of order. I think we're still on the waiver motion.

CHAIR LEE: Oh, still on the waiver. Oh, okay.

COUNCILMEMBER KING: I had just asked the urgency of the, of the waiver.

CHAIR LEE: Oh, I'm sorry. Any more discussion on the waiver? If not, all those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Okay, I see, what's that, two, four, six, eight, nine "ayes", zero "noes"; motion carries.

Now, the motion, who wants to take that? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 140 ON FIRST READING, BILL 141,
ALSO ON FIRST READING, AND 142 ON FIRST READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Tem Kama, to pass Bills 140, 141, and 142 on first reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 140 would amend Fiscal Year 2023 Budget, Appendix A, Part II, to add an appropriation to develop and implement a preservation and access plan for the Maui, sorry, Molokai Glass House at Mapulehu. The Glass House is a County-owned property. We do have representatives from the Administration who are available to answer questions, if the Members have any.

Bill 141 would amend the Fiscal Year 2023 Budget, Appendix A, Part II, by amending the conditional language for the management strategy and restoration of Moku'ula and Mokuhinia from the Hawaiian Cultural Restoration Revolving Fund. Again, we have Administration . . .

Lastly, Bill 142. This bill would amend the Fiscal Year 2023 Budget, Appendix A, Part I, Department of Department of Prosecuting Attorney's grant entitled "Hawaii Career Criminal Prosecution Program" in the amount of \$144,736 and to add a 1.0 Limited Term Appointment. The grant funds will be used for salary and fringe benefits for one deputy prosecuting attorney for the Career Criminal Prosecution Program. The scope of the program is to identify, expeditiously prosecute, and convict persons who are career criminals. This program is funded from July 1 . . .

CHAIR LEE: Okay, we had a hard time hearing you at the end. Members, are there any questions?

COUNCILMEMBER PALTIN: Chair, I can, I can read 142 again if you'd like.

CHAIR LEE: Okay, why don't you read 142 for the record.

COUNCILMEMBER PALTIN: Okay. Members, this bill provides new grant funding for the Career Criminal Prosecution Program. It would amend the Fiscal Year 2023 Budget, Appendix A, Part I, Department of Prosecuting Attorney, to add a new grant entitled "Hawaii Career Criminal Prosecution Program" in the amount of \$144,736 and 1.0 Limited Term Appointment.

The grant funds will be used for salary and fringe benefits for one deputy prosecuting attorney for the Career Criminal Prosecution Program. The scope of the program is to identify, expeditiously prosecute, and convict persons who are career criminals. The program is funded from July 1, 2022, through July, or sorry, June 30, 2023.

Representatives from the Administration are available to answer any questions the Members might have. I respectfully ask for the Councilmembers support of the motion. Thank you, Chair.

CHAIR LEE: Members, any questions on any of the bills? If not, all those in favor of the, do we need roll call? No. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on agenda Section N. Bills - Second and Final Reading. The first person signed up to testify is Keoni Kuoha. To be followed by Paul Cheng. Keoni--

CHAIR LEE: Keoni?

DEPUTY COUNTY CLERK: Keoni Kuoha, it's your time to testify. Chair, we'll proceed onto the next testifier for the time being.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: The next person signed up to testify is Paul Cheng. To be followed by Mike Moran.

CHAIR LEE: Mr. Cheng?

DEPUTY COUNTY CLERK: Paul Cheng.

MR. PAUL CHENG [testifying on Bill No. 107, CD2 (2022)]:

Hi. Can you hear me? Can you all hear me?

CHAIR LEE: Yes, we can.

MR. CHENG: Okay. I can't get my video on, but doesn't matter, I guess. I'm trying to, but it won't, oh here we go. Alright, great. Hang on. Aloha, Madam Chair and Councilmembers. Thank you for allowing me an opportunity to offer my thoughts on this important affordable housing Bill 107. I understand this bill has stirred up some strong emotions among the builder community. I'd like to share my own thoughts on it, and it only represents my own thoughts.

I read the bill, and as a builder, I would say the intent is clear. The intent as I see it is any builder should under Bill 107, probably is best to work out a support package from the Council, because the gap between the cost to build and the revenue to be received upon sale per home will be growing under this new formula. A new formula clearly lowers the price for the buyer.

It would also mean, because of the coordination with the County support package, more transparency to the supply cost of affordable housing. I think that's a good thing. It is also clear that the County is willing to invest in increasing affordable housing inventory. This is one of those laws, when passed, that if the County does not further support and help in filling the large cost gap, there will be no affordable housing bill. Since that is the opposite of what County wants, I'm confident that the Council is taking such a strong stand towards improving the affordable housing inventory will in due time create ways to fill the cost gap so that such housing can be built for the long-suffering residents of this County.

I would like to add something else. Under the only other viable way to finance affordable housing, which is the Low-Income Housing Tax Credit program (LIHTC), there are very limited funds per year available to each County. There are very limited funds per year available to each State, it's a Federal program, and in order to increase supply, the County needs another tool.

Secondly, for information purposes only, under the aforementioned Low-Income Housing Tax Credit program, profit to be earned by winning applications, and I've looked at them, this is all public information. But generally, just around 10 percent. So, that is a fair number. I'm fine with that.

Third, I understand that the 28 percent no support C.2 language is very similar to programs that have already been passed on other islands on the State. And they seem to be doing okay with it, and I'm okay with it.

So, I'm voicing my strong support for this new bill and I look forward to working closely with the Council and Affordable Housing Committee to increase affordable housing supply on this island. Thank you for your time.

CHAIR LEE: Thank you. Members, questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Cheng, for testifying. And for your project, which is the Pulelehua Project in Kapalua, how many houses? When are you expecting to start? How many homes do you have planned, affordable homes?

MR. CHENG: We have 700 rentals.

CHAIR LEE: Okay.

MR. CHENG: Hello?

CHAIR LEE: Member Sugimura. Member Sugimura, can you tie it to the HUD sales pricing?

COUNCILMEMBER SUGIMURA: Was this bill would impact his development project. So, I'm just wondering where he stands?

MR. CHENG: Yeah, we're in the process of getting building permits to answer you quickly. We have drilled our first well, and we already found water. And it's good water, so we're very happy about that. And we have received civil plans, permits from the various departments of the County, and working very hard to fulfill all their comments shortly. So, we're really hoping to break ground this year, if not sooner. Soon as we can send our permits applications back with their comments fulfilled, we hope to have a green light . . .

CHAIR LEE: Okay, thank you. Thank you, Mr. Cheng. We're really on the topic of the pricing of the homes.

MR. CHENG: Okay. Sure. Sure. Sorry.

CHAIR LEE: Any more questions? Member Johnson, then Member King.

COUNCILMEMBER JOHNSON: Thank you, Chair. Just a real quick question for Mr. Cheng. Are these prices doable for your project?

MR. CHENG: With some support from the County, yes. By itself, probably no.

CHAIR LEE: Okay, Member King.

COUNCILMEMBER KING: Thank you, Chair. Actually, that was going to be my, I was going to ask you if you were going to be able to lower your prices as well. So, what kind of support would you need from the County?

MR. CHENG: It depends on the mix of units. If you, obviously, if you only have 25 percent affordable, right, and 75 percent market, you would need less support. But for 100 percent.

COUNCILMEMBER KING: But for your . . .

MR. CHENG: Yeah . . .

COUNCILMEMBER KING: So, for your project . . .

MR. CHENG: Sorry.

COUNCILMEMBER KING: You know what your project is. So, for your project, what kind of support would you need from the County?

MR. CHENG: If I stay with the current program, probably not very much. Less than, less than 100,000 per unit. But there was talk that, to accelerate and build all the affordable units in earliest phase as possible. So, if that's the case, probably less than 300, around 300,000 per unit, if it's 100 percent affordable.

COUNCILMEMBER KING: That's what you'll, okay, so, that's what you would need in order to meet these price guidelines?

MR. CHENG: Yeah, if it's 100 percent. Like, let's build 200 together right now, that kind of thing.

COUNCILMEMBER KING: Well no, I'm just asking about your project. Is your project 100 percent?

MR. CHENG: No, my project is about 45-50 percent. But each phase, I get to build some market rates. So, the support level is less when you are able to build market rate. It's more, if you just build more affordable, of course.

COUNCILMEMBER KING: But that's, I was just asking about your project. What kind of support are you saying you need from the County in order to make these price guidelines work for you? Because you're going to have to adhere to the new price guidelines, so.

MR. CHENG: Right. So, as I said, it'll be less than 100,000 per unit if I build a mixture, each phase of market-rate and affordable. Somewhere less than 100,000 per unit, okay. If it's all affordable, let's say if I build 200 units of affordable at one time with no market rate, right, then I'll probably need 300-320,000 per unit.

COUNCILMEMBER KING: Okay. So, you don't, you haven't, you haven't decided what your mix will be yet, is that what you're saying? So--

MR. CHENG: No. Yeah, we have alternatives that we can do.

COUNCILMEMBER KING: Okay.

MR. CHENG: Excuse me, yeah.

CHAIR LEE: Okay. We're going to have to move on now. Okay. Member, I'm not sure who had, Paltin or Kama? Who's first? Paltin. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just wanted to clarify for Member King what the County is asking is that Phase 1 be 100 percent affordable. And that's, I think, the confusion, is that we want all of the affordables first. Thank you.

CHAIR LEE: Okay.

COUNCILMEMBER KING: And I was just asking what he was planning to do. I wasn't asking what the County was asking.

CHAIR LEE: Alright. Member Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, Mr. Cheng, in your testimony, you said that in order for, for you to really appreciate this particular bill, that the County would

have to continuously support projects such as yours that may come not just now, but for later. And so, if you do the math, then the, and you're looking at maybe about 100,000 times 750 units, is that what you're looking at?

MR. CHENG: No. No. The amount of affordable in Pulelehua is 300 rental and 100 for-sale affordable, so 400.

COUNCILMEMBER KAMA: Okay.

MR. CHENG: So, yes. The, the intent is that if I was able to build a mixture per phase like, you know, let's say out of 200 for Phase I, we can do 50 affordable and 150 market rate or, you know, then the support needed is not that much. But if I'm putting it all in affordable, then I'll need more. So it's not like a, it's when you build it, you need it. Because what, what effectively this bill has done, as you know, is that instead of paying let's say 500,000 for a home, the resident is only paying like maybe 22 percent less, according to Ms. Munsell. So, it's 100,000 less. That's where it comes from. That's the same number.

CHAIR LEE: Okay. Thank you.

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

CHAIR LEE: Any more questions? Okay.

Let's see, where are we, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Mike Moran. To be followed by Jordan Hocker.

CHAIR LEE: Alright.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION [testifying on Bill Nos. 91, CD1 (2022) and 107, CD2 (2022)]:

Good morning, Chair and Councilmembers. Mike Moran for the Kihei Community Association on two items, 91 and 107. Of course, this is the second and final reading, so you're in the homestretch. And we have testified on both of these before.

So, on 91, the wetlands preservation, it's, we're trying to do something that should have been done a long time ago. And we can't undo all the buildings that are, all of the construction, built environment that's in the wetland, but we're saying stop it, you know.

Maybe someday it will get undone. Mother nature will certainly undo some of this mistakes that were made. So, we continue to be in full support. And we hope we can get over this last hurdle today in this second and final reading.

Just one facet of this is brought up in our district. Periodically, we just had it a few weeks ago, where we have another mud flood and people are like, what can we do about this? Well, this is one thing, you know? Again, many mistakes were made, clear-cutting forests Upcountry, filling in the muliwai, etc., etc. We can't undo that, but at least, let's protect the wetlands we have, which is what you are trying to do today. Thank you for opportunity on that one.

And then, on 107, we continue to be in support of this. We think that we're, this Council has made great headway in affordable homes. So, we commend you for that, and support your continued actions to find other and better ways to get more truly affordable workforce or attainable, whatever term we want to use for people who live here. And instead of so much concentration on the financial aspect of how much somebody can make, how much profit they can make by building these high-end homes, particularly in our jurisdiction in the south end. We see a lot of high-end homes being built in Wailea and Makena. So, anything we can do to support truly homes for our working people here, we support, like we do this one today. Thank you for the opportunity to testify on both these items.

CHAIR LEE: Thank you, Mike. Questions, Members? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Jordan Hocker. To be followed by Linda Munsell.

MS. JORDAN HOCKER [testifying on Bill 107, CD2 (2022)]:

Aloha Chair Alice Lee, Vice-Chair Keani Rawlins-Fernandez, and Councilmembers this morning. It's nice to be with you reconvening. I'm testifying, my name is Jordan Hocker. I'm testifying on Bill 107 in support of the bill. I want to thank Councilmember Johnson for putting this bill forward and doing the hard work to figure out how we close that gap.

I have heard, you know, from the developer aspect of it that homes won't get built because they won't be able to afford to do that. But I want to echo previous testimony, which essentially the County being involved and, and subsidizing affordable housing

and helping developers get this built at this cost margin is, is something that will bring more transparency.

And the reality is that the affordable housing that has been built in the past, isn't, hasn't been attainable. And so, when we're dealing with something where the free market isn't building the homes that we need, developers aren't motivated to build affordable housing, we have to think outside of the box. And this Bill 107 is a perfect example of thinking outside the box of public and private partnership, which everyone is fond of. And I am in full support of Bill 107. Thank you.

CHAIR LEE: Thank you. Questions, Members? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Linda Munsell. To be followed by Keoni Kuoha.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS LINDA MUNSELL,
[testifying on Bill No. 107, CD2 (2022)]:

Hi. Good morning, Chair and Councilmembers. My name is Linda Munsell, I'm the Deputy Director for the Department of Housing and Human Concerns. I really appreciate the opportunity to be here today to testify against the passage of Bill 107, relating to the affordable sales price guidelines.

In the Committee meetings where these amendments have been discussed, the Department has consistently expressed concern about this bill. As we stated, we do not believe that this bill will result in an increase in the number of units planned or being constructed for our workforce, nor do we, does this bill take into consideration the actual assistance needed to make units affordable to buyers. Instead, we believe that this legislation will result in significant unnecessary costs, without achieving intended result in a way that it is fair, equitable to our taxpayers, our workforce buyers, or to our developers.

This Council has really made affordable housing a priority, and that's a priority that we share and support. However, we can't support this bill. We would urge you to vote against the passage of Bill 107 and allow the sales price guidelines to remain an administrative process. Thank you for the opportunity to testify today.

CHAIR LEE: Thank you. Questions?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I just would like to clarify with Ms. Munsell, is she testifying on her own time?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: No, I'm testifying on behalf the Department, the Administration.

COUNCILMEMBER PALTIN: With the Mayor's permission and?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: That's correct.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Good morning, Director Munsell. Just to clarify your comments. So, in lieu of Bill 107, and you mentioned about maybe it could cause, I guess, a potential lack of inventory for affordable housing. What do you believe is needed instead of Bill 107 to expand inventory for affordable housing?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Thank you for that question. You know, a couple of things. Historically, 107 has been administrative. We have indicated that we are intending to lower the . . . sales price guidelines to 28 percent come this Spring, administratively. We think that will still remain affordable for all of our 2.6 kinds of projects who have got a majority of market units in place.

We can also then help provide assistance to those units, to those projects that do need assistance, but not tie it to a further decrease in the price that's being sold. So, there's a balance between affordability to the buyer and the amount of financing that's required by the County to make sure that these projects still continue forward. And I think that that's an assessment that needs to be done project-by-project, rather than through a bill such as this one.

COUNCILMEMBER MOLINA: Okay. Thank you for your responses, Madam Director. Thank you, Madam Chair.

CHAIR LEE: Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I just, you know, I understand what you're saying Deputy Director Linda Munsell. I just want to clarify that the idea that you'd want to do this administratively, but you don't support the bill. That doesn't make much

sense to me. If you're going to do 28 percent, the legislation would do it that way, would it not?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: This legislation goes much farther than just 28 percent, Councilmember. It actually ties us financial support from the County to a much deeper decrease that we think would be problematic. And also, having this codified in this way as a amendment requires us to come back to the Council to make changes, if we find that that change doesn't work for this County. So, it allows us to be more flexible and fleet afoot.

COUNCILMEMBER JOHNSON: Would, would you, would you say that it would encourage more public-private partnerships if it's codified?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Putting it in an ordinance requires that we would have to partner with pretty significantly. And it actually says that essentially, we're going to have to give them, as Mr. Cheng said previously, about \$100,000 per unit, which we don't know is actually necessary. They may need much less than that to move a project forward.

COUNCILMEMBER JOHNSON: You know, I, the way I guess we're just looking a little bit differently at the issues. But I look at it as like an investment to our people. So, thank you for responding to that, Deputy Director. Thank you, Chair.

CHAIR LEE: Anybody else?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I don't have a specific question right now. But just wondering if Ms. Munsell would be available as a resource when we get to this item, in case we have more questions?

CHAIR LEE: Would you be a resource, Ms. Munsell?

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes, Chair. I'm actually available up until about 1:15 today.

CHAIR LEE: Okay. Alright, any objections, Members? If not, we'll give you a call, or you can just, you know, keep track of us.

Mr. Clerk, next testifier.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Keoni Kuoha. To be followed by Todd Apo.

CHAIR LEE: Good morning.

MR. KEONI KUOHA, HAWAII COMMUNITY FOUNDATION [testifying on Bill No. 107, CD2 (2022)]:

Aloha mai (*Spoke in Hawaiian.*) Keoni Kuoha. I have the privilege of lobbying this Council, as Director of the House Maui Initiative of the Hawaii Community Foundation. And I'm here in both support to both support the intent of Bill 107, while expressing concern with this bill. Supporting Bill 107, I want to highlight that this Council is seeking to invest directly in our local families, committing to make up the difference between the cost of a home and what a family can afford. If we can get this to work, it'll be groundbreaking for the County, and life changing for so many of our local families.

However, I'm concerned with Bill 107. After talking to folks with a range of experiences and interests in housing and looking for the best information I could find, my current assessment is that both the direct impacts and the systematic impacts, especially of section C.2, will be negative. Here's my thought process. First, I started with a laser focus on our end goal, which is to get local residents permanently into homes. There are two necessary conditions for us to achieve this goal: 1) we need homes for folks to rent or buy; and 2) local residents must be able to afford to rent or buy these homes without being dangerously cost burdened. These two conditions directly address the root causes of our housing crisis.

With this in mind, I looked at the text of Bill 107 and asked whether it had a reasonable chance of moving us toward achieving our goal. For section C.3, the answer is maybe. But for section C.2, the answer was no. Most critically because it permanently caps the prices that a developer can charge for the affordable homes they build without consideration of the cost to build these homes. And especially in this time of enormous economic volatility and uncertainty. I cannot underestimate this point at a time when most forecasts are already predicting reduced housing production. This Council is considering section C.2, which only adds to the barriers to building right now. Clearly, section C.2 moves us away from our goal.

Now, I understand the Council's focus on affordability. It's a point of immense pain for our community. However, affordability is a symptom of our dysfunctional housing system. It is not a root cause of this crisis. Section C.3 attempts to address this symptom for now. But the goal of this Council should be to address root causes of our issues. All actions that you consider must take the root cause into consideration and

ask whether the proposed legislation addresses the root cause. Low housing supply is a root cause of our housing crisis. Any action that doesn't increase the supply of homes and especially an action that could decrease the supply of homes should be immediately disqualified from consideration before this Council. That's how we start to turn this housing crisis around.

Close, I want to make a note of the negative systematic impact of Bill 107. Put it simply, it's all about trust. Proponents of section C.2, many don't trust that this or future Councils will approve all the subsidies needed to allow development to pencil out, and or that . . . Chair, may I have a minute to close?

CHAIR LEE: Please continue.

MR. KUOHA: And or the banks won't trust that the Council will approve the needed subsidies, so they won't finance the development. If this Council chooses to pass Bill 107 without addressing the significant concerns brought forward by these, those responsible for building our affordable housing, this only lends to this cycle of distrust. When do we turn this cycle around? Our community is filled with distrust around development and this distrust is keeping us from working together toward this huge goal that the House Maui Initiative and this Council share to get residents permanently into homes, generationally into homes.

Please start that process of trust-building now for the success of Bill 107. At least remove C.2 and leave it to the DHHC to determine the affordable sales price guidelines for projects, as they currently do for all projects. No matter what ratio of annual income they target, at least they'll have the flexibility to follow the data and change course when needed. Mahalo for your time and consideration.

CHAIR LEE: Thank you. Questions?

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Aloha, Mr. Kuoha. Can you just clarify, in your testimony you mentioned that you spoke to people with a range of experience about this. Can you just cite any individuals or entities you spoke with to cause concern for you?

MR. KUOHA: I prefer not to name individuals. But I spoke to a number of developers, both developing at different price ranges, including affordable, 100 percent affordables. I got to speak with one housing finance specialist, and as well as others that are working advocating for additional affordable housing, both at the State Leg, and as well on Maui.

COUNCILMEMBER MOLINA: Okay. Mahalo for your response. Thank you, Madam Chair.

CHAIR LEE: Member Paltin, then Member Johnson.

COUNCILMEMBER PALTIN: Thank you, Chair. I got two systems up cause Spectrum has like issues in my area, so just disclosing that. But Mr. Kuoha, my clarifying question is in your testimony that you spoke about trust being an issue, and I just wanted to clarify, if you thought that was founded or unfounded? Because we have had affordable housing projects in Lahaina that majority of the units have flipped out of affordability, because nobody can afford it. And so, you know, it's a controversial development, 201H project, everyone comes out, testifying for affordable housing, and then nobody can afford the affordable housing. Similar situation to what you said is the volatility of the market and things like that. So, you spoke about trust, and I just was wondering if you could clarify if those trust issues you feel are founded or unfounded?

MR. KUOHA: You know, that's, I think a lot of it is certainly founded. We have a history in Maui of disappointment, of broken trust. And my comment is not to deny that. It's asking how do we shift that? And this Council has the power to shift that. It's going to take time, but I think the conversations that have started help moving us, to move us in that direction. And certainly, the outcomes are going to make a difference, that we end up with outcomes that are benefiting our community.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, Mr. Kuoha. Good to listen to your testimony. I know you did a lot of research in, in this, in this bill, so I'm going to ask about some of your research. You researched a lot about the supply, you know, the argument of where we don't have the supply. But did you research anything on the cost of living and the low wages that we have? You know, the cost of living is like this, and our wages are like this. The production that we're making is like this, and our wages are like this. The amount of people, the tourism industry is like this, and our wages are still like this, right? So, that's the part that we're missing in this discussion, Mr. Kuoha. Have you done any kind of research, any kind of learning on, on that part of this whole, you know, huge issue that we have on where just can't afford.

It's like when Mr. Cheng was saying, is that a \$500,000 would be a \$400,000 house with that. Now, that might be significant to some, very much so, I say, because we just can't catch up to those, those costs that just keep going higher and higher.

MR. KUOHA: Member Johnson, you are right on point. One of the root causes of this issue is on the economics side. We, our economy does not have enough well-paying jobs. And, and it shows in the fact that our residents cannot afford to buy even affordable homes.

You know, I'm hesitant to speak against section C.3, because I see that as a step in the right direction. After having one conversation with someone who understands how that might be implemented, it was pointed out that if it's done in a way that's a little, I guess more fine-tuned to the circumstances of every buyer, then the costs, the money can go further, because not every buyer needs the same level of subsidy. So, I absolutely think that the Council needs to put money toward making up the difference.

How that happens, getting the most money out to people, I am not an expert on that yet. But from folks who I'm speaking to, it's like there's a way to make the money go further, because every person coming before the County with a need has a different need. And if we could fine tune to the specific need of every resident coming forward, then I think we can get our money to go further.

COUNCILMEMBER JOHNSON: Okay. Thank you, Mr. Kuoha. Thank you, Chair.

MR. KUOHA: Thank you.

CHAIR LEE: Any more questions? If not thank--

Member Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, thank you very much for being here, Keoni. So, in your discussions and your research, have you talked to bankers or investors regarding this particular bill also?

MR. KUOHA: I have. And, in fact, we're trying to set up an additional meeting with, with additional bankers to dig in. And not just the, you know, I know that the DHHC has spoken with mortgage lenders, but we're trying to understand from the housing lender side, you know, what are, what are the considerations that they have in deciding whether to finance a project? My understanding is it comes down to every single individual pro forma for a development whether those look like they pan out. But we're continuing to have conversations with folks and look to deepen our knowledge there.

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

CHAIR LEE: Anybody else? If not, thank you very much, Mr. Kuoha.

MR. KUOHA: Mahalo.

CHAIR LEE: Mahalo to you.

And Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Todd Apo.
To be followed by Alena Ornellas.

MR. TODD APO, HAWAII COMMUNITY FOUNDATION [testifying on Bill No. 107, CD2 (2022)]:

Aloha, Chair and Council. Appreciate the, so the happenstance that came right behind Keoni, I'm not going to repeat, I couldn't state better our position on the bill overall than Keoni did. And so, again, just want to reinforce a couple of things. One, that we do see section C.2 as being very problematic for affordable housing going forward. And while we, there may be issues with the rest of the bill, and from our standpoint may not be ideal, I want to stress that we're also here for the long run to work with the Council and the County. And so, we'll continue to work to try to make things as best we can to reach the . . . I may be losing you. I'm not in a great coverage area.

So, last thing I just want to say just to address the questions that Councilmember Paltin and Johnson had in regards to, on trust. Yes, there have been issues. But the point I want to make is we can't take individual issues and . . . across the entire industry or the entire . . . And so, hopefully, we can identify where things have gone wrong . . .

CHAIR LEE: Okay, we are losing you. Todd, we missed the last minute or so. Members do you have any questions?

MR. APO: Sorry, I keep going. I won't hold you up.

CHAIR LEE: Okay. Any questions for Mr. Apo? If not, thank you very much for joining us.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Members, a five-minute recess.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Five-minute recess. Five-minute recess. Everybody needs to reconnect. Five-minute recess. Be back at 10:17.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:12 A.M., AND WAS RECONVENED AT 10:21 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the September 20 Council meeting please reconvene. And that was a recessed meeting to today, September 27. The time now is 10:22 a.m. And we need to continue, Mr. Clerk, with testimony.

DEPUTY COUNTY CLERK: Yes, Chair. The next person signed up to testify is Alena Ornellas. To be followed by Zoltan Rudolics. Alena Ornellas.

MS. ALENA ORNELLAS [testifying on Bill No. 107, CD2 (2022)]:

Aloha.

CHAIR LEE: Aloha.

MS. ORNELLAS: You can hear me good?

CHAIR LEE: Yes, we can.

MS. ORNELLAS: Okay. Aloha. *(Spoke in Hawaiian.)* Alena Ornellas *(Spoke in Hawaiian.)* I am a direct lineal descendant of the iwi and iwi and the bone keepers and the cave dwellers of lao Valley. I'm here to humbly ask you guys to pass Bill 107, and to also include C.2.

You know, I don't know too much about the exact bill and the . . . Hello?

COUNCILMEMBER KAMA: Hi. Thank you.

MS. ORNELLAS: What's going on? Can we restart?

CHAIR LEE: You can continue. You can continue where you left off about Bill 107.

MS. ORNELLAS: Oh yes. Okay. That was just a little bit of an interruption. Okay. Okay, let me, where was I? I'm so sorry, that was a little bit interruption. I gotta start from the beginning. Okay. Aloha. *(Spoke in Hawaiian.)* I am a direct lineal descendant of the cave dwellers and iwi kupuna, protectors of lao Valley. And I humbly ask you, the Councilmembers, to pass Bill 107, and to make sure that it includes C.2 in that bill.

From what I've been hearing from the past testimonies, the people who are wanting to take out C.2, they seem like lobbyists and people who are connected to the developers, or the Mayor's Office. Like don't you guys see that the current system is not helping our people? It's not helping our regular everyday people. The cost of living here is \$136,000 is the living wage here. Does any of you guys make that living wage, or any of your children make that living wage? Because to afford a \$700,000 house is not something any of our kanaka can do. And that's something that even people who are working two jobs, three jobs, owning their own businesses, working jobs can even afford.

You know, we really need the Council to think about investing in our people. And I really thank Gabe Johnson and all the progressive Councilmembers who are really, really thinking about this people of Hawaii, and all their staff members who are backing them in every single way. And I'm here backing them all also. So, please don't you guys see the mass exodus that's happening? Our people are leaving. Your relatives, each of you in this room, guarantee know somebody who is leaving Hawaii, because they cannot even buy groceries to feed their families. So, if you guys can subsidize our cost of housing, I'm sure our people could at least have another step, a better chance to still be here for the future generations.

Or what you see from COVID and the mass tsunami of movers here is really fluctuating our ability to stay. Our housing is losing. We have no housing. We, we are, we're leaving our land. We need policies that are going to keep our people here. So, please pass Bill 107, and keep C.2 in there. Mahalo.

CHAIR LEE: Thank you. Members, questions? If not, thank you very much.

May we have the next testifier, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Zoltan Rudolics, in the chamber. To be followed by Penelope Mackenzie.

MR. ZOLTAN RUDOLICS [testifying on Bill Nos. 91, CD1 (2022) and 107, CD2 (2022)]:

Is this on? Okay. Good morning, Chair, and Councilmembers. My name is Zoltan Rudolics. And I'm here to testify regarding Bill 109 and 107 as well. I'm just wondering what the intent of Bill 91 is? There are no less than 15 agencies: Federal, State and County agencies already covering wetlands. It seems to me to just be another bureaucratic office that would do nothing, but slow down developments. Wetlands are already protected. Our U.S. Army Corps of Engineers, DLNR, and some other County agencies, as well. So, I just don't see the intent. It would be costly to the County.

You'd have to hire people, probably pay \$300,000 a year at least. So, it would not help move housing along as, as badly as we need it. In any case, if you have any questions about the, about my feelings on Bill 91, I'd be happy to answer anything that you have.

As for Bill 107, we have two projects undergoing in Kihei. One is an 81-unit project. I'm one of the partners along with Peter Savio and James Bode. And we purchased the property in 2020. We have had nothing but nightmares with the County. I think to move things along to get affordable housing done, the County offices need to be streamlined, or at least be helpful, rather than preventing projects from going through.

I have paid almost \$1.8 million in interest alone since we acquired that property. So, what do I do now? Do I pass that on to the affordable buyers? And the interest rate used to be at three percent when these people qualified for those homes. Now it's well over six percent. So, what do we do? I have a few people I'd like to name, but I guess in the public I shouldn't do so.

But the City Council has great intentions of getting affordable housing to the public. I would love to take that \$100,000 that you'd be subsidizing the buyers. That way I could get my least affordable home, or I should say the most affordable home, down to \$250,000 a house. So, I think maybe what the County Council needs to do is to take a look at your agencies, and see how they are, should be helping people, instead of being a hindrance.

On the Ho'onani Project, we are going to be fined \$1500 a day just because we were proactive and cleared the fire break that the County Fire Department asked us to do. There were trees hanging over the neighbors' houses that were a fire hazard, also a danger of falling down, damaging the homes. So, we spent over \$250,000 to clear the fire break, and we get threatening letters from the County agencies that unless we do something. So, we had to hire an attorney at \$500 a day, I'm sorry, an hour. And again, where do we put that expense? Do we pass it on to the buyers again, which they can't afford?

I believe we had over 2700 people respond to us on those homes. In 72 hours, we were sold out. And yet, I bet we have lost over 50 percent of the buyers because of the delay in the project. Thank you.

CHAIR LEE: Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Thank for your testimony. I concur with you on the idea of streamlining the process. And in my upcoming Committee meeting, I would like, you know, come down and testify and talk on it. Maybe we could have a meeting beforehand.

MR. RUDOLICS: I'd love it.

COUNCILMEMBER JOHNSON: Okay. That's it. Thank you so much, Chair.

MR. RUDOLICS: Okay.

COUNCILMEMBER JOHNSON: Thank you.

MR. RUDOLICS: Anyone else? Thank you.

CHAIR LEE: Thank you very much. May we have the next testifier.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Penelope Mackenzie. To be followed by Kayla Shaw.

MS. PENELOPE MACKENZIE [testifying on Bill No. 107, CD2 (2022)]:

Hello, can you hear me?

CHAIR LEE: Yes, we can. Can you hold on one second?

MS. MACKENZIE: Yeah.

CHAIR LEE: Members, I just wanted to say, we already took a break. Did you need another one? Okay. Alright. Please proceed. Thank you.

MS. MACKENZIE: Okay. Thank you. Greetings, Maui County Council. Thank you for this Council meeting, and for your diligence and love for Maui. We appreciate you. I'm submitting testimony in support of Bill 107, CD2. This bill is a part of a long-term solution to protecting the basic fundamental needs of housing. These subsidies are absolutely essential, the honest direction for truly affordable housing that goes to the longest term residents is essential.

Affordable housing seems to be a new catch phrase for these developers, and yet I appreciate the Council for their true commitment to affordable housing laws with respect to long-term residents. This is not just an affordable housing issue, it's a humanitarian issue. Land and water have been capitalized and colonized by commodity, as a commodity by American settlers and these laws. Houselessness is treated as a, is criminal in many ways. And yet, real estate agents . . . and now new

residents are welcomed with open arms to rent these houses or buy in the much-needed housing to residents that are already here. This is a conflict of interest.

The cost of living is outrageous and the cost of purchasing a home is out of the reach for most people who are truly locals to Hawaii. The fact that people of Hawaii are getting priced out of home purchase and faced with being refugees because of a capitalist occupation is criminal. This County must make it a priority to make affordable housing available to people that live here. This means that new arrivals, wealthy colonizers, and greedy realtors must have caps in the harm that they are causing. Higher taxes for them and limitations, which can be enforced heavily by the State. Please pass Bill 102, CD2.

And thank you for actively working to ensure a safe Hawaii, a Hawaii that local parents and children have a chance to thrive in their home with affordable housing available to essential and addressing these immediate issues. Long-term housing for already existing long-term families is very serious to address. Thank you, Council for standing up to the money and demanding to put the people of Maui first. Thank you very much. I appreciate all the work that you guys are doing.

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

May we have the next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Kayla Shaw. To be followed by Jennifer Karaca.

MS. KAYLA SHAW [testifying on Bill No. 107, CD2 (2022)]:

Aloha, can you hear me? Aloha. Thank you, Maui County Council and Gabe Johnson for being here today to witness testimony from all of us and the public. I just want to say that I am in favor of passing Bill 107 to include C.2. I think that this is a huge change to make affordable homes actually affordable for our community. The current pricing system isn't working, and our local families bear the brunt of this broken system.

If affordable housing prices don't actually work for the homebuyer they are not the solution. I hear that there is a push to remove C.2 from the bill, from what I've witnessed in the testimonies today. Please consider keeping that in. The development industry has inflated the real cost of building homes for decades. They receive subsidies from the Affordable Housing Fund, cost-saving exemptions for developments. And no one has ever asked what their profit margins are.

Affordable housing is profitable. Keeping C.2 language in the bill may result in a smaller profit for developers, but we are all feeling the squeeze. C.2 will just motivate developers to work with the County early on, find partnership opportunities that will help them to build these prices. That's actually what the County has been trying to do for years anyway. We're begging you to take bold action on this. Pass this bill and keep C.2. Mahalo.

CHAIR LEE: Thank you. Members, questions? If not, thank you very much.

May we have the next testifier, please.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Jennifer Karaca. To be followed by Albert Perez.

MS. JENNIFER KARACA [testifying on Bill Nos. 91, CD1 (2022); 105, CD1 (2022); and 107, CD2 (2022)]:

Hi. Can you hear me?

CHAIR LEE: Yeah.

MS. KARACA: Okay. Good morning. Thank you for allowing me to testify. I appreciate all of your time. My name is Jennifer Karaca and I am here speaking on behalf of the community impact working group in support of Bill 105. And we're hoping to get this passed today.

And we're hoping to pass it with the inclusion of a \$1,000 minimum GCFI. This \$1,000 minimum, along with the rest of the language has been introduced to the Council and the public since March. So, it's not new language. It was just unfortunately just left out of the bill on accident. So, we feel like having this \$1,000 minimum will keep it consistent with the minimum that's already set by the Department of Water Supply. And it will also prevent the Department from having to deal with very small amounts of sales, like \$50, \$100, things like that, which could really overwhelm them and maybe exploit the agricultural system, too. We do have an issue with gentlemen farms, which is pretty well-known. So, we would like to get that in.

And then, that's kind of about it. We also want the Council to consider, but it will take time to meet all of these benchmarks to work towards this. So, you know, especially with the reporting requirements, being mindful that the Department may not be able to report on every single thing in the first couple of years, that they're working towards that. And I have spoke with Weston and Kali and, you know, asked them did they need

a different date for those reporting requirements? They said they didn't. They would work towards having those. So, just making sure that the Council is mindful that, you know, the difficult you can do right now, the impossible takes a little while. So, to keep that in mind as they start reporting in the . . .

Apart from that, I wanted to speak on behalf of myself. I do support Bill 91, the wetlands protection.

And then, I do support Bill 107 with the inclusion of C.2. Personally, I have been looking at buying a home. And there are no homes that I can actually buy the land and the house available in my son's school district at all under \$600,000. So, just to give you an idea of what that would cost a month. That would be anywhere from \$3,313 a month to \$3800 a month. So, realistically, I don't really know how many families can afford that, especially when there's not even any homes available in an entire school district for that amount. \$600,000 is really a lot of money. That's over half a million dollars, and there's zero inventory.

So, I just kind of wanted to leave you guys with that. I support the bill. I think it's really necessary. I wish that the Department would have changed their administrative rules to include something like this in past, but it hasn't been done. And so just saying that they could do this in their administrative rules, but not having done it speaks volumes to me. So, that's, that's all I'm at. Thank you for your time.

CHAIR LEE: Thank you. Questions, Members? They have none. Thank you very much, Jennifer. Oh, we have two questions.

Member Sugimura. Member King.

COUNCILMEMBER SUGIMURA: Nice seeing you. What district, since you mentioned it several times?

MS. KARACA: So, my son goes to King Kekaulike. So, anywhere like Haiku, Huelo, Makawao, Haliimaile, Pukalani, Kula, Ulupalakua, nothing in that area.

CHAIR LEE: Okay. Member King.

COUNCILMEMBER KING: Thank you, Chair. Just real quickly. Aloha, Jennifer, thank you for your testimony. What, can you just explain the acronym, cause a lot of people don't understand, you know, when you use CGFI *[sic]*.

MS. KARACA: Yeah, it's Gross Cash Farm Income. So, it's basically their annual sales for that year. So the \$1,000 minimum sale would align with Department of Water Supply as they also have a \$1,000 minimum . . . requirement for agriculture . . .

COUNCILMEMBER KING: I appreciate that. Cause I, I had to look it up when you put it in your, your written testimony. So, just for the edification . . . the acronyms are really confusing to people sometimes.

MS. KARACA: Sorry about that.

COUNCILMEMBER KING: Thank you. Thank you, Chair.

CHAIR LEE: Anymore questions? If not, thank you very much. Good seeing you, Jennifer.

MS. KARACA: Thanks. Nice seeing you guys too. Have a great day.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Albert Perez. To be followed by Shay Chan Hodges.

MR. ALBERT PEREZ, MAUI TOMORROW FOUNDATION [testifying on Bill Nos. 91, CD1 (2022) and 107, CD2 (2022)]:

Good afternoon. Good morning. Sorry. The days are running into each other. Nice to see all of you. I wasn't expecting to have time to testify this morning, but I would like to testify on two bills. First is Bill 91, and then Bill 107. So I'm Albert Perez with Maui Tomorrow Foundation, and we support this bill, the wetlands bill . . . which have already been mentioned.

CHAIR LEE: Okay.

MR. PEREZ: . . . flood control . . .

CHAIR LEE: Albert, could you turn off your video? We're having problems--

MR. PEREZ: Okay. Hold on a second.

CHAIR LEE: --with your audio.

MR. PEREZ: Is that any better?

CHAIR LEE: Okay.

MR. PEREZ: Testing one, two, three.

CHAIR LEE: Hopefully, hopefully it'll be fine.

MR. PEREZ: Okay. I'm not sure what you heard, so I'll just start over. Basically, we support Bill 91, cause of the many benefits of wetlands. There's flood control, sediment filtering, and providing a place for juvenile fish to grow bigger. These are functions that wetlands provide to us for free. If we had to pay for these functions, it would cost millions of dollars. So, we don't even realize how much we're benefiting until we lose these functions. The bill is a good start, although it only applies to community plan amendments, changes in zoning and the like.

I urge the Council to pass this bill and hope that the Planning Department can complete the wetlands overlay map as quickly as possible because it's urgent. Hopefully, the Council will adopt the wetlands overlay zoning district in time to preserve at least some of the wetlands that are left. So, strong support for that.

Moving onto Bill 107, the affordable housing guidelines. We also support this. You can have perfect credit and still not get a loan because the mortgage underwriters are so strict nowadays. This bill would help people in need to get through this process. And I urge you to support it.

We've been relying on developers of market homes to provide us with affordable housing. It's not working. And then, they try to cut corners by buying agricultural land or land in a fire or a flood zone, because it's cheap. We're only getting one affordable home by letting developers build up to four market homes. And it's using up our infrastructure capacity. We need to prioritize that infrastructure for truly affordable housing.

And there are housing developers that know how to do this. They use tax credits and grants to deliver affordable housing targeted at area median income levels as low as 30 percent AMI. And they're delivering the housing to people who are on the verge of homelessness, which is the most critical need. Other developers need to learn how to do it that way, otherwise they're not serving our community.

We should also follow the example of the County of Kauai, their Lima Ola project, where they acquired land in a suitable area and created an affordable housing reserve. Now, 550 homes are being built that will be 100 percent affordable. So, there's no

single solution to the affordable housing problem. But helping people to qualify is a very important one. And I urge you to support this bill. Mahalo.

CHAIR LEE: Okay. Questions, Members? If not, thank you very much.

May we have the next testifier?

MR. PEREZ: Aloha.

DEPUTY COUNTY CLERK: The next person signed up to testify is Shay Chan Hodges. To be followed by Leslie L.

MS. SHAY CHAN HODGES [testifying on Bill No. 105, CD1 (2022)]:

Aloha Councilmembers.

CHAIR LEE: Aloha.

MS. CHAN HODGES: My name is Shay Chan Hodges, and I am a co-organizer of the MAUI ESG Project. In the coming year, we will be collaborating on a countywide crop land mapping project with Maui United Way and . . . All of the partners involved in this project are very happy about the recent launch of the Maui County Department of Ag, as having this new department will make an enormous difference when it comes to the long-term success of this project and our goals of providing opportunities for the next generation. Are you still able to hear me?

CHAIR LEE: Yes. You're frozen, but we can hear you.

MS. CHAN HODGES: Oh, okay. Hopefully I look okay. I am therefore here to testify in strong support of the proposed legislation. And I am urging the County Council to support Bill 105 to establish policies related to the Department, with addition of the GCFL minimum of \$1,000. I support the bill because we need the roles and responsibilities of the Department to be clearly defined in order for it to be successful and to be able to work for our community.

This legislation was created in collaboration with the Community Impact Working Group and community at-large. Through outreach and various surveys, these areas of need and reporting requirements were drafted . . . because it is what we need from the Department to create a more sustainable and self-sufficient food system that benefits residents, the economy, and our delicate island ecosystems.

The points of this legislation had lots of community feedback over the last, last more than 1.5 years before they were solidified to help guide the Department through different transitions over the years. And I just need to say, I was so impressed by this community engagement process that took place.

I also support adding back, as Jennifer talked about in the group's original minimum GCFL of \$1,000; not defining a minimum threshold for the Department. . . . farming which is not what we want. And as Jennifer said, it's also consistent with the Department of Water Supply's minimum sales requirement for ag water. So, thank you all for the support the Council has shown for the Department of Ag to date. I urge you to continue that support and approve this bill today at second and final reading. And I just want to thank you all for confirming Kali Arce for Director of the Department. She is so awesome. Thank you so much. Aloha.

CHAIR LEE: Thank you. Members, questions? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Leslie L. To be followed by Jeff Ueoka.

CHAIR LEE: And then how many?

MS. LESLIE LE GAUX [testifying on Bill No. 107, CD2 (2022)]:

Thank you, Chair.

CHAIR LEE: Oh, I'm sorry? Testifier, you can go ahead.

MS. LE GAUX: Thank you. Thank you, Chair and Council. My name is Leslie Le Gaux. I'm a resident of the westside of Maui for 20 years on October 1. Contributed to the community, worked every type of job to try to make things work for myself, most of the time having lived single, so not taking on roommates or relationships that contribute to the down payment on a home. So, I'm a forever renter, so it seems. That even though I've made twice, even three times at times what the minimum wage has been, it just seems like an impossibility. I live modestly, so it's not as if I've not tried to make this work.

But as a renter, I can testify Bill 107, to support, to support that bill on behalf of residents and locals. Local, I am not, but a resident I am. Charging \$3,000, you know, in rent, when someone has to charge \$3,000 in rent for a one-bedroom now in 2022, when in

2020 it was \$1700, is robbery. And they're having to do it because the home buying prices were so high. It just keeps backing up, the, all of the, it's the trickle-down effect of the whole situation. People moving here the last couple of years to, you know, invest in paradise and to spend COVID, or our pandemic in paradise, and then we don't have places for the people that have lived here, and had stuck it out during those two years, you know, scrimping and saving and trying to survive when we didn't have any tourists, or didn't have any of those visitors that have come in and bought all the homes.

It's an oversimplification, oversimplification, possibly, but it's what I'm seeing. The workforce incomes have not increased, so how does one make the kind of magic work, the kind that magically makes one able to afford twice what rent would be and god forbid be able to, you know, plop down like was testified before, \$3800 a month for a single person to pay a mortgage? Especially on the westside. Who's, who is the, who's the Uber driver that's going to take these homeowners to the airport, to the people that live here, or delivering groceries? Who's going to make coffee? Who's going to serve at restaurants? Who's going to pick up everyone's trash, drive our emergency service vehicles when we've all been priced out of homes to afford for buying it, purchasing and or renting? You know, you're in the line at the grocery store and there were a few checkers last night at Safeway, and lines going down the, down halls. Restaurants with reduced hours. Everyone, it's, like was also said, it's mass exodus.

I don't know how much longer I can sustain. When the place that I went to rent last year at this same exact time was listed for \$2400, which was overpriced. This year it's \$3450. This year it's \$3450. I've asked him what his justification was. And he said, because we're getting interest on it. We're getting interested people on it. And so anyway, for what it's worth, I am a renter. I one day hope to be a buyer. But it's, it's, we're priced out. Thanks so much for your time.

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

May we have is the next testifier, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Jeff Ueoka, in the chamber. To be followed by Alan Lloyd.

MR. JEFF UEOKA [testifying on Bill No. 107, CD2 (2022)]:

Thank you, Chair and Councilmembers. Good morning. My name is Jeff Ueoka. I represent Waikapu Country Town, and I'm here to testify on Bill 107. Partners would like to thank the Council and the Mayor for working with Waikapu County Town on the

public-private partnership agreement. Thank you very much for your assistance with that.

Partners are supportive of affordable housing and do support the Council's efforts to make housing more affordable. Our only concern right now is section C.2. Our fear is that lowering the affordable housing price, sales price guidelines will negatively affect our project moving forward. In the PPP, we showed that the opportunity cost, that was the difference between the affordable sales price and the market sales prices, was around \$75 million at the time of the PPP. Since then, interest rates have risen, probably around five and a half, six percent. And at five and a half percent, that demonstrates a decrease of about \$14.5 million for those PPP homes.

With the change from 30 to 28 percent, we'll be looking at another six and two-thirds percent decrease, which is another \$7.5 million. And we do recognize there was the opportunity for direct subsidy. We do feel though that that's probably better served for those projects who still are coming to the Council to be entitled and to work out a deal. And for those existing projects, we'd like to see it that we could be grandfathered in possibly under the 30 percent. And you know, potentially we could come in to work something out further to make houses more affordable or to increase the number. But that would be something we'd like to work with the Council directly on and not just be subject to a change in legislation after we've already entered into the PPP.

So, at this time, it's our hope that, you know, the sales prices can be determined by the department, as it is now. And that all Council approved projects can be guaranteed that the sales price for their affordable housing units be calculated using only principal and interest capped at 30 percent of gross annual income within each range. We'll likely have about 500 affordable housing units in Waikapu Country Town. So, a change from 30 to 28 percent would be a big effect on us.

And we do support that Bill 107 establishes the framework for subsidies to make housing more affordable. And we just ask that, for those projects that have already been approved, we'd be allowed to continue, you know, with that understanding, with general understanding we had at the time of our approvals. And that the Council utilize its ability under Bill 107 to grant subsidies to the homebuyers for those projects and lower the prices in that fashion rather than just a straight up you have to lower your price to 28 percent for each unit by the developers. Thank you very much.

CHAIR LEE: Questions? Member Paltin. Clarifying questions.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Ueoka. My clarifying question is, I don't understand when, I mean, I understand the PPP, but I don't

understand if that's locked in, because I thought that we still need to amend the CIZ in order for that to be official. Is that still true?

MR. UEOKA: That is correct.

COUNCILMEMBER PALTIN: And then, if, so then I guess the clarifying question is if this were to go through when we officially amend the CIZ to make it legal, could we not calculate things based on whatever the current law, and the current interest rate, and current numbers are and have a fairly same thing?

MR. UEOKA: The Council has that discretion, Member Paltin. We were just hoping that there were certain understandings when the Council initially reviewed the PPP. And there were certain understandings that Waikapu Country Town had when it entered into the PPP with the Council. So, we were hoping there wouldn't be any dramatic changes at the time. But of course, that is the Council's right.

COUNCILMEMBER PALTIN: Okay. So, I mean, in theory, every numbers can be adjusted when it becomes official and could remain the same cost and opportunity cost based on what the current circumstance is?

MR. UEOKA: If I may, Chair?

CHAIR LEE: Go ahead.

MR. UEOKA: Oh. Thank you. Yes, Councilmember Paltin, correct. And to be fair, a lot of these numbers won't be locked in until the marketing plan is completed for the project. So, it, I hope it's soon, but it could be years away, depending on our approvals and everything on other levels. Thank you.

COUNCILMEMBER PALTIN: Got it. Thanks. Yeah, we got to work on that as well. Thank you.

CHAIR LEE: No other questions. Thank you very much.

May we have the next testifier please? And how many more after that?

DEPUTY COUNTY CLERK: Chair, we currently have three individuals signed up to testify on section N. Bills - Second and Final Reading. So, if there are, if there is anybody else who would like to testify on any of these items, please identify yourself in the meeting chat or with the appropriate staff member. Chair, the next person signed up to next is Alan Lloyd. To be followed by Lisa Seikai Darcy.

CHAIR LEE: Mr. Lloyd?

MR. ALAN LLOYD [testifying on Bill Nos. 107, CD2 (2022) and 139 (2022)]:

Here. There we go. Hi. My name is Alan Lloyd. I'm a resident of Wailuku. And I'm testifying in favor of Bill 107, CD2, in this year 2022. I've been present during some of the testimony here and I've heard about an issue of trust and trusting the Council. And I think passing this bill would, in fact, establish a continued sense of trust that our County government can help our workers in this County.

(Vice-Chair Rawlins-Fernandez returned to the meeting at 10:56 a.m.)

MR. LLOYD: And also, I want to thank you, mahalo and for passing Bill 139. That will also help the workers in our County. And ask you to consider the building that also where the tenants were evicted because they couldn't pay the rent increases of almost double at 1351 Lower Main Street in Wailuku. So, please consider trying to buy that building also. And mahalo for your time.

CHAIR LEE: Members, any questions? If not, thank you very much.

May we have the next testifier? Let the record show that we have Vice-Chair Rawlins-Fernandez on the call.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Lisa Seikai Darcy. To be followed by Junya Nakoa.

MS. LISA SEIKAI DARCY, SHARE YOUR MANA [testifying on Bill No. 107, CD2 (2022)]:

Good morning, everyone. Good morning, Council Chair and Council. My name is Lisa Darcy. I am the founder of Share Your Mana and a commissioner on Healing Solutions for Homelessness. I feel a lot of pressure with Junya behind me. So, I just want to say, yes, thank you. And I would love to support Bill 107. Usually, kind of stay in a smaller lane, not a smaller lane of people living unhoused, unsheltered.

But, you know, about ten years ago, I think this was one of the motivations for starting Share Your Mana was seeing the backlog, the jam of housed people unable to, or renters even unable to buy and recognizing the cost of living was so great that there was no way we were going to be able to tackle any sort of homelessness without the entire continuum being recognized.

So, I just want to say thank you to this Council, and to previous testifiers acknowledging that we have to look at colonialism. We have to look at a lot of emotional pieces, intelligence to this, and that it takes an enormous amount of work to get to this point. So, thank you for this and I support this passage, and to this Council. Mahalo.

CHAIR LEE: Okay. Thank you. Members, questions? If not, thank you very much.

May we have the next testifier?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is . . .

CHAIR LEE: Uh oh. Can you, can you repeat what you just said?

DEPUTY COUNTY CLERK: Yes, Chair. The next person signed up to testify is Junya Nakoa. To be followed by Robin Knox.

MR. JUNYA NAKOA [testifying on Bill Nos. 91, CD1 (2022) and 107, CD2 (2022)]:

Yessah. You guys can hear me?

CHAIR LEE: Yes, we can.

MR. NAKOA: Okay. You guys lucky, you guys no need see me, cause I no more good connection, so I not putting on the camera. What you call, I going talk on the 91. Yeah, you know all those projects and all, they like build in the wetlands, in the flood zone, and all that kind stuff? Hello? Mother nature going do its job. Yeah, I've been dealing that with, dealing with that for the past couple weeks here in Lahaina. You know, with the hotels not listening to us about retreat and all that kind stuff. Try look what happening in Kaanapali, Napili, Kahana, you know what I mean?

So, support this wetland bill, you know what I mean. Make sure we know what the heck we doing. And no put the, da kine, you know, the affordable kine guys over there where they barely can afford the houses, and next you know they gotta deal with one disaster. Yeah. Yeah, support that. Support this bill, and you know what I mean, nature going tell us what for do. They going catch up with us. Okay. Yeah, put the salt over there. Sorry, sorry, sorry.

What I doing? 107. Okay, 107. Yeah, okay, so I heard this morning that the Administration, which is kind of like they, you know, they talking on the clock, so that means they represent the Mayor and his Administration about not supporting this bill. Cause I can clarify that this guy not supporting affordable homes, okay. They building,

supporting the developer. But, what you call, mahalo Gabe Johnson, brah, for doing this and taking cracks from everybody for make this thing go through.

And then, you know, I tired hear about this, you know, I get plenty, I get developer friends out there. They probably listening too. They going scold me. But what you call, know your profit margin, know like, where you can make money. And if this thing, you think going hurt you guys, then maybe this not one project for you guys and you guys shouldn't be building these homes.

Cause people, like people have been saying, Lahaina, we catching cracks. Get buildings, yeah. They build so-called affordable homes, but none of us locals got em. Yeah. We getting screwed by development. So, the braddah that was talking about trust, the trust is in all the developers that screwing us up, that bring their own bankers, and then decline us locals. And then, they go ahead and make um market. So, that's where the trust is screwing us up.

And then, you know, eh unfortunately, if these guys no like to build more homes in Lahaina, we kind of, we kind of like cruise little while anyway cause get too much development. We no more, you know, we got to conserve water and all that kind stuff. So, if they not going build any more market homes, heck with it, you know what I mean. We only like affordable workforce housing, cause this is where majority of the workforce stay on Maui.

And also, what the heck else over here. Yeah, so I support this buggah big time. We're tired of getting screwed. Yeah, yeah. And oh yeah, you know like how da kine like I was saying about oh you guys gotta, you know, they gotta spend money? The Paul, the Paul guy, the one going do the one over here Pulelehua, might have to give 100,000? Eh, this is a private, private-public partnership kind stuff, so eh, time for the County give little bit, you know. Give little bit to us locals. If any, what better money to be spent of our County money than for the local people to get in one house? Yeah, so try remember that one, guys. The local County money, which is our tax dollars, is going to put in locals in houses. Okay, you guys lucky you guys no need see me. My hands stay going crazy. Okay, you guys have a good one.

CHAIR LEE: Thank you, Junya. Questions, Members? If not, thank you very much.

May we have the next testifier, please.

DEPUTY COUNTY CLERK: The next person signed up to testify is Robin Knox. To be followed by David Dorn.

MS. ROBIN KNOX, SAVE THE WETLANDS HUI [testifying on Bill No. 91, CD1 (2022)]:

Good morning, Chair Lee. Good morning, Councilmembers. I'm testifying on behalf of Save the Wetlands Hui. And I just want to thank this Council, and the CARE Committee, and Committee Chair King, for her leadership for all the work that's been done on this bill. Also, to thank Planning Department and Public Works for their very thoughtful reviews and comments that will help make this a successful piece of legislation.

I think that we've seen evidence in South Maui in the last week of how this is needed more than ever on social media. I did see a lot of reports from people that they thought that unpermitted grading in one of the gulches had contributed to a change in how the floodwaters flowed and flooding some areas that had not experienced this much flooding in the past. So, I think it just points out that everything we do in these areas is very important and needs some scrutiny. And there needs to be protection so that those wetlands can function to protect our homes, and properties, and businesses, and our residents. So, thank you so much for your support in getting it this far. And I urge you to pass this legislation into its final form today. Thank you so much.

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

Oh, one question. Member King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Robin. You know, you mentioned somebody that was doing some grading and grubbing that was unpermitted. Was that the Savio project that we heard about today?

MS. KNOX: I do not have that firsthand knowledge. But that is what was said on, on social media by people who live there, and who are engaged, and who did report it to the County. And I believe that the County issued a violation. That's my understanding.

COUNCILMEMBER KING: Okay. Mine, too. Alright. Thank you. Thank you, Chair.

CHAIR LEE: Thank you very much.

May we have the next testifier?

DEPUTY COUNTY CLERK: Chair, the next . . . Lucienne de Naie.

MR. DAVID DORN [testifying on Bill Nos. 91, CD1 (2022) and 107, CD2 (2022)]:

Hello, Councilpersons. This is David Dorn here. I just jumped on at the last minute to testify on two important bills. Bill 107, the affordable housing guidelines, I've testified in favor of these before several times. We're just seeing too many of our affordable homes going to mainlanders. Many reasons for that. We're seeing workforce housing being built by builders for builders. We have so many houses being built that they are bringing teams from the mainland and inter-island to come here to build the workforce housing. So, the housing being built by the construction workers is being built for construction workers. We're seeing more of them coming out here.

A lot of businesses import their workforce and many workforce housing. So, this is not for the people, many of these houses are not going for the people that already live here, they're coming for the new people that are filling in the jobs that the Maui locals can't fill. One reason is the locals can't afford to buy the homes because they're not being paid a livable wage. Livable wage in Maui is \$21 per hour. You can look it up on the internet. And our minimum wage, as you know, is \$10.50 per hour, which is above the national average. And it will go up to \$18 per hour in the next ten years, which is not enough. We need \$21 an hour now just to keep our island people available, affordable, being able to afford to live here. They're going to keep going.

Even the affordable workforce housing people are promoting the Maui brain drain to the mainland. And they are touting the fact that we're losing all of our talent to the mainland. But what they're not saying is we could be helping them to afford houses by lowering the price of the houses. Enough on that one.

Bill 91, we need this more than ever before to protect ourselves from natural disasters. We're talking hurricanes. And we're seeing Puerto Rico and Cuba just get smashed. We're seeing the Philippines drowning. We're seeing Vietnam is about to get hit. Florida is lined up for a big hurricane. And we're no different. We're out here in the middle of Pacific. We're going to get hit by a hurricane sooner or later.

And even just the Kona storms. We've had a lot of storms lately. We've had June '21, December 2021, a huge one. But we also had a little Kona storm here which was just two, was it, no, it's two inches in four hours. We saw devastating flooding effects in South Maui in two of our major gulches, which are connected to wetlands. And why? Because these wetlands and these critical ephemeral streams are not being protected from overdevelopment. Bill 91 would protect these areas from overdevelopment.

Robin Knox mentioned the stream diversions that exacerbated the flooding problems. I've personally witnessed it. I've seen property. I've seen all the aerial images. And I've written letters to Department of Public Works, and yourselves, been cc'd on it

mostly. This is the problem. Right here, right now, we need Bill 91 to save and protect the wetlands so we can save ourselves from natural disasters. That's it. Thank you.

CHAIR LEE: Thank you. Members, questions? If not, thank you very much.

May we have the next testifier, please.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Lucienne de Naie. To be followed by Tyson Miyake. Tyson Miyake is the last person we have signed up to testify.

CHAIR LEE: Good morning.

MS. LUCIENNE DE NAIE, SIERRA CLUB MAUI [testifying on Bill Nos. 91, CD1 (2022) and 107, CD2 (2022)]:

Good morning, Chair Lee. Good morning, Councilmembers. Lucienne de Naie here. I'm testifying on Bill 91 on behalf of Sierra Club Maui. Sierra Club has tracked the need for wetland protection on all of our islands for many, many years. And enthusiastically supported the work of the CARE's Committee to move forward a more reasonable definition, and some additional guidelines for protecting our wetlands. Obviously, our policies recognize the importance of wetlands. Obviously, anyone with eyes to see realizes that when we have rains on our drier sides, we have flooding. And if we don't restore the capacity of the wetlands we have, the floodings just going to get worse. They really need to hold waters.

As a historian, I am aware of the accounts of, of the, what we call the arid Kihei coast being described as a place in the early 1800's of shining ponds. Those were wetlands. We don't see a lot of those today, because they've been filled in and covered up, and we're paying the price. So, we have the knowledge. We have the will. And really support all of you making that second and final vote to move forward on Bill 91, which is a small step in the right direction. It's not all that is needed, but it's a small step in the right direction. And I know it took a lot of work from Planning staff, from the CARE's Committee, and from the Councilmembers to understand what it is and what it ain't. So, thank you for your support on second and final reading for Bill 91.

Moving onto the second topic, Bill 107, which sets a more realistic pricing structure for affordable housing. Yes, we have realities kind of conflicting here. We have the reality of what it costs a builder to afford materials, to do necessary studies, and to wait until approvals are given. And then, we have the reality of what people here can afford.

So, there needs to be something that makes up the difference. Bill 107 is an attempt to find a way to make up that difference.

I am very aware, because I'm serving on the board of Standup Maui, which is an affordable housing clearinghouse group. I'm very aware that virtually every major developer on the island mistrusts the intent of this bill. They don't think it's going to help them. These folks are my friends, and I usually actually really respect what they have to say. But I think we don't have any other solutions on the tables right now that are going to recognize that the prices that we're setting for people for housing just don't have any correspondence to what people earn here.

We have to try something. If it falls flat on its face, I'm sure the Council will be back in another year or two to say, okay, we need to try something else. But it's good to try, as my dear departed friend Rene Sylva used to say, "Mo bettah you try something. If you try nothing, you already know what you gonna get. You gonna get what you already have." So, mahalo for your consideration of Bill 107 on its second and final reading.

CHAIR LEE: Members, questions? If not, thank you very much.

MS. DE NAIE: Mahalo to all.

CHAIR LEE: You too.

Next testifier.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Tyson Miyake. To be followed by Brandi Corpuz.

CHIEF OF STAFF TYSON MIYAKE, [testifying on Bill No. 107, CD2 (2022)]:

Good morning, Chair Lee and Councilmembers.

CHAIR LEE: Good morning, good morning.

CHIEF OF STAFF: Thank you for having me on this morning. Mayor Victorino asked me to sign on, and he wanted me to state for the record that he is in support of the passage of this bill, with the removal of C.2. And he will work with the Department of Housing and Human Concerns on determining the percentage amount annually. Thank you.

CHAIR LEE: Members, questions? If not, thank you--

Member King.

COUNCILMEMBER KING: Yeah, I'm just a little bit confused, because we had the housing, the Deputy Director come and say that they were against the bill. So, have you guys talked to each other?

CHIEF OF STAFF: Yes. So, for the record, he wanted to, he's okay with the bill. I know there's a lot on the bill, but he supports the bill with the removal of C.2.

COUNCILMEMBER KING: Okay, so you have a unified message now?

CHIEF OF STAFF: Yes.

CHAIR LEE: Okay, any more questions? If not, thank you very much.

May we have the next testifier?

DEPUTY COUNTY CLERK: The last person signed up to testify is Brandi Corpuz. If there is anybody else who'd like to sign up to testify on any of these items, please identify yourself. Brandi Corpuz.

MS. BRANDI CORPUZ [testifying on Bill Nos. 91, CD1 (2022) and 107, CD2 (2022)]:

Good morning. Can you hear me?

CHAIR LEE: Yes. Yes. Good morning.

MS. CORPUZ: Hi. I'm Brandi Corpuz, and I'm from the wetlands of Kihei. I'm calling in strong support for Bill 91 and Bill 107. I live right next door, or right very close to the Waipuilani Gulch, which Savio is trying to build on top of as we speak. I strongly support protection of our wetlands because it affects everything around us, especially in the areas of, from Waipuilani to Kulanihakoi, because we have no other way out of that area. And, and so, we need protection for our, for our wetlands, so that they can do their jobs.

We have seen so much devastation to our roads, to our communities, to our beaches, to our ocean, to our reefs. The project that we're trying to restore, or the areas we're trying to restore is regularly devastated by the flooding, and it has long-term effects from not being passed through the wetlands and being filtered like it's supposed to. Please vote yes and pass Bill 91 for those reasons.

Also, Bill 107. We need our children, our community, and our family members to be able to buy homes in Hawaii, or else who's going to be here to support the work that is

being done, you know, with the tourists? We always talk about the tourists. And we always want to help, you know, the tourist industry. But without our local community, we don't have anybody to even work in those areas to help with that kind of stuff. We wouldn't, if we don't have the local community, we don't have our store, the people who work at the stores, the people who work at the restaurants, they all need housing. And this Bill 107, I believe, could help a lot of our community members actually get affordable housing. Thank you very much for your time.

CHAIR LEE: Thank you. Members, questions?

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there is no one else signed up to testify on agenda section N. Bills, any of these items. So, we'll do a last call at this time. If there is anybody else who would like to testify on any of these items, please identify yourself now. I repeat, this is last call. Chair, no one else has indicated that they'd like to testify on any of these items.

CHAIR LEE: Any objections to closing public testimony on these items, as well as accepting written testimony into the record?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

BILLS – SECOND AND FINAL READING

ORDINANCE NO. _____
BILL NO. 56 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY
CODE, RELATING TO KULA AGRICULTURAL PARK

DEPUTY COUNTY CLERK: Chair, at this time, you also have before you County Communication 22-230.

NO. 22-230 - SHANE M. SINENCI, COUNCILMEMBER,
(dated September 12, 2022)

Transmitting a proposed amendment to Bill 56 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY CODE, RELATING TO KULA AGRICULTURAL PARK".

CHAIR LEE: Do we have a motion?

COUNCILMEMBER JOHNSON: Chair?

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: I know we're running short on time, and I won't be able to make the October 7 meeting. Could we do Bill 107, maybe as we move on, or before we, you know, can we make time for that?

CHAIR LEE: Members, any objections to moving Bill 107 up?

COUNCILMEMBER MOLINA: No objections.

CHAIR LEE: Member King.

COUNCILMEMBER KING: I was actually hoping to move up Bill 91, but that's second on the list. So, is that going to push that to number three then?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Can, can we, can we, can we address Bill 91 first, since it sounds like Bill 107 might take a little bit of time, if Mr. Johnson is okay with that?

CHAIR LEE: Members, any objections to moving 91 up first, followed by 107?

COUNCILMEMBER MOLINA: No objections.

CHAIR LEE: No objection? Member Paltin.

COUNCILMEMBER PALTIN: Just wondering if we could have consideration for Bill 121, too? It's time-sensitive because homeowners would need to file the exemption before the end of the year.

CHAIR LEE: Okay, Members. Any objections to making that one number three?

COUNCILMEMBER KING: No objections.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I would be okie dokie'd with taking these three considerations. And knowing that we've got something like about 40 minutes, and if it's okay, that if we, if we agree that we'd like to be able to take these three, at least these three, unless someone else has another one, but we divide whatever remaining time we have and allot "x" amount of time for each of these discussions so that we can actually get them off the deck today, if that's okay with the, with the Members?

CHAIR LEE: Members, any comments to that? I mean, you know, if we discuss these things too long, then we're not going to get to a lot of these at all. Okay.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think what Pro Tem Kama stated is, is fair. To Member Paltin's point, or, yeah sure, for Bill 121, Bill 121, 132, 4, 5, 6, and 7, would all be done in one motion. So, and then, that would leave us one, the four, four bills, so. Yeah, and those are non-controversial. So, but if we go with Member Kama's suggestion, I think Bill 121 and the five others that I read, wouldn't need as much time for deliberation as Bill 91 and Bill 107. So, it wouldn't need equal parts. Mahalo.

CHAIR LEE: Alright. So, we're having one, two, three, four. So, that leaves us with four. So, any objections to taking 107, 91, and 56?

COUNCILMEMBER KAMA: 121.

CHAIR LEE: Oh, 121?

VICE-CHAIR RAWLINS-FERNANDEZ: 121 and then the five bills together. I would just do it in one motion. There wasn't any opposition to these bills . . . one motion.

CHAIR LEE: Okay, so we're looking--

COUNCILMEMBER KING: Chair?

CHAIR LEE: We're looking at 107--

COUNCILMEMBER KING: I thought we were going to do 91 first?

CHAIR LEE: Okay, 91, 107, 121 and then, the other two, 56 and then 105, right?

Mr. Clerk, did you get that? Could you call up those items in that order?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I know you said Bill 121. But what I was trying to say is that the six bills together would just be done in one motion. So, I could just do them one time and that way we don't have to list all of those again in another agenda. And I can do it fast.

CHAIR LEE: Okay. Alright. Okay. If there's no objections to that, taking out 121, then that leaves four. But can we begin now so that we can get through this? The hard stop is 12 noon.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, what Pro Tem Kama said, and now it looks like we have about 35 minutes. And if we divide that up, 15 and 15, I don't know. I don't think--

CHAIR LEE: You know, Vice-Chair, I don't think we need 15 and 15.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I mean for 91 and 107, if there's a lot of discussion.

CHAIR LEE: I think there's only going to be a lot of discussion on 107, as far as I'm concerned.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: From what I'm hearing.

Okay, so let's do 91. Mr. Clerk, 91.

ORDINANCE NO. _____
BILL NO. 91, CD1 (2022)

A BILL FOR AN ORDINANCE AMENDING TITLES 2, 18, AND 19, MAUI
COUNTY CODE, RELATING TO WETLANDS RESTORATION AND PROTECTION

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO PASS BILL 91, CD1 (2022) ON SECOND AND
FINAL READING.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Okay. Moved by Member King, seconded by Member Johnson, to pass Bill 91 on second and final reading.

Discussion? Member King.

COUNCILMEMBER KING: Thank you, Chair. I'm so happy to be at this juncture with this bill. Bill 91, CD1, (2022) will implement relations to conserve and protect sensitive ecosystems, mitigate climate change, and work toward building environmental resilience by establishing requirements to map and protect wetlands.

I want to give a big shoutout to Planning Director Michele McLean for helping us work through all of her concerns, Corp. Counsel Keola Whittaker, and our OCS staff for, we had some long meetings working out the concerns of the departments and came to a very nice agreement with the current version of the bill, which passed easily through the first reading.

And I also want to say that with the movement of this bill, I've actually talked to one of our, our landowners in South Maui, which Member Sugimura will remember from our first term. We had a big controversy over whether we could develop on that property because of the wetlands. And so, so the owner is very happy with this bill, and is actually considering selling her property as, for conservation to restore the wetland there and add some more acreage to our wetland inventory in South Maui. So, it's getting good reception by folks already.

And I wanted to thank this Council and the Administration for all our collective work on this bill today and ask for your full support on second and final reading. Thank you.

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

COUNCILMEMBER KING: "Aye".

COUNCILMEMBER MOLINA: "Ayes".

CHAIR LEE: Nine "ayes", zero "noes"; motion--

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Do we have nine?

DEPUTY COUNTY CLERK: Apologies.

CHAIR LEE: Ah, Mr. Sinenci.

DEPUTY COUNTY CLERK: I cannot tell how, yeah, I cannot tell how Councilmember Sinenci is voting, or if he's present.

CHAIR LEE: Member Sinenci, are you on the call? Okay, roll call.

COUNCILMEMBER KING: Or, can you just, if he's there, just excuse him? If he's not--

CHAIR LEE: No, let's just take a roll call. And he might, he might come back on in the meantime, who knows?

VICE-CHAIR RAWLINS-FERNANDEZ: It said he left the call.

CHAIR LEE: He left the call. Alright. So, all those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER SINENCI.

CHAIR LEE: Okay. Eight "ayes", zero "noes", one "excused"; Member Sinenci. Motion carries.

COUNCILMEMBER KING: Alright. Thank you, Members.

CHAIR LEE: You're welcome.

Move to the next one.

ORDINANCE NO. _____
BILL NO. 107, CD2 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.060, MAUI COUNTY
CODE, RELATING TO AFFORDABLE HOUSING SALES PRICE GUIDELINES

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO PASS BILL 107, CD2 (2022) ON SECOND AND
FINAL READING.

CHAIR LEE: Where's the second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Johnson, seconded by Vice-Chair Rawlins-Fernandez, to bill, to move, pass Bill 107 on second and final reading.

Discussion? Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. As I mentioned at that September 2, Council meeting, this legislation is a huge step in creating truly affordable housing for our residents. This bill did not act in a vacuum. I want to emphasize the importance of Bill 111, that put our residents' a priority on the list of affordable housing. It made a locals-first type of approach for building homes for our folks. And after that, the big questions we always get is affordable for who and affordable to who? So, basically we answered that with Bill 11 [sic], that this, we're going, we have a preference for our residents. But also, this now answers what, what is that mean to be affordable, truly

affordable housing will be, will, this bill will help us create that truly affordable housing that our residents direly need.

This bill guarantees subsidies. So, there should be no lack of trust that I've been hearing from some people speaking on. And I also don't have any problem with helping developers pencil out their projects. And if that's the case, then they can always come, and come before the Council, and discuss their concerns. So, I respectfully ask for the Councilmembers support of this motion. Mahalo.

CHAIR LEE: Thank you. Any further discussion?

Alright. Member King.

COUNCILMEMBER KING: Thank you, Chair. I, I, I just wanted to propose an amendment because I've been getting, I've been having meetings with some of the developers and we heard from the Mike Atherton project that we've been working on for ten years that this could really affect them in a negative way. But I had thought when we were passing this, that if we had, for projects we had already approved, that they were exempt from this. And then, I'm finding out that, no, they're not. That if they haven't set their, their market-rate yet, that that they will be affected by these new price guidelines.

And I, and I wanted to run this amendment by, and see if this gets traction on the Council, because just in all fairness to those who had put in a lot of money and resources to the projects to-date, that I'm hoping that we can work forward, work with them in the future on trying to get the prices down. But I just didn't think that they should be subject to a new law after we've already approved their projects.

SO MY AMENDMENT THAT I'M GOING TO MOVE IS TO ADD TO SECTION 4, "EXCEPT THAT THIS ORDINANCE DOES NOT APPLY TO ANY PROJECTS APPROVED BY THE MAUI COUNTY COUNCIL BY RESOLUTION PRIOR TO THE ORDINANCES EFFECTIVE DATE".

CHAIR LEE: Is there a second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Sugimura for that exception, or vision. Any further discussion, anyone?

CHAIR LEE: Okay, I'll just say that I'm going to support that. But kind of misleading because I'm going to vote "no" on the, on the bill, because of CD, section 2, Section 2, C.2. Just to let everybody know.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I won't be able to support that. You know, it's not that the Waikapu Country Town project is the only project that the Council has approved. There's Kapalua Central Resort in 1989, which still has 196 luxury homes to be built on Office Road. There's Kapalua Mauka project, which still has 639 luxury homes to be built in our watershed from 2005. So, I think it really sets a bad precedence to give that kind of blanket exemption for all these luxury homes that past Councils have approved, 10, 20, 30, 40 years ago that never got built yet. And I would prefer to work with the projects that, you know, we want to see move forward to get those numbers down individually. So, can't support the amendment. Thank you.

CHAIR LEE: Okay. Good.

Member, Vice-Chair Rawlins-Fernandez, was your hand up? No? Okay. Then, anybody else on the amendment? Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. You know, I want to work with developers. And I want, I want that to be known that, you know, this Council needs developers to build homes.

I think the price of the home isn't guaranteed until they issue out their marketing plan. So, they know that it changes as the years go, as they get closer. So, I just feel at this time, I can't support it. But I do feel the intent is trying to help work with developers. I am for, but not in this way. Thank you, Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, this time I had my hand raised. So, hearing the discussion, and trying to find some sort of common ground. As Member Johnson pointed out, the, instead of what was approved by Councilmember King, would you be open to the housing prices that were approved by the Department, because that's when they go out to bid? I think that should address the issue that Member Paltin brought up, that I also agree with.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I'm not really sure. I mean Member Paltin was talking about market price homes and I'm really, I thought we were talking about affordable housing prices. So, I'm not sure what that concern was about? But could you restate what you were asking?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, it's an amendment to your proposed amendment, incorporating what Member Johnson stated in his comments. So, instead of what was approved by Council, which would be there's no time, you know, restriction to it, it's any approved project 40 years back, and that's problematic. But incorporating Member Johnson's comments where the Department approves the housing sales price. So, that I think that should address some of the projects that are like 40 years old.

COUNCILMEMBER KING: Oh, okay. Well, I guess my concern was, cause the, what I heard about the 40-year-old projects was that was market price homes that haven't been set. So, that wouldn't, in my mind, be affected by this, because this is about the affordable housing price guidelines.

But I think the concern I had was the developers who have already gotten their Maui, their Council approval based on what they were assuming were going to be their price guidelines, and being able to move ahead, have been working for, like, you know, and I know there's other projects, but there's in the case of Waikapu Country Estates, they've been working on this for over a decade trying to get to this point. So, there's been a lot of investment and resource based on what the, what the price guidelines were before and the rule was, rules were before. And so, we're changing the rules on them.

Not, not to say that they couldn't at some point, you know, renegotiate and get closer to the price guidelines that we want to, that we want to promote with this bill because I do support the bill. But I think it's not fair to, and we do this all the time with our, our legislation, you know, we exempt those who have already been in the system, who have already gotten to a certain point where they've expended a lot of money and resources and time. Because we recognize we're, you know, we don't want to change the rules on them after they've already gotten their approval. So, that's, that was my intent.

It really wasn't, I, I, I mean this whole bill is about affordable housing price guidelines, not about market price housing. So, you know, I don't, I'm not trying to address anything to do with market price housing. Thank you.

CHAIR LEE: Members. Members, we're going to have to take a vote soon, because to my knowledge, this item is not time-sensitive? And if we're going to have an awful lot of discussion, it should go back to Committee, which I know you don't want to do. You don't want it to happen. So, we cannot just keep on discussing it and discussing it, as if this was a Committee meeting, okay?

So, we have Member Johnson, and then Member Sugimura.

COUNCILMEMBER JOHNSON: Thank you, Chair. You know, after the discussion, I would support what Councilmember Rawlins-Fernandez is adding to that amendment. So, just clarifying. Thank you, Chair.

CHAIR LEE: Well, if it's in contrary, if it's contrary to the other amendment, we have to take a vote on the first one first, yeah? Okay, so we're actually talking about Member King's proposal for an amendment.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I think what we're talking about is sometimes government got to get out of the way, and you know, and let the developers, and other people, who can make this happen, make it happen. So, I totally support Kelly King's amendment, because we have spent hours and hours and hours talking about development projects. So, let's let that happen, and look at it separately from this bill. So, I support grandfathering. Thank you.

CHAIR LEE: Anybody else? Cause we're going to vote on Member King's proposed amendment, and then we'll move on to anybody else's amendment. Are you ready for the vote? I thought I saw Member Sinenci for a moment. Member Sinenci, are you on the call?

Otherwise, roll call. I don't think we have 100 percent here. Roll call, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: NO.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: NO.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS JOHNSON, KAMA, KING,
MOLINA, SINENCI, SUGIMURA, AND CHAIR LEE.

NOES: COUNCILMEMBER PALTIN AND VICE-CHAIR
RAWLINS-FERNANDEZ.

COUNTY CLERK: Chair, there are seven "ayes", two "noes"; motion carries.

CHAIR LEE: Okay. Anymore amendments? Members? No? Okay. Then we're going to vote on the main motion as amended. Are we ready for that?

COUNCILMEMBER JOHNSON: Chair?

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Can we, I'm sorry, I don't mean to hold this up. Do we need to waive the Rules of the Council for this, because it was amended?

CHAIR LEE: Yeah that, yeah, that's right. Definitely.

Member King.

COUNCILMEMBER KING:

DID YOU WANT ME TO MAKE THE MOTION TO WAIVE THE
RULES? OKAY, SO MOVED.

CHAIR LEE: Alright.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

I SECOND THE WAIVER TO RULE 19.C OF THE RULES OF
THE COUNCIL.

CHAIR LEE: Okay. any further discussion?

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes.

COUNCILMEMBER KING: As the maker of the motion that, you know, I just, I think that we, we've discussed this bill. I don't want to see it go back to Committee. And I think everybody kind of knows where they stand on the bill. So, I would, I think we should support the waiver. Let's get the vote taken today and move on. Thank you.

CHAIR LEE: Okay. Any more discussion? Do we need roll call?

Yes, Member Paltin?

COUNCILMEMBER PALTIN: I don't support the waiver. Kapalua Central Project and Kapalua Mauka Project are similar projects to Waikapu Country Town Project. They all have affordable housing components. I feel that we need to work on each project on a case-by-case basis. West Maui will riot if those 639 luxury homes are built in the

watershed when we're already on water restriction. I'm saying that this is a mistake and you guys need to think about what you're doing. I don't support the waiver.

CHAIR LEE: Anybody else? Okay.

Roll call. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: NO.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

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

NOES: COUNCILMEMBER PALTIN.

DEPUTY COUNTY CLERK: Chair, there are eight "ayes", one "no"; motion carries.

CHAIR LEE: Alright. The main motion as amended.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO STRIKE THE LANGUAGE THAT WE JUST PUT IN,
AND INSTEAD, TO ADD A SECTION THAT WOULD GIVE
DEVELOPERS AN OPPORTUNITY TO WAIVE THIS SECTION
AS MEMBER PALTIN STATED, SO THAT WE CAN TAKE IT UP
ON A CASE-BY-CASE BASIS, INSTEAD OF--

COUNCILMEMBER PALTIN:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ:

I'LL READ THE LANGUAGE. "THE COUNCIL MAY BY
RESOLUTION, APPROVE BY TWO-THIRD OF ITS MEMBERS,
AUTHORIZE A WAIVER OF ANY PROVISION OF THIS
CHAPTER".

CHAIR LEE: Is there a second?

COUNCILMEMBER PALTIN:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Paltin, seconded.

CHAIR LEE: Did you say second?

COUNCILMEMBER PALTIN: Second.

CHAIR LEE: Okay. Alright. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, on this other amendment.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. As I stated, this would allow Council to take it up on a case-by-case basis, instead of just a blanket rule that would apply to some of the bad actors, like Member Paltin brought up.

I agree with the intention of Member King's proposal and I'm trying on the fly to help those projects that are, the developers that have acted in good faith, and projects that we are supporting, and that would benefit our community without hurting our community at the same time. So, I do want to support those projects, and this provision would do that. Mahalo, Chair.

CHAIR LEE: Anybody else? Roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: NO.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: NO.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: NO.

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

NOES: COUNCILMEMBERS KAMA, KING, SUGIMURA,
AND CHAIR LEE.

DEPUTY COUNTY CLERK: Chair, there are five "ayes", four "noes"; motion carries.

CHAIR LEE: Okay. We still need a waiver vote also on that amendment don't we?

VICE-CHAIR RAWLINS-FERNANDEZ: We voted on the waiver already, Chair.

CHAIR LEE: Okay, I thought it was just for that other amendment. But if it's for all amendments, that's fine.

Okay, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I think we heard through testimony from Hawaii Community Foundation.

SO, I WOULD LIKE TO MAKE A MOTION TO AMEND AND
DELETE C.2 FROM THE BILL.

Would you like me to read the paragraph or does everybody have the bill in front of them?

CHAIR LEE: Yeah, I think everybody knows C.2.

COUNCILMEMBER SUGIMURA: Okay. Thank you. I think we heard from the Department as well as we heard from, well, we heard from the Administration about this bill in general. But I think that the C.2 is problematic. And the Department would like to, I mean, the Administration and Housing Department would like to work with the developers setting that. Thank you.

CHAIR LEE: Any second to that motion?

COUNCILMEMBER KAMA:

I SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Okay, moved and seconded to remove C.2. Any more discussion before we take the vote?

Member Johnson.

COUNCILMEMBER JOHNSON: Chair, I, I worry about this amendment, because it may have kind of a house of cards effect on the bill, because if you just take out one section there's other sections it will influence. So, I have, I have some language that might kind of help, but I don't know if I want to make an, you know. But I just am concerned that it's going to, it would be that it would mess up the other sections of the chapter. So, it would be, like, replacing only principal and interest cap to 28 percent, with a reasonable percentage, and then that would be changes.

CHAIR LEE: Okay, Mr. Johnson, that would be another, that would be another amendment.

COUNCILMEMBER JOHNSON: Okay. Okay.

CHAIR LEE: Okay? So, this, this is on, this amendment has to do with removing C.2.

Member King.

COUNCILMEMBER KING: Thank you, Chair. I think if, I think you can make an amendment to an amendment. So, if Member Johnson wanted to make an amendment to the proposed amendment, I'd be interested in hearing what that proposal is.

CHAIR LEE: Okay, that's fine, but it sounds contrary to C.2. You want to, and, okay, now we reached a juncture in this meeting where we are spending an inordinate amount of time on this issue. So, if this issue were fully vetted in Committee, we wouldn't have all of this discussion, and all these multiple amendments proposed.

COUNCILMEMBER PALTIN: Let's call for the question.

CHAIR LEE: Any objections to calling for the question?

COUNCILMEMBER JOHNSON: Chair, I'd like to request a two-minute recess.

CHAIR LEE: Alright. It is 11:49. We will return at 11:51. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:49 A.M., AND WAS RECONVENED AT 11:53 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the meeting please reconvene, the original meeting of September 20, and today is the 27th, reconvening that meeting.

Members, Member Johnson, I believe you had your hand up.

COUNCILMEMBER JOHNSON: I . . . I just, I don't have anything to speak of at this point. I want to work with the developers. I don't want the bill to be unraveled because we just simply cut a piece out. There's other pieces that are related to that section too. So, I gave Councilmember Sugimura the language that I think would help. Thank you.

CHAIR LEE: Member Sugimura, do you want it withdraw your proposed amendment?

COUNCILMEMBER SUGIMURA: No. I'm not going to, I'm not withdrawing my amendment. But I would like to hear from the Department on this discussion, because of Member Johnson's concerns.

CHAIR LEE: Ms. Munsell.

COUNCILMEMBER SUGIMURA: I don't know if he knows what Member Johnson, or she knows what Member Johnson proposed? I don't know if he talked, he spoke about it.

CHAIR LEE: Ms. Munsell, are you on the line? Oh, there she is.

DEPUTY DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes. Yes, Chair I am. I understand that Councilmember Johnson has expressed concern that if you remove C.2, then there would, that would leave a gap, that there would be a question involved there. I spoke just briefly with Corporation Counsel, and I think that it is correct, that we would need to have some mechanism for setting sales price guidelines, whether that's just giving permission for the Department to set those in absence of direct subsidies or not. Perhaps Corporation Counsel can suggest language that would make sense there.

CHAIR LEE: Corporation Counsel.

DEPUTY CORPORATION COUNSEL MIMI DESJARDINS: Hi. Thank you, Chair. I don't, I don't have any proposed language to do that. If you remove 2, then what you're left with under number 1 is a 31 percent cap when subsidies are being received from the County. Without number 2 then, it begs the question, what happens when subsidies are not received? What is going to be legal, how is DHHC going to operate under that? So that's what I see with that. I haven't had enough time to analyze it further.

And I'd be a little bit concerned that the removal of 2 seems like a pretty substantial change at second reading of this bill, because it really changes out, you know, what you folks worked on. Just wanted to add that.

CHAIR LEE: Okay, Members, either we vote on something now or we need to return it to Committee. Members?

COUNCILMEMBER JOHNSON: Chair, I'd prefer to vote on it now. I don't want to return to Committee.

CHAIR LEE: Alright. So, the, what's on the floor is Member Sugimura's amendment to remove C.2, correct? Any further discussion? If not, roll call.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

DEPUTY COUNTY CLERK: Chair, proceeding with a--

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Really quick.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: I don't see your video.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, sorry. Clarifying question, in C.2, C.3, it makes a reference to C.2. And since we're passing this on final reading, is there a clean-up for that, Member Sugimura? Any reference to C.2, since we're removing it?

COUNCILMEMBER SUGIMURA: I would need to ask support from Corp. Counsel, just to make sure on that. I don't have anything at this time.

CHAIR LEE: Corp. Counsel, any comments?

DEPUTY CORPORATION COUNSEL DEJARDINS: Oh yeah, it's sticky, because you're right, it says C.2, and then we go into the whole thing about creating a program within 3.34. And if you are not, I can't do this on the fly. I apologize.

CHAIR LEE: Yeah, that's the problem, on the fly, yeah.

COUNCILMEMBER JOHNSON: Chair?

CHAIR LEE: You know, we're trying to-

VICE-CHAIR RAWLINS-FERNANDEZ: And Chair, that's what Member Johnson was trying to accomplish with his amendment, is to clean that section up, because we can't just remove C.2 without addressing it comprehensively throughout the bill.

CHAIR LEE: Is that what you were trying to do, Mr. Johnson?

COUNCILMEMBER JOHNSON: That's exactly right, Chair. And so, I have the amended, I have an amendment that I gave to, if she would, if, would you like to remove yours and me introduce mine? I'm just trying to clean it up for you.

COUNCILMEMBER SUGIMURA: I would like, oh.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Member Johnson can speak, but I really would like to clean it up, but delete C.2, which is what we heard from the Hawaii Community Foundation. So, if there's a way of achieving that and keeping this going, fine. If not, return to Committee.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Yeah, if Councilmember Sugimura would remove her amendment, and I can put in this one, and it cleans up the language, and it gets exactly what you're talking about as far as C.2 being removed.

CHAIR LEE: Okay. I didn't hear that from her. I heard that she wanted to proceed with her removal of C.2. So, therefore, we would take a vote. And if it doesn't, you know, if it doesn't carry, then you can provide your amendment. Members, you want to do that?

COUNCILMEMBER SUGIMURA: Mr. Molina has his hand up.

CHAIR LEE: Just to move forward?

Member Molina.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Just clarification from Member Johnson. Section, the question in section, how long has this been in the bill? And the reason I ask is because now here we are at second reading, the Mayor suddenly comes out and announces through Mr. Miyake to take out section C. And I'm in somewhat agreement with Corporation Counsel, if this amendment passes, it's a, this is a substantive change that could potentially go back to Committee. So, I don't know about you, I want to get this thing over with however the vote comes out. I think it's been in Committee long enough. So, Mr. Johnson, can you tell us how long has section 2 been in this bill, the section that's in question?

COUNCILMEMBER JOHNSON: Okay. If you recall from our previous Committee meetings, we had it come to the main Council meeting on first reading. And that's when we brought it back to my Committee to do it. And that's when we had that discussion when we would put in C.2. And then, we, so it's come, it's been quite some time. And Mimi has had an ASF for about a week on this one, so yeah.

COUNCILMEMBER MOLINA: Alright. Thank you for that clarification, Mr. Johnson. Thank you, Madam Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And just to clarify, Member Johnson's proposal would remove C.2, but it would do it in a way that would make the entire bill make sense, instead of just piecemealing it out, and then it just torpedoes it. So, Member Johnson's proposal does remove C.2.

CHAIR LEE: Okay. But we still have an active motion on the floor by someone who does not want to incorporate his proposal. So, we will have to deal with that first and then move on.

Now, I saw Mimi, Corp. Counsel, did you have something to say real quickly?

DEPUTY CORPORATION COUNSEL DESJARDINS: Thanks. I just needed to clarify with Member Johnson of the Amendment Summary Form that he's referring to. I'm not sure yet, because I didn't look, has that been posted for this meeting? Because there are several of you that seem to know what it says, but I do have a courtesy copy of it that I did receive, but that's not what's on the table right now. Is that, is that true?

COUNCILMEMBER JOHNSON: It's not posted.

CHAIR LEE: Member Johnson, can you answer her?

DEPUTY CORPORATION COUNSEL DESJARDINS: Okay, thank you.

COUNCILMEMBER JOHNSON: Yeah, it's not posted.

CHAIR LEE: Not posted.

DEPUTY CORPORATION COUNSEL DESJARDINS: Thank you.

CHAIR LEE: Okay. Alright, Members, we have to move on. So, let's take a vote on Member Sugimura's motion. Now, you made the motion, and who did the second? Was it Member Kama? Okay. Now, everybody knows the motion to remove C.2.

May we have a roll call?

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NO.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: NO.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: NO.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: NO.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: NO.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: YES.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: NO.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS KAMA, SUGIMURA, AND
CHAIR LEE.

NOES: COUNCILMEMBERS JOHNSON, KING, MOLINA,
PALTIN, SINENCI, AND VICE-CHAIR RAWLINS-
FERNANDEZ.

DEPUTY COUNTY CLERK: Chair, there are three "ayes", six "noes"; motion fails.

CHAIR LEE: Any more amendments? If not, all those in favor of the main motion as amended. Let's have roll call.

DEPUTY COUNTY CLERK: Chair, proceeding with a roll call vote on the main motion as amended.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: NO.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: NO.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

DEPUTY COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: NO.

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

NOES: COUNCILMEMBERS KAMA, MOLINA, SUGIMURA,
AND CHAIR LEE.

DEPUTY COUNTY CLERK: Chair, there are five "ayes", four "noes"; motion carries.

COUNCILMEMBER JOHNSON: Mahalo, Members.

CHAIR LEE: Alright, let's move on very quickly through the rest of the agenda.

ORDINANCE NO. _____
BILL NO. 121, CD1, FD1 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY
CODE, RELATING TO REAL PROPERTY TAX EXEMPTIONS

CHAIR LEE: I thought we were going to skip that one? Let's just do it. Go ahead. A motion somebody, quick.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, I requested the five budget bills together. I would do it in one motion.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: 132, 4, 5, 6, 7.

CHAIR LEE: Alright, let's do that.

DEPUTY COUNTY CLERK: Yes, Chair.

ORDINANCE NO. _____
BILL NO. 132 (2022)

A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER 3.41,
MAUI COUNTY CODE, CREATING THE COUNTY OF MAUI
AGRICULTURAL PARKS REVOLVING FUND

ORDINANCE NO. _____
BILL NO. 134 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF THE PROSECUTING ATTORNEY

ORDINANCE NO. _____
BILL NO. 135 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO THE DEPARTMENT OF FIRE AND PUBLIC SAFETY,
FIRE PREVENTION PROGRAM

ORDINANCE NO. _____
BILL NO. 136 (2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023,
FIRE HAZARD REMOVAL REVOLVING FUND

ORDINANCE NO. _____
BILL NO. 137 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS
(STRATEGIC PREVENTION FRAMEWORK PARTNERSHIPS FOR SUCCESS)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 121, CD1, FD1; BILL 132, BILL 134,
BILL 135, BILL 136, AND 137 ON SECOND AND FINAL
READING.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Second. Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Johnson, to pass Bills 121, 132, 134, 135, 136, 137 on second and final reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair. Bill 121, CD1, FD1, ensures certain taxpayers such as those in repayment plan with County and those on DHHL homestead lots, are not disqualified from the home exemption based on delinquency status.

Bill 132 establishes a new Chapter 3.41, Maui County Code, for the County of Maui Agricultural Parks Revolving Fund.

Bill 134 amends Fiscal Year 2023 Budget, Department of Prosecuting Attorney, to add a new \$64,864 grant entitled "Victim Witness Program," and 1.0 Limited-Term Appointment.

Bill 135 and Bill 136 amend Fiscal Year 2023 Budget to decrease the appropriation for the Department of Fire and Public Safety, Fire Prevention Program, by \$50,000, and add a new appropriation of \$50,000 entitled "Transfer to the Fire Hazard Removal Fund", along with conditional language to allow the expenditures from the fund.

And Bill 137 amends Fiscal Year 2023 Budget, Department of Housing and Human Concerns, to increase appropriation for "Strategic Prevention Framework Partnership for Success", in the amount of \$110,000, and add a 1.0 Limited Term Appointment.
Mahalo, Chair.

CHAIR LEE: Thank you. Any further discussion? If not, all those in favor of the motion, raise your hand, say "aye".

Mr. Sinenci, are you there?

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

NOES: NONE.

CHAIR LEE: Okay, eight "ayes", zero "noes", one "excused"; Mr. Sinenci.

COUNCILMEMBER SINENCI: "Aye".

CHAIR LEE: Okay, make it unanimous; nine "ayes". Mr. Sinenci voted "aye".

Okay, let's finish up. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, shall I proceed back to Bill 56 (2022)?

CHAIR LEE: Yes.

ORDINANCE NO. _____
BILL NO. 56 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 22.04A, MAUI COUNTY
CODE, RELATING TO KULA AGRICULTURAL PARK

DEPUTY COUNTY CLERK: And CC 22-230 is also before the body at this time.

CHAIR LEE: Okay. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair.

MOVE TO PASS BILL 56, FD1 (2022) ON SECOND AND FINAL
READING.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Johnson, to pass Bill 56, FD1
on second and final reading.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

I'D LIKE TO REOPEN COUNTY COMMUNICATION 22-230
AND MOVE TO SUBSTITUTE BILL 56 WITH THE PROPOSED
FD1 VERSION, WHICH WAS, HAS BEEN SIGNED AS TO
FORM AND LEGALITY BY CORPORATION COUNSEL.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Johnson, to substitute this
Bill with CC dash 230.

Discussion? Discussion?

COUNCILMEMBER SINENCI: Thank you, Chair. Other than the Corporation Counsel's signature, no other changes to the bill has been made.

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

Member Johnson? Member Sugimura?

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

NOES: NONE.

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

Mr. Clerk.

COUNCILMEMBER SINENCI: Thank you, Chair.

DEPUTY COUNTY CLERK: Chair, the main motion as amended is before the body at this time. And the CC, there's no disposition for the CC at this time. Thank you, Chair.

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

COUNCILMEMBER KING: Chair, do we need, just point of order, do we need to do a waiver first, since we're on second and final reading and we need to change?

CHAIR LEE: I don't know. Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, 19.C only applies to amendments that were not posted. Thank you.

CHAIR LEE: Oh, okay.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Alright, thank you. Thanks for that question.

Member King?

COUNCILMEMBER KING: I'm just voting "aye".

CHAIR LEE: Oh, okay.

COUNCILMEMBER KING: Sorry.

CHAIR LEE: Delayed reaction. Alright. I believe that motion passed, right, Mr. Clerk?

DEPUTY COUNTY CLERK: The body has not yet voted yet.

CHAIR LEE: Okay, all those in favor of the motion, raise your hand and say "aye". I thought I said that.

COUNCILMEMBER KING: You did, but I interrupted you with my question, so sorry.

CHAIR LEE: Oh, I see, okay. Alright, nine "ayes", zero "noes". Mr. Sinenci? Mr. Sinenci?;

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: No, just say "aye". We voting.

COUNCILMEMBER SINENCI: "Aye". "Aye".

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

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, CC 22-230 remains before the body.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Vice-Chair Rawlins-Fernandez, and then Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO FILE COUNTY COMMUNICATION 22-230.

COUNCILMEMBER PALTIN:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to file County Communication 230.

Any discussion? If not, all those in favor of the motion, raise your hand, say "aye".

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

NOES: NONE.

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

Mr. Clerk.

COUNCILMEMBER SINENCI: Thank you.

ORDINANCE NO. _____
BILL NO. 105, CD1 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.12 AND TITLE 22, MAUI
COUNTY CODE, TO ESTABLISH POLICIES RELATED TO THE DEPARTMENT
OF AGRICULTURE

DEPUTY COUNTY CLERK: And Chair, County Communication 22-231 is also before the body at this time.

NO. 22-231 - SHANE M. SINENCI, COUNCILMEMBER,
(dated September 12, 2022)

Transmitting a proposed amendment to Bill 105, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.12 AND TITLE 22, MAUI COUNTY CODE, TO ESTABLISH POLICIES RELATED TO THE DEPARTMENT OF AGRICULTURE".

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

MOVE TO PASS BILL 105, CD1 (2022) ON SECOND AND FINAL READING.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Mr. Sinenci, seconded by Member Johnson, to pass Bill 105, CD1, on second and final reading.

Discussion? Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

MOVE TO SUBSTITUTE BILL 105, CD1 (2022) WITH THE FD1 VERSION ATTACHED TO THE ASF DISTRIBUTED AT THE SEPTEMBER 20 MEETING, WHICH AMENDS THE GROSS CASH FARM INCOME DESIGNATIONS AND INCORPORATES NONSUBSTANTIVE REVISIONS; AND MOVE TO FILE COUNTY COMMUNICATION 22-231.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Any further discussion?

COUNCILMEMBER KING: Second.

CHAIR LEE: Member King. No?

COUNCILMEMBER KING: I was just seconding the motion, Chair. I didn't now if you had a second yet.

CHAIR LEE: I believe, I believe Member Johnson seconded the motion.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER JOHNSON: That's correct, Chair.

CHAIR LEE: Any discussion? All those in favor--

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Oh.

COUNCILMEMBER SINENCI: Oh.

CHAIR LEE: Okay, go ahead.

COUNCILMEMBER SINENCI: As recommended by the community working group, the low GCFI designation has been amended in the proposed FD1 version to require a minimum annual farm income of \$1,000. This \$1,000 threshold is consistent with the minimum sales requirement for agricultural water rates that will help the Department of Agriculture focus its efforts on legitimate farming operations. And so the proposed FD1 version also incorporates technical revisions, such as the use of capitalization consistent with the Maui County Guide of Legislative Drafting. I respectfully request support of my motions.

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

Member Sinenci? Aye?

COUNCILMEMBER SINENCI: I move to waive, "aye".

CHAIR LEE: Okay. Yes, Mr. Sinenci, what were going to say?

COUNCILMEMBER SINENCI: Thank you, Chair.

MOVE TO WAIVE RULE 19.C AND PASS BILL 105, CD1, FD1
(2022) ON SECOND AND FINAL READING.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yeah, I know we didn't take the vote, yeah. I was, I didn't know what he was going to say. All those in favor of that first motion, raise your hand and say "aye".

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

NOES: NONE.

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

And then, he made the second motion. So, do we need a second here?

VICE-CHAIR RAWLINS-FERNANDEZ: No. That motion is unnecessary, Chair.

CHAIR LEE: Okay. That motion is unnecessary.

DEPUTY COUNTY CLERK: Oh, Chair?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: So, my understanding of Councilmember Sinenci's motion, the second part was to pass on second and final reading, but that's already part of the main motion. That was the original main motion as amended. But the first part, Rule 19.C does apply in this situation because the ASF that he utilized was distributed, not posted.

CHAIR LEE: Oh, I see, not posted. Okay. So, that motion needs to be.

COUNCILMEMBER PALTIN: Second.

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

VICE-CHAIR RAWLINS-FERNANDEZ: "Aye".

SECOND.

And "aye".

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes?

DEPUTY COUNTY CLERK: For clarity, what are, what motion are you referring to, Chair?

CHAIR LEE: The waiver.

VICE-CHAIR RAWLINS-FERNANDEZ: 19.C. I seconded.

DEPUTY COUNTY CLERK: Okay. Thank you.

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

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

NOES: NONE.

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

Mr. Sinenci.

COUNCILMEMBER SINENCI: Yeah, Chair, as we have discussed prior, Bill 105 specifies the role and responsibilities of the Department of Agriculture and provides a roadmap for the Department's strategic plan. And I respectfully request your support of my motion. Thank you.

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

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

NOES: NONE.

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

COUNCILMEMBER SINENCI: Thank you.

CHAIR LEE: Mr. Sinenci, does that include the filing of the communication?

COUNCILMEMBER SINENCI: Yes.

CHAIR LEE: Is that okay, Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Chair.

ORDINANCE NO. _____
BILL NO. 130 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.41.040,
MAUI COUNTY CODE, RELATING TO NOTICE OF VACANCIES
ON BOARDS, COMMISSIONS, OR COMMITTEES

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO PASS BILL 130 (2022) ON SECOND AND FINAL
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Mr. Molina, seconded by Member Sugimura, to pass Bill 130
on second and final reading.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. As a reminder, Bill 130 would extend the period of the, the Mayor's Office has to inform the Council in writing of any vacancy due to the death or resignation of a board, commission, or committee member from five days to ten days. I ask for the Members support. Thank you.

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

Mr. Sinenci?

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

NOES: NONE.

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

Any more items, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, there is no further business before the Council.

CHAIR LEE: Okay, Members, it's been an unusual day. Thank you very much. Have, have a great week, especially on the Big Island if you're going. Alright, any last comments, anybody? If not, thank you very much. Meeting adjourned.

ADJOURNMENT

The regular meeting of *September 20, 2022*, was adjourned by the Chair on *September 27, 2022*, at 12:17 p.m.



KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

County Clerk

From: Eric Miyasato <eric@hawaiianlights.com>
Sent: Friday, September 16, 2022 4:45 PM
To: County Clerk
Subject: September 20 meeting - Committee report # 22-90 Bill 21, CD2, FD1 (2022)
Attachments: Summary -.pdf

RECEIVED
2022 SEP 19 AM 7:59
OFFICE OF THE
COUNTY CLERK

County Clerk,

Attached is my summary for testimony for Bill 21, CC2, FD1 (2022).

I am disappointed that this bill only had 1 opportunity to discuss the revisions in the CARE committee. The Bill being sent back to the Full County Council does not fix the issues in proposed ordinance and the financial obligations for the Businesses of Maui.

As mentioned many times, Maui should have a lighting ordinance that considers the Wildlife, Environment & Design (Engineers/Architects) community. This current form, does not consider the design community and has a large conflict in the wildlife community with the type of light source used for Turtles.

I suggest that the Bill be sent back to the Care committee and have and real & open discussion with the Design (engineer/architect) community.

Aloha,

Eric Miyasato, P.E
808-226-5973

Florida Fish & Wildlife

Use long wavelength (greater than 560 nm AND absent wavelengths below 560 nm) light sources such as amber, orange, or red LEDs without the use of filters, gels, or lenses. Using long wavelength light sources is less disruptive to marine turtles than white or multi-colored lights.

Coastal Construction Control line (CCCL) regulates structures and activities that cause beach erosion, destabilize dunes, damage upland properties or interferes with public access. Also protects sea turtles and dune plants.

IDA – International Dark Sky

- 3000K maximum.
- Adaptive Controls
- Shielding
- Motion control lights

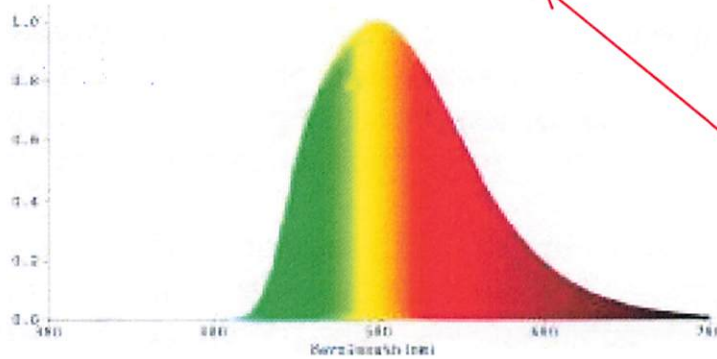
IECC – 2015 (International Energy Conservation Code) (Current standard)

- Section C405.2.5
 - Exterior lighting Controls
 - Auto Off when Daylight available
 - Façade, landscape lights auto off as a function of dusk/dawn and open/close times.
 - Reduce all other lighting $\geq 30\%$ no later than midnight to 6AM, one hour after closing to one hour before opening, or when no activity is detected for >15 minutes.
 - Exceptions
 - Emergency Lighting Normally off
 - Lighting for Health & Safety
 - Covered Vehicle entrances
 - Building/parking structures exits for safety, security, or eye adaptation.



Current Building
department review
for exterior lights

FILTERED LED



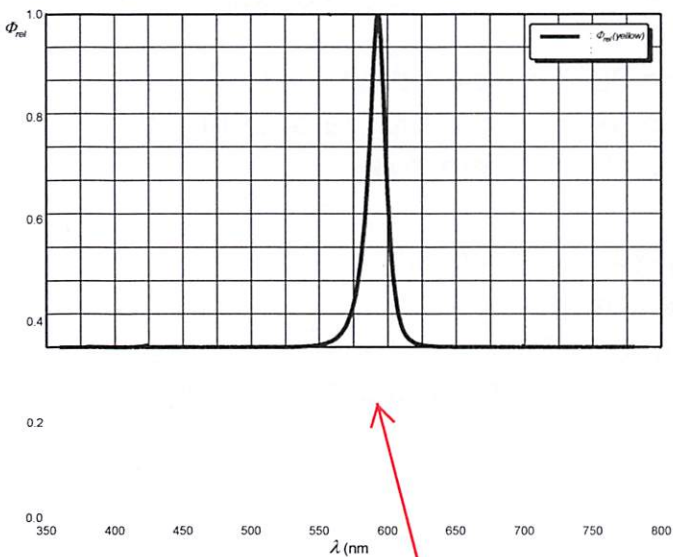
Big Island - typical filtered LED

Spectrum Parameters
Blue content (400nm-700nm): 0.14% Peak wavelength: 579nm

LED Spectral Emissions

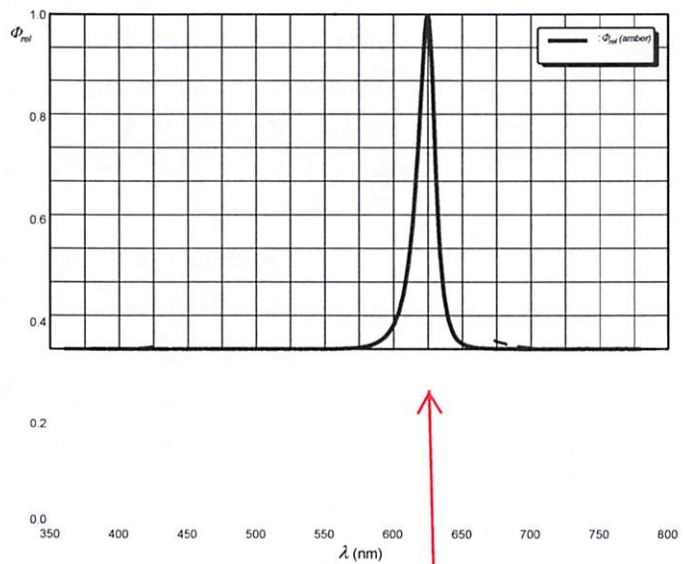
— LED Output

Environmental Yellow / Amber
590nm peak (583nm min, 595nm max)



Amber LED

Option -ERO (Environmental Red / Orange)
617nm peak (609nm min, 624nm max)



Red LED

Aloha Chair Lee and members of the County Council,

My name is Neldon Mamuad and I've been in the events industry for over 20 years on both Maui and Lana'i testifying of Bill 21 related to Seabirds and Bio-diversity.

The event industry is responsible for live experiences to both visitors and residents alike. The people responsible for these events are in hospitality, planners, caterers, talent, musicians, producers, technicians, general contractors, engineers, suppliers, manufacturers, and so much more that all contribute to this islands economy and are often behind the scenes.

As I testified in Committee, the special events industry is being left behind in this bill.

After being retained as a special event resource in Committee, I was surprised when CM King called me to tell me string lighting already needed to be fully shielded with the existing law, but it's not properly defined in 20.35.040, it's hard to fit them into one of those classes. So, the event industry would take issue with the existing bill as it stands. The current ordinance has a date of 2007. Therefore, the current state of exemptions in the 07 version would have caused ALL events to be out of compliance including Obon, The County Fair, the MACC, and all other special events. But between now and then, no one realized this ordinance affected events in that way. Special event lighting is temporary and should all be exempt despite location. These exemptions are narrow to save the most common events on the islands:

- 1. Obon festivals and Holiday Lighting**
- 2. Sports Games**
- 3. The County Fair**
- 4. Events at non-profit properties, the biggest being the MACC- Maui Arts & Cultural Center.**

These are the type of special event exemptions we were hoping to get into the current Bill:

- 1. Temporary lighting for theatrical, television, and performance areas;*
- 2. Permanent or temporary lighting using unshielded strings of lights such as for lighting outdoor dining or patios with individual lamps that are less than 70 lumens.*
- 3. Temporary private events/seasonal/festival lighting. Private Event/seasonal/festival lighting is defined as temporary lighting installed and operated in connection with private special events, holidays, festivals, or traditions. For this, Temporary lighting is defined as lighting installed and operated for periods not to exceed 60 days, completely removed.*

After reviewing the HRS on the matter [§201 8.5] Night sky protection strategy- they have more reasonable exemptions for special events in these sections:

independent testing agency.

(f) The use of existing nonconforming lighting fixtures shall be allowed, subject to compliance with subsection (c)(3), for:

- (1) Lighting fixtures that are extinguished between the hours of 11:00 p.m. and sunrise by an automatic shutoff device; or
- (2) Outdoor amphitheaters, ballparks, playfields, play courts, or other similar recreational facilities, whether public or private, that are used for international, national, state, or county tournaments; or as needed to conclude any recreational event, sporting event, or other related clean up activity that is in progress prior to 11:00 p.m. at the amphitheater, ballpark, playfield, play court, or similar recreational facility.

(g) The following light sources shall be exempt from this section:

- (1) Lighting sources emitting three thousand lumens or less, which is comparable to a lighting fixture with an incandescent lamp rated at one hundred fifty watts or less, and temporary ornamental holiday lights;
- (2) Emergency lighting used by military, national guard, police, firefighters, correctional, medical, or hazardous material mitigation personnel, or other emergency responders for the duration of the emergency;
- (3) Temporary outdoor lighting used for construction or major renovation of buildings or for highway improvements or construction;
- (4) Temporary outdoor lighting used for film production and other permitted activities such as carnivals and concerts;
- (5) Temporary outdoor lighting used for agricultural operations;

#4 is the type of language we would like to see for special events to be classified as "Temporary Outdoor Lighting".

CLASSIFICATIONS

Getting back to the County side, it's unclear where Temporary Outdoor Lighting for Special Events would fall under the current ordinance. After speaking with Dir. Molina, he thinks it would fall between Class II and Class III:

"Class I lighting" means outdoor lighting used for outdoor sales areas, service stations, outdoor eating areas, outdoor assembly or repair areas, and recreational facilities.

"Class II lighting" means all outdoor lighting used for, but not limited to, illumination for

-2-

equipment yards, parking lots, outdoor security, and other similar applications in which general illumination of the ground is the primary concern.

"Class III lighting" means any outdoor lighting used for decorative effects, including but not limited to, waterfall and pond lighting, landscaping, and walkways.

It should be properly defined to fit into a CLEAR Classification. It's not clear here that string lighting would fall on either Class II or III.

20.35.090 Shielding requirements and usage standards. Outdoor lighting fixtures shall conform to the following shielding requirements and usage restrictions:

Lamp Type	Shielding Requirement	Usage Restrictions
Class I		
Augmented monochromatic	Fully shielded	None
Low pressure sodium	Fully shielded	None
Metal halide	Partially shielded	Off from 11:00 p.m. to sunrise*
All others	Fully shielded	None
Class II		
Augmented monochromatic	Fully shielded	None
Low pressure sodium	Fully shielded	None
All others (existing)	Fully shielded	None
All others (new)	Fully shielded	None
Class III		
Low pressure sodium	Fully shielded	None
High pressure sodium	Fully shielded	None
Neon	None	Off from 11:00 p.m. to sunrise*
Others	Fully shielded	None
Others	Partially shielded	Off from 11:00 p.m. to sunrise*
Class IV		
Existing	Fully shielded	None
Low pressure sodium	Fully shielded	None
High pressure sodium	Fully shielded	None

*These lights may be used between 11:00 p.m. and sunrise if business or recreational activities are taking place, but shall be turned off no later than one hour after conclusion of activities.

Special event lighting is very “special” indeed as we use very specialized equipment beyond what you would see on a standard building or open space. We use “intelligent lighting” fixtures that are programmed to a master console to control things such as color, intensity, and movement. Finding compliant bulbs would be impossible to find and source for fixtures used for events that are temporary when outdoors in most cases.

ENFORCEMENT

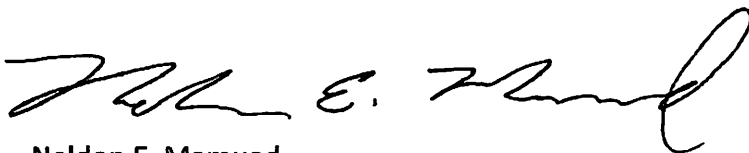
Even with the lack of awareness for special event stakeholders both public and private, according to Dir. Molina, since the ordinance has been on the books, there has only been ONE complaint that has reached the violation stage of enforcement. The rest of the complaints have been addressed without the need to issue violations. This supports our advocacy for proper exemptions that special events being temporary in nature have not ever risen to a violation. If a special event ever rose to that level of violation, the admin rules will fine the property owner with a \$150 initial fine and \$50 a day. Every event would be a separate case and investigation making it very difficult to enforce.

THE APPEARANCE OF FAIRNESS

With the current set of exemptions, as a matter of technical fact on outdoor luminaries, the lighting footprint of events such as the County Fair, Concerts at the MACC, and War Memorial Complex sports games would carry an impact equal to or greater than that of other special events on private property, including those on hotel property. To single out special events on hotel property would not only be unfair but detrimental to all events tied to our number one economy from concerts to luaus. The impact of the visitor experience will jeopardize the group and incentive markets yet be far-reaching enough to affect small weddings in those areas for the visitor and kama’aina alike.

We need more time to discuss this bill's impact with stakeholders far outside these walls and bring a common sense approach to balancing the environmental concerns with the industry instead of leaving unclear rules on the books left up for interpretation by bureaucrats that have neither the time nor resources to properly enforce a bill this far-reaching.

Mahalo,



Neldon E. Mamuad
Event Technologist



Maui Hotel & Lodging
ASSOCIATION

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2022 SEP 19 PM 3:19

OFFICE OF THE
COUNTY CLERK

September 20, 2022

Council Chair Alice Lee
Maui County Council
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

RE: Opposition to amended language in Bill 21, CD1, FD1 (2022) Seabird and Biodiversity Protection

Aloha Chair Lee and members of the Council,

The Maui Hotel & Lodging Association (MHLA) is the legislative arm of the visitor industry for Maui County. We represent over 180 property and allied business members and more than 22,000 workers.

When the Council recommitted Bill 21 on July 15, 2022, it was so additional information and concerns could be gathered from the community. When the amended version of Bill 21 was presented to the CARE Committee on September 8, it was noted by MHLA that hotel properties conducting special events with temporary lighting were not listed on the exclusions list. MHLA submitted written testimony requesting that permitted special events with temporary lighting at hotel properties be added to the list section 20.35.070 Exemptions, number 4.

Now, in the latest version of Bill 21, hotel and transient accommodation properties are specifically listed **not** to have any exemption for temporary event lighting. Many of the special events held outdoors at hotel properties are for fundraising efforts for our local non-profits, such as The 'Aipono Awards, Sentry, and Hawaii Food & Wine, giving part of the proceeds back to the community. Additionally, these special events employ outside companies that rely on these outdoor events to support their families.

MHLA is **strongly opposed** to this recent amendment and requests that the Council defer any further movement on this Bill until the industry is consulted on the loss of income for special event companies, wedding businesses, florists, photographers, and equipment rentals (tents, tables, chairs, generators).

The fact that special events with temporary lighting can occur at various locations outdoors except hotel properties seems punitive at best.

Thank you for the opportunity to testify,

Lisa Paulson
Executive Director, Maui Hotel & Lodging Association

Aloha Maui County Council:

My name is Jeff Bagshaw and I am in strong support of Bill 21, CD2, FD1 (2022).

Limiting short wavelength content to no more than two percent of blue light content, down-directing lighting and ensuring lights are fully shielded protects native seabirds and marine life, but this also helps protect our fresh water future. We talk about food-security often, but *water-security* is even more basic unless we're willing to have a future of tankers delivering fresh water to our docks, we have to take care of all the links in the chain that keeps our waters flowing, *now*. We get our freshwater from our forests and those forests are fed by seabirds. Opponents to lighting ordinances often site costs of conversion. Compare those costs to the environmental services we receive from our ecosystems for free.

There are about 80,000 acres of native forests on Maui, and Hawai'i Island studies show native trees are superior at "cloud capture." Their leaf, bark and root structures have evolved to capture water from clouds touching them and channeling that water into aquifers, where most of our freshwater resides. About 30% of our freshwater is generated this way, even if it doesn't actually rain. Those native trees need nutrients like all plants, and historically, those nutrients were delivered by seabirds. 'Ōhi'a get about 28% of their nitrogen from marine resources, i.e. seabirds.

DOFAW has no plans and is not prepared to do arial fertilizing, but to do so at the same rate as the seabirds would conservatively cost about \$11 million annually for Maui not to mention the carbon footprint of all that helicopter fuel. Right now, we are relying on the free labor of seabirds. And there are many studies showing how those nutrients even feed our reefs in the right amounts and chemical compositions, to keep corals producing fish for food.

Which leads to another environmental service we capitalize on for free: reef fish and sea turtles. The Hawai'i Visitor Bureau's 2020 Annual Visitor Satisfaction and Activity Survey once again states that roughly 60% of visitors to Maui report they snorkeled or came to Maui specifically to snorkel. The survey doesn't report one thing I can share anecdotally. First time visitors to 'Āhihi- Kina'u Natural Area Reserve will ask me about 30-40% of the time: "Can we see turtles here?" right after "Can we see fish here?" Look at souvenirs sold through any retail outlet large or small. What is one of the top five iconic creatures on tee shirts, stickers, stuffed toys, keychains... sea turtles. How many dollars in profits can be attributed to the presence of these animals and visitors wanting to remember or hope for an experience? As others have testified, over- and badly designed lighting affects all reef animals including fish and turtles.

Modern astronomers can give estimates of the values of dark skies for professional sky-watching, and there are at least a dozen private tour-companies that include star watching in their list of activities/services they provide, which can again, equate to environmental aspects we capitalize on for free. But an incalculable benefit is the ability for residents to be able to look at up and experience seeing stars used in traditional navigation as was done generations ago, and Nainoa Thompson of course used stars, but also relied on seabirds in the last hours of his first voyage as a navigator to Tahiti. The modern definition of a cultural landscape goes beyond archeological features – it includes being able to experience a landscape as our ancestors did to hear seabirds call in the night. "Honolulu City Lights" is a lovely song but rewriting those lyrics to become "Kahului City Lights" would be a sad cultural replacement for the loss of seabirds and the other pieces of the environmental chorus we are losing with in-action.

The latest estimates for sea level rise say we will lose 26-40% of the nesting habitats for seabirds in Papahānaumokuākea Marine National Monument, where 96% of the world's Laysan Albatross currently nest, a species that led early navigators here, which is unique to our islands. We have to start now in preparing for those climate refugees to move back to the lower eight Hawaiian islands. We can make room for them, we can invest in and pay for the free resources we have capitalized on for many years. Its time to pay that price, to take back the night.

Kudos to this committee and the Council for working on this difficult and detailed bill. You’ve worked through many details and iterations because this is about creating “smart-lighting” instead of over-lighting. Mahalo for all your efforts.

Jeff Bagshaw

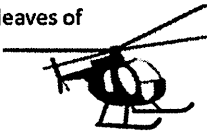
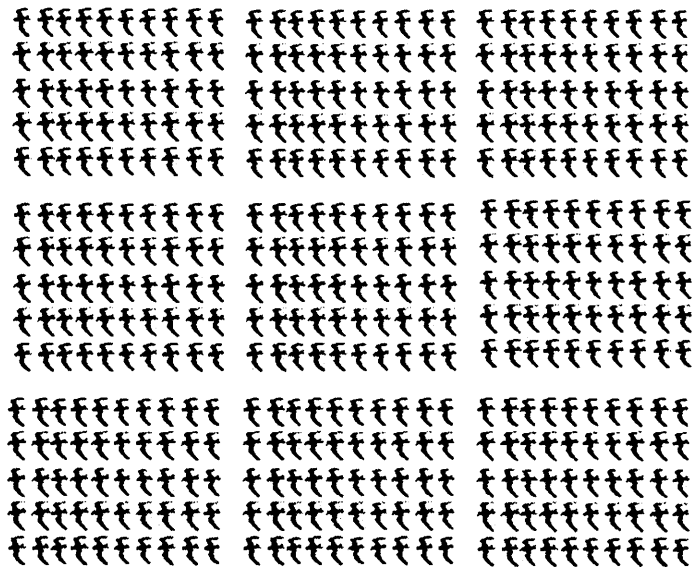
Communications and Outreach Specialist

State of Hawaii, Division of Forestry and Wildlife, Maui Nui Branch

Jeff.w.bagshaw@hawaii.gov

(808)264-7891

Just 500 seabirds deliver about 163 pounds of guano per ha/year, foliar (to the leaves of trees) and to reefs. \$0.00 costs to people, no carbon footprint.



Replacing their “labor?” ~\$733.00 for fertilizer, ~\$633.00 for helicopter services per ha/year = ~\$1336.00 plus carbon emitted by jet fuel.

Maui has about 80,000 acres of ‘ōhi‘a... Feeding them artificially ~\$11 million/year.

‘Ōhi‘a get about 28% of their nitrogen from marine resources and native forests generate about 30% of our freshwater.

Maui DOFAW has no plans to do arial fertilizing but we work to support the wildlife that provides environmental services at no charge.



MAUI COUNTY FARM BUREAU

PO Box 148, Kula, HI 96790
mauicountyfarmbureau.org

Executive Director
Warren K. Watanabe

Board of Directors:

President
Kyle Caires

Vice President
Joshua Shyloh Stafford-Jones

Secretary
Jayson Watts

Treasurer
Tim Stevens

Directors:

Rodrigo "Rudy" Balala

Brendan Balthazar

James "Kimo" Falconer

Bobbie Patnode

Teena Rasmussen

Heidi Watanabe

Via email to: county.clerk@mauicounty.us

Maui County Council
Office of the County Clerk
200 S. High St.
Kalana O Maui Bldg, Suite 708
Wailuku, HI 96793

Maui County Council
September 20, 2022
9:00 a.m.

Testimony on Bills-Second and Final Reading, Item N, NO. 105, CD1, (2022),
entitled "A bill for an ordinance amending Chapter 2.12 and Title 22, Maui
County Code, to establish policies related to the Department of Agriculture."

Aloha Council Chair Lee and Council members,

The Maui County Farm Bureau respectfully offers the following comments on
this bill.

MFCB strongly believes that Maui's farmers and ranchers are in dire need of
immediate help in specific major areas such as deer management, drought
impacts, and grant-writing. We hope that the Council will recognize the
urgency of their needs and focus the new County Department of Agriculture, for
now, on issues that will ensure that Maui's agricultural producers can stay in
business. Everyone wants farmers and ranchers to keep farming, and no one
wants to see the new Department set up for failure.

This bill, while well-intentioned, is extremely broad and makes mandatory a
huge list of responsibilities and duties that not only duplicate or overlap the
responsibilities of federal, state, county, and private agencies, but will
overwhelm the limited staff and fiscal resources of the new Department in its
scope and in its requirements for extensive data collection, recordkeeping,
reporting, and rulemaking that will delay attention to prioritization of the most
pressing needs of our agriculture community.

Before this measure is rushed to be passed, and these mandates are codified
into law, MCFB would appreciate the opportunity to work with the Council on
an amended bill that will identify what producers urgently need right now and
prioritize actions on these needs.

Thank you for your consideration of our comments.

Sincerely,

Kyle Caires
President

OFFICE OF THE
COUNTY CLERK

2022 SEP 19 AM 9:06

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From: Shay Chan Hodges <shay.chanhodges@gmail.com>
Sent: Sunday, September 18, 2022 11:56 AM
To: County Clerk
Subject: STRONG SUPPORT of Kali Arce and Bill 105, TO ESTABLISH POLICIES RELATED TO THE DEPARTMENT OF AGRICULTURE, WITH THE ADDITION OF THE GCFI MINIMUM OF \$1,000.00

2022 SEP 19 AM 7:59

OFFICE OF THE
COUNTY CLERK

You don't often get email from shay.chanhodges@gmail.com. [Learn why this is important](#)

Aloha Councilmembers,

I am writing to you in strong support of the confirmation of Kali Arce for Director of the Dept of Agriculture.

I am also in strong support of Bill 105 to establish policies related to the Department of Agriculture, with addition of the GCFI minimum of \$1000. I support the bill because we need the roles and responsibilities of the Department to be clearly defined in order for it to be successful and work for our community.

This legislation was created in collaboration with the community impact working group and community at large, through outreach and various surveys these areas of need and reporting requirements were drafted and I support this legislation because it is what we need from the Department to create a more sustainable and self-sufficient food system that befits residents, the economy and our delicate island ecosystems.

The points in this legislation had lots of community feedback before they were solidified and will help guide the Department through different transitions in leadership that the Department will face over the course of the years. We also recently saw that a small but important part of Bill 105 was left out.

The minimum GCFI of \$1,000 was left out and it just says "Low GCFI up to \$149,000." We would like that to be changed to the group's original recommendation of "Low GCFI between \$1,000 and \$149,000." The reason for this is that it currently doesn't define a minimum threshold for the department to focus on and we feel that this is very important.

These categories in general came from the USDA Economic Research Service, however our group added in a \$1,000 minimum sales so that the Department of Agriculture could be in alignment with the minimum sales requirement for agricultural water pricing, set by the Dept. of Water Supply. Having the \$1,000 minimum requirement will create consistency between the Departments and also help prevent the Department of Agriculture from having to focus energy on folks selling very small amounts. For example \$50, \$60 Or even a couple hundred dollars, which would not be a difficult threshold for anyone with one fruit tree to meet.

We also felt the \$1,000 threshold set by the Dept. of Water Supply, is also still reasonable for smaller taro farmers whose crops tend to have a very lengthy turn around time. This can range from anywhere from 8 month to 1 year on average. I hope that you will be able to support this small change. We understand that making changes at second and final reading is not ideal but it was on honest oversight.

This legislation is also in alignment with the strategic plan that has been submitted to the administration and council and the prior legislation that has been approved for the Department. I thank you for all the support the Council has shown for the Department of Agriculture to date, and urge you all to continue that support and approve this bill today at the second and final reading.

Mahalo,

Shay Chan Hodges

2015 SEP 19 AM 7:29

OFFICE OF THE
COUNTY CLERK

County Clerk

From: brandi corpuz <brandicorpuz@gmail.com>
Sent: Tuesday, September 20, 2022 1:08 PM
To: County Clerk
Subject: Testimony in support of Bill 107

 You don't often get email from brandicorpuz@gmail.com. [Learn why this is important](#)
Aloha County Council Members,

My name is Brandi Corpuz and I am from the wetlands of Kula Kai (Kihei). I am writing in support of the affordable housing bill 107.

As a person who once was a single mother on HUD, I fully know the struggles for affordable housing. We were blessed to be able to buy a home with my sister about 15 years ago. The only way we could afford the prices even then, was to share the mortgage with someone else.

It is sad that today we would not be able to afford these prices and interest rates. There are so many people moving away to fulfill their dreams of home ownership because even if they have good jobs and good incomes, they can not afford to buy a home.

The proposed prices are attainable for our local families and we should make it possible for them to buy a home and stay in Maui where they are from. We must keep our locals here or else we will have no one left to work in essential fields and keep our economy going.

I support bill 107 and I hope you will too.

Sincerely, Brandi Corpuz

County Clerk

From: Cassandra Abdul <cassandra@nahaleomaui.org>
Sent: Wednesday, September 14, 2022 9:02 PM
To: Alice L. Lee; Gabe Johnson; Keani N. Rawlins; Kelly King; Mike J. Molina; Shane M. Sinenci; Tamara A. Paltin; Tasha A. Kama; Yukilei Sugimura
Cc: County Clerk
Subject: Bill 107

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2022 SEP 15 AM 8:05

OFFICE OF THE
COUNTY CLERK

Aloha, Alice Lee, Council Chairperson and Council members,

Na Hale O Maui is a nonprofit, grassroots Community Land Trust that has provided truly affordable housing alternatives to 54 island families in 47 single family residences. (Seven Na Hale O Maui families have realized a portion of the shared equity when they sold their CLT homes to additional income qualified families, as they moved on to conventional, market rate homes.) All 47 homes were acquired with conventional Fannie Mae financing, requiring less than 5% down and no private mortgage insurance (PMI.) We support reducing the layers of regulations that will streamline the delivery of more affordable homes to our community and keep our workforce in Maui.

We understand and appreciate the good intentions behind Bill 107. However, we anticipate that there will be unintended consequences if passed as proposed.

There are two major impacts to Bill 107 Section C2.

Home builders that accept county subsidies, will face sales price guidelines that consider the total costs associated with homeownership. The bill proposes to make county funds available to cover the difference between the cost of the home and the amount that our low-income residents can afford. This would require substantial investments in our local families to realize the dream of affordable homeownership.

Bill 107, Section C2, will require that Home builders that do not receive county subsidies will be required to accept sales price caps that do not consider the increased cost of building due to:

- higher interest rates;
- higher material costs, and
- higher labor costs..

Sales caps and price controls might sound like a good idea for local buyers. The actual results of Bill 107 Section C2 will be detrimental to housing opportunities for local families.

Developers that build 100% affordable housing will be prevented from building homes due to Section C2. Lenders will not finance projects that don't 'pencil out;' the cost to build that exceed sales caps.

Developers that build a mix of affordable and market homes will be forced to increase the prices of market-rate homes, passing on the subsidy on the affordable homes to other island families..

Bill 107, Section C2 will actually reduce the ability of local residents to buy homes. This is NOT the right direction to increase attainable housing for our Maui families.

Please consider the oral and written testimony received from knowledgeable and experienced developers and builders with an open mind. We all agree that we need and want more affordable and workforce housing for our community. If you are unable or unwilling to reconsider the potential ramifications of Bill 107, please at least delete Section C2.

Mahalo for your continued support of affordable and workforce housing,

Cassandra

Cassandra J Leolani Abdul
Executive Director & Principal Broker

Na Hale O Maui
190 N. Church Street
Wailuku, HI 96793
Ph. 808.244.6110
Mobile 808.304.3533

To learn more about Na Hale O Maui and to make a donation please visit <https://www.nahaleomaui.org>

Changing lives, one home at a time.

Mission: To secure and preserve a permanent supply of affordable housing alternatives for low and moderate income households in Maui County.

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County Clerk

RECEIVED

From: Barbara Barry <begoniabarry@gmail.com>
Sent: Sunday, September 18, 2022 11:37 PM
To: County Clerk
Subject: Bill 105 with addition and the Confirmation of Director Rogerene "Kali" Acre

2022 SEP 19 AM 8:00

OFFICE OF THE
COUNTY CLERK

STRONG SUPPORT for Bill 105, TO ESTABLISH POLICIES RELATED TO THE DEPARTMENT OF AGRICULTURE, WITH THE ADDITION OF THE GCFI MINIMUM OF \$1,000.00

Aloha Chair Lee and Council Members,

I would be testifying in person but due to TUTU responsibilities that may be difficult. I wanted to make sure that you heard from me on why I think it's very important to pass Bill 105 on 9-20. I strongly support the confirmation of Director Rogerene "Kali" Acre for our Dept of Agriculture.

I am writing to you in strong support of the proposed legislation and I am urging the County Council to support Bill 105 to establish policies related to the Department of Agriculture, with addition of the GCFI minimum of \$1000. I support the bill because we need the roles and responsibilities of the Department to be clearly defined in order for it to be successful and work for all farmers and ranchers in our community.

I was a part of the community impact working group and I support this legislation because it is what we need from the Department to create a more sustainable and self-sufficient food system that befits residents, the economy and our delicate island ecosystems.

The points in this legislation had countless hours of community feedback before they were solidified and we felt that it will help guide the Department through different transitions in leadership that the Department will face over the course of the years.

It's important to note that a small but important part of Bill 105 was left out.

The minimum GCFI of \$1,000 was left out and it just says "Low GCFI up to \$149,000."

I would like that to be changed to the group's original recommendation of "Low GCFI between \$1,000 and \$149,000." The reason for this is that it currently doesn't define a minimum threshold for the department to focus on and I feel that this is very important.

These categories in general came from the USDA Economic Research Service, however our group added in a \$1,000 minimum sales so that the Department of Agriculture could be in alignment with the minimum sales requirement for agricultural water pricing, set by the Dept. of Water Supply.

Having the \$1,000 minimum requirement will create consistency between the Departments and also help prevent the Department of Agriculture from having to focus energy on folks selling very small amounts. For example \$50, \$60 or even a couple hundred dollars, which may be reachable for anyone with one or two fruit trees to meet.

The focus group also felt the \$1,000 threshold set by the Dept. of Water Supply, is also still reasonable for smaller taro farmers whose crops tend to have a very lengthy turn around time. This can range from anywhere from 8 month to 1 year on average. I hope that you will be able to support this small change. I understand that making changes at the second and final reading is not ideal but it was an honest oversight.

This legislation is also in alignment with the strategic plan that has been submitted to the Administration and Council and the prior legislation that has been approved for the Department.

Mahalo for all the support the Council has shown for the Department of Agriculture to date, and urge you all to continue that support and approve this bill today at the second and final reading.

Ms. Barbara Barry
small organic farmer
Ha'ikū

OFFICE OF THE
COUNTY CLERK

County Clerk

From: Nicole <nicmd30@gmail.com>
Sent: Monday, September 19, 2022 6:54 PM
To: County Clerk
Subject: Support Bill 21

RECEIVED

2022 SEP 20 AM 7:45

OFFICE OF THE
COUNTY CLERK

You don't often get email from nicmd30@gmail.com. [Learn why this is important](#)

Dear Maui County,

Please pass Bill 21. I want to protect native sea turtles & seabirds from outdoor lighting issues around the island, so I support Bill 21. This is an easy solution to a dire problem.

Mahalo,
Nicole Davis
Kihei Resident



Hawai'i Convention Center
1801 Kalākau Avenue, Honolulu, Hawai'i 96815
kelepona tel 808 973 2255
kelepa'i fax 808 973 2253
kahua pa'a web hawaii tourismauthority.org

David Y. Ige
Governor

John De Fries
President and Chief Executive Officer

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2022 SEP 20 AM 7:45
OFFICE OF THE
COUNTY CLERK

Statement of
JOHN DE FRIES
Hawai'i Tourism Authority
before the
MAUI COUNTY COUNCIL
September 20, 2022

In consideration of
**RESOLUTION 22-220: AUTHORIZING THE COUNTY TO ENTER INTO AN AGREEMENT
WITH THE MAUI VISITORS AND CONVENTION BUREAU REGARDING THE PLACEMENT
AND MAINTENANCE OF REEF SAFE SUNSCREEN DISPENSERS AT
MAUI COUNTY BEACH PARKS AND OTHER LOCATIONS**

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and Distinguished Members of the Maui County Council.

Mahalo for the opportunity to testify in support of Resolution 22-220, which will allow the Hawai'i Tourism Authority, through our partners at the Maui Visitors and Convention Bureau, to partner with Maui County, grassroots community organizations, local businesses, and dedicated community volunteers to make reef safe sunscreen available and accessible at popular beach parks.

The Maui County Council took a bold step in enacting Ordinance 5306 (2021), protecting the health, safety, and welfare of humans and the environment by restricting the sale and use of non-mineral sunscreens in Maui Nui starting on October 1.

We would also like to express our sincere appreciation to Hui O Ka Wai Ola, the Rotary Club, Pacific Whale Foundation, Hawaiian Hawksbill Conservation, Hawai'i Wildlife Fund, Save Honolua Coalition, Pūlama Lāna'i, Whalers Village, the Department of Land & Natural Resources, and the 25 individuals who have committed to monitoring and restocking these dispensers on a weekly basis.

We know that education is an important part of the implementation of any regulation of this nature. Using reef safe sunscreen is a key part of our visitor education messaging, which is targeted on digital platforms toward the likely Hawai'i traveler, delivered with confirmation emails from many airlines, hotels, and activities, presented in-flight on the major airlines servicing Hawai'i, seen prominently at our airports, and targeted digitally to visitors while in Hawai'i. This education effort is guided in part by Maui DMAP actions A.4 and B.1, as well as HTA's overarching commitment to Mālama Ku'u Home – care for our beloved home.

Mahalo to Councilmember Sinenci for introducing this measure, and to the distinguished members of the Maui County Council for this opportunity to show our strong support for Resolution 22-220 and this initiative.

Maui Visitors Bureau Testimony:

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and Distinguished Members of the Maui County Council.

Mahalo for the opportunity to testify in support of Resolution 22-220.

Through the Maui Nui Destination Management Action Plan (or DMAP) and, funded through by the Hawai'i Tourism Authority, my testimony this morning confirms that the Maui Visitors & Convention Bureau has the funds to purchase, install and maintain a total of 19 mineral-only sunscreen dispensers on the island of Maui and 1 on the island of Lāna'i. These mineral-only sunscreen dispensers would be for free-public use, benefitting the health of all beach-goers, residents and visitors alike, as well as to support the marine ecosystem.

This would support the unanimous ordinance by the Maui County Council, going into effect on October 1, outlawing the use of all chemical sunscreens in Maui County. This work would also fulfill Action B of the Maui Nui DMAP which calls us to, "initiate, fund and continue programs to protect the health of ocean, fresh water and land-based ecosystems and biosecurity." And, Subaction B.1, which calls us to, "promote Hawai'i's sunscreen law and educate visitors about proper sunscreen use through...visitor education programs." as well as HTA's overarching commitment to Mālama Ku'u Home – care for our beloved home.

We were inspired to start this program after learning of about the coral reef regeneration happening on the island of Hawai'i after following the installation of these same dispensers, were installed and We also bolstered in our commitment to this initiative after attending ~~attended the~~ the Maui Nui Marine Resource Council unveiling of 4 dispensers in South Maui on February 14, 2022, which further bolstered in our commitment to this initiative.

This program has the support of several partnerships including Hui O Ka Wai Ola, the Rotary Club, Pacific Whale Foundation, Hawaiian Hawksbill Conservation, Hawaii Wildlife Fund, Save Honolua Coalition, Pūlama Lāna'i, Whalers Village, DLNR and 25 individual community members from these organizations willing to volunteer to monitor and restock these dispensers on a weekly basis.

We hope that the County Council will support this Resolution as we seek approval for an SMX permit through the Department of Planning. Originally our hope was to have these installed by October 1, to honor the ordinance, but due to delays, this is no longer feasible. Mahalo to Councilmember Sinenci for introducing this measure, and to the distinguished members of the Maui County Council for this opportunity to show our strong support for Resolution 22-220 and this initiative.

County Clerk

From: Lily Diamond <lily.diamond@gmail.com>
Sent: Monday, September 19, 2022 10:20 AM
To: County Clerk
Subject: Support of Bill 105 + GCFI minimum

RECEIVED
2022 SEP 19 AM 11:13
OFFICE OF THE
COUNTY CLERK

You don't often get email from lily.diamond@gmail.com. [Learn why this is important](#)

Aloha Councilmembers,

I am writing to share my support of the proposed legislation in Bill 105, and to urge the County Council to establish its proposed policies related to the Department of Agriculture, with addition of the GCFI minimum of \$1000.

We need the roles and responsibilities of the Department to be clearly defined in order for it to be successful and work for our community. This legislation was created in collaboration with the community impact working group and the community at large, through direct outreach and community surveys. Bill 105 sets forth what we need from the Department to create a more sustainable and self-sufficient food system that benefits residents, the economy, and our delicate island ecosystems.

Each points in this piece of legislation went through considerable community feedback before being solidified, and will help guide the Department through the transitions in leadership that the Department will face over the years.

In my review, I saw that a small but important part of Bill 105 was left out: The minimum GCFI of \$1,000 was removed, and it now says "Low GCFI up to \$149,000." We would like that to be changed to the group's original recommendation of "Low GCFI between \$1,000 and \$149,000." It is very important for the department to have a defined minimum threshold to focus on. Not only is this amount in alignment with the USDA Economic Research Service's categorizations, it also aligns with the \$1,000 minimum sales requirement for agricultural water pricing, set by the Dept. of Water Supply.

Keeping the \$1,000 minimum requirement in the bill will create consistency between the Departments and help prevent the Department of Agriculture from having to focus energy on folks selling very small amounts. At the same time, the \$1,000 threshold set by the Dept. of Water Supply is still reasonable for smaller taro farmers whose crops tend to have a very lengthy turn around time.

This legislation is also in alignment with the strategic plan that has been submitted to the administration and council and the prior legislation that has been approved for the Department.

I understand that making changes at second and final reading is not ideal, but I hope you will be able to support this small piece. Thank you for all the support the Council has shown for the Department of Agriculture to date.

Mahalo,

Lily Diamond

‘Ulupalakua

Lily Diamond
www.lilydiamond.com

County Clerk

From: mary drayer <mdrayerhome@msn.com>
Sent: Monday, September 19, 2022 11:53 AM
To: County Clerk
Cc: mary drayer; Mayor Mike Victorino - CofM; Maui_County Council_mailbox
Subject: Support for Maui County Council Bill 107, CD2

Aloha awakea kakou,

I am writing in strong support of Bill 107, CD2, written by Council Member Gabe Johnson which addresses the formula used to calculate affordable home sale prices – along with funding options thru the county.

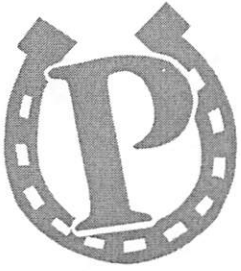
It with pleasure that I am seeing a number of bills and other measures the Council is putting forth to try and fix some of the issues which have plagued us for over 50 years. I know it didn't happen overnight, and the fixes will take time. But we do have to start somewhere! Many people are so jaded and discouraged that they don't want to speak up, and be met with continued disappointment. And of course the 'bully' developers are happy with that situation. I am hopeful that any developer or other entity that threatens litigation, (which is their 'go to' move), will be met with the County's response of "SEE YOU IN COURT". I will be more than happy to have my tax dollars support the county in those cases.

Mahalo nui loa, as always, for providing this email opportunity to be heard.

Mary Drayer & 'Ohana
557 Imi Dr
Wailuku, Hi 96793
808-244-5646

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2022 SEP 19 PM 12:38
OFFICE OF THE
COUNTY CLERK

September 20, 2022



PĀ'UPENA

Community
Development
Corporation

96 Ahulua St.
Kula, HI 96790
(808) 276-2713
kenomoto1@hawaii.rr.com
www.paupena.org

PAPA - BOARD OF DIRECTORS

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EXECUTIVE DIRECTOR
Emma Yap

Maui County Council
Kalana O Maui Building, 8th Floor
200 High Street
Wailuku, Hawai'i 96793

Aloha mai e Chairwoman Lee, Vice Chairwoman Rawlins-Fernandez and Council members,

On behalf of more than 10,600 Maui native Hawaiian homesteaders, I am advocating in support of Bill 121 that seeks to help Hawaiian Homes lessees with their real-property taxes.

I am a 37-year Hawaiian Homes Commission Act beneficiary, who serves as 2019-23 president of the Maui/Lana'i Mokupuni Council. The latter organization is a consortium of 18 homelands entities on two islands. I am also 2019-23 secretary of the Sovereign Council of Hawaiian Homestead Associations, the oldest and largest coalition of native Hawaiian homestead associations. And I chair the board of the Upcountry-based beneficiary organization, Pa'upena Community Development Inc.

With my extensive outreach network, I will work to facilitate and expedite back-tax repayment plans for beneficiaries; so they can apply for home exemptions by December 31, 2022.

Mahalo to Councilwoman Tamara Paltin for spearheading this important legislation, and to the Council for unanimously passing the bill out of committee in August and at First Reading earlier this month.

Me ke aloha,

Kekoa Enomoto

County Clerk

RECEIVED

From: William Greenleaf <bgreenleaf.maui@yahoo.com>
Sent: Sunday, September 18, 2022 12:33 PM
To: County Clerk
Subject: Support of bill 105

2022 SEP 19 AM 7:59

OFFICE OF THE
COUNTY CLERK

Aloha Council Members:

I met every other Wed for over a year with up 30 fellow citizens to discuss the needs, wants and requirements for Maui County's Department of Ag authorized by a Charter Amendment in 2020.

I strongly support the passing of this bill...the one need is the language that designates GCFL back to how it was designated in the original work...GCFI between \$1000 and \$149K. This designation came for USDA Economic Research Service and our work recognized that for consistency among departments the Maui County Water Dept threshold for Farm Water rates is \$1000 GCFI.

I've met the proposed Director Rogerene "Kali" Acre's and found her to be an excellent choice. Her experience is both hands on and management. She has my support for confirmation.

Mahalo,
Bill Greenleaf

County Clerk

RECEIVED

From: Whitney Herrelson <whitneyherrelson@gmail.com>
Sent: Wednesday, September 14, 2022 1:49 PM
To: County Clerk
Subject: Testimony for Bill 107 CD2

2022 SEP 14 PM 2:15

OFFICE OF THE
COUNTY CLERK

You don't often get email from whitneyherrelson@gmail.com. [Learn why this is important](#)

Aloha,

I am submitting testimony in SUPPORT of Bill 107 CD2 pertaining to affordable housing.

I own 2 small businesses, am a healthcare worker, and have a partner who works full time. I am raising 2 children on Maui. We work hard for what we have, have steady income, and excellent credit. However, we will never be able to afford to buy our own home on Maui in the current market with the current "affordable" housing prices.

In fact, in 2019 we won the lottery for down payment assistance! We were ELATED. But we could only get approved for a loan for \$200,000 based on our income (the same low-income that qualified us for the down-payment assistance program in the first place). There was nothing on the market even close to that price, and so we had to forfeit the down-payment assistance. We were devastated to lose that once-in-a-lifetime chance, and we've been paying expensive rent, way more than our landlords' mortgage payment, ever since. Utility bills continue to rise. Inflation continues to rise. We pray every month that the landlord doesn't decide to raise the rent like every other unit around us, because we cannot afford another increase. We live in constant fear of being one lost paycheck or one rent-raise away from being homeless.

PLEASE support Maui working families and pass this bill.

Whitney Herrelson
147 Eleu Pl.
Kihei, HI. 96753

County Clerk

From: Yukilei Sugimura
Sent: Saturday, September 24, 2022 4:41 PM
To: County Clerk
Cc: Wayne Hikiji
Subject: Fwd: Maui Council Bill 21 related to Seabirds and Bio-diversity

Testimony on lighting bill

Sent from my iPhone

Begin forwarded message:

From: Wayne Hikiji <wayne@envisionsentertainment.com>
Date: September 24, 2022 at 9:50:04 AM HST
To: Yukilei Sugimura <yukilei.sugimura@mauicounty.us>
Subject: Re: Maui Council Bill 21 related to Seabirds and Bio-diversity

RECEIVED
2022 SEP 26 AM 7:50
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COUNTY CLERK

Aloha Councilmember Sugimura,

My name is Wayne Hikiji and I am president of *Envisions Entertainment & Productions, Inc.* ("Envisions"), a state-wide event production company based in Kahului. We have been in business for 27 years and currently employ 21 full-time employees, many of whom have been with us for 16-27 years, 15-25 part-time seasonal workers, and contract upwards of 120 independent musicians, entertainers, technicians, florists, and other event suppliers annually.

Our business consists primarily of corporate incentive and destination wedding events. And of the 700 or so events we produce annually, approximately 80-90% of our events are held outdoors either on hotel property or at ocean-side venues. We also assist with various local special and community events like The Kapalua Food & Wine Festival and the Maui Jazz & Blues Festival which are both held on hotel property, as well as other community events like the Maui Fair, the Maui Chamber of Commerce BizMixx & Made In Maui fundraisers, and Maui Calls, just to name a few.

I consider myself an environmentally conscious resident and appreciate the genuine efforts being made to protect native birds and other species, as well as our ocean and aina. However, as a business owner in Hawaii's specialized events industry, I am deeply concerned about the unintended consequences of Bill 21 which will have a devastating impact on event-driven businesses like ours, our employees, our event contractors, and more broadly Hawaii's event and tourism industry.

As such, I offer my comments and concerns for your consideration:

For one, this Bill unfairly singles out resort events which emit significantly less artificial light into the sky than many of the exempted events in the Bill like nighttime sporting events, concerts at the MACC, The Maui Fair, the Obon Festival, and other large public events. For example, compare the glaring bright white lights at the War Memorial Stadium and its adjacent parking lot to the controlled mood-enhancing colored event lights at considerably smaller hotel spaces. I fail to see how one can square these two juxtaposed scenarios if bird safety is the underlying concern.

Second, the exceptions carved out in this bill does not align with its intended purpose. After all, no discernible person would seriously believe that seabirds and turtles will know the difference between lights emitted from a public vs private property, a hotel venue vs person's private property, or a private vs county, state, federal or non-profit property. Given this, I question the rationale behind who is excluded and who is not.

Third, virtually all private events that we are involved with are very temporary, lasting only 2-4 hours and ending by no later than 10:00 pm because of the state-wide noise curfew. To the contrary, lighting from towns and communities and other non-resort installations are usually on all night, 7 days a week, 365 days a year. It would appear these are the light sources that need to be regulated, not evening events.

Forth, it seems this Council assumes event lighting vendors can easily comply with these restrictions without significant cost by giving us 3 years to comply. However, unlike mainstream industries like residential, landscape and street light manufacturers who have environmentally-friendly alternatives, theatrical lighting manufacturers do not. Also, it's not simply the theatrical light fixtures that is at issue here. It is the precise application of these lights to properly illuminate a stage or event space that make it difficult to comply without seriously diminishing its intended purpose.

Finally, in its current iteration, this bill would be tantamount to an outright ban on theatrical lighting at outdoor events which would have far-reaching consequences well beyond the challenges of lighting an event space. Because without proper outdoor stage and space lighting, there will be no outdoor events. And without outdoor events, there will no group or destination wedding business in Maui County. Such a predicament would put the livelihood of all event businesses and event professionals including planners, caterers, entertainers, producers, technicians, engineers, florists, event-related suppliers and manufacturers, hotel event staff and their service providers at risk. Furthermore, I would imagine the domino effect to the County and State to be the loss of millions of dollars in tax revenue if incentive groups and destination weddings who insist on outdoor events seek more user-friendly destinations elsewhere.

I mahalo you for understanding the obvious inequities in this bill and, therefore, for voting against it's current version. And I appreciate your continued efforts to convince other Councilmembers to do the same. Alternatively, I would strongly urge this Council to defer its decision on this bill and create a comprehensive roundtable working group of stakeholders to find a workable solution that is fair to all. Mahalo for your consideration.

Wayne Hikiji

Principal

Envisions Entertainment & Productions, Inc.

36 Pa'a Street | Kahului, HI 96732

p: 808.874.1000 | d: 808.875.7953 | c: 808.870.4000

www.envisionsentertainment.com

[Facebook](#), [Instagram](#), [Twitter](#) & [Pinterest](#)

County Clerk

RECEIVED

From: Jenna Holladay <jennahope71@yahoo.com>
Sent: Wednesday, September 14, 2022 2:18 PM
To: County Clerk
Subject: Bill 107,CD-2

2022 SEP 14 PM 2:30

OFFICE OF THE
COUNTY CLERK

[You don't often get email from jennahope71@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I am a resident of Maui for over 30 years, I have 3 teenagers that were born here. I am another person who struggles to pay for living as the cost of everything is rising!!! The past choices of the county counsel and mayors have put us residents in impossible housing circumstances! The very least that can be done at this point is to pass this bill and give relief to the people who live here and have lived here for a long time! People who give to the community, participate, are raising their children here. Most of all to the locals first. I do not put myself in the local category as I was not born here. But something must be done that is right - truly right - for people of this island.

Enough is enough

Pass this bill - do what is right by the people !!!!

Jennifer Holladay

Sent from my iPhone

County Clerk

From: Spencer Hyde <spencer_hyde3@hotmail.com>
Sent: Wednesday, September 14, 2022 3:04 PM
To: County Clerk
Subject: SUPPORT Bill 107, CD2

RECEIVED
2022 SEP 15 AM 8:05
OFFICE OF THE
COUNTY CLERK

You don't often get email from spencer_hyde3@hotmail.com. [Learn why this is important](#)

Aloha Maui County Council,

My name is Spencer Hyde and I am writing to express my support for Bill 107, which would make affordable housing truly affordable for working class Maui County residents.

I have been a full-time state worker for the past five years. I work in education and care a lot about my community. I have a college degree in my field and make less than \$27k/year after taxes, nearly half of which goes to my landlord.

I don't see a path forward for someone like me to own a home in Maui, where I grew up. I will either have to leave the field of education, or move to the mainland.

Bill 107 would at least give me a chance to continue doing what I love in the place I call home.

I understand that developers and construction workers are worried that they won't be able to make enough money if they build truly affordable homes in Maui. Working in education, I know what it's like to be underpaid. But developers and construction workers have an opportunity to make a big difference for the people of Maui County. This bill is an opportunity for them to give back to their community, to change lives.

Education is not glamorous, and neither is building affordable housing. But it has meaning and purpose.

The Goodfellow Bros. family's house in Makena is estimated to be worth \$18 million on Zillow. It has two pools, connected by a waterslide, and a one-hole golf course.

I know it's really hard times out there for developers, considering all the supply chain issues. But I believe that if they were to shuffle a few things around on their bottom line, perhaps starting with CEO pay, they could find a way to survive Bill 107.

Thanks,
Spencer Hyde
(808) 344-8299
4949 Hana Hwy, Haiku, HI 96708

County Clerk

From: carol lee kamekona <hynmahi@yahoo.com>
Sent: Tuesday, September 20, 2022 9:08 AM
To: County Clerk
Subject: 9/20/2022 agenda

[You don't often get email from hynmahi@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Aloha no!

E kala mai for my late submittal. Hoping you are all having a blessed day!

I will be short and sweet as you have an extremely busy agenda today.

I am in SUPPORT of the following agenda items:

CC22-230
CC22-231
CC22-90
CC22-91
CC22-93
CC22-94
CC22-95
CC22-96
Reso22-216
Reso22-219
Reso22-220
Reso22-222
Reso22-223
Bill 138(2022)
Bill 139(2022)
Bill 140(2022)
Bill 141(2022)
Bill 105 CD1 (2022)
Bill 107 CD2 (2022)
Bill 121 CD1 FD1 (2022)

You've all worked tremendously hard putting in long hours, commitment and dedication to the residents of Maui County.

I commend and applaud you all!

Me ka ha'aha'a,
Carol Lee Kamekona 

Sent from my iPhone



Sept. 20, 2022

9 a.m.

Council Chamber, Kalana O Maui Building
8th Floor, 200 South High St.
Wailuku, Hawaii 96793

RECEIVED

2022 SEP 16 AM 10:41

OFFICE OF THE
COUNTY CLERK

To: Council of the County of Maui

Alice Lee, Chair

Keani Rawlins-Fernandez, Vice-Chair

From: Grassroot Institute of Hawaii

Joe Kent, Executive Vice President

RE: Bill 107 (CD2), A BILL FOR AN ORDINANCE AMENDING SECTION 2.96.060, MAUI COUNTY CODE, RELATING TO AFFORDABLE HOUSING SALES PRICE GUIDELINES

Comments Only

Aloha, Chair and Council members.

My name is Joe Kent, and I am the executive vice president of the Grassroot Institute of Hawaii.

I want to thank the Council for the opportunity to testify again on this measure.

The Grassroot Institute of Hawaii believes that this bill is premature, as there has not been sufficient analysis of its possible effects. In fact, the data suggests that the proposal will fail to achieve its goals, could discourage construction of affordable homes and might raise the average price of a home on Maui.

Especially in light of the uncertainty surrounding the financial aspects of Bill 107, the Institute suggests the Council take time to study the full effect of this ordinance on the local economy and the housing market as a whole.

Rushing this bill through would only create heavy-handed and costly regulations — the opposite of what is needed to provide more housing for Maui residents.

RECEIVED
MAUI COUNTY
COUNCIL OF THE
AFFORDABLE HOUSING COMMITTEE
Clearly the bill is well-intentioned, but despite its goal of lowering housing prices for low income individuals and families, Bill 107 (CD1) likely would have the opposite effect. For projects that already receive county money, it would slash the sale price of a home by approximately 20%.¹

A 20% price reduction would shave \$120,000 off the sale price — a sum that would no doubt eliminate a builder's profit and incentive to build new affordable units.²

To fix the problem that it would create, Bill 107 also proposes to subsidize homebuyers. As the Affordable Housing Committee report noted: "Without additional funding mechanisms in place to mediate the lower sales prices," developers could be faced with financial challenges and could react by building fewer homes.³

For projects that are not already subsidized, the county would provide a new subsidy to homebuyers. According to the bill: "Subsidies from this program must be used to subsidize qualified buyers in an amount necessary such that a recipient's final estimated total housing cost does not exceed 31 percent of their household income."⁴

These homebuyer subsidies would flow from a new program within the Home Acquisition and Ownership Programs Revolving Fund, but these subsidies would run into one of two problems: Either they would be insufficient to cover homebuilders' losses due to the price cap, or they would commit the county to massive spending increases.

The latter option is probable, since the subsidy's design is unclear and the cost of producing housing on Maui continues to increase.

For example, because the bill does not define who would be a "qualified buyer," it is possible that higher-income individuals could benefit from this bill if they fall under the definition of a "qualified buyer."

The bill also does not explain how much money the county would be authorized to spend out of the fund or state what percentage of a home's purchase price could be paid for with county tax dollars.

Absent a spending limit and clear definitions being written into the bill, this program could easily cost Maui County taxpayers millions of dollars.

¹ Gabe Johnson, "[Council to consider Bill 107 on affordable housing price guidelines](#)," Maui County Council press release, Sept. 1, 2022.

² In late 2021 and early 2022, the average affordable single-family house cost \$618,000. See: Marina Starleaf Riker, "[Maui Is Reconsidering What Constitutes 'Affordable' When It Comes To Housing](#)," Honolulu Civil Beat, May 25, 2022.

³ "[Report on Bill 107, CD1](#)," Council of the County of Maui, Affordable Housing Committee, July 15, 2022, p. 2.

⁴ "[Report on Bill 107, CD2](#)," Council of the County of Maui, Affordable Housing Committee, Sept. 2, 2022, pp. 1,2 and 4.

Note that the county's Home Acquisition and Ownership Programs Revolving Fund currently has less than \$2.5 million to work with.⁵ If additional funding is needed, it would have to come in the form of higher taxes — or more county borrowing, which is pretty much the same thing.

Ironically, the very people whom this measure is intended to benefit could be the ones footing most of the bill.

The good news is that there is a better way.

Instead of mandating lower housing prices and forcing taxpayers to make up the difference, Bill 107 could cut red tape to allow home prices to fall naturally in response to supply and demand.

Local economist Carl Bonham, director of the University of Hawaii Economic Research Organization, made this point at the annual meeting of the Hawaii Economic Association earlier this month.

He cited a study by Evan Mast of the Upjohn Institute, an employment research group based in Kalamazoo, Michigan, which found that building 100 new market-rate units enables 40 to 70 residents of below-median income and 17 to 39 residents of bottom-quintile income to “move up,” so to speak, into market-rate homes and leave their former residences available for others, who are then similarly able to “move up” into decent housing. Mast estimated that most of this “filtering” effect occurs within five years.⁶

“This suggests that new construction reduces demand and loosens the housing market in low- and middle-income areas, even in the short run,” Mast added.

The conclusion, basically, is that adding new housing at market rates can cut housing prices across the board and give lower-income households upward mobility.

In my July testimony, I suggested a range of policy options that could lead to more homebuilding in Maui County. They included:

>> Allow smaller housing.

>> Allow smaller lots.

>> Allow residences in commercial districts.

>> Allow taller buildings.

>> Allow subdivision of existing structures.

⁵ “FY 2022 Mayor's Proposed Ordinances,” County of Maui, p. 50.

⁶ Evan Mast, “The Effect of New Market-Rate Housing Construction on the LowIncome Housing Market,” W.E. Upjohn Institute for Employment Research, July 1, 2019, abstract.

>> Allow single-room occupancy buildings.

>> Allow extra kitchens.

>> Allow accessory apartments.

>> Allow larger “houses” on the same land.

>> End single-family-only zoning.

Also, I recommended a handful of policies intended to speed up Maui County’s homebuilding permit-approval process.

Instead of enacting Bill 107, the Council could employ any combination of these recommendations to benefit Maui homebuilders and homebuyers — at no cost to Maui taxpayers.

To repeat what I said at the beginning of my testimony, the Institute suggests, in light of the uncertainty surrounding the financial aspects of Bill 107, that the Council take time to study the full potential effects of this ordinance on the local economy and Hawaii’s housing market as a whole.

Rushing this bill through would only create heavy-handed and costly regulations — the opposite of what is needed to provide more housing for Maui residents.

Sincerely,

Joe Kent
Executive Vice President
Grassroot Institute of Hawaii

County Clerk

RECEIVED

From: Johann Lall <daygeckoart@gmail.com>
Sent: Monday, September 19, 2022 8:30 PM
To: County Clerk
Subject: Testimony for 9-20

2022 SEP 20 AM 7:45

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COUNTY CLERK

You don't often get email from daygeckoart@gmail.com. [Learn why this is important](#)

Aloha, I'm submitting testimony on multiple items on my own behalf:

CR 22-94 I support this item, I'm not clear on what it actually does but I support lowering the retirement age for police. It's the most intense and difficult job that exists and they deserve to be able to retire earlier, and this will also help bring officers from other municipalities. Diversity in experience would help MPD to innovate and stay current. Another thing to consider in the future would be allowing officers, and other government workers, to transmit their pensions from other governments. If I could have transferred my 4 years of pension contributions from Texas DPS when I came to work for the county, I would have.

Reso 22-222 I support the state abiding by conditions imposed by the SLUC. I spent 4 years working mainly on crash data. It's not a matter of if there will be crashes without a safe crossing. There will be pedestrian crashes, and there will be deaths. The crashes and deaths will continue year after year. It also sets a bad example for other developers when the state just ignores conditions.

Bill 91, CD1 (2022) I support this ordinance but especially the Title 19 part to create a wetlands overlay, which will allow wetlands to be delineated so that developers can no longer say "But the Army Corps of Engineers says..." and likewise the public will have a reference showing wetlands defined by scientific criteria.

Bill 138 (2022) I support a tourism commission. The conflict of interest provision should apply to all boards and commissions and should be stronger. A conflict of interest is not just "direct financial", a conflict exists whenever a person's own interests are in conflict with the public interest and that includes friendships and familial relationships.

Reso 22-217 I support the Kuikahi development so I support referring to MPC bill 127 to amend the SLUD. But I believe the county should work on reducing risk to residents from the reservoir. As I understand, there have been flooding events in the past.

CR 22-96 I support this bill to get the state to let counties set their own minimum wages. It's time to move on from the plantation era and the plantation mentality where labor is undervalued and capital is overvalued. We can create prosperity for workers by retaining more wealth here vs leaving the islands as profits for large corporations.

Johann Lall
Kihe, HI 96753

808-344-7440

County Clerk

From: Kainoa Lei MacDonald <808divergentgroup@gmail.com>
Sent: Tuesday, September 20, 2022 12:20 PM
To: County Clerk
Subject: Support for Item Bill 121

RECEIVED

2022 SEP 21 AM 8:24

OFFICE OF THE
COUNTY CLERK

You don't often get email from 808divergentgroup@gmail.com. [Learn why this is important](#)

Aloha County Of Maui Councilmembers,

On behalf of the Association of Hawaiians for Homestead Lands, I tender this letter of support for Councilmember Paltin introduced Bill 121 in yesterday's 9/19/22 Hawaiian Homes Commission meeting.

It passed unanimously out of Committee in August, as well as at First Reading, earlier this month and move to final reading. Essentially helping DHHL lessees in arrears with their Real Property Taxes, which puts them in a higher bracket, NON-OWNER OCCUPIED.

I support that Lessees have an opportunity to establish a repayment plan, so that they can apply for the Homeowner Exemption by December 31 and move from Non-Owner Occupied to OWNER OCCUPIED. Mahalo for attaching the application for the Leasees to start.

I serve as Secretary/Director of the Association of Hawaiians for Homestead Lands (AHHL) whose primary goal is to End The Waitlist. Together with the Sovereign Council of Hawaiian Homestead Associations (SCHHA) we are a Homestead Associations and Leaders exercising sovereignty on the trust lands enacted by Congress under the Hawaiian Homes Commission Act of 1920. I am a native Hawaiian beneficiary on the DHHL waitlist for agricultural land along with 10,660 Maui Hawaiian Homes Commission Act beneficiaries, including 1,264 residential, 64 agricultural, 75 pastoral and 9,257 waitlist beneficiaries for the Valley Isle. Born and raised on Maui and returning back from San Antonio, Texas we are facing a tremendous uphill battle with developing housing on home lands getting off the list and on the land. A process on how to address measures that pertain to Leasees should always be included in each future development plans.

Very sincerely yours,

Kainoa Lei MacDonald
Beneficiary Waitlist
Secretary/Director
Association of Hawaiians for Homestead Lands

Sent with Aloha 🍏 from my iPhone

Kainoa Lei
Homestead Virtual Meeting Facilitator
Association of Hawaiians for Homestead Lands AHHL Mokuhonu Director/Sec.

~ Let's End The Waitlist

(808) 419-8646 Direct
Email: 808divergentgroup@gmail.com

"Vote 2022 like our lives depend on it Hawaiians"

Testimony for Bill 21

Aloha councilmembers.

My name is Chase Martin and I represent Maui Nui Marine Resource Council, which is in strong support of Bill 21.

I want to start by thanking the committee for undertaking this important legislation.

Maui Nui Marine Resource Council would like to express our enthusiastic support for the efforts to limit light pollution to help endangered seabirds, sea turtles, human health, and more. We believe that this legislation will greatly improve the overall health of the island, especially the animals and coral reefs that MNMRC works to protect.

It is well known that light pollution can negatively impact many sectors of environmental health. Seabirds can be distracted by the lights, causing them to lose their way on migration patterns, and even causing the birds to become downed, where they risk death from predators, starvation and dehydration, and human conflict. Sea turtle hatchlings are vulnerable as well when they first leave the nest. The lights can cause them to become disoriented, in which they migrate inward toward land instead of to the sea. In many cases these hatchlings risk death by car strike, predators, and dehydration.

This legislation not only offers protection to these animals, but also to the reefs on which they depend. Seabirds provide important nutrient inputs from the land to sea, which benefit coral reefs. Their guano contains organic nitrogen and phosphorus, and this fertilization is important for plankton, algae, corals, and fish. Sea turtles are also vital for coral reef health. These animals keep fast growing algae and sponges at bay, allowing for slower growing corals to grow. They also keep seagrass beds healthy, preventing the grass from growing too long and suffocating on itself. By keeping these beds healthy, sea turtles are allowing for a rich carbon-sequestration ecosystem to thrive. MNMRC is devoted to clean water, healthy reefs, and abundant native fish, and protecting our night skies and the animals that depend on them pairs well with our efforts to protect the reefs of Maui Nui.

By supporting Bill 21, our efforts and those of others involved in ecosystem protection will not only be greatly supported, but also enhanced by the added protection coming from dark skies.

We urge the County to pass this legislation – for the benefit of our communities, our biodiversity, and the ecosystems that need dark skies to thrive.

County Clerk

From: pah <2spiralbirth@gmail.com>
Sent: Monday, September 19, 2022 10:14 PM
To: County Clerk
Subject: Support of Bill 107 CD2

RECEIVED

2022 SEP 20 AM 7:45

OFFICE OF THE
COUNTY CLERK

You don't often get email from 2spiralbirth@gmail.com. [Learn why this is important](#)

Greetings Maui County Council,

I am submitting testimony in support of Bill 107 CD2. This bill is part of the long term solution to protecting the basic fundamental needs of housing. The honest directions for truly affordable housing that goes to longest term residents is essential. The cost of living is outrageous and the cost of purchasing a home is out of reach for most people who are truly local to Hawai'i. The fact that people of Hawai'i are getting priced out of home purchase and faced with being refugees because of capitalistic occupation is criminal. This county must make it a priority to make affordable housing available to the people that live here. This means new arrivals, wealthy colonizers, and greedy realtors must have caps in the harm they are causing and enforced heavily by the state. Please pass Bill 107 CD2. Thank you for actively working to ensure a safe Hawai'i. A Hawai'i that local parents and children have a chance to thrive in their home with affordable housing available. Mayor Victorino many people are sleeping in the streets, bushes, and beaches. You must take this issue very seriously and stand up to the money and demand to put the people of Maui first.
Thank you, Pahnelopi McKenzie

--

Blessed be your day and all that you do!

County Clerk

From: Lauren Nelson <laurenmichaelnelson@gmail.com>
Sent: Monday, September 19, 2022 4:26 PM
To: County Clerk
Subject: STRONG SUPPORT for Bill 105, TO ESTABLISH POLICIES RELATED TO THE DEPARTMENT OF AGRICULTURE, WITH THE ADDITION OF THE GCFI MINIMUM OF \$1,000.

RECEIVED

2022 SEP 19 PM 4:31

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COUNTY CLERK

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Aloha Councilmembers,

I am writing to you in strong support of the proposed legislation. I am urge the County Council to support Bill 105 to establish policies related to the Department of Agriculture, with addition of the GCFI minimum of \$1000. I support the bill because we need the roles and responsibilities of the Department to be clearly defined in order for it to be successful and work for our community.

This legislation was created in collaboration with the community impact working group and community at large, through outreach and various surveys these areas of need and reporting requirements were drafted and I support this legislation because it is what we need from the Department to create a more sustainable and self-sufficient food system that befits residents, the economy and our delicate island ecosystems.

The points in this legislation had much community feedback before they were solidified and will help guide the Department through different transitions in leadership that the Department will face over the course of the years. We also recently saw that a small but important part of Bill 105 was left out.

The minimum GCFI of \$1,000 was left out and it just says "Low GCFI up to \$149,000." We would like that to be changed to the group's original recommendation of "Low GCFI between \$1,000 and \$149,000." The reason for this is that it currently doesn't define a minimum threshold for the department to focus on and we feel that this is very important.

These categories in general came from the USDA Economic Research Service, however our group added in a \$1,000 minimum sales so that the Department of Agriculture could be in alignment with the minimum sales requirement for agricultural water pricing, set by the Dept. of Water Supply. Having the \$1,000 minimum requirement will create consistency between the Departments and also help prevent the Department of Agriculture from having to focus energy on folks selling very small amounts. For example \$50, \$60 or even a couple hundred dollars, which would not be a difficult threshold for anyone with one fruit tree to meet.

We also felt the \$1,000 threshold set by the Dept. of Water Supply, is also still reasonable for smaller taro farmers whose crops tend to have a very lengthy turn around time. This can range from anywhere from 8 month to 1 year on average. I hope that you will be able to support this small change. We understand that making changes at second and final reading is not ideal but it was on honest oversight.

This legislation is also in alignment with the strategic plan that has been submitted to the administration and council and the prior legislation that has been approved for the Department. I thank you for all the support the Council has shown for the Department of Agriculture to date, and urge you all to continue that support and approve this bill today at the second and final reading.

Mahalo,
Lauren Nelson
Makawao, HI

County Clerk

From: Marv Paularena <marvshel@gmail.com>
Sent: Monday, September 19, 2022 7:12 PM
To: County Clerk
Subject: Bill 21

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2022 SEP 20 AM 7:45
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COUNTY CLERK

[You don't often get email from marvshel@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Aloha,

I am in favor of Bill 21 to protect turtles and seabirds on Maui. I don't want the turtles and/or the seabirds to be drawn to artificial lights that could cause death or injury to the animals.

Mahalo,
Michele Paularena
Kahului

Sent from my iPhone

County Clerk

RECEIVED

From: Michelei Kahae <micheleik@yahoo.com>
Sent: Monday, September 19, 2022 3:21 PM
To: County Clerk
Subject: I support BILL 107

2022 SEP 19 PM 3:31

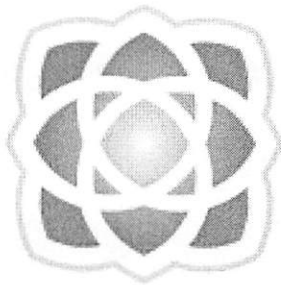
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COUNTY CLERK

[You don't often get email from micheleik@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I support BILL 107 and urge the county council to pass this bill on the second and final reading.

Mahalo, Michelei Tancayo

Sent from my iPhone



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

CR 22-96/Reso 22-198
HSAC Package-County Minimum Wage
Tuesday, September 20, 2022

Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and
Members of the Maui County Council,

We oppose the inclusion of this resolution to allow the counties to establish a county minimum wage by ordinance in the Hawaii State Association of Counties legislative package for 2023.

The Maui Chamber of Commerce was supportive of the state bill enacted earlier this year to increase the minimum wage incrementally and encourages education on the difference between a minimum wage and a living wage.

It is important to recognize that many businesses operate in multiple counties across the state, and we are still hearing of extreme worker shortages, which is forcing all businesses to adjust their wages and benefits to attract workers.

Allowing each county to establish their own minimum wage by ordinance would not only be difficult to manage at the payroll level but could cause a number of significant unintended consequences, such as:

- Loss of workers to other counties
- Loss of businesses to other counties
- Influx of people coming to Maui County at a time when we have no housing to house them
- Stifling of economic development and diversification

Such factors individually could be hugely problematic and devastating combined.

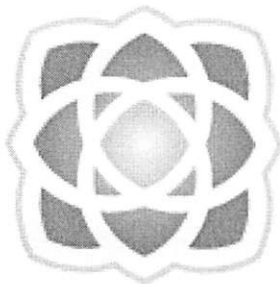
Given the purpose of the proposed State bill is to "ensure counties may appropriately respond to local economic conditions by authorizing counties to establish a county minimum wage by ordinance," have you consulted with leading economists and if so, who recommended this and if not, why didn't you on something as critical as this.

While we understand this is ultimately up to the State Legislature to discuss and choose to pass or not, we want to share our concerns on this being included in the package, given the potentially damaging ramifications.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

Resolution 22-223
Electric Vehicle Charging Stations
Tuesday, September 20, 2022

Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and
Members of the Maui County Council,

The Maui Chamber of Commerce has strong concerns about this legislation to require additional EV charging stations at new and existing public accommodations, beyond what is required in state law.

In creating this legislation, what cost analysis and fiscal impact studies have been completed to better understand the potential expense to businesses? This could be an extreme expense for both new and existing businesses who have to comply with these new rules. There is a frequent misconception that increased costs can just be absorbed by businesses, but in reality, a big expense like this will be passed down to residents in the cost of goods and services or to tenants (in the case of a mall) who are usually small businesses, who again may have to pass the cost down to residents.

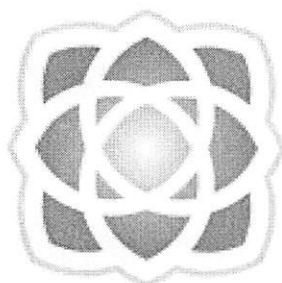
Additionally, we question the data that shows there will be enough of a need for increased EV chargers to warrant this extreme cost. For example, we often see the EV stall at the county building left empty as many do not have an electric vehicle yet and others have to search for alternative parking. Before this moves to the Planning Commission, we feel all relevant facts, data, and cost analysis should be presented. It is also not clear if this will be required for sizeable nonprofit businesses, who could also be considered public accommodations.

While we appreciate that existing businesses are given additional time to comply with the first increase in 2025 instead of 2023 for new public accommodations as it will be a known requirement during construction, this is another piece of legislation that deters new businesses and may put an additional burden on small businesses.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

Bill 138
Tourism Management Commission
Tuesday, September 20, 2022

Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and
Members of the Maui County Council,

The Maui Chamber of Commerce strongly opposes Bill 138 to establish a Tourism Management Commission and Chief of Tourism Management.

We need fair and balanced solutions and this proposal seems to be very egregious and prejudicial by not allowing anyone who has a direct financial interest in the tourism industry from being a voting member on the commission. All stakeholders must work together to create solutions and excluding individuals only serves to divide us further.

This proposal creates an expensive and duplicative process instead of creating partnerships and working with agencies who are currently addressing needs and have had broad levels of participation by people both inside and outside of the industry, like the DMAP which is currently underway. This will come at a significant cost to taxpayers and will reiterate work that has already been completed.

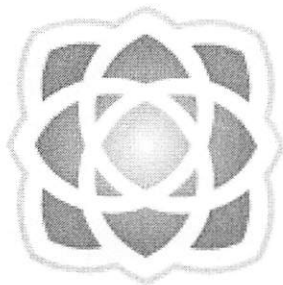
Further, we strongly believe this should have been proposed as a Charter Amendment, given that it establishes a new commission that has hiring and firing powers for the new Chief of Tourism Management position, which is a greatly expanded role.

For these reasons, we ask that you defer this bill.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

Resolution 22-217
Kuikahi Village District Boundary Amendment
Tuesday, September 20, 2022

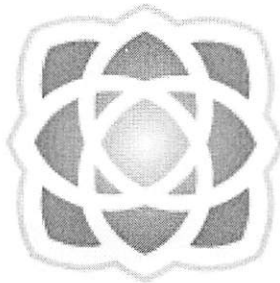
Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and
Members of the Maui County Council,

We appreciate the support for this affordable housing project and that this
development is being fast-tracked.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment
for business, advocating for a responsive government and
quality education, while preserving Maui's unique community
characteristics.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

**Resolution 22-216
Pilot Project
Tuesday, September 20, 2022**

Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and
Members of the Maui County Council,

During the budget process, we brought up that there is a long history of amazing groups working with homeless individuals in our community and shared that we did not understand the rationale for singling out one organization that a grantee/awardee would have to consult with on this pilot project.

As we noted in testimony, we strongly believe that the public should hear why that specific organization is being singled out, how many grants they have with the county, how many they serve annually compared to others and what their success rate is, the combination of which should fully illustrate why the Council chose to include them and only them in the proviso over other longstanding nonprofits who work in this arena. We do not believe this resolution should move forward until this information has been shared with the public.

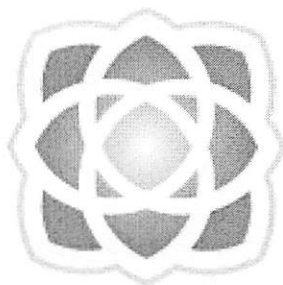
Without that information, the proviso and current resolution do not feel transparent and have an air of favoritism. Given this, we believe the budget proviso and resolution should be amended to indicate that those enacting the pilot project must consult with 1 or more nonprofits from a list of various agencies working in this arena.

This is an important pilot project and since you are not getting broader input and only 1 agency has been selected to be consulted, if the project is unsuccessful, will they be held accountable and if so, how?

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

CR 22-90 / Bill 21, CD1, FD1
Seabird and Biodiversity Protection
Tuesday, September 20, 2022


Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and
Members of the Maui County Council,

The Maui Chamber of Commerce opposes this bill and is very concerned about the impacts this will have on the business community.

We understand the need to protect local wildlife, including seabirds and turtles, as part of sustaining our ecosystem and culture and seek to do this in an overall sustainable effort that balances economy, environment, social wellbeing, and culture. Given this, we believe this issue deserves more time and thought and should not be rushed as the bill has clear inconsistencies.

When the County Council was considering banning polystyrene, then Councilmember Victorino created a TIG/working group with leaders from all sides of the issue to learn more about the evidence and discuss solutions together. We strongly believe this is the best way to proceed. By bringing all parties to the table (including seabird experts, environmental leaders, event companies, lighting distributors, industry and nonprofit leaders, and additional impacted businesses, etc.), they may discover other solutions and alternative measures to address this issue, or, at a minimum, work together to create better and less harmful legislation. We strongly encourage the Council to pause any decisions on this bill and create a working group.

We are not experts on this, but it seems like an easy, non-legislative solution to the damage of artificial lights to seabirds and turtles would be increased community education. A campaign educating the public on seabird fallout season and encouraging all to shield (or point down) their outdoor lighting or turn off their lights at night from September 15-December 15 could be a great opportunity for the community to work together. Also, a similar campaign could be conducted dealing with sea turtle nests. As sea turtle nests are already roped off when discovered/reported, agencies like NOAA and the Pacific Islands Fish and Wildlife Office could work with nearby oceanfront homeowners and businesses to reduce, shield and/or turn off their lighting during that period.



CR 22-90/Bill 21
September 20, 2022
Page 2.

While we appreciate the expansion of exemptions to include affordable housing developments and permitted special events on private property, we question the rationale for not including hotels and transient accommodations and public property. In the instance where a special event takes place on both public and private properties, like the town parties for example, would they only have to comply with the lighting restrictions in the public property areas only? Also, how is it fair to allow a private property in the sea level rise exposure area from January-March to not comply, but force the hotel next door to comply all year round? We don't believe the seabirds and turtles know the difference between lighting on public versus private property and at hotels versus private properties. Given this, we question the rationale for who is excluded and who is not. It seems that the Council thinks hotels can easily comply and that it is okay to pass this expense on to them. With all that has been exempted, have you analyzed the number of activities and events that do not have to comply with those that are nonexempted?

Lastly, we consistently share the importance of fully understanding the fiscal impacts of legislation and having a cost analysis. In this case, we think it is critical that the Council understand the cost for event companies and lighting companies that serve them, oceanfront businesses, etc. to convert to the approved lighting in this bill and this can only be understood by working with these groups. Additionally, with supply chain issues still causing delays and limited availability of certain products, we question if approved lighting will be easily obtainable over the next 3 years or if this will cause another hardship. Should this bill pass and our community is unable to obtain the specified lighting within the required period, it will mean a significant loss of event revenue which will equate to job losses.

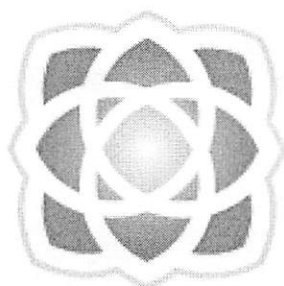
For these reasons, we ask that you defer this bill and create a working group to determine winning solutions for all. Mahalo for the opportunity to provide testimony.

Sincerely,



Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

CR 22-90 / Bill 21, CD1, FD1
Seabird and Biodiversity Protection
Tuesday, September 20, 2022


Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and
Members of the Maui County Council,

The Maui Chamber of Commerce opposes this bill and is very concerned about the impacts this will have on the business community.

We understand the need to protect local wildlife, including seabirds and turtles, as part of sustaining our ecosystem and culture and seek to do this in an overall sustainable effort that balances economy, environment, social wellbeing, and culture. Given this, we believe this issue deserves more time and thought and should not be rushed as the bill has clear inconsistencies.

When the County Council was considering banning polystyrene, then Councilmember Victorino created a TIG/working group with leaders from all sides of the issue to learn more about the evidence and discuss solutions together. We strongly believe this is the best way to proceed. By bringing all parties to the table (including seabird experts, environmental leaders, event companies, lighting distributors, industry and nonprofit leaders, and additional impacted businesses, etc.), they may discover other solutions and alternative measures to address this issue, or, at a minimum, work together to create better and less harmful legislation. We strongly encourage the Council to pause any decisions on this bill and create a working group.

We are not experts on this, but it seems like an easy, non-legislative solution to the damage of artificial lights to seabirds and turtles would be increased community education. A campaign educating the public on seabird fallout season and encouraging all to shield (or point down) their outdoor lighting or turn off their lights at night from September 15-December 15 could be a great opportunity for the community to work together. Also, a similar campaign could be conducted dealing with sea turtle nests. As sea turtle nests are already roped off when discovered/reported, agencies like NOAA and the Pacific Islands Fish and Wildlife Office could work with nearby oceanfront homeowners and businesses to reduce, shield and/or turn off their lighting during that period.



CR 22-90/Bill 21
September 20, 2022
Page 2.

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Lastly, we consistently share the importance of fully understanding the fiscal impacts of legislation and having a cost analysis. In this case, we think it is critical that the Council understand the cost for event companies and lighting companies that serve them, oceanfront businesses, etc. to convert to the approved lighting in this bill and this can only be understood by working with these groups. Additionally, with supply chain issues still causing delays and limited availability of certain products, we question if approved lighting will be easily obtainable over the next 3 years or if this will cause another hardship. Should this bill pass and our community is unable to obtain the specified lighting within the required period, it will mean a significant loss of event revenue which will equate to job losses.

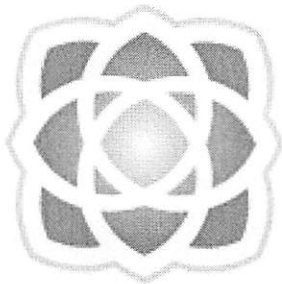
For these reasons, we ask that you defer this bill and create a working group to determine winning solutions for all. Mahalo for the opportunity to provide testimony.

Sincerely,



Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

Bill 107
Affordable Housing Price Guidelines
Tuesday, September 20, 2022

Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and
Members of the Maui County Council,

The Chamber understands this bill (Bill 107 CD2) essentially requires the department to create two versions of the affordable sales price guidelines, with one using their standard formula but capping it at 28% of the gross annual income if a developer does not receive direct County subsidies and the second using estimated total housing costs capped at 31% of the gross annual income and including real property taxes, homeowner's insurance, mortgage insurance, and homeowner's association dues if a developer received direct County subsidies from the affordable housing fund.

We find the creation of two lists as suggested problematic, and understand the department is not supportive of two lists either. Therefore, we suggest eliminating this.

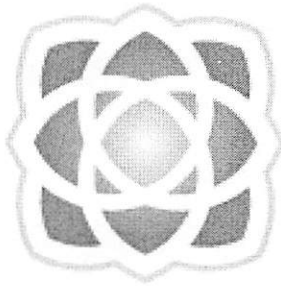
There is a continuing perception problem. Some believe the development industry is unlike other businesses with when it comes to making a profit to sustain their operation and we can just continue to ask for more and expect price reductions. All for- and non-profit businesses must make a profit to survive and the difference with non-profit businesses is they put their profits back into their charitable mission. It is imperative this be well understood as we look at crafting new legislation and work with industry experts, including developers, lending institutions, non-profit partners, and all related industries in the initial drafting process to come up with fair and uncomplicated legislation that will expedite the building of affordable housing and rentals in this crisis.

We appreciate the opportunity to **comment on Bill 107, CD2 (2022)**.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

Bill 91
Wetlands Overlay
Tuesday, September 20, 2022

Dear Chair Lee, Vice-Chair Rawlins-Fernandez, and
Members of the Maui County Council,

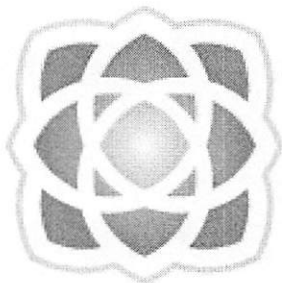
The Maui Chamber of Commerce would like to offer our **comments on Bill 91, CD1 (2022)** whose purpose is to conserve and protect sensitive ecosystems and the natural environment, mitigate climate change, and work toward building environmental resilience by establishing a policy for wetlands restoration and protection.

The Chamber appreciates the intent of this bill but has concerns with some of the language and methodology to achieve the stated purpose.

We prefer the original bill provided by the Planning Department and feel that the protections can be addressed by an overlay, like the SMA overlay, and that this is a better approach versus district-like zoning. Any wetlands or other overlays should have a clear process for establishment and feel the deadlines proposed in the bill are too aggressive, do not allow for needed transparency and discussion, and feels like a very short timeframe for such an important and considerable effort. For example, it took the Council more than a year in 1997-1998 to pass the Agricultural Bill, which was also a significant and weighty effort. There seems to be a rush to push legislation when it is imperative that we get it done right. Careful considerations should be taken as has been done in other land use and planning bills with proper input from the community.

Additionally, clear documentation of the wetlands area and an overlay will require new mapping and it is crucial that it be done correctly to ensure accuracy. One year does not seem to be long enough to accomplish this onerous task.

The Chamber has significant concerns about the legality of a zoning overlay (vs. an overlay district,) if it would be considered a government "taking", property owners vested rights, and what could be considered diminished property use and value. These concerns should be thoroughly vetted and addressed.



MAUI
CHAMBER OF COMMERCE
VOICE OF BUSINESS

Bill 91

September 20, 2022

Page 2.

Lastly, it doesn't appear that Corporation Counsel has signed off on the bill for form and legality. We caution the passage of this bill without this important element as it could open the County up for expensive litigation and lawsuits, especially on a bill that could impact many properties.

Protecting and preserving our wetlands is essential, but it is critical that solutions be in line with best planning practices and broad community input.

We appreciate the opportunity to **comment on Bill 91, CD1 (2022).**

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



Cheryl
Vasconcellos

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2022 SEP 19 PM 3:36

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Clinic
4590 Hāna Highway
tel 808.248.8294
fax 808.248.8917

Administration
P.O. Box 807
Hāna, Maui 96713
tel 808.248.7515
fax 808.248.7223

**Testimony In SUPPORT Of Bill 105, CD1 (2022); CC 22-231 Relating
To The Department Of Agriculture**

Honorable Chair Lee and Members of the Council,

Thank you for the opportunity to testify as Executive Director of Hāna Health in **SUPPORT** of Bill 105, CD1 (2022) entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.12 AND TITLE 22, MAUI COUNTY CODE, TO ESTABLISH POLICIES RELATED TO THE DEPARTMENT OF AGRICULTURE". I am especially supportive of Departmental policies designating staff and funding to assist farmers and others with workforce housing development.

In addition to providing the only 24-hour medical care to the remote communities of Hāna, Nahiku, Kipahulu, and Kaupo, Hāna Health has an established farm, Hana Fresh, which cultivates traditional Hawaiian food crops (kalo, sweet potato, ulu, etc.) as well as a variety of greens, and gourmet vegetables. Some of our food service programs include Mai e' Ai, a weekly produce distribution program for patients managing a chronic health condition and the Hana Elementary School salad distribution program which takes place twice a week during the school year. Fresh produce is also delivered weekly to businesses throughout the island. Prior to the pandemic, the Hana Fresh farm stand offered fresh produce to the Hana community five days a week. We are planning to re-open the market sometime next fiscal year if a sufficient labor force can be developed over the next several months.

RECEIVED

Food security and a nutritious diet is paramount to support good health and wellbeing in our isolated community. However, without farm workers, food security is just a lofty goal. Hāna Health is severely challenged to attract farmers, as well as doctors and other medical staff to our remote location because the Hana district lacks needed housing. Applicants who desire a position with Hana Health are unable to accept employment because they are unable to secure reasonable housing.

Chapter 2.96, Maui County Code, the County's Workforce Housing Policy, does not adequately address the unique workforce housing needs of Hāna Health. Enacting this bill can assist the Department to effectuate policies to appropriate funding and staff dedicated to sourcing land and infrastructure for Hāna Health and similar entities to build and support all components of food security.

I support Councilmember Sinenci's amendments to the bill and appreciate his efforts to identify the needs of the Hāna community and introduce legislative measures in support of those needs. Thank you for the opportunity to support this measure.

Testimony for Reef Safe Sunscreen Dispensers

To : Council of the County of Maui
From : Chris Wagaman

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2022 SEP 20 AM 8:04
OFFICE OF THE
COUNTY CLERK

Dear Council of the County of Maui,

I'm testifying to request the Resolution AUTHORIZING THE COUNTY TO ENTER INTO AN AGREEMENT WITH THE MAUI VISITORS AND CONVENTION BUREAU REGARDING THE PLACEMENT AND MAINTENANCE OF REEF SAFE SUNSCREEN DISPENSERS AT MAUI COUNTY BEACH PARKS AND OTHER LOCATIONS be approved by the Maui County Council.

Maui Visitor and Convention Bureau engaged into a partnership with Raw Elements to create a program that supported Maui Bill 135 and illustrates their commitment to change. We have worked diligently for the last 9 months to create a program that is efficient, low maintenance, creates education, and has demonstrated proof of concept in other areas of Hawaii such as Kohala Center, Hapuna Bay, and McKenna Reserve. In partnership with Maui Visitor Bureau, Raw Elements has created an affordable model for this program to sustain long term.

Raw Elements USA was the first brand to install dispensers in Hawaii that contained non-toxic, reef friendly, sunscreen that is both safe to humans and our oceans in early 2017. We now have over 1000 dispensers across the globe in both public and private sectors. The programs have not only proven to be successful to make change to the physical state of our coral reefs, but in addition, has created awareness for customers to purchase reef friendly sunscreen at the local retail operations in Hawaii. This program will not only drive an alternative choice for the consumer, but also provide additional and/or replacement revenue for the retailer.

Raw Elements is an FDA approved brand that has demonstrated respect for Hawaii and worked diligently on the ground to make change. In late 2018, Raw Elements founded World Reef Day, a special day recognized on the International

Day Calendar, June 1, every year. We presented the day in 2019 at Dukes Waikiki to the state of Hawaii for all its legislation efforts in 2018 banning Oxybenzone and Octinoxate. We hope that the County Council will support this resolution so this partnership can continue to make strides to improving the human health of the people visiting and living in Maui County and state of Maui's coral reefs and Ocean Life.

Sincerely,
Christopher Wagaman
Chief Operating Officer
Raw Elements CA LLC

Testimony in support of Bill 21 CD1 FD1

Richard J Wainscoat

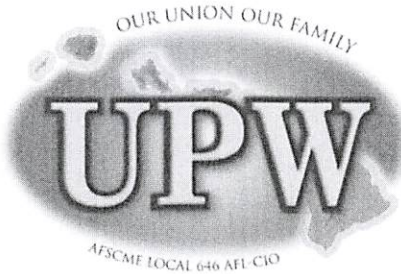
rjw@hawaii.edu

I am an astronomer at the University of Hawaii, and have worked for many years on lighting issues related to preserving the dark night sky for astronomy.

I strongly support Bill 21. This bill closely parallels the lighting ordinance that is presently in place in the County of Hawaii. That lighting ordinance has successfully protected the dark night sky over Maunakea, and has also helped to protect endangered species on the Island of Hawaii.

I have three recommendations for changes:

1. I recommend removing the "traffic color compliant" language. This requirement arose on the Island of Hawaii as a result of unshielded low-pressure sodium street lights being visible from long distances. Now that fully shielded lights are required, the motivation for excluding amber street lights is not justified. In fact, the City of Flagstaff, AZ lighting code specifically *requires* phosphor converted amber LEDs near traffic signals. There is no place in the world other than the Island of Hawaii that has this "traffic color compliant" requirement. Amber-colored lights are the normal choice for lighting along coastlines in Florida to protect endangered sea turtles, and amber lighting has been adopted throughout the National Park Service as having the least impact on wildlife. The "traffic color compliant" requirement eliminates usage of phosphor-converted amber LED lights. Moving to the blue of amber is prevented by the <2% blue requirement. Moving to the red of amber will increase energy usage. Moving to the yellow of amber is possible, but may involve more green light, which may not be desirable for the birds that this legislation intends to protect. I also note that filtered LED lamps, such as are in use on the Island of Hawaii, are likely more energy efficient than phosphor-converted amber LEDs. So although I endorse the use of the filtered LEDs, I caution that use of phosphor converted amber LEDs should not be prohibited, particularly in the most environmentally sensitive areas such as along coastlines.
2. The broad exemption for night time sporting events is unwise. The bill should at least require that lighting for night time sporting events must be fully shielded; direct uplight could also be permitted for sports that involve fly balls. Maui County has already installed some excellent fully shielded sports lighting, such as has been installed on Molokai. Musco Lighting is an excellent vendor of fully shielded sports lighting. I recommend requiring full shielding of sports lighting, and setting a reasonable deadline for compliance, such as 10 years. In its present form, it is possible that poorly shielded sports lighting will result in night time sports having to be canceled during some parts of the year, similar to the situation on Kauai.
3. The exemption for state lighting ignores the intent of the State legislature who in 2007 required the state department of transportation to conform to county lighting ordinances for airport (HRS 262-4.5), harbor (HRS 266-2.5), and highway (HRS 264-45) lighting. The County of Hawaii lighting ordinance does not exempt the state, and the state must follow the county lighting ordinance. I recommend that this exemption is removed.



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**COUNTY OF MAUI
COUNTY COUNCIL MEETING**

Councilmember Alice L. Lee, Chair
Councilmember Keani Rawlins-Fernandez, Vice-Chair

Tuesday, September 20, 2022, 9:00 AM
Council Chamber, Kalana O Maui Building, and via BlueJeans

Re: Testimony in SUPPORT of RESOLUTION 22-221 – AUTHORIZING SETTLEMENT OF GRIEVANCE CASE MS-20-04 FILED ON BEHALF OF ALL UNITED PUBLIC WORKERS, BU-01 EMPLOYEES IN ALL DEPARTMENTS

Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the Council:

The United Public Workers, AFSCME Local 646, AFL-CIO ("UPW") is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue-collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents 1,500 members in the private sector.

UPW **strongly supports** Resolution 22-221, which authorizes the County of Maui to settle Grievance Case MS-20-04, filed on behalf of all UPW, Bargaining Unit 1 employees in all departments.

During the COVID-19 pandemic, UPW members understood the importance of being civil servants and continued to serve their respective communities by reporting to work despite the pandemic's uncertainty. Their work helped ensure that the County of Maui continued progressing through the pandemic. With the approval of this resolution, our County of Maui Bargaining Unit 1 members will receive their much-deserved Temporary Hazard Pay for the essential work they all performed during the COVID-19 pandemic.

Thank you for the opportunity to provide testimony.

Sincerely,

Kalani Werner
State Director

HEADQUARTERS – 1426 North School Street ♦ Honolulu, Hawaii 96817-1914 ♦ Phone: (808) 847-2631

HAWAII – 362 East Lanikaula Street ♦ Hilo, Hawaii 96720-4336 ♦ Phone: (808) 961-3424

KAUAI – 2970 Kele Street, Suite 213 ♦ Lihue, Hawaii 96766-1325 ♦ Phone: (808) 245-2412

MAUI – 841 Kolu Street ♦ Wailuku, Hawaii 96793-1436 ♦ Phone: (808) 244-0815

1-866-454-4166 (Toll Free, Molokai/Lanai only)

County Clerk

From: APT Committee
Sent: Thursday, September 15, 2022 8:33 AM
To: County Clerk
Subject: FW: TESTIMONY - Bill 105, CD1 - establishing Maui Dept. of Agriculture in Maui County Code

RECEIVED

2022 SEP 15 AM 8:37

OFFICE OF THE
COUNTY CLERK

From: Maui_County Council_mailbox <county.council@mauicounty.us>
Sent: Wednesday, September 14, 2022 3:37 PM
To: APT Committee <apt.committee@mauicounty.us>
Subject: FW: TESTIMONY - Bill 105, CD1 - establishing Maui Dept. of Agriculture in Maui County Code

From: Dawn Lono <Dawn.Lono@mauicounty.us>
Sent: Wednesday, September 14, 2022 2:39 PM
To: Maui_County Council_mailbox <county.council@mauicounty.us>
Subject: TESTIMONY - Bill 105, CD1 - establishing Maui Dept. of Agriculture in Maui County Code

From: Yamamoto, Earl J <Earl.J.Yamamoto@hawaii.gov>

You don't often get email from earl.j.yamamoto@hawaii.gov. [Learn why this is important](#)

As we were discussing over the phone earlier this morning, page 4, item N of the bill establishes "priority resource assistance" based on "gross cash farm income" (GCFI) and "special considerations for minority-owned agricultural operations" (not defined). The low income category is up to \$149,000.

Link to Bill 105, CD1:

<https://mauicounty.legistar.com/View.ashx?M=F&ID=11233191&GUID=EF091773-330F-4A7D-82F6-465885C5BB07>

My first question – where did the "annual gross cash farm income" statistics come from and are they equivalent to that provided by the U.S. Department of Agriculture?

I rely on the "market value of agricultural products sold" as provided by the National Agricultural Statistics Service of the U.S. Department of Agriculture as the primary indicator of gross income to farms from agricultural product sales. According to the 2017 Census of Agriculture, my *estimate* is that 1,353 (96%) of Maui County's 1,408 farms would qualify in the proposed GCFI low income category.

Link to farm income from agricultural products sold, by county:

https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_2_County_Level/Hawaii/st15_2_0002_0002.pdf

I think it would be helpful to the Maui Department of Agriculture to have finer income delineation to prioritize County resource assistance.

Unless the Hawaii Department of Agriculture sends a formal comment letter, this email will constitute our comment and recommendation on Bill 105, CD1 coming up for final reading on Tuesday, September 20th.

Thank you.

Earl Yamamoto
Planner
Office of the Chairperson
Hawaii Department of Agriculture
1428 South King Street
Honolulu, Hawaii 96814
Email: earl.j.yamamoto@hawaii.gov
(808) 973-9466