M I N U T E S

of the

COUNCIL OF THE COUNTY OF MAUI

July 15, 2022

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE VIA BLUEJEANS, ON FRIDAY, JULY 15, 2022, BEGINNING AT 9:03 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Council meeting of July 15, 2022, please come to order.

Good morning, everyone. The greeting for the day is from Belgium and it is salut.

Mr. Clerk, 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 children, is present with them as part of roll call.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Salut, Chair and aloha kakahiaka kakou my Maui hikina.

Spoke in Hawaiian.

Today, we are at the Hana District Office where there's a light . . . misty white rain coming down at the moment. Here with my district staff . . . Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and good morning, Madam Chair, and colleagues, and everyone else joining us for our Council meeting here today. I'm transmitting from my residence here in Makawao. And I've been informed that there are no testifiers at the Paia District Office. Mahalo.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha kakahiaka, Madam Chair, and colleagues, and the public. We have quite a few testifiers behind us here in the chambers. And I have no reports yet of any testifiers at the South Maui District Office, but I'll let you know when I hear from them directly. And just hope everyone has a great day today. Looking forward to another packed agenda.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

CHAIR LEE: Excused.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: I almost pressed the wrong button. Salut and aloha kakahiaka kakou from the Council Chambers. Drove in early this morning, seen the remnants of the water crossing the road last night, so it's going to be a rough ride on the way home. I haven't heard of any testifiers at the District Office. Thank you.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

CHAIR LEE: Excused.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

CHAIR LEE: Member Kama?

COUNCILMEMBER KAMA: Aloha. Good morning, Chair. Aloha kakahiaka and salut to all of my colleagues out there. I am in my home, in my workspace. And I have Maikai and Makana and Lena here with me. Thank you, Chair.

CHAIR LEE: Thank you.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, my Maui Nui A Kama . . . Council Chambers. And I'm seeing no testifiers at the Molokai District Office, but there are several Molokai individuals wishing to testify. Mahalo, Chair.

CHAIR LEE: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I'm sorry, I see that there are three testifiers at the Molokai District Office. Mahalo, Ms. Lindo. Mahalo, Chair.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Council Chair Alice L. Lee.

CHAIR LEE: Present. Salut to everyone. And let's, let's hope this will be a fun, exciting, and short meeting. Thank you.

(Councilmember Sugimura arrived at the meeting at 9:07 a.m.)

DEPUTY COUNTY CLERK: And Chair, Councilmember Sugimura has just joined us in the chambers.

CHAIR LEE: Is she walking down to--

DEPUTY COUNTY CLERK: She's setting up at the moment, Chair.

COUNCILMEMBER SUGIMURA: Good morning, everybody. I'm setting up my computer.

CHAIR LEE: Can you announce your name? I can hear her.

COUNCILMEMBER SUGIMURA: Yuki Lei Sugimura, here for a wonderful day and evening. Thank you.

CHAIR LEE: Don't say that. Not evening. Okay, thank you. So--

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

EXCUSED: COUNCILMEMBER GABRIEL JOHNSON.

(Councilmember Johnson was not present when the roll was called; however, he arrived at the meeting at 9:18 a.m.)

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: There are eight Members 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 us from the Department of the Corporation Counsel is Corporation Counsel Moana Lutey.

CHAIR LEE: Alright. Opening remarks this morning will be provided by Member King.

OPENING REMARKS

The opening remarks were offered by Councilmember Kelly King.

CHAIR LEE: Thank you. Well said.

Now, Members, please join me in reciting the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on the ceremonial resolution. 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 Chamber may sign up to testify with the staff member located at the desk in the 8th floor lobby. Individuals at courtesy testimony sites may sign up with staff at the site. Individuals participating remotely may sign up in the meeting chat. If you are connected to the meeting by phone, you will automatically be added to the testifier list. Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by video conference should keep both their video and microphones off and should turn them on only when it is their time to testify.

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

At this time, we will be taking testimony on the ceremonial resolution only. The first person signed up to testify on the ceremonial resolution is Lucienne de Naie. To be followed by Bridget Mowat.

PRESENTATION OF ORAL TESTIMONY

MS. LUCIENNE DE NAIE:

Aloha, Councilmembers. Nice to see all of you today. This is Lucienne de Naie from Huelo. I don't, I don't have the privilege of knowing Colette well, but I have worked with her on various projects and issues for many, many years and she will be deeply missed. She had a dedication to things and a focus that really stood out among those who deeply care about our aina and our people. And I am very sad to know that we have one less voice to speak for all the important things that she stood for all of these years. So mahalo for this opportunity.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Bridget Mowat. To be followed by Juanita Reyher Colon.

MS. BRIDGET MOWAT:

Good morning. Good morning, Councilmembers. And I just want to speak on behalf of my family, the Mowat's, we live on Molokai. My name is Bridget Mowat and I just wanted to share my relationship with Colette has been a long one. I remember when she first came to Molokai. We were at a meeting, or we were at an office place upstairs from, I think it was American Savings, but she taught me how to use a thesaurus. She told me, showed me the book, and told me what it was used for, and I thought that was fabulous. I was older than her, married with children, and I didn't even know what a thesaurus was. So, I down, I don't know what I did, but she showed it to me, and I thought, no wonder she know plenty of words and no wonder she can write so well. So, from then on, I'm a user of the thesaurus.

She was a mana wahine, very articulate. She, when she had business to be done, she went right at it. She was always, she did her homework. Whenever we were attending meetings, she would always question these tons of documents that, that should've, that we all should have read that we, that I would get bored in the middle of it. But she read everything, and she knew just what to ask. She was smart. She really loved Molokai.

The last time I spoke with her, she was in the hospital, and she was coming home. So, I know she loved Molokai very much. So, I just wanted to share that. She will be missed. I have been to many meetings with her, and boy, when she started pounding tables, and making her point clear, I didn't know whether I should run, or what, man. She was, she's a tough cookie, and she was always that front, front line, she was on the front line of every battle we fought, so I really have a lot of respect for her, and she will be missed. And we love the family. And I send my condolences. So, thank you, Keani and Councilmembers for allowing us this, this time to share our mana'o, and God bless you all. Mahalo.

(Councilmember Johnson arrived at the meeting at 9:18 a.m.)

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Juanita Reyher-Colon. To be followed by Lori Buchanan. And Chair, just to notify you, Councilmember Johnson has joined us in the chambers.

COUNCILMEMBER JOHNSON: Good morning, Chair. I'm here, Gabe Johnson. Salut. There is no testifiers at the Lanai District Office. Mahalo.

CHAIR LEE: Okay, thank you for joining us.

Mr. Clerk.

DEPUTY COUNTY CLERK: Juanita, it is now your time to testify.

MS. JUANITA REYHER-COLON:

Mahalo. Aloha, Chairwoman Lee and Members of the County Council. My name is Juanita Reyher-Colon. I'm a resident of Mapulehu, Molokai. Mahalo for allowing me the time to speak today regarding item E. on the agenda. I want to extend my condolences to the family of Aunty Colette Machado. I've had the privilege to have known Aunty not just as a member of the Molokai community, but also as a fellow board member on the Molokai Land Trust Board.

As we all know, Aunty Colette was very passionate about Native Hawaiian issues and rights, as well as our aina. She leaves behind a legacy that transcends our pae ʻāina. We should all be proud of the work and advocacy Aunty Colette has done over the years. Mahalo Aunty Collette for being a mana wahine, a mentor to myself and others, and a champion of aloha aina. She will be missed. Mahalo piha.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Lori Buchanan. To be followed by Cheryl Corbiell.

MS. LORI BUCHANAN:

Aloha, and good morning Honorable County Councilmembers, best County Council ever. You know I love you guys. Chair Alice, I will be brief. Thank you, County Council, for providing this opportunity to acknowledge a woman I greatly admired, Molokai's mana wahine Colette Machado. When Chair Machado walked into a room, you knew that your warrior had arrived. I going try get through this without crying. Extremely brilliant, our warrior was always prepared, and she did her homework. So, if you were an opponent, you had better be ready. Empathetic, compassionate, and ferocious, she fought for the underdog, the oppressed, the downtrodden, those without a voice. She was our champion.

Chair Machado's countless contributions to the people of Hawaii will live on in perpetuity. My condolences to the ohana, because behind every great person is a great support system, and sacrifice, like all of you sacrifice. We all sacrifice for our citizens, and that is why I love you guys, and I love Chair Machado and her family. So mahalo Council, for honoring her today. It is deeply appreciated by the people of Molokai. Mahalo. Have a great day.

CHAIR LEE: Thank you so much. Members, questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Cheryl Corbiell. To be followed by George Aiwohi.

MS. CHERYL CORBIELL:

Mahalo, Honorable Maui County representatives. And mahalo for the resolution regarding the contributions of Colette Machado. I support the resolution with much aloha. I was privileged to work alongside Colette and her husband Myron for several decades. Colette is known for her work in the County and State areas as an elected representative, but she was a teacher, a coach, a mentor, volunteer to many organizations. For example, several non-profits would not exist today without Colette's guidance, such as the Molokai Land Trust. The renewable energy non-profits on Molokai, both were started initially with the seeds by Colette Machado.

Whether fighting unsuitable projects or for suitable projects and planning a renewable future, as well as the awareness and activism . . . invasive . . and implementing something that the government said we could not do, and that is to do a research-oriented 28-mile survey of the Molokai south shore, which is used today by many entities. She was involved in dozens and dozens of groups and projects. The . . . did become a gathering place as per its namesake, with teaching keiki about ogo and restoration work at the site.

She helped families in need, either using her own resources, or who, getting them in touch with other organizations. I still hear her voice, even though she's not here, telling me what to do, which is pono regardless of who is in opposition, to do my homework and research, and never give up. Colette was . . . because she always spoke so frankly and honestly. But she gave of her time, selflessly, expertise and energy to help Hawaii, and especially Molokai. Mahalo for recognizing this wonderful Hawaiian woman and leader. Mahalo.

CHAIR LEE: Thank you. Members, questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is George Aiwohi. To be followed by Zhantell Lindo.

MR. GEORGE AIWOHI:

Aloha, Councilmembers. It's an honor to be able to speak on her behalf. And you know, you heard of all the things that she's done on a professional level, but she was my cousin, and she also was a really strong advocate for the Hawaiian people, especially for the people of Molokai, you know. I seen her walking into that room, and man, you better to be ready.

But I also seen the spiritual side of her, yeah. She was a church member as well in our community and she fought really hard to make sure that the word of God got out there, yeah. That she was a strong advocate of just knowing how much that meant to the people, how much, I guess, what I'd like to say is that she went out there when we had church services and she was a strong advocate for getting that message out. She went along with us when we went to visit people and prayed for them.

She made sure that those that needed bibles even, you know? She went out and bought the Hawaiian bible that came from Kamehameha Schools, and she gave those away, you know, because she wanted us to know that all the things that helped her to be where she's at today was because of her God, because of her love for her people, because of the things that we struggled to get.

On Molokai, you know, we make do with what we have, you know. I never knew growing up that we were poor. I never knew that, because I never knew that there was an importance for money, you know. My parents, grandparents, you know, we grew up in Kalamaula, which is the first homestead. And our family still owns that, and my grandmother was one of the very first to get. And I myself am a homesteader.

I also work for the Judiciary. I work for the drug court, and I had the opportunity to ask her to be a speaker at one of the graduations here on Molokai. I've been working for the Judiciary for the last 14 years and still working for them today. I asked permission to be able to come and speak on her behalf. And part of the things that she had done was spoke at one of the graduations. She was very, very loved on this island. We will definitely miss her, because she was a force to reckon with.

My condolences to Myron. You know, they said for every great woman there's a great man, and that guy could take a beating. You would hear, Myron, and he would be coming, running, you know, because he's the person that she could depend on. And you know, when I got that message from him that she had passed, it was such an honor to be told that 15 minutes ago she had passed. And so, and I just want to thank you guys for giving me the opportunity to talk on her behalf, on the side that you don't get to hear that much. Thank you so much.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Zhantell Lindo. To be followed by Walter Ritte.

MS. ZHANTELL LINDO:

Aloha, Council. I trying to turn on my camera, but it's not working, so that's okay. I'm sure you guys are familiar with my face. My name is Zhantell Lindo, and I am a keiki o ka aina of Molokai and had the privilege of being influenced and knowing Aunty Colette personally, and in such a beautiful way.

I was born in a generation where when I was coming up in community service, it was really just me. And Aunty them had been in this dig for a long, long time. And so, I came with all my anxiousness and zeal, and limited experience and thought, and she was quick to put me in my place. I remember her making me cry at meetings and stuff after I testified. And, and where some might take offense, what that did for me was show me that aloha was never meant to be weak, that when I come to stand in defense of my community, and my family, I better come knowing what I talking about. When I come with passion, and all these great ideas, I better make sure I did my homework.

And so, that set me on a course to have integrity, and to be sure that I was working for the betterment of the whole, no matter how hard or alone sometimes you are, that the benefit to this community was more than just one person. And she taught me all those things.

Later on in life, when I grew up, and she and I chose to follow Ke Akua in a dedicated . . . I had the privilege of sitting down and talking story to her one day and she said to me, Zhantell, you gotta take this mental of aloha and demand that our community erase all the lines. She said so many of us in our Hawaiian culture, and in our effort to help the lahui have created unnecessary lines and divisions.

And I am so blessed to have known her and Uncle Myron, to have been loved by them, to love them and have reaped the benefits of their inspiration, not just in words, but

especially in deeds. And though I will miss her and that there is no other person like her in this entire world, there is no one like her, I know that there are so many of us, like myself and Juanita, and other people, who have been so influenced by her, that she has transformed our lives and our vision of aloha and leadership in just a way that can never be lessened and weakened. So, mahalo, Uncle Myron, Gayla Ann. To the ohana, I love you guys. Thank you for sharing such a beautiful woman. To all of you mahalo, mahalo.

CHAIR LEE: Thank you, Zhantell. Members, questions? If not, thank you again.

Mr. Clerk.

MS. LINDO: Sorry, and for the record, I would just like to acknowledge that I was on my own time. Testifying on my own behalf.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Walter Ritte. To be followed by Stacy Crivello.

MR. WALTER RITTE:

Aloha. I'm trying to see if I could get me on the screen, but I guess not. The first thing that comes to my mind when you talk about Colette Machado is that she was a great lady. There's no doubt in my mind that this is going to be a huge loss to all of us on Molokai. I don't know how we're going to fill that void. But I know there's a lot of young people coming up, and they can emulate her and fill that void.

She was a leader. She was a leader that no matter who was in the room, you knew she was one of the leaders in that room. No nonsense, that's for sure. And yet, she had a very spiritual side. I was in many, many, many, many, many battles with Colette Machado over the years. I mean, a lot of times we were together and there was a few times we were against each other, but we always stayed together at the end, no matter whether we agreed with each other or not.

I'd like to give you one example of how diverse this lady was. When we were doing battles because we didn't want the cruise ships to come to Molokai, she got everybody together before sunrise and said to everybody that we were gathered there to give voice for the things that had no voice. And let us know that we were fighting cruise ships not just because of problems on Molokai, that we only have one bathroom for 2,000 people at the wharf, but that we were there to protect the reef and the things that

going be damaged by this huge ship. And then we went into Joe Souki's office. He was in charge of transportation for the State, and we tried to convince him not to allow these ships to come to Molokai. And she and I walked in the door, and we talked really nicely to Mr. Souki, and it didn't take more than three minutes before we had a swearing match going on. And of course, she won the swearing match. And there was no ships coming to Molokai. That was Colette Machado. She will be missed. And mahalo to all of you for allowing us to share some of the stories of this great lady. Aloha.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last individual we have signed up to testify on the ceremonial resolution is Stacy Crivello. If there are any other individuals who want to testify on the ceremonial resolution, please identify yourself in the meeting chat or sign up with the appropriate staff member. At this time, Stacy Crivello.

MS. STACY CRIVELLO:

Aloha. Aloha, Chair Lee, Vice-Chair Rawlins-Fernandez, and Councilmembers, and of course, Myron Akutagawa. Aloha mai kakou. On behalf of my personal friendship with Collette and my Helm Ohana, we would like to mahalo, mahalo you for your explicit words of aloha and honor for Colette Yvette Pi'ipi'i Machado Akutagawa. Molokai and Hawaii Nei were blessed to be benefactors of Colette's unselfish works. With her political experience, she led us through many bumpy and stressful paths, but her leadership has managed to weather the frequent storms by focusing on the needs and rights of kanaka maoli.

Colette's accomplishments are endless, and time does not allow me to list her works. And knowing Colette, she would shy away from this kind of attention. However, the well-being of her Hawaiian families and communities were always at the top of her serving ladder. I know Colette as one who has, first of all, her love for our heavenly father, her husband Myron, her ohana. These are all synonymous of her life's journey. I will always cherish her friendship and appreciate how we always talked about meeting the needs of our island home.

I'd like to share a quote. Colette would say, "Molokai is my 'āina hānau, my land of birth. It's also my land of my kupuna kahiko, or ancestors. And lastly, her place of . . . iwi, where I will remain when I hala". These are quotes from our Colette Machado. Her journey has led her unto a glow of unearthly splendor, where she continues her works as our prayerful warrior. Today, she leaves us a canopy of works with love and aloha.

Mahalo, Colette. Mahalo, Myron. Mahalo, Councilmember Keani, for this special resolution of recognizing our leader, Colette, for her dedication and commitment to service. Mahalo nui and malama.

CHAIR LEE: Thank you very much, Stacy. Members, questions? Very beautiful. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, one more individual has indicated that they would wish to testify on the ceremonial resolution. That is Hannah Bernard. Hannah Bernard, it is your time to testify on the ceremonial resolution.

MS. HANNAH BERNARD:

Oh, kala mai. Aloha kakou and salut, Councilmembers and Chair. I'm just hoping to speak on behalf of Colette Machado, because of my experience with her so long ago when the whale sanctuary was first established by an act of Congress, and very, very hotly contested. And many people were concerned about the Federal overlay addition and all the various potential for problems. And knowing all of her work, and how balanced she was in the way that she thought and felt, I sought her counsel in trying to find out from community members and leaders what they thought about the sanctuary, and is it the right thing, and could it work, and how could we move forward and have an extra layer of support for our humpback whales in Hawaii?

And I'll never forget, she said a lot of things, but one of the things she said to me, I carry with me always is, I think about my sister, you know, do I want protection for my sister? Do I want protection for my own family? And it reminds me so much of the importance and the beauty and the value of that connectiveness, that all things, especially as documented in the creation chant, the kumulipo, the, all, all of Kanaloa, all of the creatures in the sea are manifestations of Kanaloa and how her bringing it back to our connectedness and our ability to take care of each other, that's what we should be looking at. And so, I just really, I'm so grateful that you're honoring her this way, because she was an extraordinary being and meant a lot to all of us. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, no other individuals have signed up to testify on the ceremonial resolution. If anyone wants to testify on the ceremonial resolution, please

identify yourself now. This is our last call for testimony on this item. Chair, there is no one else to testify.

CHAIR LEE: Are there any objections to closing public testimony and accepting written testimony on the ceremonial resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the ceremonial resolution.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 22-169

EXTENDING CONDOLENCES TO THE FAMILY
OF THE LATE COLETTE YVETTE PI'IPI'I
MACHADO

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTION 22-169, ENTITLED "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE COLETTE YVETTE PI'IPI'I MACHADO".

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to adopt the Resolution 22-169.

Discussion? Vice-Chair Rawlins-Fernandez.

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

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

COUNCILMEMBER JOHNSON: Chair, you're muted.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Deputy Clerk. Your pronunciations of the olelo, pua olelo Hawaii were perfect.

Aunty Colette was our champion, as you heard, our warrior, our aloha aina. Aunty Lori, see, you made me start crying. She never minced words. As one friend Kevin Chang shared, she was more direct than most of humanity, and didn't seem to fear much, if anyone. And as Uncle Walter stated, she was just no nonsense. Colette Machado was always thinking about the kua aina and protecting our aina. She loved Molokai, of which she was so protective. She gave voice to those who had no, you know, voice, our aina, our wai, our reef, kohola.

We often hear community organizers encourage those they mobilize to let the anger and rage in response to injustice to fuel their fight, and that's how I remember Aunty Colette. She was a fighter for our people, especially the oppressed and downtrodden, something she herself felt as a child. She was a strong administrator of the Office of Hawaiian Affairs, and the leader who mentored and uplifted our lahui. Whether it was using a thesaurus, or like myself, in supporting me to serve as the president of our Hoolehua Hawaiian Civic Club.

She came from a time and a place where you had to fight. She was also no victim. She was rough and tumble. She was bullheaded and charged like a bull. As you heard from all the testifiers, you had to come ready. As Zhan reflected, it was like steel sharpening steel. As a wahine myself, growing up with her as a role-model, also shaped me into a stronger person.

As Mr. Chang beautifully captured, she was not afraid to dress-down. She could walk into any room with a baseball cap, blue mu'umu'u, and local slippers, and dominate that room. While in her more feistier years, people may have feared getting a knuckle sandwich when she started pounding on desks. She gained more patience as she got older. And instead, she might just lower her glasses and gaze out and add something,

like, we'll see about that, or no be stupid. With Aunty Colette, what you saw is what you got.

One last quote from Mr. Chang because he just did such a great job. "When you saw her coming, you knew where she was coming from. Because of that, you could see the path that she was laying and where she was going. There were people who disliked her, who today likely walk on the path she helped lay. That's the thing about legends.

Haku Mele Hinaleimoana Wong wrote this in honor of Aunty Colette, *(Spoke in Hawaiian).* My sincere condolences Uncle Myron, Aunty Gayla, and the rest of the ohana. I love you folks. And mahalo, Aunty Stacy and Zhan for helping to share my lei and aloha with Uncle Myron. Mahalo, Chair.

CHAIR LEE: Thank you. Members, anyone else would like to say anything?

Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. *(Spoke in Hawaiian.)* On behalf of the East Maui . . . like to extend our deepest condolences. . . . to the Machado . . .

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Such a beautiful remembrance of a very special warrior, I believe that she was. I have a experience with Colette that traveled through many years of working within the Democratic Party. And Colette was a warrior within the Party as well. And through that experience, myself and Tony Takitani were asked to help Senator Inouye at his Maui Island service after he had passed away 12, in December 17, 2012.

And in 2013, Tony and I were in charge of this, of his memorial service at Baldwin High School Auditorium. And I still remember Tony came up with a list of who should talk about the Senator? And on that list was prominently Colette Machado. And I will always remember, she showed up and with, with a letter, and she read the letter to the audience. And she said she treasured that letter because when it was announced that she would be the Molokai Representative for Senator Inouye, he had gotten a lot of push-back. But he said to her in that letter that he stood by her, her strength and all the work that she had done in behalf of the community. And he wanted her to represent him and to help Molokai through his congressional work. And he wanted her to know that he stood by her.

Colette read the whole letter with, with tears in the end. And I always remember, she looked at Tony and said, I had to read this. I've carried it with me all these years and I

wanted to thank the Senator. And I think Senator Inouye helped Molokai in many ways that was asked for, or demanded, by this warrior, or this person who loved Molokai. I also wanted to thank Stacy Crivello for speaking up, because I know they were friends. And through my friendship with her, I got to sometimes hear about this wonderful lady. So, thank you, everybody. Thank you, Keani, for doing this resolution.

CHAIR LEE: Anyone else?

Member King, then Member Molina.

COUNCILMEMBER KING: I'll defer to Member Molina. I think he had his hand up earlier.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you. Thank you, Member King. Mahalo to our colleague from Molokai, Vice-Chair Rawlins-Fernandez, for this resolution, which says it all. I didn't know Ms. Machado as well as many others, but one, in the few times that I would bump into her on Molokai, as well as Maui, she always made you feel like you were family. That's the other side that maybe a lot of people didn't see about Colette.

She wasn't the type to go brag about her accomplishments. She just took whatever issue, and she just went to work, because she didn't need to brag. Because you know, when you have someone that can get the United States Navy to listen to you, that speaks volumes. But she was truly a champion in every sense of the word, a role-model, I mean, everything that's been said in the resolution and from the residents of Molokai, and our colleague, Ms. Rawlins-Fernandez, it's true. You know, this lady was certainly a rare, a rare treasure. And she was a champion for all of us here in Maui County. All of our prayers and ohana, and prayers to the ohana and everyone else. And she was really the Lord's gift to all of us. Mahalo, Madam Chair.

CHAIR LEE: Thank you.

Member King.

COUNCILMEMBER KING: Thank you, Chair. You know, I first want to extend my condolences to Myron and the family. It was a shock to hear of Ms. Machado's loss. But I want, just in listening to the testimony today, I had similar experiences of being taught a lesson by Colette Machado. And I had met her a couple of times. I didn't know her well when I became a County Councilmember in charge of, in my first year of the Planning Committee.

And one of my first things I did, because I took up the Molokai Community Plan, that had been laid aside for several years by previous Councils. And I went to meet with the community of Molokai. I think Keani was there. I know Uncle Walter was there. Stacy was there. And so, this is my first meeting as a Councilmember on Molokai. And I had spent the entire weekend reading through the Molokai Community Plan, which is about, I think it was about three-inches thick back then. So, was I glad that I came to that meeting prepared, as people talked about, you know, people expect you to be prepared. But I remember just a lot of questions about the plan and a lot of concern for different aspects of the plan.

But the one person who got up and pounded her fist and yelled about the delay was Colette Machado. And as a new Councilmember, I'm sitting there and she was railing on how, and not, not me personally, but the Council and how dare we had set it aside for so long. And I remember thinking to myself, it was a great lesson, because I remember thinking to myself, you know, I could sit here and could say it's not my fault and I'm a new Councilmember, or I could just take responsibility, because now I represent the Council and we can move forward. And that's what she taught me. I took responsibility and I said, you were right, let's move forward, let's get this done now that I'm here, and let's all work together. So, that was my, one of my greatest experiences with her because she just kind of relaxed, and I could see a level of respect in her eyes, which I still treasure to this day.

I had actually met with Uncle Walter earlier in the day and talked to him about the plan, too. So, I, I understand what a great loss it is to the community of Molokai. And I just want to add my condolences to everybody. Thank you, Keani, for bringing this forward, and, and greatest condolences to you, too. Thank you, Chair.

CHAIR LEE: Thank you. Anyone else? If not, Members, are you ready to vote for the resolution? All those in favor, 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: All "ayes", zero "noes"; motion carries. Nine "ayes". Thank you very much.

Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Oh, wait a minute. I think Vice-Chair Rawlins-Fernandez is going to introduce some people in the chamber?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. They are not in the chamber. They're at home on Molokai.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And Aunty Stacy and Zhan should be there to give lei on behalf of the Council. And this is Uncle Myron Akutagawa. Aloha, Uncle Myron, mahalo for being with us today. And Aunty Gayla, I think is over there.

CHAIR LEE: Are they at the District Office?

VICE-CHAIR RAWLINS-FERNANDEZ: They're on video. Mahalo, Aunty Stacy.

MS. GAYLA ANN HALINIAK-LLOYD: Oh, Keani, Uncle Myron going say a few words.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, we'd like to invite Uncle Myron to share some mana'o. Aloha, Uncle Myron.

MR. MYRON AKUTAGAWA: Aloha. Thank you so much for this resolution. Thank every one of you. Bless all of you. And . . . I pray, I pray Molokai will fight on. . . . Molokai will fight on. That is strong people over here and her legacy will live. Thank you so much. I cannot thank you guys enough. Thank you, Keani. The rest of you, mahalo Ke Akua.

MS. HALINIAK-LLOYD: Good job, Uncle.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Uncle Myron. We love you.

CHAIR LEE: Thank you so much. Thank you.

Did you want to introduce anyone else, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Aunty Gayla, did you want to say a few words? You don't have to.

MS. HALINIAK-LLOYD: Okay. No, no thank you. But thanks. Everybody, this is something special. I was yelling at Uncle this morning, you know, about it starts at 9:00, you better hurry up. And kind of when sound like Aunty Colette. I'm on him every time that's why.

Since she not here, me and my sister taking care of him. So, instead of Aunty now, we his boss.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Aunty Gayla, for helping to make this happen this morning and for being with us. Mahalo, again, Aunty Gayla and Uncle Myron. Our love to you guys.

CHAIR LEE: Aloha to everyone there.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Members, any, any other comments or questions? If not, we're going to move on at this time.

Mem, Vice, Vice-Chair. Mr. Clerk, Consent Calendar.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on the setting of the Consent Calendar. Chair, there are, there are no individuals signed up to testify on the setting of the Consent Calendar, but we will do a last call. If there is anybody who wants to testify on this, please identify yourself now. This is the last call.

CHAIR LEE: Members, any objections--

DEPUTY COUNTY CLERK: Chair.

CHAIR LEE: Yes?

DEPUTY COUNTY CLERK: Oh, Chair, just to confirm, there is no one who wishes to testify on the setting of the Consent Calendar. Thank you.

CHAIR LEE: Any objections to closing public testimony and written testimony for the setting of the Consent Calendar?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

SET THE CONSENT CALENDAR

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

the Consent Calendar at this time? No? Alright. Are there any objections to setting the Consent Calendar?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: And if there are no objections, the Consent Calendar is set.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on remaining agenda items. At this time, individuals may testify on all remaining agenda items. Testimony will also be allowed before each section of today's agenda, so individuals can choose to instead testify during the testimony period before the appropriate agenda section. Individuals who do not indicate to staff when they would like to testify will be called during this testimony period.

Chair, the first person we have signed up to testify is Cullen Bell, in the chambers. To be followed by Eric Miyasato. Cullen Bell, it is your time to testify. We've been informed that you are here in the chambers. Oh, he's not available at the moment, but we will return to him. Then, the next individual signed up to testify is Eric Miyasato.

CHAIR LEE: Okay. Mr. Clerk, how many testifiers do we have?

DEPUTY COUNTY CLERK: Chair, for this testimony period, we currently have 67 individuals signed up to testify.

CHAIR LEE: Okay, Members, before proceeding, you know, last, at the last Council meeting, July 1, we had about, approximately 44 testifiers. And as you know, we went past midnight. So, this time, we need to, we're, we're a work in progress with the new Sunshine Laws. So, I'm going to ask you to try and limit your questions, as far as the time goes. So, before proceeding, I'd like to notify you that I'll be enforcing Council Rule 9.F, "no Member may speak more than twice on any pending motion." Members may speak for two minutes during the first opportunity to speak on a motion. But as far as asking questions, I would really appreciate it if you would limit yourself to one minute, if it's possible. Otherwise, it can go on forever.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I respect your proposed rules. Just something to consider later on. As you know, last Council meeting got, I believe it went up to 5:00 just completing public testimony, and then of course, we went to midnight. Something to put out there for you and the Members to consider, maybe we look at

doing a recess. Complete testimony today and possibly come back next week, you know, depending how far we go with testimony as well. But I'm just putting it out there, possibly consider doing testimony today, then recessing it to next week. So, to avoid having to go midnight or maybe even into Saturday morning. But, cause I know there's a lot of staff, we have to consider their needs and everyone else. But anyway, I'll leave it up to you and the body. Thank you.

CHAIR LEE: Okay. The problem, the problem we have, some items are time sensitive and, and must be passed today. So, that's the issue, the Charter amendments, in particular. And so, I, I'd rather not do anything to prevent us from moving these things forward. So, if what we'll try to do is try to make sure that the, we'll keep good time, you know, we'll ring the bell when we're supposed to ring the bell and ask the testifiers to try and be as succinct as they can be. And the Members, I think, I think a lot of time, the Members have too much discussion with the testifiers. So, if we can eliminate some of that, I think we're going to save a lot of time. So, I, I wish, if we didn't have time sensitive items, I would gladly take your suggestion. But because of the Charter amendments, it would be difficult.

COUNCILMEMBER MOLINA: Okay. Thank you, Madam Chair.

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

Vice-Chair Rawlins-Fernandez, then Member Kama.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, during Budget session, when we had a long list of testifiers, we did, as you're suggesting we do today, which is limit our questions to clarifying questions only. And I believe we did like a minute or two minutes. And once the timer went, that was it as far as questions for testifiers, cause that's the part that took the longest at our last Council meeting. I would be happy to support this effort by showing my timer, as I did during Budget, to show that you have thirty seconds left to complete on the screen. I think that was helpful for everyone to know where they were. So, if you'd like for me to do this, I can help in that way.

CHAIR LEE: Members, you need that? You want that? Okay, any objections to having the Vice-Chair, would show you the, how much time is left?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, thank you for your suggestion, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: You're welcome, Chair. And just to clarify again, the testifiers would have their three minutes and the Clerk would take care of that. The timer would be on us as the Councilmembers to limit ourselves. Okay. Mahalo, Chair.

CHAIR LEE: Right. Okay, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I wonder, since you have over 60 testifiers, if you have considered, if the Members would, that testimony would be, instead of three minutes, two minutes per testimony? No? Any comment about that, Chair?

CHAIR LEE: Well, you know, I'm thinking that let's try it this way first. And if, my thinking is that if we, if we control our discussion, that could possibly cut down a lot of time, rather than taking time from the testifiers. But if, for some reason, the testifiers are taking too long, then we'll make an adjustment.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: The, the other thing we can do is we can take, we can take up the time sensitive items today.

COUNCILMEMBER KAMA: Yes. Yes.

CHAIR LEE: That's the other thing that we can do. But we won't know if we don't start. Okay, Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Two things. One, I, I, three minutes is already a short amount of time, so I don't support any less than three minutes for public testifiers. Two, once we start with whether it's going to be three minutes or two minutes, we cannot change midway. It has to be consistent the whole way through. So, I would support sticking with three minutes.

And I agree with you, Chair, that it's, it's after the three minutes, the discussion that takes much, much longer, which is why we did it that way during budget and it really helped. But we, we can't take action on somethings and not all things, because we would need to adjourn the meeting in order for that action to take effect. And then, if we don't take action on the remaining things, then we would have to repost for, you know, the six days required notice. So, I, I mean, you're welcome to, you know, invite one of our OCS attorneys to chime in on that, but that is my understanding of us being able to take action or not on things.

CHAIR LEE: We're looking for solutions, that's what we're looking for. And so, if it's not possible, it's not possible. But we need to explore what the options are.

So, David Raatz, are you on the call? What are our options going forward? We're anticipating a very long meeting. No one wants to stay here till after midnight again. So, Mr. Raatz, do you have any suggestions?

DEPUTY DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Chair. Unfortunately, we don't see any obvious solutions. I think the Vice-Chair laid out some of the concerns that staff was just discussing behind the scenes, that for action to actually take effect and be certified by the County Clerk, the meeting has to adjourn.

All we can think of is perhaps if the County Clerk has any discretion on the previously stated July 15 deadline for Charter amendments. That's, that's not the legal deadline. I believe the Office of Elections has set up a legal deadline for ballot questions for the General Election sometime in late August. But there are a lot of logistical and practical measures that have to be taken place to get the ballots ready by that legal deadline, which is why the County Clerk identified today's meeting as the deadline for Charter amendments. But I don't know if it's possible to extend that by a few days and still be able to get in the General Election ballots.

CHAIR LEE: I think that question was asked before. That question was asked before. And it, I believe it was like Tuesday or Wednesday of next week was the final deadline. So, I'm not sure. I'm going to call a short recess so we can look at what's scheduled for next week and check with the County Clerk to find out exactly what is the final deadline, okay? Members, short recess. Ten minutes, so return at 10:27.

COUNCILMEMBER KING: Chair?

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:16 A.M., AND WAS RECONVENED AT 10:30 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of July 15, 2022, please reconvene. Alright, Members, before we start testimony, we can recess this meeting, if, if, if the testimony goes too long, we can recess the meeting and reconvene early next week, before the actual deadline. So, it'll be Monday, Tuesday, or Wednesday, but we have to poll you first to find out which day. And so, we'll probably do that during the lunch break or something like that.

Member Paltin, what is this for?

COUNCILMEMBER PALTIN: Oh, I'm already booked all those days. And then, I'm going to the NACo on Wednesday. We get the Maui Metropolitan Planning, right? Yeah, so get meetings all those days before going.

COUNCILMEMBER SUGIMURA: Our meeting is at 9:00, Chair, MPO.

Member King, then Member Kama.

COUNCILMEMBER KING: Chair, it's very confusing. Chair, just looking at the calendar, Monday at 10:00 a.m. is the Council Chair's meeting. So, if everyone has that on their calendar, we could possibly use that for the continuation of this meeting, instead of the Chair's meeting. That starts at, that's on the, my calendar from 10:00 a.m. to 1:00 p.m.

CHAIR LEE: Member Paltin, you had, you weren't coming to the Chair's meeting?

COUNCILMEMBER PALTIN: No, that's one of the meetings I was referring to. But I'm booked all those two days.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: But that was one of the meetings.

CHAIR LEE: Okay. So, Monday at 10 is probably a good time for everybody because it's the Chair's meeting, which we can always postpone, yeah?

Alright, Member Kama, you had your hand up. And then, Member Sinenci.

COUNCILMEMBER KAMA: Yes, Chair. I was going to say I'm going to the NACo Conference too and I'm leaving on Tuesday. So, Monday's a perfect day to have our continued meeting.

CHAIR LEE: Okay. Member Sinenci, then Member Johnson, then Member Sugimura.

COUNCILMEMBER SINENCI: I'm okay with Monday morning, Chair. I believe the MPO was at 2:00 p.m.?

CHAIR LEE: Okay. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. It's my understanding that the Waiopuilani *[sic]* project's deadline is the 17, which is a Sunday. So, we'd have to make an action on it today if we're going to . . . But that's just one of, that's different than with the Charter amendments. Thank you, Chair.

CHAIR LEE: Ooh, I didn't realize it was on the 17th. Okay, back to the drawing board I guess, but we'll think about that.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I just wanted to clarify that the Maui MPO meeting is at 2:00. It is a special meeting that we're calling just so that we have utilization of Federal funds that State DOT is asking us to call this meeting. So, it's time sensitive and it's already set. I'll wait for more discussion. Thank you.

CHAIR LEE: But if worse came to worse, you, you could gavel in and gavel out for, you know. I don't think our meeting is going to, the actual meeting is going to take that long. From, you know, especially if we start at 10:00, we'll probably be done by 2, my guess. But we have, yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, if you do that, I will buy everybody lunch.

CHAIR LEE: Yeah, that would be nice.

COUNCILMEMBER SUGIMURA: Cause my MPO meeting is important. If you would, Chair?

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

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

CHAIR LEE: You didn't, you didn't have your hand up?

VICE-CHAIR RAWLINS-FERNANDEZ: I didn't. But I, I do have a solution to, for consideration. Because I'm in the chambers and I know you're under the weather, would you, do you think that it would be helpful if I chaired the public testimony portion? And then, I can do the timer and I can call everyone up, and we can go through it just like budget.

CHAIR LEE: Well, thank you, but I, I'm feeling fine. I'm feeling fine. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR LEE: Member Molina, and then back to Member Paltin.

COUNCILMEMBER MOLINA: Yeah, thanks, Chair. No, just wanted to let you know I'm available Monday. That's fine for me.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you. Just a clarifying question. If we go on Monday, we still not closing public testimony and there still can be more people signing up to give public testimony on Monday because they can give testimony before each item, so the list could grow even longer because it'll be open all this time?

CHAIR LEE: Our thinking is that most people are prepared to testify today, and we'll let them go, you know, as much time as it takes. We'll let them go. You're right, we cannot close testimony. However, whomever testifies today cannot testify on Monday, the meetings on Monday. Okay, that's the thinking. Okay.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: The State Legislature did this to us. I'm the only one who opposed it and here we are, stuck.

COUNCILMEMBER PALTIN: The testimony will remain open if anyone who hasn't testified today wanted to testify.

CHAIR LEE: Yes, only for those who didn't testify.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Only for those who didn't testify. But, okay, so now that takes care of that problem, but it doesn't take care of Mr. Johnson's problem.

Let's, David? David?

Mr. Johnson, is that deadline a hard deadline? Are you absolutely sure that is the deadline?

COUNCILMEMBER JOHNSON: That is from Mr. Raatz. But if you want to bring him on the call, we certainly can.

CHAIR LEE: Mr. Raatz? Mr. Raatz?

Okay, Members, we're just using up too much time right now. We're going to have to take care of this a little later.

Mr. Clerk, let's proceed with testimony.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with testimony. The first individual we have signed up to testify is Cullen Bell, in the chamber. To be followed by Eric Miyasato.

PRESENTATION OF ORAL TESTIMONY

MR. CULLEN BELL (testifying on Resolution No. 22-119 CD1 FD1):

Aloha, Council Chair. Thank you. I'm here to testify regarding Charter amendment, Resolution 22-119. I'm in support of Resolution 22-119 to establish an East Maui Community Regional Board. I believe the board should be elected by the people and by the farmers from this region. This I believe is a step in the right direction to start working our way back from over a hundred years of mismanagement, to be honest, theft by corporations that don't have our best interest in mind and corporations that have slowed our streams to a trickle for decades.

Hawaii State Constitution, Article 11, Section 1 states all public natural resources are held in trust by the State for the benefit of the people; not held in lease by foreign interest for the benefit of said foreign interest. I'm paraphrasing but the same Article, Section 7 says that the State is also obligated to protect and regulate the use of our water resources, this includes watersheds and natural stream environments.

Take a drive around Maui. Tell me what is natural about any streams you come across being bone dry? I grew up in Iao Valley and my family still has property up there. The only time I see the river reach close to the elevation it should be at is during a storm. The mismanagement of our waters is why we're all here today, or some of us are here today. With this resolution, we'll at least have a seat at the table and not have our East Maui Watershed managed by a corporation and a foreign interest.

On a side note, I feel there's no excuse for Councilmembers not being here, especially if you can be here through Zoom. And I'm shocked at the amount of back and forth it goes into having just starting a testimony. No wonder nothing ever gets done here. It's mind-blowing to me. But thank you for your time. Mahalo.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, you're muted.

CHAIR LEE: Can we have the next testifier, please?

DEPUTY COUNTY CLERK: The next individual sign up to testify is Eric Miyasato, to be followed by David Dorn.

CHAIR LEE: Eric?

MR. ERIC MIYASATO [testifying on Bill No. 21 CD1 FD1 (2022)]:

Aloha, Chair. Aloha, Council. My name is Eric Miyasato. I'm a licensed professional engineer and I am in the lighting industry. I would like to testify against Bill 21, CD1. I would like to suggest that the bill go back to committee and have design professionals, engineers and architects and environmentalist work together to draft a better lighting ordinance for Maui.

Currently as you can see, I am illuminated under amber LED light. This is one of the sources that would comply with the less than two percent blue-light content. Because it's Aloha Friday, I'm wearing my Aloha shirt. I'm also drinking a Starbucks with my green logo. I have my Baldwin Bears baseball cap, and I have two cars. Pretty hard to tell the colors under . . . Let me turn off the light, and let you see how I look under a normal light.

So, I want you to please consider the cost implications for the people of Maui when voting on this bill. Thank you for your time.

CHAIR LEE: Thank you. Any questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I'll try and stay in my one minute.

Mr. Miyasato, the bill allows LED, . . . colored amber, narrow-beam amber, low-pressure sodium lights; so, do you have samples of those other lights? And also, have you checked the Florida list of less than two percent blue content lighting for its wildlife lighting certification program where there are over 40 lights in just one category listed?

MR. MIYASATO: So, the sample that I have shown is a narrow-beam amber. I have read the Florida Fish and Wildlife, you know, ordinance, in regard to . . . I attended seminars at lighting conventions in regard to that ordinance. I don't have samples of the phosphorous coated amber and I don't have a working sample of a filter . . . but the one I do have is the narrow beam amber.

CHAIR LEE: Okay. Time's up. Thank you very much.

MR. MIYASATO: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is David Dorn, to be followed by Lindsey Rex.

MR. DAVID DORN (testifying on Committee Report No. 22-61):

Hello, Councilmembers. My name is David Dorn. I've lived next to 16 East Waipu'ilani for over twenty years, and I oppose the Hale Waipu'ilani Project. I've experienced many floods while living in this area and I believe that this project will make flooding worse. We shouldn't be building more houses in Kihei's worst flood zone. There are better places to build housing away from flood plains and coastal hazards. Kihei has an aging infrastructure, bad traffic, and lack of area drainage. This local area has no storm water drainage at all and is known to flood.

As you know, this developer has been offered a land swap. The County has begun discussing a land swap in a more suitable location. There are 1200 home sites just up the hill in the R&T Park, land by the Police Station, Maui Lani, and Puunene. These are places where the new housing should be located. It is up to the County to decide who and what you want to protect. Sites such as 16 East Waipu'ilani do not have to meet the specific . . . Army Corps of Engineers wetland criteria to be important to the watershed.

I ask that this property be put into conservation and saved from development. Please keep this property as is. Preserving this lot has many benefits from area drainage, will not increase flooding and will not overburden the local community or its aging infrastructure.

And as a reminder, this Council has no obligation to approve this project, but you do have an obligation to protect the current residents and try to make our community safe and free from risk. There are 2500 affordable homes in the pipeline, so disapproving this project will have a negligible impact on affordable housing. Disapproving this 28 unit project will have about a one percent reduction of houses in the pipeline.

The decision you make today must consider how you can do the least harm and do the most good? This Council has a legal duty and moral obligation to protect the safety of the community and the responsibility to ensure that future homes are only located in safe places. I respectfully ask that you disapprove this project and set us on a path to a better, safer future. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, you're muted.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next testifier is actually Lucienne de Naie, to be followed by Jill Wirt. Lucienne de Naie, to be followed by Jill Wirt.

MS LUCIENNE DE NAIE [testifying on County Communication No. 22-167; Committee Report Nos. 22-61, 22-63, 22-64, & 22-65; Resolution Nos. 22-119 CD1 FD1, 22-144 CD1 FD1, & 22-173; and Bill Nos. 21 CD1 FD1 (2022), 114 (2022), 115 (2022), & 116 (2022)]:

Good morning again. I will be testifying on a few items, and I will not take three minutes for each. Bless you folks for your dedication to really hearing from the public. Those items I will be testifying on first will be on behalf of the Sierra Club Maui Group as its Chair, our board has recommended that we weigh-in on these items today.

First, item 22-119, second and final reading for the Maui Community Water Authorities. We are very strong support of this. We have gone on record with the many reasons in the past, so we will not take up your time repeating these. But it is obvious that new times really require new solutions. And I know there are great fears about cost, but I think that it's important to understand that the authority itself does not have to immediately take over and manage an entire system. It can first just be the holder of the leases that pass through the system and gradually work to acquire the easements and other things that are needed to transport water. Whoever holds the lease will have the attention of the landowner that holds some of the system conveyances. And so there will be negotiations, and there will be agreements worked out.

Moving on to 22-167, we support the necessary amendments to the community water authority that were worked on so diligently during the last meeting of the County Council.

Moving on to 22-144, this is a Charter amendment for establishing regional planning commissions. The Sierra Club also stands in support of this very innovative proposition. It was in the 1970s when the City and County of Honolulu realized that they really needed to hear from their specific communities. Our island is bigger than Oahu, and we do have very, very unique regions in Maui Island. And we do need to plan for a way for the people to be involved in the planning. In the end, it will probably

expedite how decisions are made, because people will not have to ask so many questions, they will know the land that they are being asked to consider.

I personally served on a regional planning commission. It was an extremely rewarding experience, and it was very necessary in the very diverse County of San Diego, where you had from the mountains to the seas. There were not conflicts. Our region was one coastal part of San Diego. There were regional planning commissions for other coastal parts. We worked out any of the overlap or differences. There are ways to do that.

Moving on to Bill 21, the lighting bill to help protect our seabirds. We do feel that the Committee and the Council have made very, very involved efforts to try to hear from everybody and okay a spectrum of lighting that meets the criteria of protection for wildlife, but also allows a wide commercial choice to our businesses. Also exemptions do appear to have been made to ease any hardship on smaller users. We do urge the Council to move forward and pass Bill 21 today.

And then last but not least on behalf of the Sierra Club, resolution *[sic]* 22-61, the proposal to approve development in the Waipu'ilani, the Hale Waipu'ilani development. I know the people who are proposing this development. They are good people. This is just a very bad place, and a bad precedent to keep allowing developments on flood zones and uncategorized wetlands is just poor planning. There is a better solution.

We discussed it during the general plan advisory committee meetings, and that is to transfer development rights to other parcels. We do not have an ordinance that allows that, but the County could at least propose land swaps. It is our understanding that the County has land in Puunene that they got from A&B. It is near infrastructure.

The County does not own land in the high-tech park, but that land is fully entitled for housing, for many units of housing. One affordable housing project has bought in there is under construction now. Perhaps the County could look at just purchasing a second parcel, maybe it could be five acres, instead of 1.5 acres and this project could actually expand? But we need to do something else besides building in flood-prone areas. We need to leave them as part of our resiliency strategy.

And I will move on to the other items that I'm testifying on personally and shout-out to the funding for renovations for the Council Services area. Councilmember King is so correct, these are the unsung heroes. I worked for the County, I was down on the 7th floor getting help all of the time when I was an aide to a Councilmember. They are crammed in there and getting a lot of work out a very small space. So, anything that we can do to make that better is really good.

As a private individual, I am testifying in support of 22-63; this is the expansion of homeowners' exemption to allow exemptions for those who are doing long-term rentals, as well as increasing homeowner exemptions for folks, because guess what? All of our property is being evaluated at higher rates from nothing we did, just because the market is, you know, on fire because of speculation.

And I am also personally in support of item 22-64; this is the property tax reduction for severely disabled veterans and their spouses. This is the least we can do.

I am personally in support of the appointment of Kahulu Maluo-Pearson to the Cultural Resources Commission. The Lindsey family, she is a part of, she and her sister and her mom have contributed so much to our knowledge of Hawaiian culture. And I think that she will be a good addition to the Cultural Resources Commission.

And lastly, item 22-173, you have a very good start on some folks that can be part of the planning process for the upcoming community plan update for South Maui. Thank you for your diligent review of the 38 applicants. It does show that there is interest in being part of planning decisions, when people feel they can have an impact, and I just urge you to look for folks who have the time to serve.

Having served on the General Plan Advisory Committee, which met on and off for over three years, although our term was only six months, I was one of the people that really appreciated those who consistently showed up so we could have quorum and do our business. So, do make sure that the people who are volunteering to serve actually have the time, commitment, and mahalo for all your considerations and for all you do.

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

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Jill Wirth, to be followed by Nathan Strubhar.

MS. JILL WIRT (testifying on Committee Report No. 22-61):

Good morning, Council Chair Lee, Vice-Chair Rawlins-Fernandez, and Councilmembers. I'm Jill Wirt, and I am a project manager for Maui Nui Marine Resource Council.

Like many in our community, the Maui Nui Marine Resource Council recognizes the need for workforce housing. However, the proposed Hale Waip'uilani housing development is in an ecological significant area that serves an important role in protecting coral reefs, ocean water quality in the coastal areas of North Kihei.

As you know the Kihei reef helps protect South Maui's shores from storm surges and erosion. The Kihei reef tract has also been identified as an important source of coral larvae for the reefs of Maui County, especially those of Molokai. In other words, Kihei's reef help seed reefs throughout Maui Nui so they can grow and be replenished. What you decide about Hale Waipu'ilani will have a significant impact on the future of corals in Kihei and Maui Nui.

Let's talk about Waipu'ilani Gulch, with originates in the moku of Kula. When it rains Upcountry, stormwater flows from this extremely large watershed area through Waipu'ilani Gulch picking up speed and sediment along the way. Fortunately, when this fast-moving storm water hits the floodplain, that's makai of the highway, it slows down, loses energy, and spreads out in the widening part of the stream bed. Tons of soil carried by the water can then settle onto the ground. This protects the coral reef by keeping sediment out of ocean. Excess sediment is very harmful to coral reefs, interfering with the coral's ability to generate food for themselves and to reproduce. If Hale Waipu'ilani is built, we would lose the floodplain and the filtering and the flood prevention it provides to the detriment of the community and the corals.

The proposed housing should not be built in this environmentally significant area. We support a land swap with the developer, through which the County would trade some of its own lands that are more suitable for housing in exchange for the Waipu'ilani Gulch land. This will allow the County to enhance the Waipu'ilani flood plain to further improve its ability to hold and filter stormwater run-off to protect corals in Kihei's coastal areas.

There's potentially a large-scale financial support for these enhancements, as well. As a start Maui Nui Marine Resource Council is in receipt of a $225,000 grant from the National Fish and Wildlife Foundation for a site assessments and preliminary designs for nature-based solutions for the floodplain of Waipu'ilani Gulch, as well as the Kulanihakoi and Keokea Gulches to prevent coastal flooding and sediment runoff. These, this grant is a pipeline grant, meaning there will be future opportunities to apply for next steps, including permitting, design, and building or installing the nature-based solutions, which could equal millions of dollars coming into Maui County.

However, some of this possible flood prevention work would become impossible if the Waipu'ilani floodplain is developed. The coral reefs, ocean water quality and the community of North Kihei would suffer. Please expedite the effort to create this land swap and allow the County to keep this section of Waipu'ilani Gulch as open space as a step towards protecting the coral reefs of the Kihei reef tract. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Nathan Strubhar in the chambers, to be followed by Edward Field.

MR. NATHAN STRUBHAR (testifying on Resolution No. 22-119 CD1 FD1):

Good morning.

CHAIR LEE: Morning.

MR. STRUBHAR: I am this day a concerned citizen. Thank you again for pronouncing my last name correctly. I'm always impressed with people who can do that. I'm wanting to testify on the Resolution 22-119. I am a father, and I am a husband. I have been married for 17 years and I have come to realize that when I am, when I am weak for my family, my family suffers. I am the head of my household. I serve my family as best as I can, and so I'm asking you guys, as elected officials, and members of the Maui ohana, our family, that you represent our needs and our concerns well. And so, one of the things that my community calls me is an encourager. And so, I want to encourage you guys to stand up for us concerning this water authority.

We do not need it to be in the hands of a foreign corporation. We don't. That does not serve us well. And when we are not served well by you guys, we suffer. All of us suffer. Our ohana suffer. Our community suffer and we are tired of suffering. We are tired of it. And so, like I said in my last testimony on July 1, I was a civilian on the island of Maui not caring about what local government did. Because it really didn't affect me until the last couple of years, I started realizing that our elected officials made a huge difference in how we lived our lives and how we ran our businesses.

And so, may I remind you that you work for us, you work for all of us, okay? We are asking kindly right now, we're asking kindly, to stand up for us. I will say that we have been awakened to what's happening in our governments, from all the way to the Federal, down to the State, down to the County level. We're awake and we're not going anywhere. We're going to be relentless in how we take care of our families and especially our island and so I ask that you will do the same. Thank you so much.

CHAIR LEE: Members, questions?

Member King.

COUNCILMEMBER KING: Just one question, if you can.

MR. STRUBHAR: Yes.

COUNCILMEMBER KING: Thank you for being here. I really appreciate your testimony. So, we're going to try to get this on the ballot and then will you and all the others be there to, that's the first step to help us.

MR. STRUBHAR: Yes.

COUNCILMEMBER KING: Help us get that through, through on election day.

MR. STRUBHAR: Yes, please, that's what I'm in support of yes.

COUNCILMEMBER KING: Great, awesome.

MR. STRUBHAR: Yeah. Thank you.

COUNCILMEMBER KING: Thank you. Thank you, Chair.

CHAIR LEE: Thank you. Any more questions? If not, may we have the next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Edward Field, to be followed by Jimmy Gomes.

Edward Field, it is your time to testify. I see an Ed connected to the meeting. You're unmuted but we cannot hear you if you're speaking.

Chair, perhaps they're having technical difficulties. Shall we move on to the next testifier?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Then, the next testifier is Jimmy Gomes, to be followed by Amanda Martin.

Jimmy Gomes, it is your time to testify. Chair, I don't see a Jimmy Gomes connected to the meeting, shall I move on to the next testifier?

CHAIR LEE: Yes. Yes.

DEPUTY COUNTY CLERK: Then, the next testifier is Amanda Martin, to be followed by Kimberly Brown.

MS. AMANDA MARTIN (testifying on Resolution No. 22-119 CD1 FD1):

Aloha and good morning, Chair Lee. Can you hear me? Because I cannot, uh, the video won't work.

CHAIR LEE: Okay, we can hear you. Thank you.

MS. MARTIN: Okay. Mahalo. So, good morning again, Vice-Chair Lee, Chair Lee and Vice-Chair Rawlins-Fernandez, and Members of the Council. I'm Amanda Martin, Administrative Assistant of Nā Moku 'Aupuni 'o Ko'olau Hui. I'm here today in beautiful Keanae with couple of my board members, so mahalo guys for being here with me and we are in support of Council Resolution 22-119, CD1, FD1.

For over 30 years of fighting all of the powers that be, the State, County, labor unions, big corporations, their vast network of supporters, here we are again today. The dewatering of the streams deprived all the people of East Maui and greatly impacted all of our communities. It was so heartbreaking for many not to see water in the rivers. They diverted the entire East Maui, the largest diversions ever. These are crown lands that belong to the people.

We need to gain control over our water rights. Hawaii's public trust resources should be controlled by Hawaii. A foreign for-profit entity should not be managing or controlling our water in East Maui. They will manage it in their own best interest and not in the interest of the County, nor the public trust. They are responsible to their shareholders to make a profit.

There is plenty of water for everyone if the system is fixed and the watershed is managed properly. We want to be sure that we focus on growing our water supply for future generations.

We have the the expertise and the in-depth knowledge that can properly manage the watershed and efficiently restore the ecosystem. We have the most hands-on experience and generational knowledge of anyone involved and needed to properly manage the watersheds.

What we want is community partnership, management, and stewardship. It's been four years since streams were restored in our moku and we have done everything within our power and means to be good stewards. This is not a business proposition for us, but one of sacred kuleana.

Please understand we have no quarrel with company operatives on the ground and our community currently has good relationships with representatives from the company. Like Maui County, we support agriculture and want to see everyone succeed. We have never denied any farmer or business the access to water.

The time is now to control, take control of our water. Our community's mission is to be good stewards of the land and its resources. We want a seat at the table. We remain open to working with all of the stakeholders to move forward in a pono way.

I can imagine how some of you are feeling, and the decisions that you have to make. I truly do understand what it takes in making the best qualified decision for all. I know this matter weighs heavy on your heart cause I feel it too. But please remember the great impact on our East Maui community, and the 100 percent diversion that took place. Mahalo for the opportunity to testify today.

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

MS. MARTIN: Mahalo. Thank you.

DEPUTY COUNTY CLERK: The next person signed up to testify is Kimberly Brown in the chambers, followed by Byron Brown.

MS. KIMBERLY BROWN [testifying on County Communication No. 22-167; Resolution No. 23-119 CD1 FD1; and Bill No. 21 CD1 FD1 (2022)]:

Um, I want to first touch on Bill 21 about the lighting. At just glancing over this, I do not want this to be another financial burden on the taxpayer. It seems to be a frivolous expense to replace lighting fixtures countywide and accommodating a lightbulb that is being proposed. There are health effects on humans with the blue light, or the blue wave light and I know there's other options. Also the potential increase in crime and the burdensome cost to the taxpayers outweighs these birds. I want to look at humans first.

In regard to Resolution 22-119, we should not be here talking about this. In 2019, the entire community of Maui should have been informed and should have been celebrating that the County for the first time in over 150 years would finally own the rights to this water. Our local farmers would never have to worry again because they would live, because we live in one of the wettest places in the world. Our families and children should be celebrating, instead here we are July 15, allowing the Council to vote on something that our Mayor had the ability to secure three years ago.

I'm saddened that all of us are here today, we've experienced loss, loss of time, whether it be from work, from our families, enjoying our wonderful islands, just to be here today to stand-up for what's right and good. I'm proud of the people of Maui who are here and on-line showing their voice of support. And the silver lining in all of this, is that it's really bringing us all together. And again, referencing Nate, we are awake to the fact of the matter of how our government is out of control and we are here to call you into accountability. You work for us.

It's a once in a generation opportunity to secure control over the water rights rather than a foreign pension fund who has a pattern of buying up water rights at the detriment of the countries and the communities. Their best interest is for profit over the people of Maui. DLNR, the County, they're saying that the County does not have to compete against these people. That the County has the higher priority to the water as a public water trust over the for-profit entity.

The profitability here based on current usage, the County would have a net profit of $3 million. Total revenue is 5.1 million based on the residents, farmers, A&B, and Mahi Pono. And the operating cost is only 1.54 million. There's additional Upcountry water costs of $528,000, leaving a net revenue of $3 million. The County, if the County obtains these leases, we can utilize the net revenue to upgrade the systems, creating additional water for the users and EMI.

I want to thank those on the Council who are voting yes to it, and I want those who would ever consider allowing our rightful water to fall into the hands of a foreign entity to search your hearts, and truly dwell on why you're in this position to represent the people of Maui. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Byron Brown, to be followed by Joe Balangitao.

MR. BYRON BROWN [testifying on County Communication No. 22-167; Committee Report No. 22-61; Resolution No. 22-119 CD1 FD1; and Bill No. 21 CD1 FD1 (2022)]:

Aloha, Council. Thank you so much for having me. Thank you for all your time that you take on a lot of these issues, it seems to be very time-consuming. I want to testify in regards to the housing plan in Kihei. I think that area is definitely not an area that

should be built in. It's complicated obviously, but when you have a flood zone, it gets even worse.

As for, I believe it's 21, the lighting, this is also another complicated issue. We're dealing with funding in the County, and we continue to talk about how it's misused and misappropriated. I believe our funding should be concentrated in the housing region for our community. We're losing families very fast that were born and raised here, many generations, because they can't afford to live here any longer. That has to get streamlined and we need to focus on that and make that our main focus.

As for 22-119. This issue here, again, as Kim Brown just mentioned, should never have been before us. It should have been handled already, but it is here now and we're asking for your vote yes. And we thank everyone so much that has voted for this. And we want to keep in mind, that when corporations have control, this is just kind of how this works throughout history.

This is different than the one-year revocable lease, this is switching to 30 years, which we all know. We all know that in 2021, that A&B and Mahi Pono, according to the records had finished their SMA report and got, they were working on getting that 30-year lease secured. In this situation, we have a really great DLNR that is working with the County, that wants to make sure the County gets their rights to this water.

So, I think as the Board of Water voted unanimously, that our County should vote unanimously on this to show support for the community so that we can bring back a little bit of faith in our community, in our County, when it comes to issues like this. This is extremely important to all of us.

And these corporations just recently, if you guys, I encourage you to look it up. But in December of 2020, they have filed for future stock trading on . . . commodities. Thank you very much for your time. I don't know if that was my time . . . but anyways, in 2020 December they filed with the stock markets to trade water as a commodity and so this is coming our way. And as drought conditions get worse, water gets more expensive. A&B owes Mahi Pono $62 million if they don't secure this 30-year lease. That's a big incentive for all of you guys to get pushed to help them out. I encourage you to help us out and our community and stand up for us, because we win if the people win. Thank you very much.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Joe Balangitao in the chambers, to be followed by Christopher George.

MR. JOE BALANGITAO [testifying on Bill No. 21 CD1 FD1 (2022)]:

Good morning. My name is Joe Balangitao, Jr., I am the Executive Director for the Maui Interscholastic League. I am here to testify against Bill 21, because it is, it is vague and could affect the livelihood of about 4,000 student athletes in the MIL, if it were to pass.

We offer 19 sports in the Maui Interscholastic League for both girls and boys, and if we were to play our games exclusively during the day, it would put many of them at risk of heat illness and dehydration. It will also be a financial burden to the league because we are a 501(c)(3) organization and we run our league with monies we collect from our gates from football and baseball, to support the other 17 sports. If we are not allowed to play those two sports at night, it would reduce our gate by about two-thirds not to mention concession, which is a big money maker for the home team, which is essential if they go to a State tournament.

Our girl, girls and boys should be afforded the opportunity to play at night to showcase their talent and may be able to earn a college scholarship in soccer, softball, track and field, baseball, and football. Not to mention the opportunities for the band, flag bearers, cheerleaders, student body, fans and kupuna that show up to participate in the football games festivities. If games were to be played Saturday afternoon, a lot of these people would not show up. Parents take younger siblings to youth soccer and the student body and kupuna stay home because of the heat.

I have spoken to a colleague from the Kauai Interscholastic Federation, and he has filled me in on how shearwater bird have affected their league and when they were forced to switch from night to day games. They are required to play during the day from September 15 through December 15, but if the fledglings leave the nest before then, they allow the KIF to play a month earlier and push the date to November 15.

My question to the Council is, do you have data to support the year-round ban on lighting? The bill says native Hawaiian seabirds? All birds? Albatross? Tropic bird, shearwater, shorebirds, seabirds, scrub birds? Where are, where are their nesting grounds? Upcountry, Kihei, East Maui? Is it next to the ocean, where they get a clear shot out to the sea?

From time to time, I see on the news about Kaena Point on West Oahu. Their nesting grounds are right next to the ocean, so I assume they fly straight out of the nest to the ocean. I'm for saving the birds if they are in danger, but I think we need to have some of these questions answered before we make a hasty decision on spending a lot of money to retrofit our equipment and lights. Can I just finish?

CHAIR LEE: Joe, you can take a minute to finish.

MR. BALANGITAO: Okay. How many vendors in Hawaii has the equipment to fill the need? I saw one vendor on the Big Island come on and say he replaced the equipment at one of the harbors. Are there other vendors who can offer competitive bidding to fulfill the needs to, for Maui County if the bill passes?

Our young people are our future leaders, and we should take into consideration that they also live on this island and adjusting our way of life that could possibly impact the lives of our student-athletes, students, parents, and kupuna in Maui County should not be taken lightly. I would humbly ask or humbly suggest to the Council to take this back to committee for further discussion because of the ramifications of this decision. Thank you.

CHAIR LEE: Member King. Joe, we have questions. There's a question for you.

COUNCILMEMBER KING: Thank you for being here.

MR. BALANGITAO: Sorry.

COUNCILMEMBER KING: Thank you for being here. We did reach out to MIL, and all the public and private schools early on. And just wanted to ask if you read the recent version of the bill? Because it exempts all sporting activities.

MR. BALANGITAO: Yes, we did.

COUNCILMEMBER KING: So, it will not close down your evening games.

MR. BALANGITAO: Well, we did, we did read it and, um, I just got wind of this about three weeks ago, about a month ago. As you know, three-year exemption, you know, three years goes by fast. You know when you look at COVID, COVID is already 28 months, it's almost three years.

COUNCILMEMBER KING: Right, but the bill exempts all sporting equip, all sporting activities if there are no compliant lighting. So, beyond the three years you are exempted unless there is industry approved lighting that meets the requirements.

MR. BALANGITAO: Yeah, but you know . . .

COUNCILMEMBER KING: But the intent, the main thing is that the intent was not to ever shutdown, it's not going to create no light, no evening games. So, we do support that.

MR. BALANGITAO: Yeah, but I mean I understand that. But . . .

COUNCILMEMBER KING: Oh, time's up.

CHAIR LEE: Okay. So, so, you can answer the question and then that'll--

MR. BALANGITAO: Oh, okay. You know some of our AD's are going to come on that coordinate our sports later on and they had concerns, you know, about the type of lighting like Eric Miyasato showed. About being able to, baseball game, can you see a line-drive coming straight for your face, or a pop-fly that goes up above the lighting if it's facing straight down because of light pollution. Those are danger factors, you know. And soccer, you're going to try to head a ball and you can't see the ball. Or girls softball, same thing, you know, it's, the concerns are safety for the student athletes. And I mean that's, you know, that's our, because it's going to affect as you can see in Eric's illustration, as far as visibility, to see a little ball coming at you at 100 miles an hour. That is, that could be dangerous.

CHAIR LEE: Okay. Thank you, Joe. Thank you very much.

MR. BALANGITAO: Thank you.

CHAIR LEE: Any other questions from the other Members? No?

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Christopher George in the chambers, followed by Rebecca Alexander.

MR. CHRISTOPHER GEORGE (testifying on Resolution No. 22-119 CD1 FD1):

Hello. Thank you, Councilmembers, staff. Thank you for what you do. It does seem to take like a lot of time.

Regarding the water thing, it should be a no-brainer. The water is a resource, a precious resource that we need to steward, and we don't want it in the hands of other

people that are doing it for profit. You guys are amazing, your terms, but your legacy will have this issue attached to you forever in the community. Like I think we all know that we don't want other people to have our water to say whether and how we use the water and to charge us for the water that we should have free access to use, to utilize. It's a big issue.

And in Northwest, like in Washington, they're already buying or leasing all these water rights. We feel the weight of what is already coming upon the world, and we don't, we want to try and keep some of that nonsense off of our backs here because we're already suffering. So, please make a good decision about the water thing, it seems like it's probably in your guys' hands in the large part. And it's a really big thing and this is our window, and we don't want to waste it.

We don't want to lose the opportunity to be able to farm and just be at peace with at least water, which is a God-given thing here. So, that's pretty much all I have to say. So many things I wanted to say. There's so many topics. I came here, in my mind I had so many things I want to talk about, but I think water it's a very big thing. We don't want to mess around with that one. Thank you.

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

MR. GEORGE: Thank you.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Rebecca Alexander, to be followed by Jimmy Gomes.

CHAIR LEE: Is Rebecca on the line or in the chamber?

DEPUTY COUNTY CLERK: She's, I suppose she's unavailable right now. Then we'll call Jimmy Gomes, to be followed by Edward Field.

MR. JIMMY GOMES (testifying on Committee Report No. 22-61):

Hi, my name is Jimmy Gomes, and I live at 15 West Waipu'ilani Road. I've lived here for 73 years. So, I've seen this place before anything was built and I know the problems that we have. We are living in a flood zone, and I feel that . . . the building that they're trying to put up over there is not compatible to what we, the rest of the neighbors around there have. If you don't give a damn for your neighbors, build something like this. If you don't give a damn for the people of Maui, you know, this SMA, this management, what is that? I keep forgetting, the special management area assessment variance that should never be given in a flood zone. We all have to abide by that. Why did we

have special permissions? You know, that, that's not going to do good, all they want to do is fast-track these things . . .

It's not fair. It's not fair to residents who are living here. The other thing is too, what guarantee do we have that people from the mainland will not come in and invest and buy up most of these buildings? If you are concerned about people from Maui, this should be for people from Maui only. Maybe you can include some Oahu, but this is Maui's problem. It is Kihei's problem. It should be Kihei people, Maui people, who are, there are so many people who need housing and interest rates are going up higher and higher. Most of these people going to have a hard time to try to get some money/loans so they can build.

You know, without any storm management for where the water to go, like I just said, this thing is not, should not have any variances. They have to go through the hearings, and they have to have the, give the other people a lot of more chance and he should follow the regulations and the laws that's on the books. There should be no variance.

I think they should actually build in another area. And I heard there is possibility that they have a land swap, they could make a land swap, they should. Because the weight of that buildings, if you go two-story, you going to put it down pillars in the ground, and at six feet, even less than six feet, you hit water. The weight of the buildings will slowly sink, and then what . . . buildings that are . . . just like Maui Sunset . . . have jacks for lift um up. Now the same . . . over there even going to be even worse. . . . soil compaction test and I'm sure if you make soil compaction tests it's not going to pass.

Anyway, I'm against doing that, and putting anything there. I'm thinking of all the existing residents and even if you make a parking lot, you're going to make it higher than the rest of the residents around there, it's going to flood into their areas. And with no water management . . . you people don't care about how . . .

CHAIR LEE: Alright, thank you, Mr. Gomes. Thank you. Thank you very much.

Members, do you have any questions for Mr. Gomes?

If not, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Real quick, Mr. Gomes. Mahalo for your testimony this morning.

The property that we're speaking of is entitled to build houses on the property without any approvals from the Council. I just wanted to find out if you understood that that is one of the things that the property owner can do without the Council's approval.

CHAIR LEE: Did you hear that, Mr. Gomes?

VICE-CHAIR RAWLINS-FERNANDEZ: You can just say yes or no.

MR. GOMES: . . . A normal house is not, how many units is this? Yeah, it's too many units and its too, the weight of the building, two-story at that height and that ground, the wetness of that ground without even doing a soil compaction test, which is normally done.

CHAIR LEE: Thank you very much for your answer.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Thank you. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I understand the Dorn's have some testifiers there, maybe, I'm having a hard time understanding, maybe they could turn off their camera when they speak for the next one.

Thank you, Chair.

CHAIR LEE: Alright, thank you. Thank you, Mr. Gomes.

Mr. Clerk.

MR. GOMES: Thank you.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Edward Field, to be followed by Kalae Martin.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Edward Field it is your time to testify. Our understanding is that you are connected by phone number ending 9445, you're unmuted.

MR. EDWARD FIELD (testifying on Committee Report No. 22-61):

My name is Edward Field. I was going to testify against the proposed Hale Waipu'ilani project.

CHAIR LEE: Could you speak, could you speak a little louder?

MR. FIELD: . . . any time the discussion of workplace housing, those who oppose it are immediately labeled with the derogatory term Nimby. This term of course is used to attempt to discredit opponents of the project, implying they are stupid, or selfish, or some privileged rich, white guys who want to keep . . . Well guess what? People who oppose the project aren't . . . aren't rich, and if I had the camera, I would show you that many of us are not exactly blonde and blue haired. And sometimes those accused of nimbyism are actually right about the issue.

Those of us personally affected by the project may be able to see things that outsiders do not. They might actually be able to give a better view to counter the perspectives of people like Mr. Carnicelli and Mr. Betsill. People with vested interest who just might avoid giving a complete picture of the costs and pitfalls of this project. You know, the people making big money off this thing.

We're a community of people who are attempting to protect our collective neighborhood . . . we're trying to preserve our shared living experience and neighborhood. This is common . . . common spirit of the area that is at-risk from this project.

I'm nearly 70 years old and I've got a bad heart. I can walk out my front door and be at the proposed sight in less than one minute. That the County has sent me no notice of the proposed project, no notice of changes to the project that even more adversely affect me. No notice of informational meetings and no notice of hearings. Everything I've learned has been second or third hand from other concerned citizens.

When I attempted to contact the Affordable Housing Committee to complain about this, the reply was that I should have checked the website again. Really? So, every Maui citizen should check every government website every day to see if the County actions will adversely affect them? You know, this kind of cover of darkness thing, this is just like the third world . . . not the County of Maui.

I ask sincerely for the Councilmembers to work with me to change this. You know, one block to the south of my house, the County has already approved another housing project, Hale o Pi'ikea, and that'll have 90 one, two, and three-bedroom units, which by the way doesn't back up to single-family houses, backs up to commercial properties and across the street, backs up to multi-story apartments. We've already taken our share in this area . . .

Now with the height of the proposed project and the balconies, residents will be looking down at my yard and bedrooms. Would you like that, Councilmembers? Would you vote for that living in your backyard? Miss Sarah Johnson, would you like someone

looking into your daughter's bedroom? Miss Kama, would you like someone looking into your granddaughter's bedroom? I think not. I worked very hard all my life to afford this modest home as have my neighbors.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, you're muted.

CHAIR LEE: Please conclude your testimony, Mr. Fields.

MR. FIELDS: . . . who can't afford attorneys--

CHAIR LEE: Mr. Fields, could you please conclude . . .

MR. FIELDS: --big, big contributions to your campaign.

CHAIR LEE: Members, do you have any questions? If not, thank you very much, Mr. Fields.

MR. FIELDS: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Kalae Martin, to be followed by Scott Martin.

MS. KALAE MARTIN (testifying on Committee Report No. 22-61 and Resolution No. 22-119 CD1 FD1):

Aloha. Can you hear me?

CHAIR LEE: Yes.

MS. MARTIN: Okay. Mahalo. My name is Kalae Martin. I'm a kanaka maoli, born on the island of Maui. My parents were one of the first residents on East Waipu'ilani Road. They've lived there since 1972. I'm deeply concerned Hale Waipu'ilani housing development and the negative impact it will contribute. I oppose this project for the following reasons:

The flooding, it's really bad. I grew up there, and we've endured hurricanes, brush fires, had to evacuate, but there is numerous of times that these roads are closed due to inaccessibility and flooding.

Road safety, you know, we used to play on the roads and since they opened the road from Lipoa, people speed down that road, so, Liloa, sorry, and it's unsafe. In fact, a lot of times, MPD is just notorious for flying down the road. So, we keep our kids in the house or they're supervised, but there's many pedestrians and bicyclists and there's not enough roadways safely for them.

It's super dangerous on South Kihei Road, even though there's crosswalks, it's hard to see pedestrians due to the lack of lighting and many times it's gridlocked there due to traffic. So, there's detours because of accidents and that becomes the main artery.

The third topic is workforce housing. It was suggested in the past two meetings that these housings would be ideal for police officers, firefighters, nurses and possibly working adults all living together. For me, who has an employed young adult son, I can tell you he would not be interested in the price and size, or probably qualify for these types of housing. So, if we're not making it reasonably affordable for local residents; then who are we attracting? And how do we get local families into actual homes?

And then finally, it's our kuleana to listen to our kupuna, they've shared valuable information because of their living there and so I think we need to . . . and I really oppose this project on Waipu'ilani. It's not the place to have it. It's not . . .

And then finally, I can support of the water rights being returned to the community. I am a kalo farmer from Keanae and our water resources are so important, it should not be in the hands of big corporations. It's time that it's returned to the people. So, this bill should be put on the ballot to vote. I mahalo you for your time.

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

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Scott Martin, to be followed by Robert Adams.

MR. SCOTT MARTIN (testifying on Committee Report No. 22-61 and Resolution No. 22-119 CD1 FD1):

Eh, howzit. My name is Scott Martin. I'm a Kihei resident, also part-time Keanae resident. I'm here to talk to you today about the bill 22-61, Hale Waipu'ilani. My wife and I grew up on that area, and you know, you guys hired people like Kimokeo, supposed cultural experts, but maybe I'm a cultural expert cause I'm a kalo farmer . . .

you know what I mean? He doesn't know what he's talking about, he's not from here. He said that this area does not flood, and it does flood, and we've seen it last January. Major flood. The whole area was swamp land over there.

So, my concern if you build instead of single-family homes and you build a townhouse, apartment whatever they're going to call it, they're going to raise the grade. So, they find the highest grade on that property and they can go three feet above that. Talking to the developer, they said they're not going to raise the grade, but we all know that's false. The only way they can develop their buildings is to compact that area like somebody said so it doesn't sink, and you have to raise the grade three feet.

So, where is the water going to go when it rains hard? It's going to go to all those homes that have been there since 1970. That's not fair to those residents. It's not fair to Kihei community. So, right now I'm opposed to this project.

Somebody talked about a land swap. That's a good idea. There's apartments in North Kihei all over the place in North Kihei. Swap 'um, put 'em up there. These 28 houses, workforce housing, as a firefighter I don't make enough money to qualify for this. When we ask, how do you qualify for the median income, they said, a mother, a father and a elderly child needs to work to qualify for a median income setup by the County.

So, hello, three people working, two parking spaces. They said, oh, we want the people to walk to work. How many of you walk to the County building, that live in Wailuku? I bet you don't. I bet you live close to Wailuku and you still drive. The same thing for us in Kihei, we drive. Our priest at church drives from church to McDonald's and he's two blocks away. People in Kihei don't walk, they drive. So, I'm opposed to that.

The other bill I'd like to talk to you about is bill 22-119. As a kalo farmer, we know what's it like not to have water. How many years? At least 25 years a lot of our streams had no water due to the A&B taking all of the water. The original lease was to take overflow, not everything. And they didn't take the overflow, they took everything. So, how can we let a corporation take over our water rights again. The water rights is kuleana for the people, not for corporations. Yeah, their people. Yeah, they need to grow food for the people. Yeah, they need water, we're 100 percent onboard with that, but to give them a 30-year lease gives them a foot in the door to take all the water and wipe us out as kalo farmers again. So, I'm opposed to them doing that and I am for this bill that people should have the right for the water.

I thank you for your time today. God bless you folks and hopefully you guys get out before midnight. Aloha.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person--

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Oh, yes Chair.

CHAIR LEE: No, I'm just checking, calling for the next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Robert Adams, to be followed by Netra Halperin in the chambers.

MR. ROBERT ADAMS [testifying on Bill No. 21 CD1 FD1 (2022)]:

Madam Chairman, my name is Bob Adams. I've testified previously in support of the ordinance for the adoption of the lighting requirements. I'd like to speak up today, there's been some memos sent to the Council about my qualifications on some of the comments that I made previously.

I'd like to clarify that I have a PhD from Brown University in Materials Science. I've had a company that I generated . . . for LEDs and other types of applications. Through that work, I was asked by the County for the Big Island to work with them to develop a technology that would be friendly to both the city budget, environment, and the observatory. So, on that basis, I did some work with that. I've also been asked by some people from the Smithsonian Institute to look at a study of nighttime insects with the technologies that work around the LEDs I've developed.

I've worked with people in Alabama, looking at turtles. When the hatchling seasons come along, the babies come out of the water. They were getting on the highway run over because of the attraction to the lights. We did a demo there to show what the results were if they changed to this type of solution that I offer. I've done similar things in Florida, where we're looking at the impact of the lighting and the . . . distribution again on turtles and other marine life.

So, I'm not a biologist but I have a lot of experience working with the people and it's on that basis that I've made the comments to support this ordinance. I, I hope I've been helpful to it and again, I remain in support of the ordinance. I appreciate your time and the opportunity to interact with you. Thank you.

CHAIR LEE: Thank you. Questions?

Member King and then Member Paltin.

COUNCILMEMBER KING: Thank you, Chair.

Thank you for being here, Mr. Adams again and for your expertise. I wanted to ask you about the list that was attached onto Granicus today of the Florida lighting standards. There's some, I don't know, dozens of companies, and I think hundreds of lights that were listed. Were those all compliant with the proposed two percent blue light standard?

MR. ADAMS: Yes, all of those lights are qualified. I'm very familiar with that list and the people who generated it, so all of them meet that, that's true across the Golf Coast and--

CHAIR LEE: Twenty seconds.

COUNCILMEMBER LEE: Okay. And are those, are many of those available lights bright enough to show colors?

MR. ADAMS: The way those lights are set-up though, they are not going to show colors. That's just part of the distribution and the way the . . . works and how the human eye works.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Okay, thank you.

CHAIR LEE: Thank you. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Adams for your testimony. I just had a question, when you were clarifying the memo, was that your clarification of the Hawaii Five-O email?

MR. ADAMS: I believe so. It was sent to me last night, a memo sent to the Council from one of the County attorneys.

COUNCILMEMBER PALTIN: So, so that was your clarification, your three-minute testimony. Thank you. Okay. Thank you, Chair.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Netra Halperin in the chambers, to be followed by Martin Cooper.

MS. NETRA HALPERIN (testifying on Committee Report No. 22-61 and Resolution No. 22-119 CD1 FD1):

Aloha, my name is Netra Halperin. I'm 100 percent in support in 22-119 to establish a regional water board. Maui's water belongs to the 'aina and to the people of Maui, not a for-profit foreign corporation whose fiduciary duty is to its shareholders, not the people of Maui. Leasing our water rights to Mahi Pono and a Canadian corporation is going back in time to feudalism, to a plantation economy and social structure. We need to move forward to equity and empowerment of the people of Maui.

And, and also, we'll have additional funding to start improving our water infrastructure as been pointing it out with the three million extra dollars that this will bring the County. And equalizing the distribution of water, the essence of life.

While stream flows have been restored, there are bad actors who are still using more than their allotments and need to be prosecuted. An East Maui water commission can do that. Especially with food insecurity becoming a national issue, Maui must become agriculturally sustainable. This is not possible without community oversight of water distribution.

This decision is too big for the Mayor, or even the County Council to decide. This should be decided by the people of Maui being directly impacted by water usage. Again, I'm in strong support of Resolution 22-119, and urge the Members of the Maui County Council to vote yes to putting this on the November ballot.

And then I also want to talk about 22-61. As part of going door-to-door for my campaign, I've been in the Waipu'ilani area in the last couple days and when I go to people's doors, I ask what is your concern and almost all of them talk about this. They talk about the flooding that they're already experiencing. They talk about the traffic jams that are created in the neighborhood. They also talk about that they can't even get out of their neighborhood without going down to South Kihei Road, but that's another separate issue.

But absolutely, this is not the right place as everybody has mentioned. I think a great idea if possible would be to do a land swap with the tech park, because that's the land that isn't being used and we don't need to keep condensing with already developed around Kihei and getting rid of our wetlands, getting rid of the gulches, because that's where the water needs to go and otherwise it's going to flood and it's just going to create, continue to create havoc.

So, of course I support affordable housing, and the other thing is I would like to see these projects, there be a requirement of residency, that somebody from the mainland can't just buy them and they have to be listed as the person's primary resident, not a second home. And even that, because of the cost of building these days, because of all the increase in prices of materials and labor, etc. It's still going to be hard for Maui people to buy these properties. But we do need to create housing for our people here on Maui. Mahalo.

CHAIR LEE: Members, questions?

Member King.

COUNCILMEMBER KING: Quick question. Thank you for being here, Netra. Good to see you.

MS. HALPERIN: Nice to see you, Kelly.

COUNCILMEMBER KING: So, on the, you mention the land swap with the high-tech park, I've heard that before. The County doesn't own any land in there so are you suggesting that maybe we can do some kind of swap with State land? I wasn't sure what you were referring to?

MS. HALPERIN: That would be, that would be a good possible idea, or I don't know if the ranch is, is amenable to selling lands that are on the side of Pi'ilani Highway, because it just seems like--

COUNCILMEMBER KING: No, I was just asking if, I know you're going for a State position, I just wondered if you knew of, if there were any State lands there. But maybe we could talk about that.

MS. HALPERIN: Okay, that's a good idea. I'd be happy to. Thank you.

COUNCILMEMBER KING: Thank you.

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

Mr. Clerk.

MS. HALPERIN: Thank you.

DEPUTY COUNTY CLERK: The next person signed up to testify is Martin Cooper in the chambers, to be followed by Kaatee Bailey.

MR. MARTIN COOPER (testifying on Committee Report No. 22-62):

Good morning, Chair, Members.

CHAIR LEE: Good morning.

MR. COOPER: I have been here for 20 years. This is an important situation for me. I do not support bill, or Resolution 22-62 it's about the affordable housing. I'm a State of Hawaii licensed architect and general contractor. I have lived and practiced both architecture and building in Hawaii for 30 years.

Over these years I've participated in several subdivisions with workforce housing components, including one of my own projects. The projects that I'm worked on the larger ones were Paukukalo, Napilihau Villages, Iao Parkside, Nanea, Piilani I and II, Waikapu Gardens I and II, Kahoma, Waiale Elua, Kua'aina Mauka. I'm the architect for that, builder and one of the owners.

For my project we had a total, we have a total of five units left with 16 houses, 16 cottages. The cottages, or excuse me, one of the houses and six of the cottages were sold to families as actual County of Maui affordable units.

We were finally able to complete the roadwork in 2019 and at that time our locked in vertical construction was $172.50 a square foot, which is pretty low and that's probably because we didn't have any general contracting fees in there on purpose and no architectural fees, those are straight costs. But now three years later with COVID, crazy price increases, inflation, but thankfully none of our subs increased their labor fees. But since, not since 2019 our cost are now at $236.76 a square foot. That's straight costs. That's a 37 percent interest, increase.

So I can legitimately tell you that local builders really struggle to provide affordable housing on Maui. Under the current guidelines and the exponentially increasing costs, it's understandable that we as a community do not have the affordable housing that we

need. Just last week, Hawaiian Cement notified us that their costs to us are going up 65 to 86 percent coming early next year, and last year we experienced over 50 percent increase in lumber alone, and that's through Honsador here on Maui.

All builders are faced with uncertainty. Rising material costs, labor prices, Federal, State, and County regulations continue to increase. The most contractors they are starting to lean towards only agreeing to cost plus contracts. These type of contracts don't help affordable-housing units. It just, you know, that's a profit-driven thing.

So, this proposed bill making affordable housing would make affordable housing even harder to provide. The number of these units being available, even to my children would further be reduced.

CHAIR LEE: Could you please conclude your testimony?

MR. COOPER: Thank you.

CHAIR LEE: Thanks.

MR. COOPER: Yeah, I've been before you long time ago. Affordable housing builders are also facing the risk of, I'm sorry. Not only am I an architect but I'm a father. I have three blood children, four stepchildren; five of my children live in the islands. Three of them here on Maui. One lives with me, another one with her in-laws, and the other one I support. So I can honestly say and stand in front of you and say that I recognize both sides of this issue.

Please leave the affordable sales price, the affordable housing sales price in their current form. It's already presents a very difficult struggle for builders and especially those of us that actually want to provide affordable units here on Maui.

The three recommendations I would have for you is to provide basic utilities needed for affordable projects in our road; reduce the enormous amount of red tape that we deal with in the County; and then provide subsidies to local families.

Thank you, and more than happy to answer any questions.

CHAIR LEE: Thank you.

Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Mahalo for your testimony. Are you aware that we have passed bills to help subsidize the builders for that? Now, we use

our bonds to subsidize it, so are you aware that we will come meet you guys where you're at for developing, so we can buy down the houses? Right now affordable housing price guidelines, they say $700,000 is affordable. I don't think folks could consider that affordable. So, the point is we would--

MR. COOPER: It's not affordable.

COUNCILMEMBER JOHNSON: Right. So, with using the bond money would help you guys subsidize? You mentioned subsidies. So are you aware that we have passed bills that help subsidize using bond money?

MR. COOPER: I'm not as aware as you are obviously, but I have, it's come across my desk. The situation is that we feel that we're not being worked with.

COUNCILMEMBER JOHNSON: Okay, I understand that. Unfortunately, I'm out of time, but maybe we can speak offline.

CHAIR LEE: Thank you.

MR. COOPER: I left my email in the thing.

COUNCILMEMBER JOHNSON: Great. Mahalo. Thank you, Chair.

CHAIR LEE: We have another question from Member, Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here, sir. So, my question is you mentioned that you, the latter part of your testimony that there were three options.

MR. COOPER: Three suggestions, yes.

COUNCILMEMBER KAMA: Three suggestions. So when you said to subsidize, were you asking for subsidies for the homeowner or subsidy for the developer?

MR. COOPER: For the homeowners.

COUNCILMEMBER KAMA: Okay. Okay. I got that. Thank you. Thank you, Chair.

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

Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: I had a question.

CHAIR LEE: You had a question?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. Mahalo, Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez has a question.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha. Mahalo for your testimony. Quick question, are you able to send your testimony to us via email?

MR. COOPER: I did yesterday.

VICE-CHAIR RAWLINS-FERNANDEZ: Perfect. I'll look for it. Mahalo. Mahalo, Chair.

MR. COOPER: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Kaatee Bailey in the chambers, to be followed by U'ilani Purdy.

MS. KAATEE BAILEY (testifying on Resolution No. 22-119 CD1 FD1):

Good morning, Council. Thank you for the opportunity to share my voice to you, and to the people. I am a pastor, and I am a concerned citizen, and a constituent. I want to thank the County Members who voted in favor of Resolution 22-119. As a constituent, I am watching closely the vote of each Councilmember. I want our Councilmembers to hear the voice of the people. And I want to remind you as many others who have today that your duty is to serve people. My prayer today is that you will become united and that you will vote unanimously a yes on this important resolution.

Water is a vital resource to the people and to the land. Water rights lead to power. By putting the water rights into the hand of a foreign corporation is giving away the greatest power of the people and the land. This is putting the people of Maui at a very high risk.

Entrusting our water rights to foreigners can drastically affect the future generations and the quality of life of the land and the people.

The Hawaii State Constitution clearly states the water is a public trust. What is a public trust? The definition is in simple terms a public trust is a "benefit for the citizens owned by the State." The water rights belong to the public. I am asking Councilmembers to please put the needs of the people first, and to protect the water rights by voting yes on Resolution 22-119.

CHAIR LEE: Thank you. Questions, Members?

If not, Mr. Clerk. Thank you.

MS. BAILEY: Thank you.

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

DEPUTY COUNTY CLERK: Chair, currently right now we have approximately 55 testifiers signed up. Chair, the next person signed up to testify is U'ilani Purdy, to be followed Jim Hayes.

CHAIR LEE: And then we'll take a lunch break.

MS. U'ILANI PURDY (testifying on Resolution No. 22-119 CD1 FD1):

Aloha, Council. I'm U'ilani Purdy. I am a kanaka maoli, born in the islands and raised here on Maui. I love my aina. I love my lahui. I live on hui 'ohana lands in Honua'ula. I have generations of kupuna and 'ohana before me from this land.

I want to thank you for this opportunity to share and thank you all County Councilmembers for listening to we the people, and serving our communites. And I want to thank those on Council who are in favor of Resolution 22-119 and today I stand here for me, my family, my generations to come, and all who live here in our beautiful Maui Nei, and all, I stand here also for those local farmers, local ranches, local businesses, and those raising their families here.

I know that majority of the Councilmembers are in favor of protecting our water rights. So, I hope and pray today will bring a united decision. We all know that water is a vital source of life. It is our kuleana to steward it well. I am a voice in favor of Resolution 22-119 to protect the water rights of my people. I am not in favor, and not willing to give away my heritage and control to foreign corporations. Mahalo nui a ke akua pu.

CHAIR LEE: Thank you. Questions, Members? No, questions. Okay, let's take the final one before our break.

DEPUTY COUNTY CLERK: Chair, the last testifier before the lunch break is Jim Hayes.

MR. JIM HAYES [testifying on Bill No. 21 CD1 FD1 (2022)]:

Thank you, Council. My name is Jim Hayes, I'm a principal planner with Planning Solutions in Honolulu. I'm testifying on Bill 21.

I have years of experience assessing impacts to threatened endangered seabirds in Hawaii and I led a team that recently completed a Draft Environmental Assessment of the proposed Maui County Streetlight Conversion Project. The Draft Environmental Assessment will appear in the July 23 edition of The Environmental Notice.

The conversion project involves the replacement of the approximately 4,900 County-owned streetlight fixtures. That would involve the removal of the existing high pressure sodium lights and the installation of fully-shielded, energy-saving light emitting diode, or LED streetlights. The LEDs would have a corralated color temperature or CCT of 2700K, and it could be wirelessly controlled, and they comply with the existing administrative rules. The project includes the implementation of adaptive lighting to avoid and minimize impacts to wildlife; those measures would include dimming when and where appropriate.

In the Draft Enviromental Assessment we consider an alternative that would utilize a lower blue light content streetlight, such as the one that would be required under Bill 21. That alternative was eliminated, and Bill 21 should be reconsidered for the following reasons:

A lower blue light content alternative would not provide better shielding of the light and that is the most critical element when avoiding and minimizing impacts to streetlights.

The potential wildlife impact associated with an alternative that used low blue light fixtures countywide would likely be similar to the impacts associated with the proposed conversion project. And there are two main reasons for this. First, there's no evidence that seabird light attraction would be meaningfully reduced using a low blue light content fixture. It is important to note that the U.S. Fish and Wildlife Service and Hawaii's Department of Land and Natural Resources do not mention using a low blue light product to avoid or minimize impacts to Hawaii's seabirds. Second, the proposed conversion project includes adaptive lighting measures, such as the use of low blue

light content fixtures in certain shoreline locations. This is important because it is sea turtles, not seabirds that are adversely affected by blue light.

Additional reasons for discarding the blue light content alternative include that the 2016 demonstration project on Maui Lani Parkway showed us that residents and agency representatives prefer streetlights that have more than 15 percent blue light. The public and safety agencies would find a low blue light alternative unappealing and potentially.

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

MR. HAYES: I just have one more thing.

CHAIR LEE: Okay, great.

MR. HAYES: The public and safety agencies would find low blue light alternative unappealing and potentially detrimental to their safety, as Eric Miyasato demonstrated.

Further considering safety, the County of Maui Police Department told us as we prepared the draft EA, that the LED lighting is recommended in a policy titled "Crime Prevention Through Environmental Design." The LEDs are recommended in that policy because they allow color and objects to be more visible and appear sharper. However, those benefits are only realized when the LED utilized produces a broad spectrum of light. A low blue light LED would not produce a low, would not produce a broad spectrum of light and, therefore, be inconsistent with the desires of the Maui Police Department and inconsistent with the Crime Prevention Through Environmental Design policies.

CHAIR LEE: Questions, Members?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I actually would like to know if, if he has or could submit his testimony in writing?

MR. HAYES: I can, and as I mentioned the Draft Environmental Assessment of the project will be available to the public and we can make it available to you as well now.

CHAIR LEE: Alright. Thank you.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Hayes. I just wondered if you actually read the bill and realized that there are exemptions for police and fire lighting?

MR. HAYES: I do understand that. However, the police desire broad spectrum lighting throughout the County and specifically with streetlights as that is often their patrol area.

COUNCILMEMBER KING: Okay, because we had both of them on and they were both satisfied with the exemptions in the bill. That's all. Thank you, Chair.

CHAIR LEE: Any more questions, Members?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair and thank you, Mr. Hayes for your testimony. Just was clarifying, did you say that you could make the EA available to us ahead of the public?

MR. HAYES: The environmental assessment has been submitted to the Environmental Review Program already. So it is considered ready, and can be shared now.

COUNCILMEMBER PALTIN: And you said, you were going to do that?

MR. HAYES: Uh, yes.

COUNCILMEMBER PALTIN: Okay, please do. Thank you.

MR. HAYES: You're welcome.

CHAIR LEE: Anybody else, Members? If not, thank you very much, Mr. Hayes. Members, it's about 12:03, 12:04 now. How much time would you like?

Member Johnson.

COUNCILMEMBER JOHNSON: Chair, I apologize. This might be out of order but I'm thinking, there's a, I got a message from a testifier, Gina Chamberlain, she's getting ready to get on a plane and won't be able to testify if we go on lunch. Would she be allowed to do one before we go for lunch?

CHAIR LEE: Members, any objections?

COUNCILMEMBER JOHNSON: I don't want to--

MEMBERS VOICED NO OBJECTIONS.

CHAIR LEE: Okay, we'll take her. We'll take her. Is she on, on the call? Is she on the phone? Where is she?

COUNCILMEMBER JOHNSON: That will be for Gina Chamberlain.

CHAIR LEE: Okay. Mr. Clerk, can you call up Gina Chamberlain.

DEPUTY COUNTY CLERK: Gina Chamberlain, I'm not sure how you're connected to the meeting, but it is your time to testify.

Last call, Gina Chamberlain.

COUNCILMEMBER JOHNSON: Okay. That's fine.

DEPUTY COUNTY CLERK: Chair, we don't have any response from Gina Chamberlain.

CHAIR LEE: Okay, Members, it's now 12:05. Do you want to make it 1:30 or 1:05?

COUNCILMEMBER KAMA: 1:30.

CHAIR LEE: 1:30? Okay. Meeting will be in recess until 1:30.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:05 P.M., AND WAS RECONVENED AT 1:33 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of July 15, 2022, please reconvene. Mr. Clerk, let's resume testimony.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Rebecca Alexander, to be followed by Tamara McKay.

MS. REBECCA ALEXANDER (testifying on Committee Report No. 22-61):

Aloha.

CHAIR LEE: Aloha.

MS. ALEXANDER: Hi Alice, hi Tamara, hi Kelly, hi Mike, Tasha, Gabe. Aloha. My name is, first of all, thank you very much for listening, and thank you to all for your attention in saving Waipu'ilani. My name is Becs Kaniapua Alexander and I'm testifying today in regards to the building project at 16 East Waipu'ilani here in Kihei. I've lived on the island of Maui for 47 years, a graduate of Lahainaluna High School. I'm an owner and a resident of 15 East Waipu'ilani, directly across the project for 18 years.

Let me just tell you a little story about the history, really short within my three minutes. When Grandma Betty Ann . . . who I knew personally as my neighbor, who has passed on, was the original owner of 16 East Waipu'ilani. Betty only wanted to keep this property for her future generations. A few homes to be built for her ohana so they would have a home for always. But that dream, like many, from our kupunas is a hard thing to accomplish.

I strongly agree to affordable housing, but not 28 units with 59 parking stalls in my front yard. What can we, or what can I do to help you find a more logical place where there's more much needed housing? Over 200 signatures were collected, residents of Waipu'ilani, who do not want this project in our neighborhood. These residents all understand our neighborhood is not where this project belongs. It's not the correct location.

Affordable housing is definitely needed for our future generations. I do not object to that. But I firmly ask you please relocate this project. There's hundreds of other locations available. Across the upper highways. This is a flood zone. Already traffic is a daily challenge for us everyday here. It's obnoxious. You already know how busy Kihei is. And with our intersection, South Kihei and Waipu'ilani, is so very busy we have many frequent accidents.

Please Waipu'ilani matters to us. Do you wish this across your own home? Please stop this project at 16 East. The flooding is terrible here. You obviously experienced the last, the last mishap that destroyed Kihei. Please help us relocate. Stop this project. Mahalo nui loa. Mahalo ke akua. Aloha. Thank you very much.

CHAIR LEE: Thank you.

Member Molina.

COUNCILMEMBER MOLINA: No, I just had my hand up waving back to Ms. Alexander.

MS. ALEXANDER: Thank you.

CHAIR LEE: Anybody else? Are you related to Rick Alexander?

MS. ALEXANDER: I'm not sure, ma'am.

CHAIR LEE: Oh, okay.

MS. ALEXANDER: But I know all of you, I know all of you from the rodeo if you guys remember me? I stood next to each of you as you guys were voting for the parades. I have been the commentator there for many years already for the rodeo as well.

CHAIR LEE: No wonder you look familiar.

MS. ALEXANDER: Thank you.

CHAIR LEE: Okay. Thank you very much.

MS. ALEXANDER: Mahalo.

CHAIR LEE: Thank you. Members, we do have a special request. We have someone whose calling in from the mainland. His name is Rick Alexander. I've asked since it's 4:30 over there, if he could move up in the line? He's like number 62.

Any objections to letting him testify now?

MEMBERS VOICED NO OBJECTIONS.

CHAIR LEE: No objections, then so ordered. Mr. Clerk, I'm calling Mr. Rick Alexander up for testimony. Rick, would you like to start.

MR. RICK ALEXANDER (testifying on Committee Report No. 22-61):

Chair, first of all I want to thank my wife for speaking up. She's there, I'm here. First of all, I want to thank God for this meeting here. And when it started in remembrance of Colette, which to me is what we need more of people like that. And I wish you folks, I know most of you personally, and I know deep down in your heart that you love the 'aina, first of all. So like was mentioned, she was a fighter. I'm a fighter. I don't give up, in fact, if I get knocked down, I stand up, I try again. That's the way I was brought up, that's old-school. Today, they weeny-weeny, they move out.

I've been in politics for a long time, not directly involved, but I know what is a good and the bad, and my whole idea has been always we all need affordable housing. We don't need pilgrim haole housing. Okay? There's a difference between a pilgrim haole, a haole, and a local. A local is like a local haole, okay, born and raised. Now, my book 10-years you live on that island you become a local haole, popolo, potagee, whateva. But prior to that, you do not deserve any affordable housing, period. Okay? Because you taking away from the 'ohana and the future generations to come.

That's why a lot of people stay in Vegas. I meet people almost every week. "Oh, bruddah, what you doing up here?" "Oh, I had to move, too expensive." I said, "Wow, what about you?" I say, "Well, I'm fortunate, I moved up here for the VA healthcare. But I go home, you know, as often as possible, because I miss my family. You know, I go little while, come back, but I don't stop fighting for my family." Okay? And I'm blessed, okay?

Not like other, some other people, but like Bec said, when I got that house, Grandma Betty was a very inspirational person. That lady through her whole time walked out that front door early in the morning with her cane sometimes and water the yard, do the stuff, always so friendly. And what? Now, you going get a bunch of pilgrims. And Betsill, look at all the missed, missed projects that he done. Right there, Meadowlands, they backfilled that. So, like earlier part they said about the--

CHAIR LEE: Okay, Rick you have one minute to finish. What happened? You're frozen. Rick, why don't you turn off your video. Yeah, yeah, turn off your video. Try talking now. Try talking.

MR. ALEXANDER: . . . Okay. So anyway, the whole idea is that from way, way back with the water rights, okay? You folks know that you folks got elected by the people of Maui. Okay, just like if we look at our major democratic corrupt system right now that we're going through, who's getting affected? The people. Look California, look at all these other places, right? That should tell you that the government, that we put the people in government.

So now for take care the water, the water is a rights-of-the-people, not of the pilgrims, or the corporations. We need that water for come down. The first thing is infrastructure. Okay, how you going build something, like now you guys get 700 something homes that they like build in Wailuku or Waiehu. So, Sterling Kim was going build years and years ago, but all the committees all gave him hard time. So what? He had to lose 'em,.

But now you get one pilgrim that took over and everybody is oh, yeah, especially the Mayor, oh, yes, we need that. But I remember the words from the Mayor Michael Victorino, he said, we need the water, the water. Okay, my point completely is ten years, ten years before you qualify and not the developer take the names in. You make one committee with the County that take the names and get them qualified, that's the bottom line. Thank you.

CHAIR LEE: Okay, very good. Thank you. Thank you. Any questions for Mr. Alexander?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Rick.

MR. ALEXANDER: Hello.

COUNCILMEMBER KING: I just wanted to check and kind of, if you could clarify what item you are speaking on and what your position is?

MR. ALEXANDER: Well, my item was that I'm, I'm, you know already that I don't like the project across my house. But the point I was trying to make is that for any future development to even take place on Maui, you need to number 1, infrastructure, because like I said, the one in Waiehu, okay, you going build over there, where the people going? They go down through Happy Valley. Happy Valley, already the road cluttered because you get Wailuku, what you call Country Estates?

CHAIR LEE: Okay Rick, we going off the subject.

MR. ALEXANDER: No, no, no, we on the subject. Because--

CHAIR LEE: You were, you were talking about Waipu'ilani; right?

MR. ALEXANDER: Yeah, yeah. Well, that's what Kelly asked me, okay? We talking about infrastructure, but I'm talking about you gotta look at the whole scenario. Okay? Therefore, you guys need meetings. The whole scenario. You cannot have this corrupt developers . . . and ruining everything. Pau, okay.

CHAIR LEE: Okay. Thank you very much. Okay. Any more questions, Members?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Tamara McKay in the chambers, to be followed by Aqua Carter.

MS. TAMARA MCKAY (testifying on Resolution No. 22-119 CD1 FD1):

Aloha everyone. Thank you, Councilmembers. And first of all, I want to give my condolences for Mrs. Machado for her passing. I know she was a dear friend to many.

With that, I am speaking on behalf of 22-119. Voting, I am representing concerned citizens, as well as speaking as a citizen who's been on the water meter list for 16 years and told we have 14 more years to go before we get our water meter.

The water rights--

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

MS. MCKAY: Tamara, and it's spelled McKay. The water rights need to be in the power of its citizens and not in the hands of an entity that has been controlled and influenced by Canada and holders in California. We should, we should not put ourselves at the mercy of big corp, when we have many capable farmers who can flourish with the proper support from the County and the community. The Council is asked to honor their positions, as a voice of the people, and as servants of the people.

With the rights, with the rights to the people, this would help with the water meter issues. The optics of approval to developers for water meters to build hotels and condos is that the people are not the priority. If water meters are approved for the citizens before the developers, it would assist in keeping families in Hawaii, as well as putting a dent in housing shortages.

The financial losses to Mahi Pono if this deal doesn't go through shouldn't be a concern to us and the citizens in Maui County. There are also water alternatives that I think should be considered such as desalination, catchment and drilling. I know that there was conversation that there is a potential drilling site going on that's for $10 million. I would ask the Councilmembers to reconsider the budget for the Hawaii community, the Hawaii center of $43 million that I saw that was on the budget because that would enable financing for additional more drilling spots to be considered.

I'm sure there's environmental questions about that, but what is our environment facing when we continue to allow conglomerates to come in here and build and condos going up like crazy in the Kihei area. I think we need to put the aina and the people first before we start handing out water meters left and right. I think that we need to make

decisions to build up the people first, as I said, before we make concessions for foreign investors and developers.

So, I respectfully ask at this this time those who are not in support of this bill to please say why you do not support this initiative? Thank you. Timing with the bell.

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

MS. MCKAY: Can I request an answer from those who are not in favor of the bill to please explain why?

CHAIR LEE: No, we're not going to have discussions now. It's testimony time.

MS. MCKAY: Okay. So, how can we find the testimony so it's clear to the citizens? So, we better understand the reason why not, there's no support for this bill?

CHAIR LEE: Well, we will be discussing it later, either tonight or on Monday. Okay? Thank you.

MS. MCKAY: Will this be videoed?

CHAIR LEE: Yes.

MS. MCKAY: Okay, thank you. They said yes. Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Aqua Carter in the chambers, to be followed by Scott Adam.

CHAIR LEE: And how many more testifiers do we have?

DEPUTY COUNTY CLERK: Chair, about 55.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: Aqua Carter in the chambers, last call.

Then the next person signed up to testify is Scott Adam in the chambers, to be followed by Genesis Ransom.

MR. SCOTT ADAM [testifying on Resolution No. 22-119 CD1 FD1 and Bill No. 21 CD1 FD1 (2022)]:

Hello, Council. First I'd like to touch on Bill 21, and I have serious concerns about the cost that it would actually bring back to not only independent and private small businesses and the taxpayers, but also the attention that it would take away from the current crumbling infrastructure to retrofit and move forward with a new lighting regulations. And I don't understand how we can actually think about going forward with new lighting regulations, and moving forward with retrofitting buildings when we have a major economic downturn. We have incredible supply line issues, and yet we're moving forward with a lighting bill. So, I would like to just, just say that I'm opposed to that. Alright, I think I had too much coffee at lunch.

In addition, I also wanted to talk about the building in floodplain. Commonsense decisions, I mean, how can we continue to keep building in places that continually flood time after time and time. That's no-brainer and makes, like, you know, when we're actually thinking about taking care of the aina and taking care of the community. Building non-sustainable homes makes no sense.

In addition, I would like to speak on the water bill. We all know that you guys were put into place to serve the people, the water belongs to the people. And we have big corporations that continue to buyout land, buyout water all over the world as they think they can buy the rights to water. The rights to the water need to belong to the people and we need to vote yes on this bill so we can get it to the people to make sense. For the people to make the decision, because you serve the people. The people have the power, and we can't continue to make decisions for vital life resources through back-room deals, and County Council decisions that aren't actually exposed to the people.

There's lack, a major lack of transparency that goes on where the people can't even really have time to look at the bills. And we're burying things so deeply that we need to figure out how to make this a lot more transparent maybe through town halls, maybe through actual community interactions that we can make a larger part of our community aware of these decisions that are being made of their vital resources. And we need to truly bring back the power of this Council to serving the people of Maui County. So, thank you. That's all I have to say.

CHAIR LEE: Members, questions?

Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Just a quick one. Excuse me. Thank you very much for testifying. I did not get your name.

MR. ADAM: My name is Scott Adam.

CHAIR LEE: Okay. Any more questions?

Vice-Chair Rawlins-Fernandez.

COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

Aloha, Mr. Adam. Mahalo for your testimony. I agree with your testimony about more transparency. I do a monthly townhall meeting, but that's not my question. My question is, are you aware all of our meetings are broadcasted live on Facebook, on Akaku Channel 54 on TV, and on mauicounty.us for everyone to be able to see and it's archived up there for everybody to see.

MR. ADAM: Yeah, I absolutely am. Yeah, for sure I am aware of that. It just seems that the overall community outreach, and I would love to see through that data and the analytics how much community interaction is actually going on with those, those posts? And how much pre-contact with the community is actually happening? That would be great.

COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Adam. Mahalo, Chair.

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

MR. ADAM: Thank you, guys.

CHAIR LEE: Next testifier.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Genesis Ransom in the chambers, to be followed by Wade Hondo.

MS. GENESIS RANSOM (testifying on Resolution No. 22-119 CD1 FD1):

My name is Genesis Ransom and I am in support of Resolution 22-119, because I'm an advocate for food security. The people of Maui should not be at the mercy of the ships delivering our food. Maui has a 12-month growing season and there was a time when we were not dependent on any food imports. Today I've seen store shelves depleted of basic items. As I watch the farmers in the Netherlands stand-up to draconian rules that prevent them from producing food, I can't help but think about how

giving up control of our water to a foreign corporation is a direct threat to our food security.

Mahi Pono has no obligation to the people. They have shareholders to think about. Myself and many people I know have decided to grow our own food at home. We plan on this being our only source of food if necessary. Anyone who is paying attention to inflation, and who is buying up all the farmland on the mainland knows that this is how we need to prepare. Water is life.

I second what Nate said earlier in testimony. I had no concern for what local government was doing before it affected my life. I'm now paying attention and very active. I've educated friends and family on important topics and the consensus is that public servants are not following through on the will of the people. The good news is that this has encouraged record numbers of first time voter registration. I encourage every servant of Maui County Council to vote yes on Resolution 22-119 and get it on the ballot in November because it is the will of the people and we are paying attention to your actions. That includes your in-person attendance and your inability to smile at the people. Mahalo.

CHAIR LEE: Are there any questions, Members?

Vice-Chair Rawlins-Fernandez.

COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Quick question. I missed your last name.

MS. RANSOM: Ransom.

COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ: Ransom. Mahalo for your testimony, Ms. Ransom. I'm really happy to hear that you're . . . I just wanted to check if you are aware of the other ballot questions that will be on the ballot this General Election?

MS. RANSOM: Yes.

COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, okay great. And as Member King asked earlier, hopefully, you folks will be watching those and hoping to educate others so that they can vote on those and not leave those blank.

MS. RANSOM: Absolutely.

COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ: Awesome. Mahalo.

MS. RANSOM: Mahalo.

COUNCIL VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Any more questions? If not, thank you very much. Next testifier.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Wade Hondo, to be followed by Dennis O'Shea.

MR. WADE HONDO [testifying on Bill No. 21 CD1 FD1 (2022)]:

Hello, County Council. In regards to Bill 21, the MIL is concerned with the following issues that will affect our student athletes as well as the many students, parents and supporters from the 13 different schools that make up the Maui Interscholastic League.

General concerns include the following:

1. Funding. With the rising cost of equipment, supplies, and shipping will there be enough funding and will the athletic venues be given a lower priority? The exemption period may not be enough time and the night game opportunities that we have been afforded by the State and County venues for our student athletes will be taken away.

2. Time. Because of the constant use of the facilities by both schools and the community, the concern is the length of time needed to make the necessary changes will shut fields down during the high school seasons.

3. Maintenance. We are concerned that there will be availability issues and a long waiting list, hence delays.

4. Projects already being planned and funded. Baldwin High School is in the design phase to get a new locker room and weight room, and we recently got funding for a design phase for a girl's locker room. I am personally concerned that a project to create lighting compliance on our campus will now put these critical projects we have waited years for on hold, and again, our student athletes and all those students that are required to take PE in the school will continue to lose out.

As the MIL baseball coordinator, many schools rely on County facilities to support their programs. Maehara Baseball Stadium is considered one of the flagship grass stadiums in the State and it's where we have practices and MIL games. In addition, the HHSAA State tournament is held here every three years, which brings in teams from Oahu and the Big Island and is televised on OC16.

If we are unable to have night games due to delays and or retrofitting, baseball specific concerns are the following:

1. Officials. Having games at night allows these officials to finish working their primary job and then make it to the field in time to help.

2. Safety. We're concerned that changes made to the lights and health restrictions will affect the ability for players to track down a baseball. Heat illness is also a concern if day games are the only option.

3. Access to the community. Night games allow parents and supporters to attend after work and allow players to play after school is done.

4. Scheduling. No night games mean starting games much earlier, which means pulling kids out of school and putting a strain on their academic success.

5. Opportunities. The State tournament requires night games. Besides our kids not being used to that, we would lose the State tournament. Losing the State tournament creates added team travel expenses and prevents family, friends, and community an opportunity to watch our student athletes in person compete against the best in the State.

We see the value of the bill in terms of the environment. Our concern is whether or not there is a solid plan in place to help ensure that our student athletes, student body, families and community supporters do not lose out on any more high school sports opportunities. Our student athletes and stakeholders have gone through so much with the shutdown of the seasons and the continued restrictions on sports. We are concerned that unintended compliance issues may become an additional burden and affect our children and our communities' social, emotional recovery in very negative ways at a critical time where they are just starting to see things get better. Thank you.

CHAIR LEE: Thank you, Mr. Hondo. Members, do you have any questions?

No questions. Thank you very much. Next testifier, please.

MR. HONDO: Thank you.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Dennis O'Shea in the chambers, to be followed, followed by Jr. Tupai.

MR. DENNIS O'SHEA [testifying on Bill No. 21 CD1 FD1 (2022) and Resolution No. 22-119 CD1 FD1]:

Hello and good afternoon. I'm Dennis O'Shea, I'm a resident of Kihei here on Maui. I'm here to testify on two issues. Bill 21, and I'll start off with 22-119. We've heard many, many testimonies so far. If you were to stop the testimonies today, I don't know why you couldn't continue voting on this and just push it through. I haven't heard one out of all the days I've been here that is against it from the public.

So, moving forward, I'm not going to get into the whole particulars of the bill or the resolution, excuse me. We all know what it's about. What I want to talk about is the company that wants the rights in particular, Mahi Pono. To grow and cultivate properly, which is, if it wasn't so gross it would be kind of laughable. But they're also known in California as Pomona, which is the goddess of fruitful abundance in Roman mythology, which is another crazy thing they call themselves.

The three of those companies, PSP Investments are actually owned by a very large Canadian Pension Investment firm known as Trinitus Partners that poses as an agricultural company and is buying up millions of acres of land across countries to gain water rights and develop the land for profit. Their end goal is not farming. We can look at their past history.

What they've done in California is truly horrifying. They have brought up tens of thousands of acres in the Stanislaus County central farming area. I know this for a fact because I have tons of family there. They purposely destroyed many surrounding farms that were in existence for generations. How did they do this? They drilled wells so deep, that they were able to steal groundwater and dry up wells from the surrounding farms and homes, in the attempt to force sales of lands from these farmers. They're currently doing this in Australia, the UK, Asia, and Brazil.

Here on Maui, they're supposedly growing citrus, avocadoes, potatoes, and coffee for the people for sustainable food. Not true. Truthfully, I believe the citrus and avocadoes will not be successful here because of the area that they planted them in, you can see them on the right-hand side as you drive to Pukalani. Those trees are going to be destroyed as they grow by these trade winds, or the trade winds. They are not protected by hedgerows. Any other successful citrus and avocado farms, like the ones I grew up around in Santa Clara Valley in California, in an area called Psomas. We have large eucalyptus tree hedgerows on both sides of the orchards because we do have westerly ocean winds and east trade winds. So, that's how our farms are successful. It's not going to happen up there on the side of Haleakala.

My biggest concern though is the main chemical that they use here which is paraquat. Paraquat is an extremely toxic chemical that has actually been labeled by Hazmat material specialist as a restricted use herbicide and is outlawed in many countries. It is especially toxic to humans, surrounding organisms, the soil, and the water. The list of human side-effects are too long for my three minutes. Paraquat is significantly more poisonous than glyphosates, better known as Roundup.

Paraquat is extremely bad for bees. So this kind of explains why I see so many dead bees the last few years on the south shore of Maui and in my backyard. And bees are extremely overwhelmingly important to our existence. I cannot believe there are Members in the chamber in our local government that claim to be for the people and their environment, but have allowed the company such as Trinitus to come here, dig roots, begin poisoning our soil, water and organisms--

CHAIR LEE: Excuse me, can you please conclude your testimony?

MR. O'SHEA: Yes, ma'am. I'm getting there right now. I've waited all day, I'm going to get down.

Our Mayor marched these people around as some great savior to Maui to give us sustainable farming. This is not true. This company is a wolf in sheep's clothing and they have no business owning our water rights. All this being said, there should be no conversation moving forward that the water rights of the people of Maui be given any private corporation or business. We need the water rights in the hands of the people, governed by boards of community residents that are elected by the people. You must vote yes to put this on the ballot.

I do have some comments on Bill 21, moving forward. Excuse me, I need to take a breath. There's just so much to say and I'm so disappointed in what we're doing here. This Bill 21, reading through this bill as fastly as I could this morning, but I have read it in the past and I read newspaper articles. It tells me that there are a lot of members of our local government that are out of touch with the actual community that's living here. People surviving day-to-day here, that can't afford homes here do not have the luxury to hold concern for such bills. Our general community cannot be burdened with home light changes and possible fines upwards to $1,000 a day that they are unable to comply.

One thing I always look at when I look at bills like this are who stands to profit? Who's going to make money from this? This is going to be millions of dollars across the island. I have spent years on our beaches as a lifeguard. I have spent decades paddling our channels, surfing our reefs and fishing our waters and I gotta tell you personally I've never in my entire life seen a dead seabird, nor have I been able to find a study that

explains how they know that these seabirds are dying from being disoriented by lights? I would really like to see that. It would make more sense and maybe I could get behind this?

I would like to know if they have done any testing on these seabirds though to see if there are any traces of glyphosates or paraquat that's sprayed on the island daily. Why do we know that these chemicals, excuse me, we know these chemicals are being used here daily. It's on the Mahi Pono website, they tell you right up front. I can't believe this is allowed. I can't believe this company is allowed to operate here, the same with Monsanto or now Bayer. It's unbelievable to me.

I do not support this bill at this time. I just can't. The hardworking citizens of Maui County do not need more restrictions or fines placed upon them. We need to look at our government and their priorities and put the energy and taxpayers money towards things that benefit and help our people. For example, this $40 million that has been put aside for a cultural center for visitors, before we do that, we need a fire station in Haiku, or a fire station in Olowalu. We desperate, these are desperately needed for the safety and well-being of the people of East, West, and South Maui. Our government priorities need to be adjusted.

I truly hope we do go forward, or we do not go forward with this bill, excuse me. As a fire captain retired, I can tell you right now, the response times to the people on West Maui, East Maui and South Maui are deadly. I cannot believe after 35 years we're still dealing with this. The society and the citizens has grown exponentially but we still no have any advanced life support systems, ALS, paramedics for the outlying people of the island of Maui. That $40 million we could easily build a fire station in Haiku, a fire station in Olowalu, and ambulances and ALS services through the Fire Department. That's all I have.

CHAIR LEE: Questions, Members? If not, thank you very much for your testimony.

Thank you. The next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Jr. Tupai in the chambers, to be followed by Jay Penniman.

MR. JR. TUPAI (testifying on Resolution No. 22-119 CD1 FD1):

Aloha, my name is Jr. Tupai. Coming in my private capacity as one of the people of Hawaii. Mahalo to the Council for the opportunity to testify and stand in strong support of Resolution 22-119.

You know, I echo the sentiments of many of the previous testifiers including but not limited to Mr. Bell, Mr. Strubhar, Mr. and Mrs. Brown, Mr. Adam, Mrs. McKay, Mrs. Ransom, Mrs. Purdy and the countless others who will stand in favor of Resolution 22-119. Many of them have already spoken on the talking points, I did want to speak so I'll simply pull from, let's pull from the other statement.

I'll pull from His Majesty King Kamehameha III, 1843, February 25. I quote, "Where are you, chiefs, peoples, commons from my ancestors, and people from foreign lands? Hear ye. I make known to you that I am in great perplexity by reason of difficulties into which I have been brought today without just cause, therefore I have given away the life of the land. Hear ye. But my rule over you, my people, and your privileges will continue, for I have hope that the life of the land will be restored to the people when my actions are justified".

Five months later, July 31, you guys know the story, Kamehameha III makes the statement that is now our State motto, "Ua Mau ke Ea o ka 'Aina i ka Pono", "The life of the land is perpetuated in righteousness". Part of that righteousness is as servants to be right standing with the people. As servants to be beholding to the people. As servants to have your allegiances lie primarily and firstly with the people. And part of this with that is that this whole thing, you know, that you should be answerable to the people at all times.

Ms. McKay asked a specific question, that according to Article 1, Section 1 of our State Constitution, all authority of government rests with the people and that when they ask, they're coming in, we're coming in as the employers, as the bosses. That we're coming for answers and we deserve the answers. Bottom line if we're not heard for the past number of hours, that overwhelmingly the voice of the people is to pass this Resolution 22-119. Mahalo and I yield.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Jay Penniman, to be followed by Jennifer Chapman.

CHAIR LEE: You're muted, Mr. Penniman.

James, is he muted on his side or what? Can you help him?

DEPUTY COUNTY CLERK: Yes, he's muted on his end, I cannot unmute him.

CHAIR LEE: Go to the next one and come back to him.

DEPUTY COUNTY CLERK: Okay. Then the next testifier is Jennifer Chapman.

MS. JENNIFER CHAPMAN (testifying on Committee Report No. 22-61):

Hi. Can you guys hear me?

CHAIR LEE: Yes.

MS. CHAPMAN: Okay, perfect. My name is Jennifer Chapman. Thank you so much for holding this and listening to the citizens of Maui. I am opposed to the Waipu'ilani housing project. I live right across the street from it and although I am in favor and I do believe that we need more workforce housing I personally don't think that $700,000 is workforce pricing. Cause I can tell you that my husband and I bought this place in 2016 and it had been on the market for a year-and-a-half, and it was rundown and we got it for $570,000 and we are workforce. I'm a waitress and he works in construction and we got a killer deal where we could put three percent down and at that time all we had was $19,000 for a down payment.

And, you know, over the years, yes, the equity in the house has gone up, but we had to put on a new roof, put in a basin wall to prevent flooding, put in a French drain, take out old carpeting that's 25-years old. So, we put in over $250 to $300,000. So the last meeting the County asked how much it's valued? And to be honest with you, if I was to sell today it'll still be in the negative of what I invested in this home. And I invested in this flood zone because it's all I could afford.

And so, I'm opposing this huge dense thing because we don't have sidewalks, we don't have lights. I walk at night with a vest on, a light vest. There's constantly cats hit on the road when you're driving around because people speed down this road.

The flooding is out of control, that's why we put in a French drain was to prevent our yard from flooding out. And this last rainfall that we had in December, our yard was flooded. We just had this special drain put in because my husband is in construction, and it was able to prevent it from getting into our house because we're technically seven inches below sea level.

And so I just don't feel that this is the right project for this area. I think this area is a wetland. I have succulents that grow just out of the grass, that are wetland succulents, they are like dry native plants.

And, you know, the developers have been offered the idea of a land swap, and putting it in a more safe area above the road like, mauka side instead of makai. And I think, I was told that they said this was going to take too long, so the answer is no. And I just don't feel like this is something that they're doing because they really want to do something for the community.

I think this is just, as they've called it, a fill-in project. We don't want a fill-in project in a single-family home area. This is an old neighborhood. You have families here that are generation upon generation, there's four, five, six cars parked in driveways living in one house. There's no parking on this road at all. And so, it's just going to create more congestion.

They're accidents on South Kihei Road all the time. People have been hit by cars right here at this intersection. One guy was dragged and in the hospital for six months. Nobody saw him because there's no light. There's no crossroads. I mean, it's just, if there's the option of swapping lands, I'll finish up. I know that my time is up. But if there's an option of swapping lands, then why wouldn't we consider making affordable housing that's a life-long thing for people instead of putting them in harm's way, with you know, floods, and accidents, and overcrowding and all those things?

So I just wanted to say that and I also wanted to just reiterate that, you know, this project says that it's for the community and workforce housing. They have one bedroom, one bath, 450 square feet. How is a family going to live in 450 square feet? That's just impossible. So, it's not really actually for the workforce. So, thank you very much for letting me speak and thank you all for listening to me.

CHAIR LEE: Thank you. Members, questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Jay Penniman, if he's ready, to be followed by Suzanne Dorn.

Perhaps Jay is not ready yet. Then we'll move on to Suzanne Dorn.

MR. JAY PENNIMAN [testifying on Bill No. 21 CD1 FD1(2022)]:

I am. Hello, hello. Can you hear me?

CHAIR LEE: Okay, we got you.

MR. PENNIMAN: Alright. Very good. Aloha, Chair Lee. Salut, Vice-Chair Rawlins-Fernandez, and Members of the committee. Thank you for putting up with all of this and taking all of our input.

My major need to testify today comes from the document that was, the memorandum that came to me yesterday from Corporation Counsel that is full of misrepresentations and false information basically. A lot of the testimony we've heard so far today is from people who are upset because they believe that this bill is doing things which it does not do. And I'm not going to spend time with doing that now because there's more important things just to cover in this short period of time.

Number 1, on the memorandum, there's expressed a . . . conflict of interest from one of our resource persons, and there's no mention of the other vendors, who have spoken and them having any conflict of interest. And if you look deeply into Dr. Adams' background, you will see he has given a lot more than he has taken. He has provided the lights, not the filters. The Corporation Counsel is unclear on what he has done on Hawaii island.

Then they go on to impeach my work with the paper by Travis Longcore and they completely misrepresent what is said there. The spectral graphs that they put on there are responses of the birds, not the bird's behavioral activities. It's what they do when they have them in a laboratory and their eyes flash. And so, they come up with this figure, it does not say anything about the actual behavior of the birds.

And then in a couple of places now we have heard the State and the Federal government do not support these. My quote from the letter of February 24 to then Director of Public Works, Rowena Dagdag-Andaya from David Smith, Administrator of Hawaii Division of Forestry and Wildlife. We therefore recommend that these replacement LED lights being installed under an exemption from the preparation of an EA be designed or filtered so as to have a correlated color temperature of 22,000 Kelvin or less, or a blue light content of less than two percent. Blue light content refers to the amount of energy and it's the same definition as Hawaii and Bill 21. LED lights with these specifications have been found to have fewer impacts on protected wildlife including seabirds and turtles and are consistent for example with the lighting ordinance on Hawaii.

February 25, to Kurt Watanabe from Lindsy Asman, U.S. Fish and Wildlife, Island Team Manager for Hawaii island and Maui Nui, again quoting, "To avoid and minimize significant impacts for federally listed Hawaii seabirds and sea turtles, we recommend you incorporate the following measures into your project description. Fully shield all outdoor lights so the bulb can only be seen from below and is not visible from the

shoreline. LED lights should have a CCT of less than 2,200 Kelvin or minimize blue-green light content, i.e., less than two percent". And then the same definition, actually her definition is even more restrictive.

The Federal and the State governments are in favor of these lighting issues, and the bill specifically exempts sports. All these fears for sports have been generated by Corporation Counsel's false testimony in this memorandum.

CHAIR LEE: Okay.

MR. PENNIMAN: Thank you.

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

Member Sugimura, then Member King.

COUNCILMEMBER SUGIMURA: Thank you. I wonder if you could give us a copy of that letter that you just read that was February 24, did you say, to Rowena Dagdag-Andaya, then Deputy Director of Public Works.

MR. PENNIMAN: Yes.

COUNCILMEMBER SUGIMURA: Is that correct?

MR. PENNIMAN: I can certainly share those with you.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

MR. PENNIMAN: Actually, they have, they have been already entered into testimony, I believe.

If you look in the record of testimony, they are there.

COUNCILMEMBER SUGIMURA: Thank you. You're not going to submit it then, if we have it in our record.

MR. PENNIMAN: I can submit it as well.

CHAIR LEE: Member King. Member King.

COUNCILMEMBER KING: Thank you, Chair. I know we are not going to get to this item till Monday, it looks like. But I just wanted, if there are no objections, to ask Mr. Penniman

if he'll be available Monday for, as a resource person as somebody who is our native Hawaiian bird expert and part of the recovery program.

CHAIR LEE: Members, any objections?

MEMBERS VOICED NO OBJECTIONS.

COUNCILMEMBER KING: Thank you, Members. Mr. Penniman, would you be available on Monday?

MR. PENNIMAN: I will certainly make myself available.

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

CHAIR LEE: So ordered. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Suzanne Dorn, to be followed by Jordan Hocker.

MS. SUZANNE DORN (testifying on Committee Report No. 22-61):

Hi, my name is Suzanne Dorn, I live right next to 16 East Waipu'ilani Road. I oppose the Hale Waipu'ilani Project. If you do not live in this floodplain, you do not know how dangerous and terrifying it is. These flood events are not just a few hours. These flood events can last for days. It can take months to fully recover. I have experienced many floods living here. We have 100 sandbags stockpiled in the corner of our yard at all times. During storms and flood advisories, my husband and I have to sleep in shifts so we can be alert to the flooding. Floods have damaged our home and caused us to make claims on our flood insurance. Flood insurance in this area is essential.

In my last testimony, I suggested keeping the zoning to R-3 single-family homes, but after reading all the documents for this development and listening to expert comments, I'm now convinced any development built on this lot will have a direct negative impact on my home and my neighborhood. I'm asking for this property to become a conservation zone and a land swap is the best option.

There's State land set aside near the RT park for about 1200 homes, County land at Maui Lani, Kihei Police Station and Puunene. Although the developer claims that they are fully entitled to build market rate homes, that is not a given, that should not sway your decision to disapprove this project. Because even a market rate home project will

trigger the SMA process. Even a minor SMA can be sent through the major permit process.

At the last meeting, Carnicelli said they were open to a land swap. The only concern would be that it would take time. But why should we rush this? We should not, we should put this project in a safe location where it's a win-win for everybody. Please consider all the people currently living in this neighborhood, and do not increase the risk of flooding that this project can cause. There should be no new homes . . . Do not approve this project. Thank you.

CHAIR LEE: Okay. Questions?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good afternoon, Ms. Dorn.

I'm going to ask you a question, but you don't have to answer it. You mentioned about your flood insurance. How much do you pay per month on your flood insurance? And if you don't want to answer it, do you think people . . . get into affordable homes, will that be a factor in their bills, is it significant?

MS. DORN: That, that will be a factor and I know people that have moved out of this area because they cannot afford flood insurance.

COUNCILMEMBER JOHNSON: Okay. Thank you so much. Thank you, Chair.

CHAIR LEE: Anymore questions? If not, thank you.

Mr. Clerk.

MS. DORN: Thank you.

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

MS. JORDAN HOCKER [testifying on Committee Report Nos. 22-61, 22-62, 22-63, 22-64, & 22-67; Resolution No. 22-119 CD1 FD1; and Bill Nos. 21 CD1 FD1 (2022) & 92 CD1 (2022)]:

Aloha, Councilmembers. I have a lot of items but I'm going to keep it as brief as possible. I appreciate you all's patience and willingness to hear the public.

So for CR 22-61, regarding the Waipu'ilani development. I'll just echo what's already been said. I was, I sat on the initial planning commission meeting regarding the development and, and flood concerns, and I think that you've heard that plenty from me so, I'm not sure that this should go through as its, as its proposed in that location as affordable housing deserves to be safe and secure for, for our residents.

So, I'll move on to CR 22-62, the new method of affordable housing sales pricing. I want to say that I'm in support of this. I know there has been some kickback regarding possible subsidization needed by the County. But Maui County has plenty of money moving through it and I think that there are opportunities to support our affordable housing fund for any subsidies that might need to occur if developers think that that's necessary. So, I just want to thank, thank everyone's hard work, who's been working on that.

So, I'll move on to CR 22-63, which is Bill 39, long-term rental property tax exemption for long-term rental. I will say that the initial inclination, property tax incentive for long-term rental has kept my family in our rental for another year. So, I was actually able to sign a one-year lease and entice my landlord to, to take advantage of that property tax exemption. So, I'm in strong support of Bill 39 and I want to appreciate Vice-Chair Rawlins-Fernandez for bringing that sort of thing forward. I hope, I would just say you should approve this property tax exemption, and make sure that as many people know about it as possible. So, make it a priority in the office to do as much outreach as can be done, because I think that this is even more attractive than the property tax exemption initially. And my landlord was very happy about it.

And then I'll move on to CR 22-65 *[sic]*, Bill 110, for the veterans 70 percent disability exemption. I am in support of this. I would ask that Councilmembers be open to possibly recognizing that with the rate of inflation and the high cost of living that even a lower disability exemption would be available possibly than that 70 percent amount. So, I'll move on. I'm going to rush through this really quickly cause you guys are so busy and this is a lot going on.

Regarding CC *[sic]* 22-67, for the eminent domain, authorizing eminent domain acquisition for what could be a community center. I would say with the ongoing investigation that's really being pushed forward by the public that a stop-work order would be more advantageous. I don't know about using County funds to acquire this property just yet, with there being as much on the table needing to be looked into as possible. So, I do have concerns around just simply acquiring that property. I also, I have concerns around the developer being given a payday for very, very poor behavior. So, that is, I, I'm not fully in support of that. I do trust this body to thoroughly vet that, but as the investigation into the Planning Department regarding this particular property

is going on, I think that it would be smart to probably pause this initiative. That is my, my personal opinion on that.

And then moving on to Resolution 22-119 regarding the water authority. I'm in full support of this going on the ballot. There's no reason to vote no on this when the public wants you to vote yes. Just let us vote on it. That's what we're asking for, and I think that's almost verbatim what I said in my last testimony. So, I hope that Members of this Council will hear that and, and allow us to vote on it, you know. Whether you agree on why we want it or not, I think that that's really important.

And then I'll just go on to say that I am in support of Bill 21. I think that proper inputs and exemptions have been put into this bill. I know we've heard a lot on it and it's very contentious, but it's not a new idea. And so, I think that if everyone can be accommodated then, then it's something that I support.

And then, I'm in full support as well, which I testified before on Bill 92, which is the ordinance relating to residency requirements for our boards and commissions. I'm still in full support of that. I think that there's not anyone who knows better what's going on in Maui County and how to properly volunteer for boards and commissions than people who are actively living here.

So, that is, that's the end of that. I want to honor you folks for your very large agenda today and wish you good luck.

CHAIR LEE: Thank you. Members, questions? If not, I see no questions.

COUNCILMEMBER JOHNSON: Chair.

CHAIR LEE: Yes. Did you have your hand up?

Member Johnson.

COUNCILMEMBER JOHNSON: Chair, I'm sorry. I don't have a question for Ms. Hocker, thank you so much. But I was wondering if Ms. Chamberlain could come in and testify? She's here now in the chambers. Like we've mentioned before lunch, she has a plane to catch.

CHAIR LEE: Any objections, Members? If not, Mr. Clerk please call up Ms. Chamberlain.

DEPUTY COUNTY CLERK: Yes, Chair. The next person to testify is Gina Chamberlain, to be followed by Gabe Krueger.

MS. GINA CHAMBERLAIN (testifying on Committee Report No. 22-62):

Hi. I am Gina Chamberlain, and I am the single-family program manager for Rural Community Assistance Corporation or RCAC, and I was privileged to be able to speak also to the Affordable Housing Committee. So, I wanted to speak really quickly on, I have it right here, 22-62, on the, to change the, to a new method of determining the sales price for affordable housing unit.

We are really in support of this in that it brings the, the kind of the underwriting criteria, the way the program is designed in alignment with some of the main affordable financing options for low- and moderate-income households. It, some of the main sources would be FHA and also USDA 502 Direct and 502 Guaranteed. So to eliminate, currently those mortgage financing options don't really fit with the way the program is designed so you're eliminating one of the, some of the largest pools of affordable financing.

And then when you put that in light of the really high rent costs, the idea of folks who are already cost burdened coming down with the down payment requirements that are required to make conventional financing work is unrealistic. And then by making this change, you are then adding the key normal components when you're looking at that, what we call the front-end ratio or the housing ratio. And by adding that, that means you are helping folks get into a house, and not start off being extremely cost burdened, but starting off in a way that's affordable so that the likelihood of them being able to succeed on the long-term is, is much greater.

So, I think by making this change you are opening up those huge mortgage pools of funds that folks can access, and also then enables other partnerships to get additional resources that often have the same criteria that are attached. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Gabe Krueger, to be followed by Jeff Gilbreath.

MR. GABE KRUEGER (testifying on Committee Report No. 22-61):

Hi, everybody. Thanks for taking the time to do this. I'm on my wife's computer so that's why the name on the bottom is not my name. Anyway, it's Gabriel E. Krueger. I oppose the Waipu'ilani Hale project. My property is approximately 16 feet away from

this proposed project. And just to give you guys a little bit of feedback and some knowledge of what, what this property is like, four feet underneath my yard right over here is an ocean of water. And so what does that mean? That means that the water table is four feet down.

So, the surrounding area can only take on so much and absorb so much water, which is why the background of some of our members that testified earlier was a, you know, a flood zone on that intersection. So, I decided as my wife stated, I've decided five years ago to put a French drain in. It's eight feet wide, fifty feet long and eight feet deep. So, I had to go into the water table to actually make it work. So, I'm preparing for the worst, but if that happens, I mean, I still could flood out, who knows? And so, not everybody can do that. I can cause I, you know, have the knowledge of doing it.

And what, so the other part of the equation is, you talk about exemptions, you talked about giving exemptions to the developers. Well, my property, my concrete in my house is 6.7 feet above sea level. And why do I know that? Because five years ago I tried to apply for getting a building permit to build a, an ohana, a detached ohana which I'm allowed to do on my property because I have 10,000 square feet. Well, in order to do that, I have to raise my floor to seven feet above sea level in order to be allowed to build on my property. So, everywhere in my house, I have to raise the floor five inches just to build a ohana. So, I'm not allowed to get an exemption for that, and I could provide another home for a family to live in, but I can't, because the cost to raise the whole floor five inches would be, it just would be insane compared to building an ohana.

The other thing is yesterday a friend of mine was at the intersection of Waipu'ilani and South Kihei Road and got pushed into the street on his electric bike by a U-Haul truck. Luckily nobody got hurt and everything ended up being okay, but it was a, it was a close call. So if we're going to add 56 parking stalls or whatever they are proposing to do, it's way too much traffic for that intersection. And I know they were proposing to go on the other side of it, on the other side of the property as well. But, okay, and to wrap it up--

CHAIR LEE: Please conclude.

MR. KRUEGER: Okay, thank you. To wrap it up, the biggest red flag of this project is when the developer was walking around my neighborhood, to my neighbors and trying to have them sign off on their easement to, for their, for this development. And what that tells me is they needed more square footage in order, in order to build what they wanted to build there. So, and my neighbors, two of them, signed off on, they signed off on giving their easement away to this developer. The third one, luckily didn't. So that tells me there's something shady and something wrong with this project, like it shouldn't, it just doesn't belong there. And I'm hoping that all of the Councilmembers use common

sense thinking, and we just build this somewhere else. It's just not the place for this, for this project. So again, thank you for the time, and thanks for everybody participating today. Thank you.

CHAIR LEE: Any questions, Members?

Member Johnson.

COUNCILMEMBER JOHNSON: I think Councilmember Paltin's hand was up first, Chair.

CHAIR LEE: Okay. Member Paltin.

COUNCILMEMBER PALTIN: Okay. Thank you. Thank you, Member Johnson.

I just was wondering about the part where you said you went eight feet down into a four feet underneath water table. Will they let you do that with an SMA permit, go into the water table? Dig? Like what is the permitting process to dig into the water table?

MR. KRUEGER: Well, it's the water under my property, so you can dig into that if you want to.

COUNCILMEMBER PALTIN: But you live in the SMA?

MR. KRUEGER: It's brackish, it's brackish water. And so, in order to, in order to put the French drain, the French drain came with the property. And in order, in order, whoever put it in, the developer, didn't do it the correct way. So we had to do it the correct way.

COUNCILMEMBER PALTIN: That's my time.

CHAIR LEE: Any more questions?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. So, I only have 30 seconds so if you could just explain what a French drain is in layman's terms, so we really understand what you're talking about here. Thank you.

MR. KRUEGER: So, the water goes into a drain, a drain box, that came with the property. All these properties had drain boxes that were, you know, whoever the developer was put um in. Well, after discovering my house flooded the first time when it rained, when I moved in, I discovered that it didn't go anywhere, so it doesn't do anything. So, I had to dig it up and install the French drain. So, what happens is the water goes into the

drain and then gets displaced under the ground, so the water that's on, the surface water has a chance to, to absorb under the ground instead of staying on top of the ground and flooding out your house.

COUNCILMEMBER JOHNSON: So, there's no, you have a box and there's a pipe underneath the box?

MR. KRUEGER: Yeah. There's a, there's--

COUNCILMEMBER JOHNSON: Okay, so there's a pipe underneath the box. I'm sorry, I'm out of time. Thank you.

CHAIR LEE: Thank you. Any more questions? I don't see any hands. So, Members it's faster if you just say, raise your hand and, and say something, okay? Then it will be easier for me to get you.

Thank you, Mr. Chapman. Oh, I'm sorry, that was, that's your wife's name. What is your name again?

MR. KRUEGER: Gabe Krueger.

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

MR. KRUEGER: Thank you.

CHAIR LEE: Okay. And speaking of Krueger, James next testifier.

DEPUTY COUNTY CLERK: Chair, the next testifier, the next individual signed up to testify is Jeff Gilbreath, to be followed by Christine Davis.

MR. JEFF GILBREATH (testifying on Committee Report No. 22-62):

Aloha, Councilmembers. Jeff Gilbreath with Hawaii Community Lending and Hawaii Community Assets, good to see you. First, I want to mahalo this Council really for, for taking the issue of affordable housing seriously.

I'm presenting on Bill 107, I think it's 22-62, but I stand on my written testimony in opposition to the bill in it's current form. And I recommend language that would ensure subsidized sales price guidelines are only triggered if the Council commits the subsidy to our local, low-income people so they can buy the home they can afford and the builders can recoup their construction costs.

This is the fourth time I'm coming to you to say this. This Council paid Hawaii Community Assets $300,000 to develop a housing plan. We engaged over 1,600 County residents and had 28 affordable housing experts who over eight months did the hard work of defining a comprehensive approach that would work in creating certainty and lead to more affordable homes for local residents as fast as possible.

I've heard multiple times that funding is available to subsidize builders and that is great, but we need to subsidize the buyers directly. Here's why. Subsidizing the builders and not our local people leads to additional State regulatory requirements which could extend the project by up to three years. The substance provided by the County gets eaten up in that time as the builder pays interest on the loan. For 100 percent affordable housing builders, they can't afford three years in delay.

The use of bonds as well, the use of bonds is a great tool for affordable housing, but in an interest rate environment like you have today, bonds are not as attractive as they were when you're at historically low interest rates. The bonds can't be sold to subsidize the builder or even the buyer for that matter, a project will be dead.

So, I'm hoping this fourth time that we put forward some language that can start a conversation with you folks to help us get the language right the first time; right? Create the certainty we need, give the flexibility to address the shifts in the economy, and most importantly, allow our local low-income people to buy the homes they can afford and ensure our builders can continue to build the affordable homes. So thank you so much. I'm willing to take any questions.

COUNCILMEMBER PALTIN: Chair?

CHAIR LEE: Thank you, Jeff. Members.

Member Sugimura.

COUNCILMEMBER SUGIMURA: That was Tamara first.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Gilbreath.

CHAIR LEE: I don't, I don't see that on my screen, so thanks for pointing that out.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Gilbreath.

So, you said you don't support 107 in its current form. Did you have a form that you did support?

MR. GILBREATH: I submitted written testimony with some proposed language, you know, I think that might, you might be able to utilize, utilize that. It would set up a standard sales price guideline and a subsidized sales price guideline that would be triggered only when there's committed funds for the project.

COUNCILMEMBER PALTIN: So, but you didn't have it in the form of an amendment?

MR. GILBREATH: Oh, I did. I mean, I proposed it in the written testimony I submitted to you folks.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. GILBREATH: Yeah.

CHAIR LEE: Okay. Thank you. Then we have Member Sugimura.

COUNCILMEMBER SUGIMURA: That was going to be my question to Jeff Gilbreath. So, I'll go look for your testimony. And are you then recommending this go back to Committee to be amended with what your language is?

MR. GILBREATH: I'm not sure with how you folks, yeah, I mean if that's your folks process then yes, I mean I think we should, let's get it right, let's get it right the first time.

COUNCILMEMBER SUGIMURA: Okay. Not what we're seeing today and that you recommend that it be reworked?

MR. GILBREATH: Yep. And be consistent with the plan. This is exactly what we, we said with the plans. So, you folks paid us, let's use it.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR LEE: Any other questions, Members? If not, thank you very much, Jeff. Next testifier.

MR. GILBREATH: Thanks, folks. Take care.

DEPUTY COUNTY CLERK: The next person signed up to testify is Christine Davis, to be followed by Napua Hueu.

MS. CHRISTINE DAVIS [testifying on Resolution No. 22-119 CD1 FD1 and Bill No. 112 (2022)]:

Aloha everyone. I'm back at the office to testify. I am strongly in support of the amendment to establish a Maui County Community Water Authority, and a East Maui Regional Community Board, as well as having this placed on the ballot for the people to decide on. I think this is a great first step in the right direction to try to undo the horrible injustice that's been happening over the decades.

And concerning water here, I understand like how you going to have a for-profit agency be in charge . . . like they're not, they're not beholden to the people. And it's a public resource, you know? It's not, they have to show their shareholders that they're making money. So to me, those things are in conflict and it's about time that the water resource goes in control of the people and that's the County. The County Council represents the people of this island.

And I feel that EMI has a bad track record of upgrading the system, fixing leaks. They are not even a good steward of what they've been in control of. They've lied to people as far as like they are suppose to restore the water, they haven't. So, I don't really see how, I don't know, like EMI, A&B/Mahi Pono, whatever you want to call them, to me, like it's still all the same thing, you know? Oh but, A&B has ties to the island and Mahi Pono is a Canadian company. That is so ridiculous.

So, and also to like, they don't have any incentive to spend money to fix the system, whereas, the County is going to be able to get grants and they're going to be able to upgrade the system. And that's important to the people, it's important to the ocean life, it's important to the stream life, it's important to people that the farmers that feed the people of this island. So, to me like it's important to have a water authority and a community board and have their mana'o and experience and expertise that goes back generations. That's who I want in charge of the water.

Like, I want to hear what they got to say about how we're going to manage this really precious important limited resource and not have a Canadian company. Look at their fields, like I don't even know if they know how to farm, but they're trying; and you're going to have them in control.

So, to me like if you're able to approve this water authority and this community board and have the voters vote for it, to me this is going to benefit everybody that respects water and the properties of this really precious resource.

I also just want to mention, like I noticed that there's some other things that I just want to say real quick, that I, I know you guys have a really busy day and I appreciate taking the time to listen to me on this. So, I just want to urge the Mayor to conduct, or authorize a comprehensive feasibility study of the EMI water system. To me, this is long overdue, and I'm glad like finally this is all coming to light, and we're finally dealing with this now.

I also agree that there should be for this Bill No. 112, that there should be to establish the pay plan for a procurement specialist and a Hawaiian language communication specialist in the Office of Council Services. Yeah, I think that is a really good use of money, and I think that we are investing all this money in 'olelo in our schools and it's an official language of this island which is Hawaii, and so I think it is important that we offer Hawaiian language services in our County services. So, I strongly in support of that and again, I appreciate the Council for all your hardwork and your time for listening to me on this issue. Aloha and have a good weekend everybody.

CHAIR LEE: Thank you. Members, questions?

Member King. No? Okay.

COUNCILMEMBER KING: No, I didn't raise my hand.

MS. DAVIS: Okay. Alright, mahalo everyone.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Chair, the next person--

CHAIR LEE: Wait, wait. Wait, wait. Wait, wait, wait, wait. Mr. Clerk, I'd like to take a 10 minute break at this point. So, we shall take a recess and return at 3:02. Okay? 3:02. Short recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 2:51 P.M., AND WAS RECONVENED AT 3:04 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of July 15, 2022 please reconvene. Members, we've asked, we've been asked if we would allow someone else to testify because he has to catch a flight back to Oahu. Any objections to letting him go?

MEMBERS VOICED NO OBJECTIONS.

CHAIR LEE: Okay. Mr. Todd Apo. Mr. Clerk, is he coming down?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Okay.

MR. TODD APO (testifying on Committee Report No. 22-62):

Thank you, Chair. Aloha, Chair and Council. Thank you for the non-objection on that. Sorry if I had to push up but appreciate being able to spend the day with you. Testifying in regards to ultimately Bill 107. Three main messages I think for you today is, one, very much appreciate as Jeff Gilbreath mentioned, the work that you all have put in as a Council in the importance of this from a Hawaii Community Foundation standpoint.

You know, we're looking at things statewide and what this Council is doing and the attention to it has been fantastic and so we're working with all the counties in different ways to find the solutions but really appreciate the chance to have these dialogs with you to try and come up with the right solutions for affordable housing issues.

Second, similar to Jeff Gilbreath's testimony, we do have concerns about the current language in the bill. You know, while we think there are better ways in the long run to make sure, I think we are all on the same goal, right, is to get affordable housing for Maui residents. And the actions that you guys have previously taken in regards to creating the list, the County controlled list of qualified buyers is really the opportunity to take that and use the money that you're willing to put into affordable housing efforts by getting the money to the buyers.

I think if we have the chance to talk this through, whether you're able to defer this so that we can have that discussion or if this does move forward, we're committed between first and second reading to work with all of you, especially with Committee Chair and his staff to try to find that right way. Make sure that we all understand the potential impacts of those two options.

But as we started looking at it from Hawaii Community Foundation in that broader systematic change, the opportunity to get money to, directly to the qualified buyers on your list, which means they are residents, that will give them long-term impact and make sure instead of this laser-focused way of putting that, those resources together. Because I think there's some risks, if the money goes to the developer, there's time lag, there's questions, that it may or may not go to your resident in the long run?

And then alternatively, you have the way to direct it through a bill to make sure the department gets the money to those who need it most, get them into lower cost housing

that they can afford, not only at a purchase price, but with their mortgage payments going forward.

We look at how to reduce that cost burden, and you take just one example of some of that grant money, it wouldn't be a lot, goes to allowing them to pay down their points on their mortgage, especially with where mortgage rates are going. That's a huge long-term impact to that family, that can't happen if it's done that the money goes to the developers. So, there's those types of things that I think if we can have the time to talk and again, whether it's being able to defer this bill and have those discussions or between first and second reading.

We at the Hawaii Community Foundation are committed, I know Keoni has testified on behalf of our foundation previously and together we'll be working with all of you to try to figure this out to keep this bill going and to get to an answer on affordable housing. Thank you.

CHAIR LEE: Questions, Members? I see Member Sugimura and then Member Paltin.

COUNCILMEMBER SUGIMURA: Thank you. Thank you for testifying and Members thank you for allowing Todd to go forward because of his flight that he has to catch.

But I think your Hawaii Community Foundation representative, I'm sorry--

MR. APO: Keoni.

COUNCIMLMEMBER SUGIMURA: Keoni. Yeah, Keoni. He did also mention that when we were talking about this in Committee. So, he's consistent with what you're saying. Yeah.

MR. APO: Yeah, and I think . . . by going directly to the residents is you can start taking care of things like having, incentivizing them to stay in their affordable homes. And so there's these other ways, and you can also build in shared appreciation so some of that money comes back to the County, it could sort of be revolving to help people in the future. Thank you.

COUNCILMEMBER SUGIMURA: Thanks, yeah, we needed to add to it.

So, thank you. Thank you very much.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Apo for your testimony.

I just was wondering if you can address the other types of mortgages with the lower price point that Ms. Chamberlain was speaking about. And, and even if we help the folks on the list, if the affordable housing isn't affordable, then we have to help everybody to buy the affordable housing?

MR. APO: So, ultimately the price point is going to be set under the current formula, right? Which is the current HUD formula that, I think everyone is used to using. I know the intent of this bill was to try to change that formula to bring it down. If the grant money comes out and is able to reduce the mortgage amount you can still get the qualification. Now, to the, to your first part of your question, there may be some programs that aren't available given the price point and so that's part of the factors that we need to talk through and see where that balance is as we go forward. My reaction, reactionary thought is that it's still better to get it to the resident to lower their mortgage, and still have enough product. But we'll have to look at that and agree, we need to look at that.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, you're muted.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: We have another question from Member Kama. We have another question from Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Sorry. Thank you so much Mr. Apo for being here.

So, my understanding from what Mr. Gilbreath was saying that, that in order for this to work the way it was intended, that the price guidelines must run concurrent with the subsidy that we would be offering onto the homeowner themselves. Is that correct?

MR. APO: Yes, from a development standpoint, the developer needs to know that the subsidy will be there way early in their process, during the predevelopment process in order to move the project forward. So I think that was his point, that if it's not there early, the project's not going to go.

COUNCILMEMBER KAMA: Right. But also, that that developers also needed to get whatever subsidy they needed separate from what the homeowner themselves would be able to get from the Affordable Housing Fund.

MR. APO: And I think you could structure it one-way or the other. You could combine them. And that's sort of the, the magic potion to figure out within this time to have that discussion.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, you're muted.

CHAIR LEE: Member King, and then Member Molina.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Todd. Appreciate you being here in person, too.

Just wanted to ask you, the bill that we're looking, we're going to be probably addressing on Monday. So, yours and Jeff's thoughts are that there is a way to word it where it can be, where it can be clear that the subsidy goes to the homeowner, versus the developer? Or are you just saying that we need a different bill? Or, you know, is it--

MR. APO: I think it can be amended to reach the goal.

COUNCILMEMBER KING: Okay.

MR. APO: Because I think all the intent, and it's the right goal that we all agree on. It's just, it's getting through the amendment. And I did get to see Jeff's language that he has in his testimony. It starts to get there. I think we can tighten it up. But again, that's why I think if we work together, we can get to an answer with this bill.

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

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Mahalo, Madam Chair.

Aloha, Mr. Apo, thank you for coming by. So, the language that you're proposing, this will be an input from HCF, Mr. Gilbreath. Also will you, this language be agreed upon from other lenders outside of the lenders or resources that came to our Committee?

MR. APO: We'd love to include who we can through, you know, though the process. That's why, if it gets deferred and we have a little bit more time, fantastic. If we need to do it in a couple of weeks, we'll gather who we can. And again, I think one of the roles that Hawaii Community Foundation tries to play is being that convenor on different issues

so whether it's the lender community, whether it's the developer community, whether it's the non-profit service community that needs to be involved in this discussion, we'll work it from our resource side to try and bring that together.

COUNCILMEMBER MOLINA: Okay. Great answer. It's healthy to have different perspectives.

Thank you, Mr. Apo. Thank you, Madam Chair.

CHAIR LEE: Any other questions?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. So good afternoon, Mr. Apo. Good to see you again. Of course, I only have 30 seconds so I'll try to be real quick.

Now we have the bonds, the bonds that will help pay off the developers. This is a formula, this bill is a formula to help our buyers achieve the FHA loans that most people use their first time homeowners loans from FHA loans. So, that's what this bill is addressing the formula for the buyers. Now in the budget we, we put in the money for the deferred mortgage payment programs. Wouldn't that help get the buyers more money and address those concerns that you guys are talking about?

MR. APO: I'll say yes. I think we all know, and it's something you've been leaning and pushing on. We need every piece of this puzzle to make this work and so let's make sure we're using each puzzle as best we can. And so I hear you, right? The goal of this is was really to get into those mortgage program elements. So, we need to make sure that the solution we come up with through this process includes that and whether there's a way to adjust to do that, that's what we'll be looking for.

CHAIR LEE: Anybody else?

COUNCILMEMBER JOHNSON: That's my number.

CHAIR LEE: Anybody else? If not, thank you, Todd.

MR. APO: Thank you. Good to see your smiling faces here. Aloha.

CHAIR LEE: Have a good trip.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Napua Hueu, to be followed by Cara Flores.

MS. NAPUA HUEU (testifying on Resolution No. 22-119 CD1 FD1):

Aloha, Chair and County Councilmembers. My name is Napua Hueu and I'm testifying in full support of Resolution 22-119. The County of Maui speaks a lot about food security and transitioning away from our reliance on tourism. This resolution is one measure to tangibly ensure that happens.

My father's side of the family has been farming kalo for seven generations in East Maui. In 1983 with evident rise in tourism, my grandmother started one of the first fruit stands up on the Hana Highway. Twelve years later, she sold her portion of the company to her partner at the time hoping to focus more on our family's taro farming operations.

After years of limited farming capabilities largely due to the lack of stream water resources, but also partially due to the lack of manpower. As the lack of stream water dissolved interest in farming, driving our generational farmers out of the region, and forcing most of them into construction laboring. Given these dynamics of lack of stream water and lack of manpower, my family had no other choice but to return to tourism with my grandmother building another fruit stand down on the peninsula where it stands today.

The water diversion construct as is disables East Maui's farming potential and forces us to rely on tourism to subsidize our needs. It should not be like this moving forward. In 2014, I myself had to take a career in tourism despite my preference and longing to be a full-time taro farmer. The water diversion conditions under the current corporate management structure does not allow us to transition out of tourism. It is the County's duty and the best interest of our civilians to acquire the water delivery system and ensure that it is managed by the people and for the people.

Resolution 22-119, would harness the place-specific intelligence of East Maui farmers as it relates to best managing our water resources. I feel the resolution was carefully crafted and intricately reflects the years and years of testimony by East Maui farmers who have the utmost potential to feed Hawaii nutrious foods. I appreciate the schematics of the resolution that ensures for a diverse representation to avoid the smaller farmers being left out of decisionmaking.

As a volunteer coordinator of Honomanu lo'i restoration project, my cousin, Jesse Nakaoka and myself are currently the only generational East Maui taro farmers growing food in the boundaries of Honomanu ahupua'a at this time. And yet under the current

water diversion construct, we are not consulted or accurately informed on how much water is being taken, and we are not given the platform to communicate what the day to day effects of that water take are on our currect farming activities and future farming capabilities. Honomanu Stream is one of the largest in the East Maui watershed contributing an astronomical amount of water for the larger island's use.

I support this resolution that in return for our specific contribution and sacrifice to serve the water needs of mutliple ahupua'a miles away, would give the smaller taro farmers, like ourselves a means to inform the County on what exactly is going on in the field in order to maximize our agricultural potential and output.

Please vote in favor of Resolution 22-119, which would substantiate and provide evidence of your comprehension on the fact that the continued corporate mismanagement of water compromises all economic industries on this island. No water, no Upcountry or Central Maui ag and ranching. No water, no tourism. No water, no development. We are far beyond the threshold of getting a legitimate handle on sound water managment to sustainably enable all of our other island's industries. Please show the people of Maui that you support a responsible resource management by putting Resolution 22-119 on the ballot. Mahalo.

CHAIR LEE: Thank you. Members, questions? Seeing none. Thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Cara Flores, to be followed by Randy Wagner.

MS. CARA FLORES (testifying on Committee Report No. 22-61 and Resolution No. 22-119 CD1 FD1):

Can you hear me?

CHAIR LEE: Yes.

MS. FLORES: Awesome. So, I wanted to testify on two different items. Item 22-119, I am in support of the Maui County Water Authority and East Maui Regional Community Board and I appreciate Councilmember Shane Sinenci for bringing that.

On the other one, I'd like to comment on is 22-61, and I would again like to emphasize that I am in opposition to developing in a flood zone. I do think the Council should call the developer's bluff and saying they're going to develop other housing, if they can't

develop affordable housing. And I think that if the developer does push through and try to develop on there there, he is going to face the same thing that we've seen with Greg Brown with a lot of community opposition and he's going to potentially lose credit in the community as a developer by developing in an SMA area that people do not want to see development happen in.

It really flies in the face of science to develop in a flood zone when we know for a fact that climate change is happening and the sea level is rising. And we know that rising sea level means that the groundwater is also going to rise.

This is a photo from December 5, the flood that happened just down the road from there and we should expect that we will have more flooding like this, not less. And in expectation of that, we should make a conscious effort to not build in any flood zones, if possible. Because otherwise we're going to end up paying for it long-term with the County down the line. Thank you.

CHAIR LEE: Okay. Thank you. Members? No hands. Thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Randy Wagner, to be followed by Aram Armstrong.

MS. RANDY WAGNER (testifying on Committee Report No. 22-61):

Aloha, Councilmembers and staff. Thank you for your service and for the opportunity to testify. My name is Randy Wagner and I do not live, I want to testify about the Waipu'ilani Workforce Housing. I do not live in that neighborhood, so I am not a nimby. I am the Chair of the Kihei Community Association Design Review Committee and I have seen this project numerous times. I'm also an architect and a planner so I understand what I'm looking at when I see it.

I think the affordable condominium project proposed is an example of haste makes waste. Yes, we need affordable homes to be available for purchase by our local residents. My own daughter and her husband and child cannot afford to buy a home, even though they both work. It is debatable as to how affordable this project really is? Most people seeking affordable housing fall into income levels below what these condos will be offered at. Interest rates are rising making loans even harder to get. These units could easily fall into market rate sales as we saw the project in North Kihei at Kawahine did.

Affordable homes need to be good quality and must have a healthy and sustainable environment that supports good community development. There must be a long view in the planning of affordable homes. This project is very shortsighted. It is located in an area that is known to flood regularly, sometimes catastrophically causing ruin to our nearshore waters and damage to existing homes. These problems will be exacerbated by the project.

Two, it is in an area that has no sidewalks, curbs, gutters or drainage infrastructure. The developer is trying to exempt themselves from supplying these basic needs.

Three, the density of housing and parking in this small site will be very uncomfortable for unsuspecting new as well as existing residents. It will be a heat island. Good community life will not be promoted.

Four, the site drainage proposals will not work and they would be very unaffordable to try to maintain. Pervious concrete will not remain pervious due to dust and mud infiltration. Grass pavers cannot be watered when cars are parked on them. Water storage tanks beneath the buildings are not effective in floods.

It would be far less damaging to allow the existing R-3 zoning to prevail in this case. The impact on flooding and congestion would likely be much less. There would be fewer than half the number of parking spaces required even if the site were to be, able to be developed to maximum capacity; which it probably would not be.

Ideally the site should be an example of wetland restroration, where the most good can be done to recreate balance in the flooding issues that plague this part of Kihei. The County would be wise to consider purchasing this lot or trading the owners for a more appropriate site, where they can develop truly affordable housing that would not be saddled with these issues.

CHAIR LEE: Can you please conclude your--

MS. WAGNER: Please say no to this project in this location.

CHAIR LEE: Can you please conclude your testimony?

MS. WAGNER: Please say yes to well-sited, good quality affordable homes that offer well-being and communities that can thrive. Thank you very much for your consideration of this very important matter.

CHAIR LEE: Members, questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Randy. Just a quick clarification for my collegues and the public. When you were talking about the project on Kawahine that, that flipped over into the market, you were talking about Kamalani, not the affordable rentals at the top of the road.

MS. WAGNER: Oh, yeah. Not the affordable rentals. The affordable rentals are fabulous. We totally support Doug Bigley's vision and his product and his new project that's coming in the tech park area above the golf course.

COUNCILMEMBER KING: Okay.

MS. WAGNER: . . . just an example of good housing.

COUNCILMEMBER KING: I just wanted to make that distinction because people hear Kawahine and they, they might think--

MS. WAGNER: No, no, no. It's the A&B one.

COUNCILMEMBER KING: The Kamalani. Yeah, Kamalani project. Okay. Thank you. Thank you, Chair.

MS. WAGNER: Thank you for the clarification.

CHAIR LEE: Any more questions? No hands. Thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Aram Armstrong, to be followed by Christopher Hamman.

MR. ARAM ARMSTRONG (testifying on Committee Report No. 22-61):

Aloha. Hi, everybody. . . . Thank you for this session. Mahalo, Chair for holding it down. Mahalo, Keani for making Bluejeans possible and Maui Tomorrow for providing the link, and also Kim Brown for making this an important thing for all, like the video

that he made. I think Napua already spoke and Junya is going to speak so maybe next time you're out there we can--

CHAIR LEE: Mr. Armstrong? Mr. Armstrong, you're breaking up. Perhaps you should turn off your video?

MR. ARMSTRONG: Sure, happy to. How is this? Can you hear me?

CHAIR LEE: Okay. Let's try that.

MR. ARMSTRONG: I'm hearing some weird background noise as well. Like someone blowing their nose.

CHAIR LEE: I have no idea what that is.

MR. ARMSTRONG: Someone has a cold. I'm also not so well, I have an ear infection. Anyways, I hope everyone feels better out there. Yeah, it sounds like there's immense consensus about the East Maui Water Authority so I'm wondering how much time we can spend looking at what happens next? And so this is my testimony for what happens next.

It feels like there is both the opportunity to bring in some outside expertise because we don't have, so we have one party that doesn't have the kuleana to manage our water rights. Are there other parties out there that would help us manage the water rights?

And so, I'm looking at folks like in the Pacific Northwest, Seattle area, how thy manage their water systems? Countries like South Africa, who have gone through being like close to having no water within a hundred days at Capetown. And places like the Netherlands, who are just experts at water management.

And so how do we get to the next level of the conversation that once we have this authority, how do we professionalize it in a way that we can trust that it's going to get the job done within our budgets and all these things?

And also just as an offer to the folks around this affordable housing in Kihei, I have done some drone photography for Maui Wetlands, where I took footage of the post kona low storm and showed a lot of the flood damage, flooding areas in that area. So happy to share that as a resource with the Council or whatever committee would like to have that footage to review.

Mahalo for your time everyone. Hope we can make it through and hopefully we can do this by voicemail or an app where I just say thumb's up to this in the future. Mahalo.

CHAIR LEE: Member Johnson has a question, and then Member Sugimura.

COUNCILMEMBER JOHNSON: Thank you, Chair.

Just a clarification for me, Mr. Armstrong. I couldn't tell if you were for or against the Waipu'ilani project?

MR. ARMSTRONG: I, I, sounds like it's in a flood zone. And so, again, I think where it goes, I think mauka of the highway makes more sense and I could give you some whole, like dreamscape around regenerating the area with composting deer carcasses. But I do think that is, rehabilitating that land and doing small scale regenerative agroforestry which could also, with, in tandem with dealing with the deer population would be a smart move. . . . I don't have a specific answer for you.

COUNCILMEMBER JOHNSON: Okay. Thank you so much. Thank you, Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, Chair really fast.

If I could ask Mr. Armstrong, he said he took pictures and if I could connect with him after the meeting just to look at what the Kona low storm was? If that's what he did?

MR. ARMSTRONG: Happy to.

COUNCILMEMBER SUGIMURA: Yeah. Okay. So, how do I connect with you?

MR. ARMSTRONG: Easy email is aloha.aram@gmail.com or I can email your office.

COUNCILMEMBER SUGIMURA: Okay. Could you, please? Thank you.

CHAIR LEE: Anyone else with questions? If not, thank you very much.

MR. ARMSTRONG: Mahalo.

CHAIR LEE: Mr. Clerk, let's have the next testifier.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Christopher Hamman, to be followed by Alison Hammond.

MR. CHRISTOPHER HAMMAN (testifying on Committee Report No. 22-61):

Aloha, Councilmembers. Thank you so much for having this forum. My name is Christopher Hamman. I live a few hundred feet from this proposed development at 16 East Waipu'ilani. I'm opposed to this development. I have some background in construction, I've got 25 years background in construction. I've been doing inspections on the island for the last eleven years. I do project development consulting, and I also do pre-construction surveying, and consulting for some of the larger developers.

And looking at this property they are attempting to develop is, it doesn't make a whole lot of sense to me since it's in a flood zone and it's going to be affecting the neighborhood so dramatically. The infrastructure is in poor condition as it is, and it doesn't appear that these developers are going to do anything to improve that. The construction of the project is going to be detrimental to the existing infrastructure. Right now the streets on both sides are a traffic hazard. We try to bring our grandkids down to the beach and you have to go through the gravel right in front of that proposed project to even make it to the corner.

It's flooded so many times that I have a hard time understanding why this project is going forward. And also being exempt from SMA requirements. This is going to increase the traffic. It's going to reduce the ability of like EMS access and even emergency egress from this property is going to be, if you can imagine 56 stalls coming out onto a corner street all at once in an emergency. It's not going to work, let alone how it's going to affect the . . . affect the local residences?

It's going to affect us personally, because we, we have been affected by the flood waters as everybody has talked about, just the lastest one on December 5. And that property is pretty much going to be underwater. I also do water intrusion inspections and mold inspections. And after the first flood, you know, we're going to be over there working to try to resolve the water issues that they've got on the property. And so, I vehemently oppose this project, and especially the exemptions that this developer is asking for. It makes no sense to me. But I will put my, if you guys got any questions, you can let me know but then I'll put my wife on.

CHAIR LEE: Members, questions? If not, maybe you could put your wife on.

MR. HAMMAN: Okay, thank you.

MS. ALISON HAMMAN (testifying on Committee Report No. 22-61):

Hi. Thank you for your time. My name is Alison Hamman and I just want to start out by saying I well opposed. I am a mom on property and a grandma on the property. And I have safety concerns for the traffic, as well as the condition of the road. And I'm also concerned about any upcoming tsunami or any kind of a weather event. We will be, currently we are overpopulated already on this road.

If anyone could take a look up-and-down the street, you can already see there's about six cars per each household, which is pretty standard four to six trucks and then a couple of cars. So, I think the parking is unrealistic. The traffic is already congested, and there's no sidewalks. So, it's not a very safe place right as is to walk. And I guess my main concern would be any kind of event, a fire, water, any kind of event, evacuation would be absolutely, I think, stalled. And I don't know actually what we would do if there was even more people, more cars, more residents.

So, I'm opposed to it and I think someone mentioned a land swap and I think that is a brilliant idea. So I'm in full support of a land swap. And I think my last statement would be, I know that the builder is asking for a rezoning, but I think rezoning it doesn't change the fact that it's in a flood zone. It doesn't change the reality of the, what the world, you know, what the water is going to do. And I guess that's all I have to say.

CHAIR LEE: Members, questions? If not, thank you very much. May we have the next testifier, Mr. Krueger.

MS. HAMMAN: Thank you.

DEPUTY COUNTY CLERK: The next person signed up to testify is David Henkin, to be followed by Mary Jo Padilla. David Henkin, I see that you're connected to--

MR. DAVID HENKIN [testifying on Bill No. 21 CD1 FD1 (2022)]:

Aloha.

CHAIR LEE: Aloha.

MR. HENKIN: Aloha, I hope that you can hear me. Appreciate your attention and appreciate the hard work that the Council has done on Bill 21. My name is David Henkin, I work with EarthJustice. I am a registered lobbyist, and I am in strong support of Bill 21 on

behalf of our clients, the Center for Biological Diversity and Conservation Council for Hawaii.

One thing I want to point out is that when we learned that a lot of folks were saying hey, none of the expert wildlife agencies have any concerns about blue light, we submitted supplemental testimony to the County Clerk, it came in at around 6:30 last night, but hopefully you received that. And it includes the, the one of the letters that Jay Penniman referenced the letter from the Division of Forestry and Wildlife from February 2002 making it clear that the Division of Forestry and Wildlife urges the County to ensure that all of its streetlights and they were commenting on the streetlight project, are consistent with Bill 21, both for the sake of seabirds and for sea turtles. So, I encourage you to look at that.

And you know, I appreciate that we now had an opportunity to take a look at the draft environmental assessment that was discussed by Mr. Hayes. That's been a work in progress since 2019 and thanks to the chat we now have a link to that. That document unlike the work that this Council has done both in committee and in the Council, does not include the input from any outside experts, you know, like the Division of Forestry and Wildlife. It's based solely on Corporation Counsel's analysis together with one of their expert witnesses from the lawsuit that they faced because of their failure to comply with the Hawaii Environmental Policy Act. A fellow by the name of Dr. Curren, who is a physicist, he's not a wildlife person.

So you know, when it comes to the experts, and the peer-review literature and all of the testimony that you've received, and the CARE Committee received, it is universal in saying that we need to address the blue light issue. We need to do it in the manner suggested in Bill 21. We need to do it in a manner that is consistent with what's being in effect over on Hawaii island for over a decade. So everyone who's raising concerns about safety and whether these lights are going to be safe enough? I mean there's no evidence that there's been any problems from the streetlight and other outdoor lighting that are compliant with the Hawaii island ordinance that's been in effect for over a decade. So, we need to reject that.

Also, now that you have available to you the draft EA, I urge you to look at pdf page 256. This is where the Division of Aquatic Resources, in addition to the Division of Forestry and Wildlife, back in September of 2019 it commented on the draft EA. They said to, they said to the Department of Public Works that all of the streetlights should be compliant with the Hawaii island standards. So, the Administration has known about this since 2019, they're claiming that the experts don't have concerns, that's absolutely false. We encourage you to pass this bill. You've heard substantial testimony on it. It's time to do the right thing.

CHAIR LEE: Thank you. Members, questions? If not, thanks again. We have one question.

Member King.

COUNCILMEMBER KING: Thank you, Chair. I know we're not going to get to this until Monday, but if Mr. Henkin is available, could we, if there are no objections, ask him to be a resource if you're available on Monday?

CHAIR LEE: Members, are there any objections?

MEMBERS VOICED NO OBJECTIONS.

CHAIR LEE: Okay. Mr. Henkin could you come back on Monday.

MR. HENKIN: Do you know what time, Chair?

CHAIR LEE: Well, we're going to start on 9:00, but I'm not sure what time this item will be up.

MR. HENKIN: Okay. I'm happy to make myself available. Yes, I will.

Yes, thank you.

CHAIR LEE: Thank you.

COUNCILMEMBER KING: Mahalo.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Mary Jo Padilla, to be followed by Amir Sheikhan.

CHAIR LEE: And how many testifiers do we have left?

DEPUTY COUNTY CLERK: Chair, there are 27 testifiers remaining.

CHAIR LEE: Okay.

MS. MARY JO PADILLA (testifying on Committee Report No. 22-61)

Aloha, Chair Lee and Councilmembers and everyone present.

CHAIR LEE: Hi.

MS. PADILLA: Can you hear me?

CHAIR LEE: Yes.

MS. PADILLA: Okay. My name is Mary Jo Padilla and I'm here to strongly oppose the Waipu'ilani Workforce Housing Development Project that is slated for 16 East Waipu'ilani Road in Kihei. I live just adjacent to the property and I've lived here for over 25 years and I have been witness to flooding, flooding, and flooding, and more flooding. That's my main concern. Also, congestion, the safety of people in this area. There's no sidewalks, fronting South Kihei Road where we live just in front of this proposed development, there's no sidewalks on East Waipu'ilani Road or Kauha'a on the south, to the south of us.

And building here will be nothing but an addition of headaches, and congestion and actually, just unsafe. It's just an unsafe area for this kind of development. It doesn't belong here. It belongs somewhere where flooding doesn't occur, where the infrastructure is in, where the people in the area want this kind of a development. It's zoned single-family homes, and there are single-family homes here. This kind of a project with 28 units, and additional people and pets, and you know, all of this doesn't work here. It doesn't fit here. It doesn't belong here.

And I'm a, I did hear that there is a land swap option. I am praying that the developer takes a look at this. But what it comes down to is you Council people to really, to look at it and do the right thing and see that it doesn't belong here. No more, no more building in flood zones. I mean, we are, we're flooded out already, you know? And just adding more people here does nothing but add more congestion, more flooding, etc. So, I, I really ask you to look at and do the right thing and do not approve this development in this area. I'm all for affordable housing, but not in a flood zone. We've already built, and built, and built in South Maui which is all a wetland area. So, please, please do not allow this project to move forward.

CHAIR LEE: Thank you. Members, are there any questions? No questions?

MS. PADILLA: Can I ask, can I ask one question or just make a comment? I heard--

CHAIR LEE: You know what, I'll let you make a comment but we, we can't be asking questions at this point.

MS. PADILLA: Alright. Well I believe I heard, I think it was Council Gabe Johnson that said that Sunday was maybe the deadline for this decision to be made?

CHAIR LEE: Yes.

MS. PADILLA: And so if the decision isn't made today, then is it any understanding that it's automatically approved?

CHAIR LEE: No. No, it won't be because we may, we may continue this meeting on Monday.

MS. PADILLA: But if the deadline for approval or disapproval is Sunday.

CHAIR LEE: No, it's Monday. It's Monday.

MS. PADILLA: Okay. Alright.

CHAIR LEE: Okay.

MS. PADILLA: Thank you.

CHAIR LEE: You're welcome. Mr. Clerk, next testifier.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Amir Sheikhan, to be followed by Hannah Bernard.

MR. AMIR SHEIKHAN [testifying on Resolution No. 22-119 CD1 FD1 and Bill No. 21 CD1 FD1 (2022)]:

Aloha, can you hear me?

CHAIR LEE: Yes.

MR. SHEIKHAN: So, aloha again, and mahalo for giving me a voice, and for your time and dedication to the people of Maui. I'm not a paid whatever lobbyist, just a resident of Maui in Lahaina. Personally, my condolences to the former and most Honorable Councilmember, I truly respect and appreciate the work you all do.

So, I'm speaking on multiple bills so perhaps a minute or so, as the previous speakers were permitted. I'll be brief and apologies for being blunt. Also, I do hope you appreciate the dedication of the testifiers to spend their entire day waiting.

So, essentially I feel the lighting bill is fully thought out and it's not a foolish idea and extreme government overreach that was not thought out essentially as far as the

impact to the community. And Hawaii has much bigger environmental problems, like how our electricity is powered by gasoline generators. My primary concern is that its not a huge unintended consequences in public spaces and beaches where homelessness and crime will even, will be even more out of hand, in addition to the cost to homeowners and the rents that will go up and will further Maui's problems of essentially catering to addicts and not enforcing public intoxication and . . . laws that leads to crime with the lack of lighting. And this will, you know, essentially further that, that problem we're having.

Let's look at Front Street, for example. It's supposed to be one of the great walks of America. You can look it up, it's listed and it's beautiful. I live very close, yet, it's like skid row and I'm stunned at the states and what's become of it and I fear the lighting problem will even further it.

And even the Police Department recommends well-lighting in public areas, and not the low lighting so that passing police cruiser can't identify a crime.

And so to also, you know, to, to think otherwise would be a glib essentially. And why there's such a potential and unsubstantiated impact to these birds. And why it's more important than public safety is baffling to me. And if this was such a big problem, we would see a more observable impact to birds, as far as, like Waikiki Beach it just lights up at night and you don't see birds dropping dead. And we have lights at our house and you know, they sleep just fine in our trees, I assure you of that.

And I think, I feel we should leave it to the DLNR, they're more powerful and more in a better position to make decisions on this and we should focus on drugs and homelessness. And oh my god, I didn't even consider the other, what someone mentioned, playing sports at night. And you're saying oh, three-year exemption . . . is available, which is inevitable. So, you can't sneak wording in like that. And lastly, I don't see how Florida's wetlands are comparable to ours.

And the other matters I wanted to cover, water management. It's hard to believe the County would want to give that up to anyone else. But regarding affordable housing, you know, there are much bigger problems there to solve.

So, I appreciate the time you've given me, and oh, one last thing, just FYI, flood insurance in Kihei is $5,000, which is insane. But, so, anyway, thank you for giving, oh, one last thing, another testifier brought up that you don't have enough fire stations and you've outsourced your ALS to AMR. That means you've, you don't have paramedics in your Fire Departments. You don't have anyone that can administer drugs that can do anything beyond that. An EMT can only give you oxygen or perhaps a defibrillator. So, you have no advanced life support. That's what ALS is. That's what

he meant. Is that you don't have enough fire stations or your own Fire Department is doesn't have paramedics. So, I'm sorry to rant and be so harsh, but it's just very hard to--

CHAIR LEE: Thank you very much. Thank you for your testimony. Let's check if you have any questions. Members, are there any questions?

No questions. Thank you again.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Hannah Bernard, to be followed by Sean Lester.

MS. HANNAH BERNARD [testifying on Bill No. 21 CD1 FD1 (2022)]:

Aloha kakou, Chair Lee, Vice-Chair Rawlins-Fernandez, and esteemed Councilmembers. An incredible body of work you have for yourselves today. I am testifying as the Director of Hawaii Wildlife Fund in favor of Bill 21, CD1. One of the most well thought out, robustly thought out, and compromised bills that we have before us in a long time.

I was on the original outdoor lighting committee that Mike Molina chaired and he did a great job of compromising with all the various stakeholder groups including our Police Department to craft a bill to reduce the impact of outdoor light pollution on our environment. And it did not go far enough. We were very compromised as the conservation environmental community, and sadly DLNR, even Fish and Wildlife Service cannot help us in that situation.

What we can do is keep working to make our laws better. I personally have picked up downed seabirds myself right on Dairy Road. This is not something that is fabricated. It is not something that the biologists have made up. This is real. The downed seabirds is, is a shame. It's something that this County, that our island should be ashamed of. That our protected native and endangered species are dying because of lights? That's ridiculous.

To think that there's any place for people to . . . testimony today that its endangering human life when this bill has been crafted with, with so much input from all of the resource personnel, the scientific community, other Police Department. The Big Island has been doing this for a decade. There is no excuse for us to continue to delay the

protection for our native wildlife. This is inexcusable. We did it for ten years. We've been waiting ten years for a better bill.

This is completely time. It's the right time. I support and encourage you to accept this bill, and not let it be tweaked and changed to not reflect true science for what really impacts these species and others and even humans. So, I just want to thank you once again for all the great work you've done and continue to do and, and this bill. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Sean Lester, to be followed by Jerome Kekiwi Jr.

MR. SEAN LESTER (testifying on Committee Report Nos. 22-61, 22-62, 22-63, 22-64, & 22-67 and Resolution Nos. 22-119 CD1 FD1, 22-144 CD1 FD1, & 22-165):

Aloha kakou. Chair, can you hear me?

CHAIR LEE: Yes.

MR. LESTER: Hello. Okay. First of all, I hope you're feeling better. My gosh, you sound like you have a really terrible cold, I'm sorry for six, or seven hours of this. I wanted to start off by just saying first of all thank you all for being here. I'm not here to preach at you at all. I'm just here to basically say what's really important in this time of all of this emotion and whatever is qualitative analysis. All you folks have that ability and I appreciate that and I hold that to the highest standard as an engineer, that's what's important. Emotions important, but what you're going to do is a qualitative analysis of what's here in front of you. So, thank you for, for doing that.

And I'm going to start off, I have multiples here, but I'm going to make them 30 seconds each if I can, please. 22-165, proposing an amendment to the Revised Charter of the County of Maui, as amended relating to promoting climate change adaptation. The majority of what we're talking about here is about climate change adaptation. What's happening with the seabird, what's happening with the water, what's happening with the land that, that corporations have, whether we have in our backyard. The flooding that happens in the zones where we may be putting affordable housing. This is absolutely imperative that we allow climate change adaptation to be an overlay for every single thing that the Council, as well as the Mayor works on. That's the first thing I wanted to say.

The second thing is on 22-62, affordable housing. I really believe it's important for us to look at the true cost. When people go back in and try to get a loan, it's a real challenge, and I think that Councilmember Johnson has done a really great job with this and working with it. The thing we have to understand is when you start looking like this affordable 22-61, wrong place, wrong time, one of the things that we have is the fact that we don't have in perpetuity affordable housing. So we end up chasing affordable housing. The question, which needs to be quantitatively analyzed is how do we have 30-year affordable housing? And there are experts out there that can really help us with that. So, I'm against 22-61. I think there's a better way of doing it.

Excuse me while I thumb through here. The amendment on 22-63 to increase the homeowners' exemptions from $300 to $400 thousand. Yes, absolutely. We have to start looking at the fact that it's very important to take care of the people. When someone comes and buys a 10, or 20, or 30, or $40 million house here, they are tourists. What we need to do is take care of locals that are here for long periods of time and that allows us to do that. Homeowner exemptions, you have to live here 270 days out of the year. That means you gotta, you gotta actually live here to get this. So, I'm for that.

And also, 22-64, which is something dear to my heart, the 50 percent minimum real tax for severely disabled veterans. I want to thank Councilmember Molina for bringing this forward. I brought this to both him and Councilmember Johnson and I want to give Councilmember Johnson as well real kudos for working and talking with me about this and, and I do appreciate his work with this as well.

One of the things that was brought up is regarding disability and the percentages and just to let the Council know, when the VA hits 30 percent disability, that's when they started going with class one as far as taking care of the people's medical. So, that's considered serious disability when you reach 30 percent. By the time you get to 50 percent, it's considered very serious disability. We hit 70 percent, because after going back and forth didn't want to make it where it was looking as if we were just reaching for the stars here. But 70 percent it's multiple disabilities. It's very severe.

But even at 50 percent, we're talking, if you have never gone through a disability with the VA, and the multi-years that it takes to get it, it's extraordinary. These are, these are people that have paid a lot of dues. Whatever you'd like to do, I'm totally grateful for the 70 to 100. If you decide to bring it back down to 50, that's up to the Council. It would reach a lot more people, but I'm just really grateful for what you've done. Thank you so much. And I'm willing to be a, an, you know a person here if you need more, like on Monday or whatever? I'm more than happy to show up again for this, if you like me to be.

As far as 22-67, which was authorizing proceedings of eminent domain on that property, absolutely not. This man is being paid millions of dollars for being an explicative that I'm not going to use here. We need to go back in and have full-on just like the January 6, on this guy. We need to have people brought in, staff brought in, a whole series of things done. And not just give this man a pass. And I think this is something that would be really good in the GREAT Committee to be able to take care of. I think this is right up, I'm just saying for whatever I think that would be a really great place to have it.

Excuse me one second, while I move on. 22-140 *[sic]*, CD1, FD1 amendment for planning commissions and dissolve the Maui Planning Commission. I believe this is really a good thing. We need to start moving more like Oahu has, where we have community boards. And I think this is a way for us to be able to do that, we're moving out of the 1950's, '60s, and '70s. This is up to you again, to see if quantitatively we're ready for it and I defer to the Council for that.

And excuse me, one second. You folks have so much on the thing here. As far as the establishment of boards for the Water and East Maui Regional Community Board. This is such a complex issue. The one thing that I would ask is that this body make sure that there is balance. That it's not about fear, and misguided anger, but instead, once again it's a qualitative analysis, so that the entire, our entire community over a long period of time, several generations out actually benefits from, from what we do.

Thank you so much for your time. Very much appreciate you and much energy to you. Good luck. Bye-bye.

CHAIR LEE: Thank you. Members, any questions? If not, thanks again.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Jerome Kekiwi, Jr. to be followed by Regina Padilla.

MR. JEROME KEKIWI, JR. (testifying on Resolution No. 22-119 CD1 FD1):

Hello. You guys can hear me?

CHAIR LEE: Yes.

MR. KEKIWI: Video not working. Ah, shucks, my video not working. Sorry.

Mahalo, Chair and Councilmembers. Thank you very much. First and foremost, mahalo Ke Akua. Thank you for this beautiful day and every single day you give us here on this 'aina. My name is Jerome Kekiwi, Jr., I'm the president of Nā Moku 'Aupuni 'o Ko'olau Hui. Our members are the lineal descendants and current residents of Keanae, Wailuanui, in East Maui. We grow taro, fish, hunt, and gather for our families as a way of life. We are the lead plantiffs in the East Maui water case including the 2018 decision that restored East Maui streams.

Mahalo for the opportunity to share my mana'o on the resolution to establish an East Maui Regional Community Board. We are in full support. Nā Moku played a key role in restoration of East Maui waters and our stewarding activities continue. We are working hard to restore approximately 300 acres of lo'i in Keanae and Wailuanui. We have the expertise and indepth knowledge that can properly manage the watershed and efficiently restore the ecosystems. We have the most hands on experience and generational knowledge of anyone involved in the needed and properly manage the watershed.

For many decades our community suffered great injury acknowledged in both court and commissional water resource management decisions. Hawaii's public trust resources should be controlled by Hawaii. It is dangerous to surrender this obligation to a foreign for-profit corporation. They will manage it in their own best interests, and not the interests of the County, nor the public trust. A for-profit investment entity is responsible to shareholders to make a profit.

We have no quarrel with company operators on the ground and our community currently has a good relationship with representative from the company, but there is no guarantee that successors will be as conscientious. We want, what we want is community partnership, management, and stewardship. It's been four years since streams were restored in our moku and we have done everything within our power and means to be good stewards. This is not a business proposition for us, but one of sacred kuleana.

Our community's mission is to be good stewards of the land and its resources. We would like to have a stronger and more cooperative relationship with all the stakeholders, to work together to take good care of the land and water. In the past, efforts like this have been blocked. We remain open to working with all stakeholders. Mahalo. Thank you for letting me testify.

CHAIR LEE: Thank you, Mr. Kekiwi. Members, any questions?

Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you, Mr. Kekiwi Aweau for being here. You know you mentioned in your testimony that you're wanting to open up, I think you mentioned 300 more acres of kalo land?

MR. KEKIWI: Yes.

COUNCILMEMBER KAMA: Did you, so, are you getting enough water from the streams to be able to take care of those extra 300 acres?

MR. KEKIWI: Well, right now we're getting adequate water, but as the farmers, you know, we got to make sure that the rivers is open and clean so we can take that water in, right? So, yeah, as for now, right now, we stay getting adequate water.

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

MR. KEKIWI: Thank you.

CHAIR LEE: Any other questions, Members? If not, thank you very much. May we have the next testifier, Mr. Clerk.

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

MS. REGINA PADILLA (testifying on Committee Report No. 22-61):

Hello.

CHAIR LEE: Hello.

MS. PADILLA: I am Regina Padilla. Thank you so much for your time, for letting me speak. I am speaking on the behalf of the 16 East Waipu'ilani Hale affordable housing, and I do not consent to the building of this project. I live adjacent to the property that they want to develop. And I've lived here since I was eight years old. I'm 32, going of 33 and countless times over my life I have seen the roads flooded . . . for emergency vehicles to get through.

And I just, I have a deep concern for the safety of the community, as well as the safety of the land, and the development that is overbearing in my opinion. . . . I want to state that I am for affordable housing, especially affordable housing that's actually affordable to the local community, the many hardworking men and women of Kihei.

I do not believe that this project is going to solve the housing problems for a lot of the locals since about 50 percent or more could be sold to new mainland transplants. And there's no active outline on how to control that, or make sure that, that does not happen. I do not consent to poor planning, building under poor planning. Especially on the developers, whose primary interest is financial gain, not the benefits to the community and unforeseen or foreseen complications that could take place from poor planning.

And yeah, so, in my opinion this is a very poor place to allow this project to be built, and there's so many other ways, other places that would be much better for this development to take place, other than East Waipu'ilani, 16 East Waipu'ilani. I plead the beloved public servants that you may not proceed and consider relocation of this project, and perhaps, a less intrusive project for 16 East Waipu'ilani, like just leaving the land free, a community garden, a work . . . there's so many more options that are less intrusive to the surrounding residents, and more, more conducive to the area.

And just the drainage issues that we have. The roads have been countlessly flooded beyond control multiple times from small storms and so this development is going to just overbear on what's already hard to handle. Emergency vehicles already have a hard time getting through so this is just going to further impede on the safety of the community I feel. And so I, I really wholeheartedly believe that this project should not be allowed to move forward and please, please, reconsider a less intrusive project to take place if any has to at all. That being said, thank you so much for your time. I appreciate the opportunity to speak. Thank you guys all. Aloha.

CHAIR LEE: Members, any questions?

We have one from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Padilla. If the less intrusive project is not affordable with no requirement that any local people live, you still prefer it?

MS. PADILLA: If, in my opinion, if something, if something has to be done in this location, not 20-foot buildings that are intrusive with 56 parking lots. And yeah, more like a workout park, a dog park, a community park, a similar layout to what is already surrounding the land. We only have, what, for four properties. And so, something less intrusive, something more conducive to the local community, more supportive, that will actually

allow them to, locals, residents of Maui, who have been here their whole life for generations to move in safely for the community and themselves and everyone. So, yes, less intrusive.

COUNCILMEMBER PALTIN: Thank you.

MS. PADILLA: Thank you.

CHAIR LEE: Any other questions? If not, thank you very much and may we have the next testifier.

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

MR. MIKE MORAN [testifying on Committee Report Nos. 22-61 & 22-62; Resolution Nos. 22-119 CD1 FD1, 22-144 CD1 FD1, 22-165, & 22-173; and Bill No. 21 CD1 FD1 (2022)]:

Aloha, Chair Lee and Councilmembers. Mike Moran for the Kihei Community Association. Another long, grueling Council meeting and certainly express our thanks to you for delving into all of these issues. We have seven items to comment on, but most of them you've heard before and we'll try to rip through them very quickly.

The first one is the 22-61, the Waipu'ilani project. Just like all of you, we're very reluctant to say no to a whether it's affordable, or attainable, or workforce housing project. But this one, it's just goes back to what the realtors say those three most important words: location, location, location, and this is just in the wrong location.

We were challenged that we are against affordable housing and it made me look back. I went back 15 years to see if there were any projects that we spoke against that could be mixed in with that, even the ones that have a mix of affordable and market rate. And the only one that was, just happened to be mentioned a little bit earlier today was Kamalani, that we spoke against that for a different reason. But we saw that, that was going to be a problem, we felt it was going to be a problem and most folks now agree that it was approved by a different Council that those problems came true. That it didn't go, the homes didn't go to the community.

Here it's this different issue, but again, we have to say no, we can't support this one. It's just in this wrong location and its almost punishing to say we'll give this to the people who are poor, and so what they going to be subjected to floods. So, we speak against this project.

I'm moving on to 22-62. We think that this ties right in with yes, let's make sure we know what the real cost is going to be so that people desperate for a home don't get duped into making a commitment that they can't, can't cover, because they didn't realize flood insurance . . . other expenses so . . . this is being considered that you're looking to find the true cost.

Third is just the resolution on the appointments to the South Maui Planning Advisory Committee. We just commend you, we saw all the work you did yesterday in, in the committee hearing and I certainly appreciate the voices of assurance from you for myself personally. We see just what you're trying to do. Trying to find that balance so we do get a good CPAC.

Moving on to 119, the amendment to the Revised Charter for the Maui Nui Community Water Systems. Of course, we're in support of this. We don't have the ability to speak like so many of the kanaka do on it, but just as people trying to be good citizens, and speaking for the people. Yes, this, this is not the right, this is the right way to go. The Alliance of Community Associations met representatives from Mahi Pono when they first came, and a group of, a variety of community association members asked hard questions and even then, we got dubious answers which made them suspect. And as it's coming out it sure looks like it's just an, it's just an effort to pick out water rights. Yes, we see some planting going on, but we also see a lot of fugitive dust at the same time. So, we are in full support of this.

Next is 22-144, the Planning Commissions for the, the additions, for the individual areas, we stand completely in support of this. Again, we spoke on this numerous times, many other folks did, and we hope we can get this on the ballot and, and give the public a chance to say up or down on it.

Where am I, okay, 22-165. Yes, anything that we're getting the realization that everybody is now aware of what climate change can do sea level rise and so forth, so we are in support of that.

And last is 21 the bill for the lighting for the birds. You know, you've researched this to death. You've had experts come in and now we see people coming in that some didn't even read the bill, the original bill. Once we seen the revisions, and some had say they did, you can listen to the testimony, and say well if you read it, you didn't comprehend it. And we agree with many of the prior testimony. It's time for this.

It's not just a bunch of birds, some oh, I got birds in my backyard, so this isn't the problem. We know these are people who are not paying attention to this issue. These are endangered species seabirds, and it is time to stand up for them and echo Councilmember Paltin's words that we as human species are not separate; we are part

of this, and we we're one of these species and let's support this other species that's endangered. Thank you for the opportunity to ramble on on all of those matters. Mahalo.

CHAIR LEE: Mahalo. Members, questions? If not, thank you so much, Mike. Always good to see you.

MR. MORAN: Hope it wraps up pretty quick.

CHAIR LEE: Yeah. Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Don Gerry, to be followed by Lahela Aiwohi.

MR. DON GERRY (testifying on Committee Report No. 22-61):

Hi, I'm Don Gerry, 41 years, I'm now retired as a general contractor on the island of Maui. I've, nothing can be said right now that hasn't been said over 50, 55 times already this afternoon. I thank you for, for listening to all of these individuals and so much of it has been repeated. So I'm going to be a little more direct in my thoughts.

I can't believe that this is still an issue to build a multi-family, high-density complex in a neighborhood that wasn't originally zoned for this. But let's go ahead and change the zoning. I think that it should be kept the way it is. A single-family, allowed to be built there, just as the way the, the families, that Alexanders has shared earlier. That's the way they wanted the land to be.

There's been offers to move this project to another part of the community. I think it's a great idea. We should pursue this, build it, but just somewhere else that will simplify the traffic, the flooding, and the flood insurance. Mahalo.

CHAIR LEE: Any question? Any questions, Members? If not, thank you.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: I just wanted, I just noticed that they put in the, on the log 22-62, I think it's 22-61. Okay, they just fixed it.

You were talking, Mr. Gerry, you were talking about the Waipu'ilani project?

MR. GERRY: I was, and I noticed that my little box wasn't filled in after that, but I'm lucky.

COUNCILMEMBER KING: They got it right now. Thank you.

MR. GERRY: I'm lucky to get unmuted, let alone fill in the box. Thanks.

CHAIR LEE: Thank you. Okay. Thank you for coming. And now we have the next testifier coming.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Lahela Aiwohi, to be followed by Sam Small.

MS. LAHELA AIWOHI [testifying on Resolution Nos. 22-119 CD1 FD1 & 22-144 CD1 FD1; and Bill No. 21 CD1 FD1 (2022)]:

Aloha, Chair and Councilmembers. I know it's been a long day for you guys, for all of you and mahalo for the time that you guys put in and commit, commitment in listening to all of this. And again, I know that, you know, whether it's being opposed or supported, that you guys have heard quite a bit today.

I am here, I am a registered lobbyist with the Hawaii Hotel Alliance and I am here to testify in opposition of Bill 21. Although the hotel supports the efforts of assuring safety for the Hawaiian seabirds, we also have the responsibility to provide safety for our guests using the hotels. And be it the beach walks after a dinner, or walking to their car from the hotel to the parking using the lit walkways or pathways along the road is basically our responsibility to make sure our hotel guests, whether it be locals again or visitors, that, that we do provide adequate lighting for our guests. In order to change this, this would take a quite an amount of financial burden on the, on the businesses, but I think our number one concern is more of the safety on the, on our guests.

If there was a way that we could have any discussion, we would greatly appreciate it on how we could assist in, you know, creating a bill that Councilmember King is looking for. And we admire the intent, again, you know, we, we know the importance of supporting the safety of the Hawaiian seabirds, but we do oppose the bill and again, we would be willing to sit down and talk to see if there's anything that we can do to help in finding a solution with that.

Resolution 22-144 in dissolving the planning commission, we're here to, I'm here to oppose that. I'm just not sure what the whole purpose of, is of it. It creates, you know, you're going to create eight more planning commissions basically or establish eight other community plan based on the planning commissions, each with nine or seven members, and that kinda just creates more layers of government or more layers, a longer process for anybody to come in front of. So, just to get things through, you know, it may create just more, like I said, a lengthier process. So, I'm just not sure what exact the purpose or the intent is of, of dissolving the Maui Planning Commission.

I believe the planning commissions in the past and present they have done a great job. I think they do good research in prior to hearing what's being heard in front of them. They ask the right questions, so and again, you know, their volunteering their time and we all know planning commissions are, is very, very lengthy meetings. So, I would like to see the Maui Planning Commission being maintained as just one.

And the last, the last one I'm here to ask for a deference or you know, to ask to see if there is anything that we can hold off from putting it on the ballot, is the Water Authority Resolution 22-119. Councilmember Sinenci again, I understand where he's coming from on this, and especially with the EMI. Looking at EMI and East Maui and listening to his constituents on that.

I, we just have a few questions on what the cost would be; what, how it would be set-up; and how, what would the increase on the RPT be? You know, where would this funding be coming from? Would it, will we see an increase on our rate payers? You know, on the rate payer taxes? I believe that that's where we would see some funding going to in order to sustain the self-funded program. And so, those are the kind of questions that we do have. But, you know, and if there's something that we could, if there's anything that could be done, you know to just hold off for a little bit until those questions are asked.

I think there is some confusion on the responsibility and duties between now you would have a Water Authority if it was to get passed, you'd have a Water Authority. You would also have Department of Water Supply, Board of Water Supply, CWRM and I think there just becomes a lot of, a lot of confusion on who's responsible for what when that happens. I think like, again I admire Councilmember Sinenci in looking after his constituents and what they want and we do understand the issues with water.

And I, we all understand the issues with water, but again, I believe that if we can get, you know, some answers as to how that would be done especially for rate payers. You know, what would be the, what would be the impact on, for our rate payers? And if we can get a more solidified answers, I think that would be great.

So, mahalo for your time. I appreciate all that you guys do. I know you guys work hard. So, thank you again.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Sam Small, to be followed by Vicky Corbett.

Sam Small? We see that you're connected to the meeting, but you are muted on your end, we cannot unmute you. Chair, shall we move on to the next testifier for the time being?

CHAIR LEE: Yes, please.

DEPUTY COUNTY CLERK: Then the next testifier is Vicky Corbett in the chamber.

MS. VICKY CORBETT [testifying on County Communication No. 22-167; Committee Report No. 22-61; Resolution No. 22-119 CD1 FD1; and Bill No. 21 CD1 FD1 (2022)]:

When I came here today, I came pretty much just to testify about the Maui County, the water situation.

CHAIR LEE: Can you bring the microphone closer to you?

MS. CORBETT: You can't hear me? Oh, I thought I was, I'm normally too loud. But being in the chamber all day, I've, okay, I have listened to a lot of different testimonies. And a couple of things that really, this last one that they were talking about is building on this flood zone, the government wanting to build low-income housing. It's needed, it's a gift to the people that are poor, and so I think it's a wonderful thing.

But I'm an old lady and in my life I've seen when a lot of times when your intention is good, but it's like it's going to cost money. So they, let's build this housing project, you know, there's some land over by the railroad station, and the train line, it's kinda noisy but the land is cheap. We can build the low-income housing over there.

Or like in the case of my kid's school where they grew up, they built a school, again a government project for the people. We want to do what's right. Well, you know there's an old garbage dump it's kinda been leveled, let's build the school there. Well, when my kids went to that school there were smokestacks all over the playground where

flames came out because of the methane gas from the years of the trash being. So, it's like its cheap land, you're doing a good thing.

And that's what made me think of this building on this flood zone. I mean, it's cheap land so I can see the incentive to want to build on it. But is it a loving, kind thing to, to have, build people's homes in an area that when it floods, it's not going to be good for the health of the kids. It's going to undermine the construction itself. And also I heard someone say that their insurance for flood zone area, and I've known people that have been in it they said it's high, it's 4,000 a year. Okay, the average, you know, homeowner's insurance for about a $400,000 home, which these I think would be less than that is about $75.00 a month. Well these low-income people, let's throw an extra 300 bucks on their monthly rent, their monthly housing expense. So, to me, I don't know a lot about this, doesn't sound good.

Okay, my next thing is the lights. It sounds good. Let's save the birds. But again, I heard testimony, there's not a lot of dead birds laying around. Their habitat isn't in the middle of the city. And the other thing is the cost. Not only the cost to the State of millions of dollars, when we're coming out of COVID, a pandemic, a crisis, we have so many of our local businesses that have gone bankrupt. People need to start back up. I mean, there's so many things that millions of dollars could be spent on to benefit the people right now. I don't understand this lighting issue.

Then I heard people say, but on the Big Island, they've had it for years. Of course, they have. Is it to save birds? No, it's because of the telescope. There's a kind of a legitimate reason why they need to dim the lights. I don't see a legitimate reason for dimming the lights on Maui other than money. Somebody is going to make a heck of a lot of money and again, inflation. Does this mean that everybody is going to have to, you know, get new lighting? When Christmas comes, those lights aren't good enough. I don't know. That's just my opinion, I'm sorry, but so I would not be in support of that and I know you guys have a lot to consider and that's your consideration.

Now, to my main concern why I'm here in regards to Resolution 22-167 and 22-119. My sister married a Hawaiian. Her children are a third Hawaiian and for 45 years I have heard from her about the island of Hawaii and how you know, the other people, us white folks even though she's a white girl, have exploited the land, the people, and the water. Especially, the water.

And I believe in restorative farming and organic farming, and you know farming with respect to the earth because that's what gives you life. You're good to the earth, it gives you food, it gives you life. So, I believe in honoring the land and farming.

So, when Pono first came to the island and Monsanto stopped farming the sugarcane, people were happy. People that I've talked to in the past couple of weeks they go, oh well at least it's not Monsanto and they had a wonderful name, Pono. What a great name? I've come to say they don't deserve that name. We didn't like how Monsanto farmed. What it did to the air? What it did our water? What it did to the land?

But what Pono, which is really PSP Investments, as you already know, the Canadian, it's a pension fund that they're in the business for making money. They're loyal to their investors. They boast of an over 10 percent return on their money. Who's giving them that money? The people of Maui and the rest of the world. So, concerns of mine is that if we give them the water, we're going to allow them to grow even more crops. And how are they growing their crops?

I live Upcountry, when I drive down, we see the dead fields. We knew that Monsanto used Roundup, right, I can't pronounce it, very toxic, very deadly and it killed the weeds. Well, Mahi Pono boasted that we are getting away from Round-up. We're not going to use it anymore. So you think, ah, that's good, that's great. Well, what do they use? They use a chemical called paraquat. That is Round-up on steroids. And so, you drive down country, and not only are the weeds dead, and the grass is dead, the trees are dying. It's a very, very toxic chemical. So, are they really, you know, growing for the benefit of the Hawaiian people? I think not.

So, what was the other? Yeah, I, I, a lot of people have talked, I, I could reiterate a lot of things about what they've done throughout the world, but I want to just conclude with this little comment. Okay, so in the past two weeks, I just found out about this whole situation within the past two weeks. I have been following, I have known that Mahi Pono has wanted to get a water lease long-term, but I did not know, what I did not know is that while they're getting it, and I'm concerned that they're going to get, that the people of Maui had an opportunity to get the water lease. And it's, it's just disheartening that, that our Mayor and many public officials knew in 2019, that yeah, in May, that this opportunity for the people to get back the water was theirs. And they weren't honored. Nobody was told about it pretty much. We heard a lot in the paper about Pono was applying, but nothing that oh, by the way, you know, the County of Maui can also apply.

So, what my last words to you is I thank you very much as a Council. I've never done anything political in my life. It's very nervous, but I want to say that when you were all selected as Councilmembers the people of Maui gave you a vote of confidence. They put their trust in you and they were confident that you would do the right thing. And what I'm saying is right now, you as a Council should vote a voice of confidence in the people of Maui. They have spoken that they want this to pass, so I just plead with you to vote in a vote of confidence for them.

CHAIR LEE: Thank you. Can you state your name for the record, please?

MS. CORBETT: Vicky Corbett.

CHAIR LEE: Okay.

MS. CORBETT: Thank you.

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

Members, are you ready for your afternoon break? Ten minutes. Okay, ten minutes, would be 4:42. Okay, 4:42. This meeting is in recess until 4:42.

(THE MEETING WAS RECESSED BY THE CHAIR AT 4:32 P.M., AND WAS RECONVENED AT 4:46 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: This is my new gavel, the pencil sharpener. Will the July 15 Council meeting please reconvene? Members, we have a testifier waiting.

Mr. Small. Welcome and please proceed.

MR. SAM SMALL [testifying on County Communication No. 22-169; and Bill No. 21 CD1 FD1 (2022)]:

Thank you, Chair Lee. I hope you're feeling better than your throat is sounding.

CHAIR LEE: Thanks.

MR. SMALL: Alright, so on this light bill, you know, Councilmember Sugimura lamented that the same people testify over and over again and they think that we're all corrupt. Well, no, I don't think that you are all corrupt. I know some are corrupt. A few Directors and Corporation Counsel, given, and given Corporation Counsel's position of control, almost everything that goes on here, that's a real problem. And, and No. 21 is an example of that.

Corporation Counsel, correct me if I'm wrong, Corporation Counsel was instructed specifically to make comments on, on, on efficacy, on legitimacy, on language, force and effect of law. Not on the policy itself. And they were told not to rewrite the legislation. Specifically instructed by this body, who, you're their client. They work for you. But they didn't honor your requests. They rewrote it. They stepped outside their authority, and inappropriately attempted to influence this Council.

This testifier, Jim Hayes, brought in by Corporation Counsel, you know, he did the same thing with the telescope. He falsified the, the testimony of other people in a report. He removed language where they, they, they advised against the construction. But because Parsons Brinckerhoff, big engineering firm wanted the contract, they manipulated the process and you're being manipulated here. You need to standup for what the people want. It's clear that, that, that, you know, that these things need to take place.

Jim *[sic]* Henkin from Earth Justice spoke eloquently, everything that he said is right. And please, thank you for bringing him in as, as, as expert testimony. And we need to weed through the places where obvious bias and, and corruption exists. And hey, that's Corp. Counsel.

Switching over to the auditor. Wow, again. Talk about corruption. I'm sorry, the three-lot or less deferral agreements, I spoke to the Infrastructure Committee in 2018 and identified fraud and corruption in, with regard to SMA permits and with regard to the three-lot or less deferral agreements. And Councilmember Sugimura took issue with my characterization of fraud. Well, that same fraud is now being investigated at Greg Brown's. It's the same process. So, I wasn't wrong. I'm here repeatedly over and over again illuminating corruption and Councilmember Sugimura just ignores it. You got infrastructure.

The Auditor on the three-lot deferral agreements, that audit was never necessary. It's not necessary now. The audit exists because myself, and a few others pressured Don, Councilmember Guzman, and Elle Cochran to deal with item 32, to deal with the deferral agreements. And the only thing that they were willing to do was to kick the can down the road to the Auditor.

You have proposals for a third-party consultants, who do this professionally. They can in a heartbeat. Chris Salem has already negotiated, when he was working for the Mayor, he negotiated a contract with a company to provide this service, to go through and category, catalog the thousands of deferral agreements. Thousands of them and construct a method of an equitable method of collection on the ones that can be collected on.

This Council can rectify that and collect on millions of dollars of infrastructure that is due to this County. This Council could do it in a week. It could be established and put together and the issue could be put to bed. The Auditor is lying to you. He's using Chris Salem's wrongful termination suit against the Mayor as an excuse for killing his audit of the three-lot deferral agreements. There's thousands of those agreements. How is it that one whistle-blower who is whistle-blower for . . . Upcountry water bill, oh,

on these deferral agreements. We know about the deferral agreements because of Chris Salem. And how is it that one case is blocking the Auditor? The reason why is that the audit will reveal corruption and the Auditor under pressure from Corporation Counsel is ignoring that corruption and this needs to stop.

Item 32, infrastructure, it can be dealt with, you don't need the audit. The Council can take its authority and, and resolve the situation immediately. It's easy. The problem is the resistance because of the corruption. Thank you.

DEPUTY COUNTY CLERK: Chair, you're muted.

CHAIR LEE: Sorry, there are no questions, Sam. Thank you. Thank you for your testimony.

MR. SMALL: Thank you all.

CHAIR LEE: Alright. Mr. Clerk, we're going to try and settle something here. There's a request to, we have about approximately 17 people left to testify. And there was a request to consider going to 9:00 tonight. So, possibly taking some of the, the harder items?

COUNCILMEMBER PALTIN: Chair, I think that's an excellent idea, because otherwise, this testimony will go on and on and on and on. Because of the new Sunshine Law, especially the things that have deadlines. I mean, we need to end the meeting eventually, before the deadline, and if the deadline is Monday, we gotta push it through. I mean, I not saying 1:00, but 9 or 10, yes.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Yes, Chair can we just continue on, and try to get through the testimony, then see where we're at, at the end of testimony and make a decision?

COUNCILMEMBER PALTIN: I'm okay with that.

CHAIR LEE: Everybody okay with that?

Member Kama.

COUNCILMEMBER KAMA: So, I just want to make sure I'm understanding that we're going to try to complete all the testimonies and then re-evaluate where we are at that time?

CHAIR LEE: Yes.

COUNCILMEMBER KAMA: So, can I make an assumption that maybe at that time, we could have a dinner break, too? I got a kid I got to take care of here, so.

CHAIR LEE: Yeah, we could talk about that.

COUNCILMEMBER KAMA: Okay. That's fine. Thank you. Okay, I'm good with that.

CHAIR LEE: Thanks, Members. James, please proceed.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Shayne Agawa, to be followed by Emily Pallanes.

DEPUTY DIRECTOR OF WATER SUPPLY SHAYNE AGAWA (testifying on County Communication No. 22-167; and Resolution Nos. 22-119 CD1 FD1 & 22-171):

Hi, can you hear me?

CHAIR LEE: Yes.

DEPUTY DIRECTOR OF WATER SUPPLY: Good afternoon, Chair Lee, Vice-Chair Rawlins-Fernandez, and Councilmembers. For those that do not know me, I am Shayne Agawa, I'm the Deputy Director here at the Department of Water Supply and I'll be testifying on Resolution 22-171, Reso. 22-119 and County Communication 22-167, and I have a lot of comments so I'll try to go as fast as I can.

So, Resolution 22-171. Department of Water Supply strongly supports this resolution, which urges the Mayor to authorize a comprehensive feasibility study for the EMI water system in East Maui. A feasibility study will address many of the concerns that the Department has, and in my opinion, concerns which all of you, Councilmembers and the general public should have before making a huge decision in the formation of a regional community board and the Maui Nui Community Water Systems. How can a decision of this magnitude be made without having accurate cost of acquiring, operating and maintaining these regional water systems and without knowing an accurate number of the future revenue generated by these water systems?

I'll give you an example. So, when you go to purchase a new car and saying that new car is like this water system, do you just say "I will buy the car because I love it." Or do most of us ask what the purchase price will be, what the cost of maintenance will be, does the car have everything you need, or you need to purchase accessories in

the future? Another thing most of us think about once we know the total cost of buying this car is, am I able to make the monthly payments with the amount I make at my job, my revenue. I believe all of us will not sign on the dotted line to purchase that car until we know all the answers to these questions.

So, similar to making a decision on these water systems, there's a lot of outstanding questions, and I think we need to think a little bit more and have those questions answered. DWS feels that this resolution is an important first step in considering the County's best interaction with the East Maui water system, whichever agency takes the lead in the State water lease process. We still need important questions answered before we make huge decisions on water management issues, and we believe this resolution would get us those answers.

Moving on to Reso 22-119, and County Communication 22-167. You know, prior to this, I must say I felt I was on a little island here, and until I heard Mr. Lester speak and Ms. Aiwohi earlier that was like a breath of fresh air because there's other minds out there that, you know, have the same thought process. So, overall, I want to start with just overall DWS comments on these two resos.

So, first one, Department requests that more clarity be given when the terms "water collection and delivery systems" are used, that those terms are not to be confused with water collection and delivery systems under the jurisdiction of the Department of Water Supply. We also request that Section 8-11.2 be clarified to acknowledge our Department's ongoing ability to acquire and manage water sources.

Second overall comment, the Department regularly develops new sources and also accepts sources such as private wells or other infrastructure, if it is in the best interest of the Department and our customers, and we want to be sure that the Department continues to have the ability to do so.

Now getting into comments on the "Whereas's". On the second "Whereas", page 1 of the reso, "Any increase to the cost of water for local farmers and ranchers, jeopardizes the efforts to promote local food security for Maui." As I get on with my other comments, it will bring more clarity to this comment. The fourth "Whereas", reso page 1, "The creation of an additional layer of bureaucracy normally reduces efficiency and increases costs." The fifth "Whereas", reso page 1, this is where they brought up, you know, a regional water authorities around the country and the comparison. So, in this case, it's not necessarily comparing as bad as comparing apples and oranges, but it is kind of like comparing an apple to a mountain apple. You know, they both apples. They both red when they ripe, but they not generally the same thing.

So the comment is, "Wholesale regional water authority systems generally own or operate all major water supply facilities including the reservoirs, the treatment plants, and transmission lines. The related costs of service are then billed to municipalities that own and operate transmission facilities and the lines in service areas. Then they issue end users the billings, and provide service connections to end user customers.

The eighth "Whereas", reso page 2. The Department of Water Supply is an existing government agency with the ability to provide clean and safe drinking water at affordable rates while managing revenue, operating expenses, capital improvements, and debt service. The Maui Nui Community Water Systems will rely upon rate charges to the Department. The administrative overhead and operational costs of running the regional water systems will be passed on to the Department of Water Supply in the form of high wholesale water rates. The Department of Water Supply customers will ultimately absorb these rate increases.

The 21st "Whereas", reso page 3. The Department of Water Supply has a long-standing practice of supporting agriculture. Water costs for local farmers and ranchers continue to be subsidized by general use customers. The Fiscal Year '22 Water Rate Study prepared by Harris & Associates, indicates that agricultural customers pay about 30 percent of the total cost required to provide the water they use. Maui Nui Water Systems "additional revenue" cannot translate to reduced agricultural water rates as system costs would be funded by increased wholesale rates to DWS. The Department of Water Supply would then be required to pass on this additional cost to all customers. That goes hand in hand with that first comment on the "Whereas", where we pass, we need to pass on the rate increases to the ranchers and the farmers.

Now the following comments are made directly to the amended Chapter 19. Section 8-19.1, Organization. The comment that we have is hiring staff with appropriate licenses necessary to manage water collection and delivery system poses significant staffing challenges due to a limited selection of qualified applicants. For example, engineers, and personnel with water system experience are in short supply. Having agencies with similar duties will mean that there will be competition for the limited number of qualified candidates to fill vacancies. Providing staff with competitive salaries, benefit packages, training, and necessary equipment along with the acquisition, operation, and maintenance for water collection and delivery systems would be costly.

CHAIR LEE: Shayne, can I just stop you there? You signed up for three items?

DEPUTY DIRECTOR OF WATER SUPPLY: Yes.

CHAIR LEE: 22-119, and then the--

DEPUTY DIRECTOR OF WATER SUPPLY: 22-171 and then 22-167.

CHAIR LEE: Okay. So, you covered two, and then you have one more to go?

DEPUTY DIRECTOR OF WATER SUPPLY: Yeah. I'm almost done with all three.

CHAIR LEE: Okay. Alright. Go ahead.

DEPUTY DIRECTOR OF WATER SUPPLY: Section 8-19.3, Regional Community Board Powers, Duties, and Functions. Item number 5. Appropriations would have to initially come from the General Fund. Will the cost for the regional operations and capital improvements be funded by an increase in real property taxes? Does this include the cost to acquire water collection and distribution systems as well? The Department of Water Supply is an Enterprise Fund and its revenue is reserved for DWS expenses.

Item number 7 with regards to "water rates." We assume that the Department of Water Supply will be a customer affected by the water rates. The Department is concerned about what those rates would be considering that we pay, we currently pay EMI $0.06 per one thousand gallons. How much will the water rates need to be in order to help fund the Regional Community Boards' operating budget? Any increase in rates to what the Department is currently paying will ultimately be passed on to the Department of Water Supply's customers.

Section 8-19.4, Regional Administrators. This is the second sentence, and this is the last item I have where it says, "water systems under the control of the water systems." The Department is still confused about the jurisdiction of the Maui Nui Community Water Systems referred to as "water systems" in Section 8-19.1. Under Section 8-19.1 "water systems" sounds like it's a jurisdiction that oversees only a regional water system, for example, East Maui. But under Section 8-19.2, it says Council will establish additional regional water systems by ordinance. It is still unclear if there will be a Maui Nui Community Water System with its own administrator and staff that has jurisdiction over the remaining districts where the Regional Community Boards have not yet been established by Council. This is how the Department reads the second sentence in Section 8-19.4. So, basically asking for a little bit more clarity on that.

Chair Lee, that was my last comment on behalf of the Department.

CHAIR LEE: Okay. Members, questions?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Good morning, or good after, good evening, Deputy Director Agawa.

DEPUTY DIRECTOR OF WATER SUPPLY: Good evening.

COUNCILMEMBER JOHNSON: So, I've been following the ayes and nays. Right, the yeas and nays. Here's the yeas for the water authority and here's the nays and there's two of you. And one was a, one was a lobbyist. So does the Department believe, I only got 30 seconds, so does the Department believe that water is a public trust?

DEPUTY DIRECTOR OF WATER SUPPLY: That is a tough question. Yes, I believe water is a commodity for public use.

COUNCILMEMBER JOHNSON: Well. Okay. Having said that, I don't have enough time to go through what you just said. So, thank you Chair. I have no further questions.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Shayne. Thanks for being here.

DEPUTY DIRECTOR OF WATER SUPPLY: Aloha.

COUNCILMEMBER KING: So, it sounds like you're against the water authority. Are you representing the Mayor's point of view on this?

DEPUTY DIRECTOR OF WATER SUPPLY: No, just strictly representing the Department of Water Supply. I want to also make a disclaimer here. So, our comments that we just gave did not reflect anything about who has the water lease. As you know, right? I declared all "Whereas". There was nothing said about--

COUNCILMEMBER KING: No, no. I'm just, but I don't have much time so, you know, my concern is that you're asking us to postpone putting this on the ballot. We don't, we have to make a decision in the next couple of days. So, once it goes on the ballot, it will be the people's choice.

DEPUTY DIRECTOR OF WATER SUPPLY: Right, so we're asking--

COUNCILMEMBER KING: --voting for it, voting for the people to be able to have the choice. But I just wanted to let you know that at the Haiku Community Association forum the other day, the Mayor said that he supports the water authority now. So, you might want to go, get in sync with whatever his new position is now. I wanted to let you know that. Thank you.

DEPUTY DIRECTOR OF WATER SUPPLY: --it's more for clarity. Sorry.

CHAIR LEE: Okay, I have Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Shayne Agawa for your testimony. So, number one, can you give us what you said in writing so that we can, you know, check with the documents that you are testifying about. And it sounds like to me some of the reasons why the 22-171, which you brought up is what is this going to cost? What is the impact to the taxpayer? And I really am hearing you say that it sounds like the Department of Water Supply can do some of the things that the, the Council, or the, what the Charter amendment is asking, right?

I believe that you as an entity, the Board of Water Supply and the Department of Water Supply can move this forward with the Mayor's, and you are an entity that everybody knows and I think that you know, we would maybe feel secure rather than starting something new. But you're taking me down a different thought path. But it is something that the Water Department, by your testimony that the Water Department could undertake?

DEPUTY DIRECTOR OF WATER SUPPLY: Yes, that is correct, Councilmember Sugimura. Yeah, it's just whichever government agency, if this regional agency is formed, we still as a Department could still pursue, you know, the water lease rights as well. But, yes, to answer your question, yes.

COUNCILMEMBER SUGIMURA: Okay. I'm sure Mr. Molina and myself, but I'm concerned about my residents that would really be directly impacted by the EMI.

CHAIR LEE: Okay. We're on a shorter, Member Sugimura, we're on a shorter timeline tonight.

COUNCILMEMBER SUGIMURA: Oh, sorry.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you. Sorry about that. Anyway, good evening Mr. Agawa. So just following up about pursuing the lease. So, why hasn't the Department pursued the lease at this point? And what would be the cost if we didn't have a County water authority? You know, there's a cost to everything, if you could kind of touch on those two questions.

DEPUTY DIRECTOR OF WATER SUPPLY: Thank you for the question, Member Molina. The first question is hard, again I hate using this as an excuse, but I've only been back in the Department for, since March. So, it's hard to say what happened in the past and why the Department did not pursue it? It would be, I guess unfair for me to comment on that. But what I can say is, you know, while I'm here, it is a possibility for the Department to look into it now. And I know the Administration may change in the near future but that is the, the opinion that we have currently at the Department. And I'm sorry, the second question?

COUNCILMEMBER MOLINA: Yeah, the cost of not having a County water authority? I mean, basically leaving status quo.

DEPUTY DIRECTOR OF WATER SUPPLY: Right. Right. So, the only thing that we know that's a certainty right now is that EMI hasn't raised our rates. And we know how much of a value it is keeping it at such a low rate. Again, the unknown will be what those rates will be in the future, if there is the regional authority that overtakes. Knowing that they are going to use the water rates to supplement their operating expenses. And we don't know any numbers, again, these are just concerns of ours that we would like maybe answered to the best possible way, you know? I mean, if we're going to be paying what we're charging residents now at $2.05 every thousand gallons for example, versus $0.06, per thousand gallons that's a huge rate increase. And ultimately like any business although we're not a business, but like businesses you pass on your cost increases to your customers and ultimately that would be what would happen.

COUNCILMEMBER MOLINA: Okay. Thank you. Thank you, Madam Chair.

CHAIR LEE: Questions, Members? I have a question, Shayne. The question is, I'll get to you Vice-Chair, one second. Just following up on Member Molina's question. If the County were to take over the system, would you, do we the capacity to do it right now with the resources and personnel we have now? Or would you have to add to hire a number of people? Would you be able to maintain and operate the system?

DEPUTY DIRECTOR OF WATER SUPPLY: When you say take over the system, you don't mean only the water lease rights but the actual physical system?

CHAIR LEE: Yeah. Yeah. EMI.

DEPUTY DIRECTOR OF WATER SUPPLY: Yeah, to be honest right now we wouldn't have the capacity to, the resources. We would need to ask most likely for expansion positions, increase our budget. That's a huge cost. I don't know what the number is. Right now, we have a study in the East Maui area for sources, but as far as the cost of

estimating the system and what it would be to operate and maintain and acquire, I think that's part of that Resolution 22-171. The intent is we want to know what we have here first. That's the first question. So, that is a good question, but I don't have an answer, but I can say that we don't have the resources right to do that.

CHAIR LEE: Okay. Another question from Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm in my vehicle alone. Okay, so, and will return to the chambers after. Okay.

Aloha, Deputy Director Agawa. Mahalo for your testimony. I have two questions. The first is regarding the part of the impetus of this proposal is because we have been taking up this discussion in committee since last year and the Department of Water Supply was pretty adamant about not pursuing the water leases or even looking into a feasibility study.

And so today in response to some of the Members questions, it still sounds very non-committal that the Department may or potentially could, and I don't think that's enough for us to feel confident in the Department to, to trust that it will happen. And so, the question regarding, let's see, I'm sorry, I'm on my phone. It's the, under the "Be it Resolved" "1. Except as set forth in chapter 19, the department of water supply shall manage and operate all water systems owned by the county." So that's an amendment to Charter Section 14, to clarify the jurisdiction of the water, DWS and the water authority. Is that not clear enough?

CHAIR LEE: Shayne?

DEPUTY DIRECTOR OF WATER SUPPLY: Thank you, Chair. Thank you, Vice-Chair Rawlins.

That does, yeah, clear it up a little bit. It just was referenced to the verbiage in the actual reso that was a little ambiguous. But, yeah, it does, it does satisfy the difference between the, the regional and the Department.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, cause that's the Charter amendment section. The reso is kind of background.

DEPUTY DIRECTOR OF WATER SUPPLY: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Alright. Mahalo, Deputy Director. Mahalo, Chair.

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

DEPUTY DIRECTOR OF WATER SUPPLY: Thank you, Chair. Thank you, Members for the time.

CHAIR LEE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Emily Pallanes, to be followed by Jason Economou.

Emily Pallanes, it is your time to testify. Admittedly, I don't see you connected to the meeting. Chair, shall we move on to the next testifier?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Jason Economou.

MR. JASON ECONOMOU (testifying on Committee Report Nos. 22-62, 22-63, & 22-64; and Resolution No. 22-144 CD1 FD1):

Good afternoon. Thank you all for the opportunity to testify after so many hours. My name is Jason Economou, I am the Government Affairs Director for the Realtors Association of Maui, and I will try and be brief.

Regarding Bill 107, Committee Report 22-62. We have similar feedback as Jeff Gilbreath and some of the other people who have expressed concern over this bill. I spoke with Councilmember Johnson while this was still in committee. I understand the reasoning behind it and, and I can agree with that reasoning. However, this will definitely have a chilling effect on housing development. So we would support additional subsidies to homebuyers, rather than risk having development of new affordable housing essentially halt in Maui County for the foreseeable future.

We want those 5,000 units in five years that we all hoped for, and this bill could be a part of that, if it was coupled with a robust system of subsidies to, to accommodate builders, but it's not. Not yet. So, in the meantime, until those systems of subsidies are hashed out, then please just give more money to homebuyers. Help the consumers to offset the prices if they can't afford the prices where they're at now. So, that's our input on Bill 107.

Excuse me. Regarding Bill 93, Committee Report 22-63. We strongly support tax relief, real property tax relief. So, so this is great.

And along similar lines, 22-64, dealing with disabled veterans. You know, well done. This is great policy. We have close to 10 percent inflation. It is getting really difficult for people to live here, even if they own homes. So, so anything you can do to keep our homeowners here and, and make economic life more viable for them here, we strongly support.

Now, regarding the proposition to have multiple planning commissions. Resolution 22-144, I believe it is. We know from that UHERO report that came out earlier that, that Maui County already has one of the highest regulatory burdens in the country. This adds complexity to an already unnecessarily complex system.

In a year when you guys picked more of the Charter Commission members that ever before and had a Charter Commission seated to actually look at this proposal already, they turned it down. They moved forward with a proposal that this proposal now has conflict with. And so, you're potentially going to put two proposals on the ballot that conflict with each other, and then you already have something in the works as far as advisory committees to the planning commissions. You've got multiple attempts to solve a not particularly well-defined problem at various stages through the legislative process, and none of them really work well together.

So, just drop this one. See how the other attempts work first. That's my guidance. And I mean, just adding complexity to the system, that's already too complex for most developers, it doesn't make sense right now. So yeah, we, we oppose the abolishment of the Maui Planning Commission for whatever it is this would be. And I have to say whatever it is this would be, because if both measures go on the ballot and they both pass, you don't know what will be the end result? We'll have to bring in the judiciary. So, let's avoid that. And that would be it. Thank you.

CHAIR LEE: Thank you, Jason. Members, questions? No questions. Thank you very much.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Sterling Higa in the chamber, to be followed by Larry Padilla.

CHAIR LEE: Is it still 17? How many testifiers?

DEPUTY COUNTY CLERK: Yes, about 17.

MR. STERLING HIGA (testifying on Committee Report No. 22-62):

Thank you, Chair. Thank you, Councilmembers. My name is Sterling Higa and I serve as Executive Director of Housing Hawaii's Future, a non-profit movement led by young

locals who will create opportunities for Hawaii's Gen Z and Millennials by ending the workforce housing shortage.

I'm here to testify on item 22-62 and I humbly ask that you defer Bill 107. I stand by my written testimony and would like to offer brief remarks that can be summarized in three words, please slow down. In the absence of a robust, well-publicized and easily accessible subsidy program, Bill 107 will lead to a decrease in the supply of affordable and workforce housing. This would have a catastrophic impact on the next generation of Maui residents who are already struggling to achieve homeownership.

For sale housing at 80 percent or 100 percent area median income is often the first rung on the ladder of homeownership. If you reduce the supply of housing at that level, you condemn people to be perpetual renters, and you increase the likelihood that locals will leave for California, Texas, or Nevada, where housing is more affordable.

I humbly ask that you please defer this bill. That you please allow for a more robust discussion that involves all stakeholders, including affordable and workforce housing developers and housing advocates, echoing some of the earlier testimony of Jeff Gilbreath and Todd Apo. And I humbly ask that you please ensure that the County subsidy program meets the needs of homebuyers, lenders, and developers who at the end of the day are the ones building the housing needed by young families like my own.

My wife and I and our three children live in Paia. We probably will not live in Paia for long because the rent there is crazy and the cost of homeownership on Maui are out of control. This is within your control to affect. Homeowner subsidies could make a big difference, but if you just set prices in the absence of a subsidy program that works, you will be making the problem much worse for families like my own.

I'm happy to meet you to discuss further, you can email me at sterling.higa@gmail.com and I thank you for your time and service.

COUNTY CLERK: Thank you. We have a question, Mr. Higa.

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Thanks for coming, Mr. Higa. I know you waited long, all day so thanks for your patience.

Okay, so I understand that you're saying without a robust subsidies for the buyers, well have you heard of the deferred mortgage program that we have put out and there's grant for that particular item?

MR. HIGA: I have not and so one of the issues as I, in preparation for this, in reviewing the agenda, I went and I reviewed the County housing department, and the County Council website. And if these resources exist, they are certainly not well-publicized.

COUNCILMEMBER JOHNSON: Okay.

MR. HIGA: They're certainly not accessible. So, that's my feedback.

COUNCILMEMBER JOHNSON: --I appreciate that response. So, what I'm hearing you saying you don't like the, you want to take the affordable housing price guidelines and bring it back to committee. This reduces our price guidelines by 22 percent. So, a $500,000 house would become a $400,000 house. And you're against that because you're saying it's hurting the developers for building? If that's the case, I would refer you to look at the bill that we did for the bonds for the developers. There's the developer's side and then there's the buyers' side. So, this bill is for the buyers. So I'm out of time but we can discuss this later and thanks for coming.

MR. HIGA: I'd be happy to discuss. Thank you.

CHAIR LEE: Other questions, Members? Okay, thank you very much. Thank you.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Larry Padilla, to be followed by Brandon Holmes.

MR. LARRY PADILLA (testifying on Committee Report Nos. 22-61 & 22-68):

Hey, hey.

CHAIR LEE: Good morning. Good afternoon.

MR. PADILLA: My name is Larry Padilla. Hi.

CHAIR LEE: Hi.

MR. PADILLA: Yeah. I must commend you guys. You have a tough job. I don't know why you guys even want the job, but you guys are doing great. Listen, I have two, two issues. One of the issues I have is that skateboard park. I'm for more communication between the developer of that skateboard park. I've witnessed many, many children climbing the fence and going through and disregarding the keep out signs and whatever. It's like, you know, having a candy store with the door, just a chain across the door and saying stay out. The kids are going to go in there and we're more or less

teaching them to break the laws at a young age. And it's been a year-and-a-half, two years since the park has been closed, but I think you should really open up some communication with your, the developer of that skatepark at Kalama Park, and that 22-19, no, 22-68 that I'm talking about.

The other, the other one that I'm, is the 22-61. . . . I'm definitely opposed to the subdivision in Waipu'ilani Park or Waipu'ilani Road. For obvious reasons you guys have been through a lot about why not. And, you know, when I came through here back in '65, after the Vietnam War, I made up my mind to come to Maui because, you know, it's the government's responsibility to keep us safe and with a stable economy.

And, you know, I felt very unsafe for the past, since I've been going to the park every night. The cars almost running me over a couple, three times. I think we need a light there, a blinking light at Waipu'ilani, at least to start with. That would really help. There's, I, I stood by the crosswalk there, and several times several cars come by before one would stop, and my foot would have to be actually out on the road.

But you've heard a lot about why not, and I think it's the most important thing here is to rebuild faith in the community, and the government, and do the right thing. You guys, you guys heard enough on it . . . and I know these developers want to go, go, go and that's okay. They're doing their job, but there's other places for it. The land swap would be a wonderful idea.

If you plant trees back there, or even an open space back there, it would probably help a lot with the, the flooding. The trees would absorb the water . . . help the, the pollution that's happening and the, you know, the environmental thing that's going on. So, this is, this is what I'm just asking you is to not approve the subdivision. It's just totally in the wrong place. And restore, you know, help us restore our community's faith in the government. You guys are the government and you guys are doing a wonderful job. I've been here for 50 years, and I've paid my share in taxes. Believe me, I help, I help pay, pay you know, you guys, you guys are doing good.

So, I would like to let you guys just go on. The skatepark let's keep that thing going. Develop it, open the doors and let the kids have someplace to play at night. I mean there's nothing for them to do and I take them down there and they climb the fence.

The subdivision here, I'm right next door and it's a nightmare trying to go through the subdivision. And the subdivision, you have to pull over in the parking place to let another car go by. So, it's kind of, it's just not the right place. So, thank you for looking at that.

The other thing--

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

MR. PADILLA: Okay. The other thing--

CHAIR LEE: Another item?

MR. PADILLA: Yeah, one more item is the water meter. I'm not sure, I thought that was part of the 22-19, I might be wrong. But it's, you know, I brought 35 acres over in Kanaha and trying to get a water meter and they have to, and they're telling me I have to do all kinds of pipes and everything. Really a lot of . . . that I put in there. And now you're telling me that you are going to use these guys that are building the subdivision and for doing their share of the sidewalks and everything else.

And we don't have a sidewalk on Waipu'ilani Road going to the park, going to Safeway, and that's what they're promoting. Oh, easy walk to Safeway, easy walk to the park. Well let's put a park on this side of the road. Anyway guys, you got enough. You heard enough. Keep going, do a good job, keep the faith. And let's do the right thing, please.

CHAIR LEE: Thank you, Mr. Padilla. And Members, do you have any questions? If not, thank you very much.

MR. PADILLA: Okay.

CHAIR LEE: Mr. Clerk. Mr. Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Brandon Holmes, to be followed by Pat Borge.

Brandon Holmes. Chair, they don't appear to be connected to the meeting anymore.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: We'll move on to the next testifier. Pat Borge, to be followed by Dick Mayer.

MR. PAT BORGE (testifying on County Communication No. 22-167; Committee Report Nos. 22-61, 22-64 & 22-67; and Resolution Nos. 22-119 CD1 FD1 & 22-144 CD1 FD1):

Good afternoon, Councilmembers and Chairman Alice Lee. Oh Alice, look like you running out of Kleenex over there. I got some. But anyway, I just have few items I would like to bring up here. And first of all, I want to tell Mike Molina he looked really

good on a horse on July 4th. Grand entry, he looked really, really sharp. The Mayor, he was kind of, was like the shortest speech I ever heard the Mayor make. You know, I think he was kind of nervous on the horse. But, everything went okay.

Anyway, Resolution 22-119. I believe that it's, water is a public trust, and it should be on the ballot. It's up to the people to decide, not big corporations, or East Maui Irrigation. It's up to us to decide what we want to do. The Water Department says it's going to cost us money. Everything costs money, but this is the first step of trying to get this thing resolved here. You know, this has been going on for years and years about this water and I think this is a good step to get this commission going. Just put it on the ballot and let the people decide.

And for Bill 110, for the veterans. Anything to help a veteran, I mean, anything. This is a great thing, you know, like the other gentleman was saying, it's very hard to get, you know, when you get rated, it takes a long time, it takes years. You don't just go in and say, oh you're 50 percent. No, it takes years and years, you know. So, you know, this is a break for these guys, you know. You know, I'm a veteran myself and you know, we have to go through a lot to get, to even get 50 percent, you know. So, every little bit helps, and I want to thank Mike Molina for bringing that out.

And for that place in Lahaina, that 22-158, tear it down. I mean, let's go ahead and find out, do an investigation with the Planning Department; how this building got built? I think the community there needs to see what really happened here. I mean, something like that.

And the Waipu'ilani, 22-61, Waipu'ilani. I drive that road all the time. I know the area very well. You know, you talk about affordable house, yeah, you know, affordable housing we're talking about affordable housing for years and years and years. And when I tell Gabe Johnson them, Mike Molina guys are always real advocates for affordable housing, I mean, right on. But you guys . . . approve one, well first of all, it's a good thing it's not going to the Planning Department because they would approve it, bang. You know, some engineer is going to say there is no traffic impact and they're going say, oh, right on. Check it off. Build it, you know. Thank god you guys got to see this first.

But also, what I'm looking at, you guys allowed Makena Resort, above Makena Landing to build all these luxury homes and four workforce housing. How's that? How did this guy make million-dollar homes and put only four work houses? I mean, I just, I just, I can't comprehend that, you know what I mean?

And also on the Planning Commission, 22-144. I'm all for that to, to put it on the ballot and have another advisory group. It's all about check and balance and accountability.

And sometimes, I know some people are voting on there because they have connection with this, connection with that, you know. It's not about that, I think in the planning of Maui, we gotta have everybody from each community on that, on that planning so they know what's going on in their community before they vote on 'em and they ask the tough questions, you know what I mean?

You know, I went to a Planning meeting a couple of months ago and there was a person here in Makena had a business operating without a permit for 20 years and the Planning Department supported it. Said right on, you know? No questions, telling them that maybe you should ask for more when you go before the County Council. There's no parking, there's nothing, you know what I mean. It's like I'm sitting there going, what are you guys doing? You know what I mean. It's like eh, you praising them for not having a permit for 20 years. You know what I mean? I just didn't understand that.

And another question about the water, and all of this is in the back of my head, well how come our Lieutenant Governor becomes in charge of Mahi Pono? Huh? How all of a sudden our Lieutenant Governor, former Lieutenant Governor becomes in charge of Mahi Pono? That's my question. And you guys talk about issues, and that's why people in, people who think about government, hey what's going on, you know what I mean? Just that I leave that to you guys thoughts, and Alice Lee I think you should take the evening off, take couple days off. And you have a good weekend and god bless all you guys. Aloha.

CHAIR LEE: Any questions, Members? If not, you take care.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Dick Mayer, and then we'll call Brandon Holmes again.

MR. DICK MAYER (testifying on County Communication No. 22-167; Committee Report Nos. 22-61 & 22-63; and Resolution Nos. 22-119 CD1 FD1, 22-144 CD1 FD1, & 22-171):

Good afternoon, Councilmembers. I have a number of items and I'm going to try and go through them very quickly. First, Monday morning you may not want to start at 10:00, you may want to start at 9:00, why wait?

Main items now. With regard to the homeowner exemption going up to $300,000 and $400,000 for long-term, I strongly applaud you doing that. But I just want to raise a question with you, what happens if somebody lives in a house and gets the homeowner

exemptions but if they have an 'ohana which they long-term rent, would they get a 300,000 plus the $400,000 or they just take the higher of the two? That needs to be clarified and so please look at the wording there and make sure you, you may want the 700,000 but I'm not sure whether you do or don't want that.

With regard to the water authority, you've heard so many people speak in favor. You heard the Deputy Director of the Water Department raise some issues. I think he was out of line. His Water Board has recommended this water authority concept. They did a study, he made no reference to his own Water Board. The Mayor has stated he is in favor of it. I'm not sure he is acting alone, or what kind of approval he has for the comments he did make. He raised a number of issues and I think that most of them could be deflated if we want to go through them one by one.

With regard to the South Maui wetlands housing project, let me read from my text here. The Council should turn down this project and urge that an affordable housing project be built in the R & T Park, which since 2016, Ordinance No. 4347, they're already, which is already entitling to build 1200 homes. It's already there on 102 acres within that R & T Park. R & T homes would be very close to both the Kihei Charter School and the new Kihei High School.

If the owners of the R & T Park make it difficult to get a project like this going, the Council should consider stripping them of their entitlements, which have been awaiting much needed development for many years during an environment when we had low interest rates. They had every opportunity to get a project going and have made no real effort to move those 1200 houses. That's where the affordable housing could be. Much of the infrastructure is already into that project and it's already entitled. That's where it should be and not in a wetlands down below where numerous residents have cited problems.

With regards to Councilmember Sugimura's feasibility study, I think that is way off base because she makes an assumption that somehow that if Mahi Pono were to get it, they would continue selling the water to the County at $0.06 per thousand gallons. That's totally unreasonable, because they will have to pay probably a much higher fee to the State if they get the leases on that land, and that will have to be passed on and there'll be a lot of pressure on them. There's no commitment on their part to offer it at $0.06.

On the other hand, Ian Hirokawa from the Department of Land and Natural Resources has said that if the County were to take that over, they would perhaps get the agreement for free, gratis is the term that he used. So, if anything the County would be able to get that water probably more cheaply than if Mahi Pono were to deliver it to you. And it would be under Canadian control through a company, Mahi Pono, which

is corporate in Delaware, it's really beyond belief that the County would want that to be the way for the next 30 years, rather than taking over the water.

I do urge that a feasibility, that a business plan be prepared. Once the Charter amendments is approved, the Council should act very quickly to get the new authority going and prepare a business plan, what the costs. And if it turns out that it's not the right thing, there's no, you don't have to go ahead and have the authority operating it. You could say to the Water Department, please make arrangements or bid on it or not bid on it. That's all I want to say at this point about the issue. But I don't think Councilmember Sugimura's thing is wise at this time.

And finally, with regard to the Maui Island district planning commissions. Each community plan district in the County must have the same benefits that the Lana'i district and Moloka'i district now enjoy, that is having control over their own communities. With regard to the coastal zones district, there's two issues that have been raised. With regards to the coastal zone management component of district planning commissions, each district could apply the rules of coastal zone management as they would affect the very different coastal areas and conditions found in each of the community plan areas. So, in other words Hana would apply that rule quite differently than let's say the coastline of Kihei. And that might be a, much improvement over what we now have as one planning commission trying to do the whole island and not knowing the different situations.

And secondly, with regard to projects and properties that may be found overlapping in two different districts, for example, a big ranch maybe in two different districts. It would be entirely appropriate for the two district planning commissions to meet concurrently to discuss their recommendations just as the State has many of its committees meet jointly when there's an issue that overlaps two different committees' concerns. And that's not, that should not be a barrier to setting up the district planning commissions.

And I thank you and I wish you well. And I do thank you for your endurance and applaud it.

CHAIR LEE: Thank you, Dick. Questions, questions, Members?

MR. MAYER: A lot of items.

CHAIR LEE: Okay. No questions. Take care of that cough.

MR. MAYER: I will. I hope I didn't overwhelm you all. Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Brandon Holmes, to be followed by Jessie Kekiwi-Aweau.

CHAIR LEE: Repeat.

DEPUTY COUNTY CLERK: Brandon Holmes? He should be unmuted now. Brandon Holmes?

MR. BRANDON HOLMES (testifying on Committee Report No. 22-61):

Yes, sir.

DEPUTY COUNTY CLERK: Oh, yes, it is your time to testify.

MR. HOLMES: Hi, thank you guys. You can hear me? Okay. Chatted with you guys last time, I appreciate you guys all being there. Been through it before back in 2015, 2016, 2018, 2020, the water gets really, really high over on West Waipu'ilani and it all rushes from, directly from East Waipu'ilani and South Kihei Road. We discussed the Maui Sunset failure over there as well. That being said, it does push this direction from, you know, East to West Waipu'ilani down the mountain, if you will. And it isn't going to get resolved by growing higher ground especially the concrete. It's going to get just worse and worse and worse. There's nothing that's going to make it better if you're going to build there. There's nothing better than drainage.

And the fact that they get to bypass the possible drainage issue because they're affordable housing is just going to make everybody's lives harder, everyone is going to be less off. We need better drainage. If they want to go and make a big drain and like make a hole, you know, clean out to the ocean and however they want to do it, that's one thing. I would be in support of that. But if they're going to build up, they're going to, they're going to go two-story and they're going to do concrete over there, it's going to make our lives much harder. And so I just can't support that, because I know how it is when every single time there's a hurricane, we have to go run out and grab sandbags. It's going to make it even scarier for us actual local residents who live here, and it's going to make it a lot worse.

And then as people mentioned the traffic and all of that. I can barely turn left or right when I leave my house. That's fine with me, but it's getting it worse is not the ideal scenario. If you're going to approve them to do a project, great, then we need a stop light and we need a huge drains and we need to reconsider the whole area. And I

would be approved on that, just like I would be on any other affordable housing situation. I am a real estate person myself so I'm cool with all that.

But it won't be, it won't help anybody around the area if we're just going slide things through and let it happen without actual, you know, thoughts being processed to make the problems that are already there up to code and make them right in the first place. We cannot have that, that would just make it, make it a nightmare for everybody involved, including the new tenants and residents of that said project.

So, my opinion is we need to put it somewhere else, or go big on the drains, go big on the stop light, go much bigger. That's my opinion, if you're going to go for it go bigger. Besides that, it's not going to work. Mahalo.

CHAIR LEE: Members, questions? Nobody? Thank you very much for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Jessie Kekiwi-Aweau, to be followed by the individual calling in from the phone number ending with these last 4-digits, 9460.

MS. JESSIE KEKIWI-AWEAU (testifying on Resolution No. 22-119 CD1 FD1):

Aloha, can you hear me?

CHAIR LEE: Yes, we can.

MS. KEKIWI-AWEAU: Mahalo. Aloha mai kakou. My name is Jessie Kekiwi-Aweau, a kanaka maoli from East Maui, Keanae, and Wailua Nui Moku. I am in support of Councilmember Shane Sinenci's proposed amendment to establish Maui Nui Community Water Authorities and an East Maui Regional Community Board.

My ohana has been kalo farmers for many generations and I personally have seen the damages that have been done to our stream and ocean life, and also to our kalo farms. Corporations were allowed to take 100 percent of our waters and divert it out of East Maui and leave us kalo farmers with nothing, devastating our land. There is an olelo no'eau, *'He ali'i ka 'āina, he kauwā ke kanaka'*, the land is a chief; and we as humans are its servants. Wai means water. Waiwai means to be rich. So, this foreign corporation wants to be waiwai with our wai. That no can. Water flows where it is meant to flow, giving us the rights to malama it. I believe that the people should manage our waters.

Like Amanda Martin and Jerome Kekiwi had said earlier, we have the expertise and in depth knowledge that can properly manage the watershed and efficiently restore the ecosystem. We also have the most hands on and generational knowledge to properly manage the watersheds. Most of our kupuna who have fought to get the release of our water back into our East Maui streams are no longer here with us today. And yet, here we are today still talking about the East Maui waters.

I believe that we need to take control of our water and that we the people should be able to be at the discussion table whenever there is talk about East Maui waters. I would like to mahalo all those of you who are in support of this amendment. And for all those of you who are iffy about it, I would like you to know of the impact it would have on our East Maui communities and the lives of its people. No water, no life. 'A'ohe ka wai, 'a'ohe keola. Mahalo for your time.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is the individual calling in from the phone number ending with these last 4-digits, 9460. To be followed by Robin Knox.

9460, you're unmuted. It is your time to speak.

Chair, they're not responding, shall we just move on to the next testifier?

CHAIR LEE: Yes, please.

DEPUTY COUNTY CLERK: Then Chair, the next testifier is Robin Knox, to be followed by Lloyd Johnson.

Robin Knox does not appear to be connected to the meeting. We'll move on to the next testifier, Lloyd Johnson.

Lloyd Johnson, we see that you're connected to the meeting, but you're not unmuting yourself. You need to unmute yourself, we cannot unmute you.

Chair, perhaps Mr. Johnson–

MR. LLOYD JOHNSON (testifying on Committee Report No. 22-61):

Yes, I'm here.

DEPUTY COUNTY CLERK: Oh. Okay.

MR. JOHNSON: Can you hear me now?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Yes.

MR. JOHNSON: Okay. My name's Lloyd Johnson. My property is adjacent to this proposed Waipu'ilani development. I'm opposed to the project. And I'm sure everybody is saying that we're a bunch of NIMBY's, not in my back yard, but there's much more to it than that. Because my property is adjacent to the property in question, I know what's wrong with this proposal.

I acknowledge the need for workforce housing, but this is the wrong place for it. This site is subject to frequent flooding. Is there anybody saying it's not a flood zone? I can't believe this proposal is still being considered. I understand the developer will build market value housing if this project is declined. At least the County will not be partners in such a blunder. Predictably, the buyers there will have to trudge through ankle deep water from home to car for several days following seasonal heavy rains. These houses will not be a bargain. There will be a lot of buyers' remorse. Are we to let the buyer beware?

This doesn't, apparently the develop has asked that flood insurance be waived. Can he be any more obvious? The buyers of these units will be additional victims. Apparently, he has been offered this alternate land trade and he has declined.

The empty lot in question is a necessary flood control. Anyone who has ever driven on South Kihei Road after a heavy rain knows that the road is flooded for several days after. That flood water creeps up my driveway then finds low ground to follow on the south side of my house, into my backyard, then into that empty lot. It then takes several days to absorb into the ground there.

One of the two access roads for this project is already too low for current traffic. Kauhaa has parking on both sides and two-way traffic. I avoid this street because it isn't wide enough for two-way traffic. If there is a car coming from the opposite

direction, one car has to pull over and yield. And this project proposes more traffic on that street. That's all I have to say.

CHAIR LEE: Thank you. Members, 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 Kay Anderson, to be followed by Albert Perez.

MS. KAY ANDERSON [testifying on Bill No. 21 CD1 FD1 (2022)]:

Hello?

CHAIR LEE: Hello.

MS. ANDERSON: Hi. My name is Kay Anderson. Thank you for allowing me to speak tonight. I appreciate the time and effort that you all take. I know that it's really difficult positions that you are in, I appreciate what you do for our County and for our people.

I am speaking against Bill 21, and I'd like for the Councilmembers to actually defer this bill because I don't believe that it is ready for a vote today. The people of Maui elected the Councilmembers to work for them and to do what is in the best interest of the people. The way the bill is written today, this is not in the best interest of the people.

I am not adverse to having a bill that will work for the people and also to support the seabirds, but this bill does not do that. The way it's written it impacts everyone on, on the, in Maui County. Not only does it impact the County, their lights, the cost of the lights, the hotels, condominiums, it impacts every single family that owns their homes in Upcountry, all over the islands. People that are struggling today with 10 percent inflation to even put food on the table will have to replace their lights. And I will suspect or predict that rather than replace their lights, they will remove their lights and not replace them, creating a hazard at their homes. And that is not putting the best interest of the County, the people of Maui County in the best interest when you're making these decisions.

I think that it would be in the best interest if you take educated, more informed decision, take more time, figure out what is in the best interest of the people. How can we roll out a plan that we can actually support the people of Maui County so it is safe for them, and that it is a more costly . . . cost effective approach and that we can possibly protect these birds. But the approach that is on the table today is not that approach.

Also, I was a little disappointed because you have invited two people to your meeting Monday that seems to be on one side of the fence, Mr. Penniman and also the attorney, I think he's with Earth Justice who actually sued one of our hotels here on Maui County on this same issue. It seems like that's actually inviting the fox into the hen house, but there's not anyone on the other side such as University of Hawaii that has done studies on this. So, all I'm asking is that the County take a more educated approach, a more balanced approach in making a decision for the Maui County people when you move forward with a solution here in Maui County. Thank you for your time. I appreciate your efforts.

COUNCILMEMBER KING: Chair, you're muted.

CHAIR LEE: Sorry, I had to turn it off while I sneezed. Any questions, Members?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Just a quick question.

Aloha, Ms. Anderson. Do you work for the hotel industry?

MS. ANDERSON: I do not. I'm just a private individual.

COUNCILMEMBER KING: Private individual. Okay. Alright, thank you.

CHAIR KING: Any other questions, Members? Yes, Member, Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here, Ms. Anderson. You know, your testimony that you felt like we were pretty one-sided when we invited people to be a resource. I don't think we intend to, to be one-sided. I just think that when people show up and we think we'd like to hear from them maybe a little bit more, ask them questions, we ask them. So, do you have someone in mind that you would like to be able to say that we could invite to be a resource on the Monday meeting?

MS. ANDERSON: Well, I understand there's a study from the University of Hawaii. I think whoever wrote that study, I think you might want to invite them? And I don't know this Mr. Hayes, but he spoke and he spoke on the other side of the, of the fence. So, it would seem to me, if you wanted to show that you were being balanced and in the topic, you might have invited him. And I'm not saying that I know him at all, I know that I never read his study, but to me, sitting back and looking that offer wasn't presented.

COUNCILMEMBER KAMA: Thank you, Ms. Anderson. My time is up. Thank you, Chair. Thank you, Mr. Krueger.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Albert Perez, to be followed by the individual calling in from the phone number ending with the last four digits, 5249.

CHAIR LEE: Hello. Albert?

MR. ALBERT PEREZ (testifying on Committee Report No. 22-61 and Resolution Nos. 22-119 CD1 FD1 & 22-144 CD1 FD1):

Aloha, Chair. Councilmembers. Can you hear me?

CHAIR LEE: Yes.

MR. PEREZ: Hi. Just very quickly, I am one of those people who was inspired by Colette Machado, and I want to honor her. Didn't get a chance to do that this morning. I also wanted to say that I'm concerned about you folks. Last time, I think you were sitting down for sixteen hours, and that is not healthy. So, I hope you are able to find a way to manage these long hours.

I'm testifying today on three things. First of all is the regional planning commissions. And I'm Albert Perez with Maui Tomorrow, and we support this Charter amendment proposal. All of our communities in Maui County deserve to have decisions that are made about their communities in a way that is sensitive to the actual conditions on the ground. Your neighbors are more likely to make decisions that are appropriate for your neighborhood. Maui County is growing and it's time to make sure that we're all equally represented, and regional planning commissions will further that goal. With regard to the claim that overlapping jurisdictions will create problems, the jurisdictions do not overlap. They're defined by the community plan region boundaries. If there are issues that affect more than one jurisdiction, than those issues can be referred to more than one planning commission just like they are now. So, I urge you to forward this to the people of Maui County for a decision in November.

Meanwhile, my next item in Kihei we have another housing project being proposed in wetlands. Of course, I'm speaking of Hale Waipu'ilani which translates to the "waterspout." And I think we should pay attention to that traditional cultural knowledge. We are not doing any favors to people who are economically vulnerable and barely

able to afford a house by giving them a chance to finally have a home in an area that floods.

And the logic that there will be five homes there anyway escapes me, it's not guaranteed. They still need an SMA permit and even if it did happen there wouldn't be as many people affected by the inevitable flooding. People who can afford one of those five homes would also be able to better recover financially.

Then according to the committee report the developer intends to receive a Federal Emergency Management Agency letter of map amendment which would remove the flood insurance requirement for homeowners. But according to the FEMA website, the developer can request a letter of map revision, but there's no guarantee that it would be granted. The LOMR must be, it must consider other communities affected, property owners nearby need to be notified, and it's subject to appeal. So, it's not guaranteed.

Also from the FEMA website, very importantly, issuance of a LOMR does not mean that there's no risk of flooding. They stress that not having a flood insurance policy could have disastrous consequences leaving you with no financial protection from flood losses. So, they recommend that you have flood insurance anyway, even with a LOMR. And this will add to the expense of living there and make it less affordable.

If we keep approving projects like this, there will be no wetlands left to protect with the wetland's ordinance. And the reason that these projects keep coming up is because the land is less expensive. If you improve this one, you will be encouraging developers to keep doing this on wetlands, in flood zones. Your disapproval would discourage them.

Also, this kind of project where the deed restriction is only for ten years, we're basically chasing our tails anyway. They will not be affordable after that. In addition, as I understand it if people don't qualify at lower income levels and the County doesn't buy the units, then they can be sold at market price. That is a windfall for developers, and I believe that's one reason this type of project is so attractive. Instead of the good kind of project like Ikaika Ohana, Doug Bigley, those people.

Anyway, this Council is already moving in the right direction which is to help developers be able to off-set the higher price of more suitable land by providing infrastructure. That will provide housing that is clearly in the public interest. Putting houses in flood zones on wetlands is not.

Moving on. Let me take a sip, sorry. East Maui Community Water Authority. We support this Charter amendment. It's time for Maui County to take control of it's own water resources. Having public water supply depend on private water systems is poor

public policy and it places the public at the mercy of decisions that are based on what's best for the company, not the public interest. It's also risky.

Climate change and invasive species are making watersheds more susceptible to landslides and watershed health will be critical to maintaining any flow at all. It may or may not be worth it for a private company to repair landslide damage to the ditches. We don't want that decision to be left to a company's bottom-line when we're talking about public trust resources.

I'd also like to stress once again to ensure that the EMI employees, who know how to run that system be retained, because they know it best. And the water authority will also need to work closely with invasive species experts and others who can help restore the watershed. Water for serious agricultural users can continue to be provided balanced with instream uses such as kalo growing that have priority.

With a public water management entity, decisions would be transparent, consistent with the public trust, and an authority may be eligible for grant funding that's not available to private corporations. This will offset the costs that are of concern to the Department of Water Supply and others. There has already been many investigations regarding the feasibility of this idea, not the least of which was the temporary investigative group of the Board of Water Supply. And I would just like to compliment Councilmember Sinenci, the Board of Water Supply, and all the citizens who have put so much time into thoroughly vetting this idea already.

Finally, I'd like to point out as Mr. Mayer did that the current rates that are being charged to the County are not guaranteed. They're also subject to corporate decision-making that we're trying to get out from under. So, this Charter amendment would allow the people of the County of Maui to take charge of their own water future. And I urge you to approve it and send it to the people of Maui County for their decision. Mahalo.

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

MR. PEREZ: Thank you. Don't stay up too late.

DEPUTY COUNTY CLERK: Chair the next--

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR LEE: Yeah, go ahead.

COUNCILMEMBER MOLINA: Sorry, before we go on to the next testifier, I was wondering if we could do a temperature check as far as where we're at with testifiers and how we want to proceed the rest of the evening.

CHAIR LEE: Mr. Clerk, how many?

DEPUTY COUNTY CLERK: Chair, there are six testifiers remaining.

COUNCILMEMBER MOLINA: Thank you.

CHAIR LEE: Shall we just move forward? Okay. Well proceed, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is the individual calling in from the phone number ending with these last four digits 5249, to be followed by Lehua Cosma.

5249, you're unmuted, it is your time to testify. Chair, they are not responding, shall we move on to the next testifier?

CHAIR LEE: Yes, please.

DEPUTY COUNTY CLERK: Then the next testifier is Lehua Cosma.

MS. LEHUA COSMA [testifying on Bill No. 21 CD1 FD1 (2022); and Resolution Nos. 22-119 CD1 FD1 & 22-144 CD1 FD1]:

Aloha.

CHAIR LEE: Aloha.

MS. COSMA: Can you hear me? Hi.

CHAIR LEE: Yes.

MS. COSMA: Aloha, Members, Chair Lee, and the County Council. Thank you for holding on this long. I have been waiting from this morning, so, I know how you all feel. I can hear your stomachs growling, but anyways I want talk about lighting Bill 21.

I feel we need to defer this because I've been hearing about Florida has it, Big Island have it, Honolulu has it. But you know what, we are Maui No Ka Oi. We are Maui. We are not like any other place.

And I truly believe it has something to do with the wildlife, the birds, I've never seen it in Hana. I do think it's a lot to do with the climate change that's happening around every community around the world. So, I feel that maybe we do a feasibility study, and really look at the outcome. Is this really important? Because I see the fundings for this can go towards something like affordable housing. It can go to a much better need. And I support the birds, but I've never seen it here in Hana dying.

And my concern as a Hana resident is lately every other day, we've been going through robberies because we live in isolation, a lot of places are dark. So, I feel with this lighting it helps bring security to the homeowners, the residents of Hana so that we can avoid this kind of robberies going on. And it's not just Hana, it's all over.

And I agree with the Police Department, they need visibility, they need to have better lighting and that's important. And so, with that I just ask for a deferment until we can do a better study on this and get the cost of what, what the amount of taxpayer monies is to pay for this. So, I'm not in support of this until it gets deferred and you guys do more study, then I'm fine with it.

So, number two, this is 22-144. I like, I'm in support of the amendment to revise the Charter of County of Maui to establish planning commissions for all areas of Maui. I think it's important that each community that knows their community have a lot to say in this planning. So, with that, I ask that we dissolve the Maui, the current Maui Planning Commission. I sat on many, I sat for many terms on the Hana Advisory Committee, and sometimes, our voices as a community are not heard because it gotta go to the Maui Planning Commission and it bypasses all of us. No matter what we do or say, and sometimes it's good, sometimes it's bad. But that's why I feel each community does deserve this opportunity. If anybody knows their community, it's the people that live there. So, I support that 100 percent.

And the other one I wanted to talk about, and I thank Councilmember Shane Sinenci is the Resolution 22-119. I feel it's such an important matter that needs to be put on the ballot, and let the people decide. They know what the importance and I speak on behalf of my kupuna and my ancestors from Keanae. Although I live Hana, but my roots are in Keanae, being my grandmother, grandfather was there and yeah. I support it being on the ballot and let the people voices be heard. It's only fair, and that's the three things that I wanted to bring to your attention this evening.

So, I mahalo you, and I ask all of you to take into consideration all the testifiers before me, whether in support, or not support. But I think everyone was in support of putting this on the ballot. So, mahalo nui loa. I hope you get to go home early.

CHAIR LEE: Thank you. Questions?

MS. COSMA: Thank you.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I just have a question regarding Bill 21.

MS. COSMA: Yes.

COUNCILMEMBER SUGIMURA: There's a DLNR study that says that these birds fly east of Haleakala mountain, so the eastside, Hana side and from September 15 to December 15 is when they, when they come. So, have you noticed them?

MS. COSMA: Nothing. The only birds we have is the iwa birds in Hana. A lot of iwa birds that's on the island of Alau. And it's spread out throughout Hamoa. And not one time I ever seen any of those birds affected. They know where their habitat is. Birds are smart than what we usually think, you know, they are. But I've never seen it in my whole entire life. Maybe--

CHAIR LEE: Okay. Thank you.

MS. COSMA: --like the testifier before me said, he seen it on Dairy Road, a dead bird.

CHAIR LEE: Thank you.

MS. COSMA: Thank you, too.

CHAIR LEE: Thank you so much.

MS. COSMA: Chair Lee, thank you.

CHAIR LEE: Take care.

MS. COSMA: And Co-Chair Rawlins-Fernandez, thank you too. A hui hou.

CHAIR LEE: A hui hou.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Earle Medeiros, to be followed by Barbara Barry.

CHAIR LEE: Repeat.

DEPUTY COUNTY CLERK: Earle Medeiros. I believe you're at the Hana District Office.

MR. EARLE MEDEIROS (testifying on Communication No. 22-167 and Resolution 22-119 CD1 FD1):

Yes. Hello Council. Good evening to you guys.

CHAIR LEE: Good evening.

MR. MEDEIROS: Pretty soon nighttime, yeah. My name is Earle Medeiros and I reside in Haneoo, Hanamau. What Lehua said is exactly true but I not going there.

I'm testifying in support to establish a Maui Water Authority and East Maui Regional Community Board. And, and I want you guys to put this on the ballot, it's Resolution 22-119. And we as Maui County or Maui County people, Maui County or Maui County peoples, should make, make different boards to control each designated district.

Today, many outside entities are trying to take our resources and many, many other things. You guys should know. You guys in the midst of things. You know, it's been all along, but I got to commend you guys for doing such a good job.

You know, for one example that, that I going use is the LLCs that are starting to buy up all the properties all over the place. And they are corporations, just like every other corporation, their god is money, not god himself. Money, that's what they have, you know? And I like you guys, I don't know the answer to this, but . . . in the LLCs, what they pay for land tax? You guys go look that up. I know the answer to that. You know, as they--

DEPUTY COUNTY CLERK: Earle, you seem to be frozen.

CHAIR LEE: Earle, can you hear us?

DEPUTY COUNTY CLERK: Oh, it might be a problem. Oh, there he is.

MR. MEDEIROS: Okay. Am I okay? Okay.

CHAIR LEE: Yes, you are.

MR. MEDEIROS: Believe me, the same thing won't happen with the water if nothing is done. Please put this on the ballot and let the people themselves decide what we're going to do with it. Too long already. Other people come from other places and they trying to run us. Like Lehua said, we know this place better than anybody else. Put it to the people. Let the people speak and voice their opinion, because half of the guys don't know what they voting on, yeah. Money is the bottom line, yeah, of everything. But the only thing that I have to say is keep this situation in our hands. Let the people control their own destiny, not outside entities. If we never learn from previous practices, then damn us. And I hope all you guys listening to what I saying, I mean, it's enough already. We've had enough. Aloha and imua.

CHAIR LEE: Thank you. Members, do you have any questions? No questions. Thank you so much for coming.

MR. MEDEIROS: Aloha.

CHAIR LEE: Alright. Aloha.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Barbara Barry, to be followed by Keoni Kuoha.

MS. BARBARA BARRY [testifying on Bill No. 21 CD1 FD1 (2022); Resolution No. 22-119 CD1 FD1; and Committee Report Nos 22-61 & 22-64]:

Aloha, Chair, Councilmembers. Thank you so much for allowing us all to testify today. Chair Lee, I hope you feel better really fast. That's no fun to have to work when you are sick like that. So, hopefully you all get some good rest this weekend. I'll make this quick. I just want to talk about a few things today.

Resolution *[sic]* 21 is a really important bill. It's been worked on extensively since January. There is a three-year timeline for this to be put into place to help protect our seabirds. And it's basically three-and-a-half years, when you count the six months that we have until the bill would go into effect. So, I just really think that we can stop the fearmongering, and, and realize that maybe because the Mayor is opposed to this, that Corp. Counsel has been weaponized to, you know, come up with all of these concerns that hadn't come up in all of the, the, the several Committee meetings.

So, I support this. I think we should move forward with it. There's been a lot of bills introduced in the past, where you know, like the Styrofoam bill, the suntan, you know, oxybenzone ban, you know, everybody is like so worried about the unintended consequences of these things happening, when, in fact, they were really important and other counties have followed our lead.

So, it's not just birds in Hana, it's, you know, these birds are countywide. So, we have to think about it. And you know, people replace their light bulbs, they'll probably end up saving more money because they'll be more energy efficient and they'll be supporting our seabird population, which is imperative, because once our seabirds dwindle and become extinct, then well, that's not the time to start thinking about this. So, I believe all of the considerations that need to be thought about have been thought about and there are exemptions for firefighters, and police, and temporary lighting, and you know, our sports, evening sports, field lighting. So, there's really no apparent reason why this should not be passed tonight or Monday, whenever you get around to it.

My other comment is on Resolution 22-119. I've always been in strong support of the County managing its own, you know, public trust, so water. The kalo farmers, the ranchers, the farmers, I don't think we need to worry about prices going up too much, because we'll be able to manage this resource in a way that is fair and equitable. And perhaps the person or corporation who's managing it now, who gets the cheapest water will be paying their fair share.

And, you know, there's a lot of ways to think about this but the time to start studying all this has passed. Because I mean, I think it's good to study it, but it needs to get on the ballot because the people wants to see this, Maui County control our water and not some foreign corporation that is answering to their stockholders. So, I'd really like to see that move along, and I appreciate Councilmember Sinenci for bringing this bill forward, as well as Councilmember King for bringing forward the seabird lighting bill.

Just for the record, I do not support the Waipu'ilani development being built in a flood zone. It just seems like, I know what it's like dealing with mold living in Haiku. So, why would we, why would we support that kind of development. There's gotta be a better place for it and the wetlands serve their purpose to help drain the water when it comes down the mountain. And it's just the wrong spot for that development.

I also support Bill 110, helping our veterans, and I think that's it for me. Thank you so much for allowing me to testify today.

CHAIR LEE: Thank you very much.

MS. BARRY: Thank you.

CHAIR LEE: Members, questions?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Keoni Kuoha, to be followed by Junya Nakoa.

Junya Nakoa is the last individual we have to sign-up during this current testimony period. If there are any other individuals who would like to testify at this testimony period, please identify yourself in the meeting chat, or sign-up with the appropriate staff member. Thank you.

CHAIR LEE: Go ahead, Keoni.

MR. KEONI KUOHA (testifying on Resolution No. 22-144 CD1 FD1; and Committee Report Nos. 22-61 & 22-62):

Aloha 'auinala. So close to the end. Aloha kakou. 'O wau 'o Keoni Kuoha. I have the privilege of lobbying this Council as Director of the House Maui Initiative of the Hawaii Community Foundation. I also come to you as a commissioner chosen by this Council to serve on the current Charter Commission. I'm here to affirm that your Charter Commission has fulfilled its kuleana. We spent over a year working to develop a final set of proposals and we have put forward the best proposals possible.

Today you are considering three additions. Two of these proposals were never brought before the Charter Commission so it makes sense that this Council consider adding them to the ballot. However, one of these proposals was thoroughly vetted by the Charter Commission and the majority of the commissioners did not believe that putting forward this proposal was in the best interest of County residents.

I'm opposed to establishing planning commissions for all community plan areas; however, I didn't start off with this view. When the proposal first came before the Charter Commission, I supported it wholeheartedly. I thought it would enable a planning process that would represent the best interests of our communities. It was simple, more community voice in process creates outcomes that reflect the needs of the community. However, as I looked deeper into the issue, I changed my mind.

First, according to Harvard Law Review, local planning boards are often subject to capture by homeowners who oppose the construction of affordable housing out of concern that a new development might change the character of their community by triggering an influx of lower income and minority residents, creating congestion and safety risks and depressing property prices. This observation is reinforced across the affordable housing literature.

Second, according to the research literature, participants in public meetings are usually not representative a cross-section of the general public. Instead they are disproportionately likely to be white, male, older, homeowners, frequent voters and opposed to the project at issue. This illustrates a deeply engrained equity issue in the land use planning process. The people with the resources to participate in the planning process are not representative of the broader community.

As a side note, today's testimony against Hale Waipu'ilani illustrates this point. These two broadly established views in the research led me to my key concern that more planning commissions will stifle affordable housing development even more. This Council has committed to housing as a human right. To fulfill that commitment, the only responsible course of action is to oppose establishing planning commissions for all community plan areas.

On two separate but ultimately related notes, first I support item 22-61, Hale Waipu'ilani for the reasons partly I already explained here. Please note that all testifiers brought up the flooding issue, an issue that they got to choose to live with. But most also revealed that they simply prefer the neighborhood have less traffic and lower density buildings. It is understandable that they would have this preference. The challenge before this Council is to put our community's need for affordable housing above the preferences of the project's neighbors. The Council should also address the flooding, traffic, and safety issues in the area.

Second, I oppose item 22-62, Bill 107 in its current form. Jeff Gilbreath and I have worked on some language that we believe accomplishes the goals of the current bill while setting up the system for success. We would appreciate the opportunity to discuss and further refine this language with the Council and other key stakeholders. In closing just want to thank you for your patience and your fortitude in carrying out your kuleana for this County. Mahalo nui.

CHAIR LEE: Thank you, Keoni. Members, questions? I see Member King. Member Sugimura.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here Mr. Kuoha. It sounds like you're opposed to every planning commission. You're, you're characterized

planning commissions as being inherently against affordable housing, but we have three planning commissions in the County right now. So, are you opposed to Molokai having its own planning commission, or Lanai having its own planning commission, or just the rest of the communities on Maui?

MR. KUOHA: I think, I'm not opposed to planning commissions. I think that they are an important piece to how our community feeds back to, to what happens in our communities. They are an important check both on the private development side, as well as the government side. I think right sizing the planning commission is what we're talking about. Maui Planning Commission is large enough that it can take a broader view to development and consider, you know, people don't move islands as often as they might move communities. And folks that are looking for affordable housing might be in Wailuku, but work--

CHAIR LEE: Thank you.

MR. KUOHA: Mahalo.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Keoni, I'm glad you are here.

So, as you are speaking from the Charter Commission, and there is a amendment that is going to come before the people, and then there's this one. So, are you speaking because we don't need the two, the two amendments, which will if they both get passed, I think we're going to have a problem. Do you have a position on that? Cause I did hear an opinion from that.

MR. KUOHA: First of all I just want to clarify, I'm not speaking for the Commission.

COUNCILMEMBER SUGIMURA: Right. I do know that.

MR. KUOHA: But, you know, I do see conflict and so that, you know, that could create issues down the road. But primarily I'm coming from the position that we spent a lot of time talking about it and looking into it and, and really thinking about the problem. I don't think that our current proposal addresses all of the issues. At one point we also kind of addressed sort of the make-up in other ways. Because I think there's--

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR LEE: Then we have Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Kuoha for your testimony. Can you repeat your testimony for 22-61. I didn't catch it.

MR. KUOHA: Um, for 22-61 I'm in support of it for the reasons, you know, that the two research pieces I put forward. I also noted, just and, and that the testifiers I hear their concerns about flooding issues. For one, most if not all of them got to choose to live with that. And that's just a caveat to that. But I also note that they, they spoke to their preferences about having lower density buildings and less traffic. And it's absolutely understandable that they hold these preferences. The challenge before this Council is to put our communities need for affordable housing to balance that and put it above the preferences of project neighbors.

COUNCILMEMBER PALTIN: And the safety issues during flooding about emergency vehicles going through doesn't concern you?

MR. KUOHA: I think all of those things are concerning. I think that they're concerning for existing residents, like the County needs to address those as well.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Gabe, did you have your hand up earlier? No. Okay, anybody else? If not, thank you very much for your testimony.

MR. KUOHA: Mahalo nui.

CHAIR LEE: Oh, we have one question. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Just a real quick one. Aloha, Mr. Kuoha. Mahalo for your testimony.

Earlier when the alarm went off, it cut out one of the last things you said. So, I just wanted to repeat it to make sure that, and have you confirm that was what you said. So you said that some people live in Wailuku and work in Kihei, was that what you said?

MR. KUOHA: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification. Mahalo, Chair.

CHAIR LEE: Anybody else. If not, thank you very much for your testimony.

MR. KUOHA: You folks have a good evening. Aloha.

CHAIR LEE: Thank you. Alright, Mr. Clerk, proceed.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Junya Nakoa, to be followed by Andrew Kayes.

MR. JUNYA NAKOA [testifying on County Communication Nos. 22-162, 22-169, & 22-170; Committee Report Nos. 22-61 & 22-67; Resolution Nos. 22-119 CD1 FD1 & 22-144 CD1 FD1; and Bill Nos. 21 CD1 FD1 (2022) & 92 CD1 (2022)]:

Howzit. How you guys stay? Long . . . day.

CHAIR LEE: Oh my god, you shaved your face.

MR. NAKOA: Yeah, poor thing. Now you guys gotta see this ugly face. I was trying to hide 'em all this time. But, da kine, you guys endured a long day. I was with you guys the whole day but I was trying to set-up canoes. We gotta go take out Napili Canoe Club to Kahului Harbor. But, okay . . . get big waves supposed to come. But we going make the thing happen, we make stuff happen. Okay, I going, I wanted for do 'em by da kine each item, but neva mind, I going make 'em real fast cause I busy tomorrow and whatever.

Okay. Here we go. Okay, 22-169. You know, the Auditor, yeah, and his plan for audits, yeah, we gotta make sure the buggah doing a good job because get planning, you guys know how I feeling about the Planning Department and what not and all these audits and what not. We gotta make sure the buggah is done right. Done good, so us, the taxpayers no lose out, yeah, and we get, we jam up and we get screwed. Okay? Just making sure about that audit one.

Okay, real fast, the next one now, 22-170. The Water Department guys. Yeah, howzit, bruddah Shayne Agawa. Today you had the, you wear the hat as a Water Department guy, not one Lahainaluna classmate with me. But howzit bruddah. Yeah, you know, you guys talking about all this, all this you guys no can, you know, cannot you know, no more enough people this, no more enough people that. You guys going go check out the surface water and all the water meters and all this kine stuff.

My good bruddah, Kai Keahi when, had one good post about, you know, here in Lahaina and he when drive all the way to Kapalua and Kapalua all green. Green the buggah. But he come down by my house, Napilihau, the buggah dry, all dry. Then you go to Kahana, dry. You go Honokowai, dry. Oh, now you stay in, you stay in Kaanapali, now. Oh, the buggah green again.

What's the problem here guys? The Water Department gotta make sure if they going put one restriction on Lahaina people, yeah, make sure it goes for everybody. The hotels and all those guys too. Not only us guys, yeah? I not joking. And you know what? I taking initiative. I called up all the hotel general managers, I'm working something out. Yeah, like I said, I'm a man of action, I no fool around in Lahaina. Okay, and so yeah, so bruddah Shayne, go check that out, brah. I when stop by your office last week, you wasn't there and talk to you bum-bye. We going use the Lahainaluna hat, too.

Okay, the next one 22-61. Okay. You guys know already the name of that stupid housing. You going put 'em where? In one, in one flood zone. You guys going put um where? In a place that the, the Kihei always get floods and all that stuff. I mean, I mean, I mean I neva go college like that, but common sense, common sense. You going make the, you going make the locals suffer, okay? They going have to go buy all this kine stuff and they going da kine, I think was Albert when say 'um, you know, the locals gotta suffer. Gotta go, you know, pay flood insurance or whatever. Gotta go try fix 'em when the buggah flooded and all that stuff.

And yeah, I know he mentioned about five houses, oh yeah, take five houses, go ahead. Put five dummies inside there. Okay they get money that if the buggah get flooded, let them take care of 'um. You know what I mean? Better than making the locals suffer.

No use this affordable housing excuse, now guys, excuse the developers always use for screw us up, for screw us locals up, yeah, and for failure. We gotta make, we gotta set um up for the locals for success, not failure, yeah gang. So, listen to that buggah, listen to all the people who, who all, mostly when speak against um. Listen to the people of the area. I know the bruddah, the buddah right before me when say, oh yeah, his neighborhood and stuff. I no care what, if I talking about Napilihau, you guys going hear from me, you guys better listen, okay? So, I just saying, if the neighbors over there no like 'um, all the safety issues, like that, brah listen to 'um, okay. Listen to 'um. Like how I made you guys listen to about the Napili house over here. That stupid illegal hotel. I going talk about that right next. Okay, pau.

22-67, the eminent domain for stupid Greg Brown illegal hotel, yeah. You know, we, we here because the failure of the, the Administration, okay? And I thanking you guys because you giving the Mayor, one, one other opportunity, one other choice to look at, yeah? And so, back that up but I think was Uncle Pat Borge said, knock that damn thing down, yeah? For real, knock 'em down. You put cultural center, you put a cultural center on an illegal building it's still illegal. No put one bow on one ugly present. Us, the people of Napili still gotta live with it.

And I know you guys talking about making one culture. If anything gang listen to me, if you guys going buy the damn thing and you guys going make something, no make 'um one cultural center in the middle of all the haoles over there and only get couple locals across the street. Make that buggah into da kine brah, one, what you call the thing? One emergency place, where the doctor, you know? If somebody get hurt, like how I got buss up couple years ago, I had to get medivac, yeah? I had to get medivac Honolulu, yeah gotta wait for the buggahs come. You know what I mean, maybe if the kine can handle one pool on top that roof, maybe we can make one helipad on top that, the buggahs can land over there while you guys can take care, take care the guys who injured or sick, yeah like that.

And you know how Napili Bay, Napili Bay and all over there, DT Fleming, they get how many dummies they go, they go too far and then they get lost in the sea yeah like that. So maybe you guys make 'um one emergency doctor place, you know, so people can go over there take care themselves. Okay, the stupid Greg Brown. Oh, and the Greg Brown thing, I get one meeting scheduled with the Mayor at 9:45 on Monday to talk about his decision on this Greg Brown thing. So listen up gang, I going let you guys know what's going on. Okay, pau that one.

Now I going to the 22-119, the East Maui water. Oh my god, plain and simple, this is for the people of Maui, not, not one, one outside company. And you know, Mahi Pono, they like put the, them too, they like put the make-up on themselves. Make like they doing good. They going grow lemons, they going grow lime, they going grow that. They put 'um all on the side of the road so everybody can see 'um. They make big sign, everything. But you know what, it's all about they like the control of the water. And if they like, they true to themselves, they like make food for the people, then, then let them just grow food. Let them show their true colors.

Give the water back to the people, especially to the people of East Maui, yeah? Mahalo, bruddah Shane for doing 'um. For making this buggah, yeah again. We going fight this thing to the end, but I think you guys know, put the buggah on the ballot. Make the people, make the people vote on 'um. Just like how all of us can put our name on the ballot so they can vote for us, yeah? Yeah, yeah, same thing. Same thing. Make the people vote. Make the people's choice, make them pick who they like, and what they like. Okay, that one pau.

What this? 22-144. The planning commission one, yeah? Oh, there we go, right back into it again. Okay, sorry, but the planning commissions, I give them nothing but credit cause they no get paid. Sometimes they sit in the meeting forever. Yeah, just like how you guys sitting in the meeting today. Yup, but a lot of them already get their minds made up because if you guys ever listen to one planning commission meeting, all the

testimonies, might have one, the Wailea project, out of all of the testimonies, I think had like seven, I dunno, it took all damn day. Maybe only four of them was for the project, all of us, all of us was against the damn project. But what happened? The planning commission goes and ask the Planning Department Director what is their, what is, what they like them do? And here comes Michelle McLean, oh we recommend that you guys pass this, you pass this so they no need get their EIS, EEA, whatever letter you want to throw out there. Okay? Let them do the whole nine yards if the buggah good, yeah?

I tell you guys, right now the planning commission, now this one you guys like make 'em all the districts, yeah? Brah, and then, eh I've been just talking to, sorry bruddah Ipo, I going bring your name up. I was talking to the bruddah Ipo just couple days ago and he said, why Lahaina people get hard time for come on top boards and commissions? I going tell you this, brah, we tired get screwed over by this damn Administration and government. I going tell you honestly, we tired. We no more trust, we no more trust.

Cause you get one guy on the commission from Lahaina but then, and then you go, you know, just had the one in Kahana. Down here, the one the guy, the seawall thing. Only one guy was over here from Lahaina. The rest was from all over the damn place. But they never know the issue that we live with every day. So, I think the one with the districts planning commission, that's the one, guys. And watch, you guys make one for Lahaina, oh brah, we going get some action. We going get some action. We going get, I going get people to jump on. I going jump on 'em, that's for sure. Okay, going to the next one.

. . . hell I get now. Oh, twenty, no, no. The 21, one, the one with the birds. The lighting, yeah? Good job, guys. Good job looking into it, okay? What do you call? You know, you get plenty exemptions inside here. You know, from the police coming over here grumbling about the lights and what not. Hey, I understand that for safety reasons but get exemptions for that.

Get the MIL guy, I heard. And so happy and I get football players all they paddle canoe they was listening, you know what I mean? And all the kine baseball players that was listening and what not. Brah, try 'um out. Try test 'um. Try go, try go put, try go put the light next to the other light and go see how the buggah work, yeah?

You know the kine, because like I said, I going bring 'um up again. Here in Lahaina, the softball field, or baseball field, whatever you want to call it, they just when install all brand-new lights on one field that not once did they put on the light yet. Not once, nothing, zero, okay? No use that park nighttime. The park is not being used nighttime. So, why you guys no use that park for put the light half side and half on the other side

and try test the buggah out. See how dangerous the buggah is. I can bring my baseball team go practice at nighttime. They like, they like play nighttime. You know what I mean?

Over here in Napili, when the buggah dark, aww pau practice. But just try 'um out guys, get plenty exemptions. Okay? Get plenty exemptions that you guys when put in. So, you know what, pass that buggah. If the buggah no work, hey, come back change 'um again. I dunno what you guys doing. But yeah, so I support that buggah, cause you know what? Some native Hawaiian bird gang, you know what I mean. It's something that we gotta start protecting the natives, brah. And you know what, I going work hard to fight the Native Hawaiians. To get the Native Hawaiians back on their land, ceded lands, yeah. Watch, you guys just watch, watch, going get some action in Lahaina, okay. So yeah, take care the native birds and you know, you guys like some people say take care the humans. How can? The humans no can even take care themselves, yeah, okay. Love you guys.

Let me go to the next one, 92. The residence requirement for the planning commission. Yeah. . . . whole damn thing, you from Lahaina, we going let you guys know what happen in Lahaina. You guys know that. We speak our mind. We stand up strong. We no fool around. So, yeah make sure that the buggah from Lahaina, make sure the buggah not from New Jersey or whatever the heck over there. But, you know, make sure the buggahs live over here, they know, we no the kine, we know this place and all that stuff. But yeah, okay. I when squeeze 'um pretty fast guys, my bad. That was all of 'um. You guys, you guys, I going say 'um, you guys all bad ass, good job. Now I got to go get ready for paddling stuff. You guys have a great weekend, guys. Yes, sir.

COUNCILMEMBER PALTIN: Yeah, I had a question. Thank you.

Thank you, Mr. Nakoa for your testimony. I just was on the first item clarifying that, you know when we're, if you're aware that when the county puts water restrictions its only for the County service lines. And those areas that you mentioned is not serviced by the County Department of Water Supply. So, when the restriction is on, it's for Department of Water Supply service lines and not private water. Just was clarifying if you knew that?

MR. NAKOA: Okay, yeah, cherry. I know that because I got that brought up by one bruddah who got, who got fired by the County. He used to work for the water company. And he knew that people going say, going bring up this thing about the R-1 water, they get their own water. Same think when I talk to the general managers. They said the same thing. They get their own waterline. You know, they get their own whatever, water whatever. So, I know all that stuff. I know that buggah. Let me finish this now, I going answer. I know that buggah, okay. But I just going, and then a lot of the general

managers live over here too, they Hawaiians, okay. I just like say, what goes for all, goes for, you know, one, go for one, go for all. So, we going work on a solution gang. I tell you right now, I working on 'em. I going meet with the, all the general managers and we going make this thing all pono and I going just tell you guys we going make, eh, I sorry I going swear but I make shit happen and we going make it happen. Shoots.

CHAIR LEE: Okay.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Any other questions, Members? If not, thank you, Junya. Have a nice weekend.

MR. NAKOA: Okay. You guys have a good one. Yessah.

CHAIR LEE: Okay, so, Mr. Clerk, who's left?

DEPUTY COUNTY CLERK: Chair, the last person we have signed up for this testimony period is Andrew Kayes.

MR. ANDREW KAYES [testifying on Bill No. 21 CD1 FD1 (2022)]:

Can you guys hear me, okay?

CHAIR LEE: Yes, we can.

MR. KAYES: Okay. Thanks. Hey, quickly I'll try to be less than one minute. I just wanted to speak against Bill 21. I feel like this is a, has good intentions but will likely have unintended consequences of increased crime. And I hope maybe you'll defer this or consider adding more robust exemptions for residential properties. I notice there are quite a few, I did look at it and read it, but I think that Hawaii island when I looked at theirs had more robust exemptions for homeowners. But I do wish you best of luck in your decisions and that's really all I had to say. Anything else I say at this point would be repeating what others have said. So, I wish you the best of luck.

CHAIR LEE: Thank you, Mr. Kayes. Questions, Members? If not, thank you very much.

MR. KAYES: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, no other individuals have indicated an intent to testify during this testimony period. If anyone would like to testify now, please identify yourself. This is our last call for this testimony period. Chair, no one else has indicated that they would like to testify at this time.

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

1. Eric Miyasato;
2. Amanda M. Martin, Na Moku Aupuni o Ko'olau Hui;
3. Kalae Martin;
4. Marty Cooper;
5. Jim Hayes;
6. Rick Alexander;
7. Wade Hondo;
8. Jennifer Chapman;
9. Gabriel E. Krueger;
10. Jeff Gilbreath, Hawaii Community Lending;
11. Randy Wagner;
12. David Lane Henkin, Earthjustice;
13. Mary Jo Padilla;
14. Regina Padilla;
15. Don Gerry;
16. Shayne R. Agawa, Deputy Director of Water Supply;
17. Sterling Higa;
18. Larry Padilla;
19. Lloyd Johnson;
20. Andrew Kayes;
21. Shay Chan Hodges;
22. Shekinah Cantere;
23. David Bruce;
24. Jordan Molina, Director of Public Works;
25. Randy Yamanuha;
26. David Dorn;
27. John Pelletier, Chief of Police;
28. Joe Kent, Grassroot Institute of Hawaii;
29. Scott Abbott;
30. Junelle M. Akiona;
31. Lorinda Alana;
32. Helen Dale Allen-Alioto;
33. Keith Amemiya;

34. Bruce Anderson;
35. Andrew;
36. Joel Angyal;
37. Debbie Arakaki;
38. Lindsy Asman, Pacific Islands Fish and Wildlife Office;
39. Dezireen Austin;
40. Chris Bakeman;
41. Traci Marie Bean;
42. Cassandra Beaumont;
43. Gloria Bennett;
44. Jude Jean Paul Bernard;
45. Bobbie Best;
46. Rick Bickford;
47. Heidi Bigelow, West Maui Land Company, Inc.;
48. Julia Bissen;
49. Nicholas Blum;
50. Dan Bolton;
51. Steven Bronstein;
52. Chris Bruce;
53. Danielle Bruce;
54. Gloria Bruce;
55. Natalie Bruce;
56. Robert Bruce;
57. Scott V. Bruce;
58. Terry Bruce;
59. Robert Bryan;
60. Justin Cantere;
61. Jacqueline Carroll;
62. Christina;
63. Allison Cleghorn, Office of Climate Change, Resiliency, and Sustainability;
64. Jonathan Conrad, Lahainaluna High School;
65. Brandi Corpuz;
66. Jean Corpuz;
67. David Cunningham;
68. Elijah Curry;
69. Diana Loomis Dahl;
70. Vivian Dames;
71. Martha Davenport;
72. Maria de Melo;
73. Lynn DeCoite, Hawaii State Senate;
74. Michael Dega;

75. Suzie Dorn;
76. Michael J. Duberstein;
77. Christian Dumalanta;
78. Gina Duncan;
79. Travis Duncan;
80. Isara Ebsen;
81. Gary Elster;
82. Falishah;
83. Jeffrey Fawson;
84. Ashley Fazal;
85. Naeem Fazal;
86. Paul Fedi;
87. Dyvette Fong;
88. For Sale on Maui;
89. Eric Frankum, Westin Maui Resort & Spa;
90. Linda Freidenburg;
91. Marisa Fujimoto;
92. Edna Galinato;
93. Keith Garcia
94. Chelsea Gerbig-Bedoya;
95. Gerard C. Gibson, Hawaii Hotel Alliance;
96. John Gillespie;
97. Patty Gorski;
98. Bill Greenleaf;
99. Laura Gyori;
100. Ritama Haaga;
101. Derek Hall;
102. Kawailehua Kuluhiwa Hall;
103. Heidi;
104. Kentrie Ho Cantero;
105. Nicole Hollern;
106. Hosaka;
107. Denise Iseri-Matsubara, Hawaii Housing Finance and Development Corporation;
108. Aya Iwasaki;
109. John J.;
110. Taylor Jerome;
111. Leslie Johnsen;
112. Erika Kawehi Kaaa;
113. Ka'akakai & John Kaahui;
114. Debra Kahula;
115. Vernon Kalanikau;

116. Russell Kallstrom;
117. Dawn Kaluakini;
118. Lena Kamai;
119. Justin Kanakaole;
120. Linden Kanamu;
121. Charlie Kao;
122. Barb Kapua;
123. Mary M. Kerstulovich;
124. Cheryl King;
125. Kelly T. King, Councilmember;
126. Walter & Opuulani Kaauamo Kuluhiwa;
127. Chris Laidlaw;
128. Debra Larson;
129. Lisa Levang;
130. Aviva Libitsky;
131. Aubrey Long;
132. Amanda MacDowell;
133. Scott MacDowell;
134. Mahina;
135. Marlapet;
136. Martha E. Martin;
137. Michelle Martinek;
138. Maryse;
139. Reverend Mario Masias;
140. Mark Matsuda;
141. Noelle McClure;
142. Bruce McDonald;
143. Lara McGlashan;
144. Jeramia McMullin;
145. Abbey McPike;
146. Steve Miller;
147. Tanja Kala Miller;
148. Norman & Marion Moe;
149. Nancy Montoya;
150. Dolly Moreno;
151. Arshak Navruzyan;
152. Cody Nemet;
153. Mike Neubauer;
154. Irene Newhouse;
155. Tina Nguyen;
156. Lisa Nowacky;
157. George Nunes;

158. Dennis O'Donnell;
159. Mavis Oliveira-Medeiros;
160 Paul Olson;
161. Melody-Lei Osinem;
162. Ken Ota;
163. Leiane Paci, Dunes at Maui Lani;
164. Pacific Resource Partnership;
165. Elena Panigada;
166. Gary Passon;
167. Lisa Paulson, Maui Hotel & Lodging Association;
168. Frances Pitzer;
169. Joseph D. Pluta, West Maui Taxpayers Association;
170. Megan Loomis Powers;
171. Z. Kekoa Powers;
172. Jason Purcell & Erika Thomason;
173. Lindsey Rex;
174. Grant Rice;
175. Anthony Riecke-Gonzales;
176. Jodi Riley;
177. Russell Riley;
178. Yaqueline Rodriguez;
179. Quezia Rogers;
180. Fred Romvari;
181. Regina Sagun;
182. Gary Savage;
183. Linda Schatz;
184. Linda Schlichting;
185. Charlene Schulenburg;
186. Christa Seals;
187. Sese;
188. Diane Shepherd;
189. Robin Sibley;
190. Megan Slorena;
191. Julayna Smith;
192. Lloyd K. Sodetani;
193. Charles Spence & James Batchelder;
194. Hugh Starr;
195. Patricia Stillwell;
196. Terry Stratton;
197. Roderick Sumagit;
198. Rie Takahashi;
199. Lori Tanaka;

200. Will Tang;
201. Cassandra Tengan;
202. Yana Torgan;
203. Yoko Toyama;
204. Pamela Tumpap, Maui Chamber of Commerce;
205. Estelita Ulibas;
206. April Valdez;
207. Suparna Vashisht;
208. Christine Veazey;
209. Mark Virgino;
210. Laura Vo;
211. Richard J. Wainscoat;
212. Andrea Walls;
213. Evan Webb;
214. Rakai'el Webb;
215. Jane West;
216. Claudia Wethall;
217. Sam Wilhelm;
218. Anita Wintner;
219. Martha Woodbury; and
220. Michael Zemrus.

CHAIR LEE: Members, what's your pleasure?

COUNCILMEMBER PALTIN: Do as much as we can, as fast as we can. That's my pleasure.

CHAIR LEE: That's your pleasure.

What about Mr. Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. If we are going to go on, we should take a dinner break, but then that would allow us to only do about a hour's worth of work, so I don't really think it's the point. So, I think we should recess now and then go Monday morning bright and early.

COUNCILMEMBER KAMA: I concur.

CHAIR LEE: Okay. Okay, we have two for that one, that suggestion.

Member Molina, which one do you pick?

COUNCILMEMBER MOLINA: I guess recess till Monday.

CHAIR LEE: Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: I'd like to do the Consent Calendar and the County Communications . . . the Bills.

COUNCILMEMBER KAMA: The minutes.

VICE-CHAIR RAWLINS-FERNANDEZ: No, no more minutes. Bills, because it's just one, two, three, four, five budget bills. And those I don't think would attract testimony. So, just the Consent Calendar and, that we haven't heard any testimony on, and those, the bills on first reading for consideration, and then we can recess.

CHAIR LEE: Okay, okay. Moving down the line. I already heard from Member Kama. What about Member Sinenci, Member King, and then Member Sugimura?

Member Sinenci?

COUNCILMEMBER SINENCI: Yeah, I'm okay with moving forward the next hour.

CHAIR LEE: You're okay with what?

COUNCILMEMBER SINENCI: Moving forward to the next hour and then breaking, recess to Monday.

CHAIR LEE: Work for one hour, okay.

Member King?

COUNCILMEMBER KING: Okay, I'm trying to figure out what--

COUNCILMEMBER SUGIMURA: Keani--

COUNCILMEMBER KING: I'm okay doing the Consent Calendar, cause there's no minutes.

CHAIR LEE: And the others are budget bills.

COUNCILMEMBER KING: Okay, if there's, then you can do it all at once? Okay, then I'm okay with doing that before we break, or break for the, I'd rather, if, yeah we do that, then I think we should just break for the day and come back on Monday. Is that what you're saying? After we do--

VICE-CHAIR RAWLINS-FERNANDEZ: . . .

COUNCILMEMBER KING: Right. Okay. I can live with that. So, we do Consent Calendar and the five budget bills, which we can do altogether, and then break for the day. That would be my preference.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Concur.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: I'd like to hear from you, Chair, because that's, I'm concerned about your health. I, I mean, I don't want to, you're sick, you know, you should go home. Call your union.

CHAIR LEE: I am, I'm really open to anything, really. So, I'm more concerned about you guys. So, we have three, three.

Member Molina?

COUNCILMEMBER MOLINA: Yeah, let's just go ahead with Vice-Chair Rawlins-Fernandez, just start and go. Enough talk already. Let's do it.

CHAIR LEE: Okay. Everybody okay with that? Alright.

COUNCILMEMBER KAMA: So, Chair, so, if we're going to go for the next, what, one hour?

CHAIR LEE: No. We're just going to do the Consent Calendar and the five bills.

COUNCILMEMBER KAMA: Oh, okay. Oh, okay. Alright. Okay, let's go.

CHAIR LEE: Okay, so, Clerk? Mr. Clerk, call them up.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on the Consent Calendar. Chair, no individuals have signed up to testify on these items. If there are any individuals who want to testify on items on the Consent Calendar, please identify yourself now. This is the last call for testimony on these items.

CHAIR LEE: Any objections to closing testimony on these items, Members?

MEMBERS VOICED NO OBJECTION.

DEPUTY COUNTY CLERK: Chair, then proceeding--

CHAIR LEE: Proceed.

DEPUTY COUNTY CLERK: Proceeding with the Consent Calendar.

ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS

NO. 22-156 - JORDAN MOLINA, DIRECTOR OF PUBLIC WORKS,
(dated June 3, 2022)

Transmitting a copy of the FFY 2022-2025 Maui Transportation Improvement Program Revision #4 Administrative Modification which includes the Makawao Avenue Pavement Reconstruction Phase 1 project, Federal-Aid Project STP-0365(001).

NO. 22-157 - JORDAN MOLINA, DIRECTOR OF PUBLIC WORKS,
(dated June 9, 2022)

Transmitting a copy of the FFY 2022-2025 Maui Transportation Improvement Program Revision #4 Administrative Modification, which includes the Papalaua Street Traffic Signal Upgrade at Wainee Street Project, Federal-Aid Project STP-3020(001).

NO. 22-158 - JOHN PELLETIER, CHIEF OF POLICE,
(dated June 13, 2022)

Transmitting a copy of the grant modification with the State of Hawaii, Department of the Attorney General for the Cybercrime Unit Enhancement grant in the amount of $47,311.

NO. 22-159 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated June 22, 2022)

Transmitting a copy of Contract Log No. 20-251 Modification No. 6 from the State of Hawaii Executive Office on Aging, for the Aging & Disability Resource Center, in the amount of $29,524.

NO. 22-160 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated June 27, 2022)

Notifying of anticipated voluntary contributions to be received from seniors participating in the Assisted Transportation Program, in the amount of $16,214, with no letter of intent.

NO. 22-161 - SCOTT K. TERUYA, DIRECTOR OF FINANCE, (dated June 30, 2022)

Informing of the acceptance of Waterline Easement A, Honua'ula/Wailea Water Tank Subdivision, TMK: (2) 2-1-008:056 POR.

NO. 22-162 - SCOTT K. TERUYA, DIRECTOR OF FINANCE, (dated June 30, 2022)

Informing of the acceptance of Water Tank Lot, Wailea Upper Level Tank, Honua'ula/Wailea Water Tank Subdivision, Lot 2, TMK: (2) 2-1-008:056 POR.

NO. 22-163 - MICHAEL P. VICTORINO, MAYOR, (dated June 29, 2022)

Informing of the appointment of Chenoa Christina Ranis to the Committee on the Status of Women due to the resignation of Sheron Bissen.

NO. 22-164 - MICHAEL P. VICTORINO, MAYOR, (dated June 30, 2022)

Informing of a vacancy on the Fire and Public Safety Commission due to the resignation of Luke Makani Bailey, effective June 30, 2022.

NO. 22-165 - MICHAEL P. VICTORINO, MAYOR,
(dated June 30, 2022)

Informing of a vacancy on the Public Works Commission due to the resignation of Alberta de Jetley, effective June 30, 2022.

NO. 22-166 - MICHAEL P. VICTORINO, MAYOR,
(dated July 5, 2022)

Informing of a vacancy on the Maui County Cultural Resources Commission due to the resignation of Daniel Kanahele, effective December 31, 2021.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL ITEMS ON THE CONSENT CALENDAR.

And discussion is not allowed according to our Council Rules.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to file all items in the Consent Calendar. So, all those in favor, raise your hand and say "aye".

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

NOES: NONE.

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

So, we'll take up the bills now, beginning with 112.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Yes?

DEPUTY COUNTY CLERK: Proceeding with testimony on agenda item N. Bills. Just to double-check. Chair, no individuals have indicated that they wish to sign up on any bills in item N. But we will do a last call. If there is anybody who wishes to testify on any items in agenda item N. Bills, please identify yourself now. Again, this is our last call.

Chair--

CHAIR LEE: Members, are there any--

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: Members, are there any objections--

COUNCILMEMBER KAMA: No objections, Chair.

CHAIR LEE: --to closing public testimony and accepting written testimony for the bills?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

BILLS

ORDINANCE NO._____
BILL NO.__112__(2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY CODE, TO ESTABLISH THE PAY PLAN FOR A PROCUREMENT SPECIALIST AND A HAWAIIAN LANGUAGE COMMUNICATIONS SPECIALIST IN THE OFFICE OF COUNCIL SERVICES

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, if there are no objections, may I request the Clerk also call up Bill 113, 114, 115, and 116?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___113___(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,
HIGHWAY BEAUTIFICATION AND DISPOSAL OF ABANDONED OR DERELICT
VEHICLES REVOLVING FUND, EMERGENCY FUND

ORDINANCE NO._____
BILL NO.___114___(2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
OFFICE OF THE COUNTY COUNCIL,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
GOVERNMENT FACILITIES, BOND FUND,
OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO._____
BILL NO.___115___(2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
OFFICE OF THE COUNTY COUNCIL,
WAILUKU-KAHULUI COMMUNITY PLAN AREA,
OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS

ORDINANCE NO._____
BILL NO.___116___(2022)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5394, BILL NO. 71, CD1, FD2 (2022), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (OFFICE OF COUNCIL SERVICES OFFICE RENOVATIONS)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR BILL 112, 113, 114, 115, AND 116, IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to waive the Rules of the Council for the bills as stated. Any, any objections? I mean, any discussion?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For Bill 112, establishing the pay plan for these positions will allow us to finish the hiring process as quickly as possible. For Bill 13, this is a housekeeping bill to ensure that the approved amount in the FY 23 Budget are reflected in Appendix A, Part II. For Bill 114, 115, and 116, these bills amend the Fiscal Year 2023 Budget to appropriate additional Bond Funds for the Office of Council Services renovations, which are currently underway. Mahalo, Chair.

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

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair.

I MOVE TO PASS BILL 112, 113, 114, 115, AND 116 ON FIRST READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to pass Bills 112 through 116 on first reading.

Any discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For Bill 112, this bill would establish a pay plan for the two new Office of Council Services positions: procurement specialist and Hawaiian language communications specialist at the CR-1 level. Representatives from the Office of Council Services are available to answer any questions Members may have.

For Bill 113, this bill would amend Appendix A, Part II of the Fiscal Year 2023 Budget by adding an appropriation of $115,000 for equipment under Highway Beautification and Disposal of Abandoned or Derelict Vehicle Revolving Fund and decreasing the Anticipated Revenues for FY 23 under Emergency Fund by $105,372. During the FY 23 Budget deliberations, funding in the amount of 115,000 was approved for equipment from the Highway Beautification Fund and the Anticipated Revenues for the Emergency Fund were decreased. These changes were inadvertently not incorporated into Appendix A, Part II. These amendments do not affect the total operating budget for FY 23. Representatives from the Administration, Budget Director Michele Yoshimura is on, if Members do have questions.

And for the last three Bills, 113, 114, and, sorry, 114, 115 and 116, these bills would amend Budget bill Appendix C bill and Bond Authorization bill to the Office of County Council, Wailuku-Kahului Community Plan Area, and funding a project description for the Office of Council Services office renovation in the amount of $301,045. The FY 22 Budget appropriation of $519,000 was an estimated cost by the architect for the project. The actual bid on the project was $830,000, which the Office of Council

Services was able to negotiate down to $820,045. Therefore, additional funds are needed to execute the construction contract for this project. Again, representatives from the Administration and the Office of Council Services are available to answer any questions that the Members may have. Mahalo, Chair.

CHAIR LEE: Any questions, Members? Any questions? No questions. Ready for the 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.

Member Sugimura, did you have your hand up? Okay, nine "ayes", zero "noes"; motion carries.

Now, Member Paltin.

COUNCILMEMBER PALTIN: Chair, consideration for Section L. It's just four referrals. It'll be fast.

CHAIR LEE: Section L.

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: Any objections, Members?

COUNCILMEMBER KING: Question. Do we know for sure that they're referrals or that no one's going to try to pass them on the floor?

CHAIR LEE: Okay, this is the resolutions. Let's see, we have one, two, three, four? Members, any objections to dealing with these resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Member Paltin.

Well, let's call up the item by the Clerk. Clerk, call up the item please.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on agenda item L. Resolutions. Chair, no individuals has signed up to testify on these items. If there are any individuals who want to testify on items in agenda item L. Resolutions, please identify yourself now. This is our last call for testimony on these items.

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

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Please proceed, Mr. Clerk.

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

RESOLUTIONS

RESOLUTION
NO. 22-170

RELATING TO THE APPOINTMENT OF ANDREE-MICHELLE CONLEY-KAPOI TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION

The recommended action is that Resolution No. 22-170 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION
NO. 22-171

URGING THE MAYOR TO CONDUCT OR AUTHORIZE A COMPREHENSIVE FEASIBILITY STUDY OF THE EMI WATER SYSTEM

The recommended action is that Resolution No. 22-171 be referred to the Agriculture and Public Trust Committee.

RESOLUTION
NO. 22-172

REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE CRITERIA FOR TRANSIENT VACATION RENTAL USE WITHIN THE A-1 AND A-2 APARTMENT DISTRICTS

The recommended action is that Resolution No. 22-172 be referred to the Planning and Sustainable Land Use Committee.

RESOLUTION
NO. 22-173

APPOINTMENTS TO THE SOUTH MAUI COMMUNITY PLAN ADVISORY COMMITTEE

The recommended action is that Resolution No. 22-173 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Okay, any objections to any of these referrals, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. Do you have any more fast ones?

COUNCILMEMBER PALTIN: We could try J. But wouldn't he take that up with--

CHAIR LEE: Yeah, that might be more complicated.

COUNCILMEMBER KAMA: Home. Home.

CHAIR LEE: Okay, that's it. Okay, everybody, ready to call it a night and then we're going to recess this meeting, reconvene. I'll say it for the record.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, before we--

CHAIR LEE: Yes?

VICE-CHAIR RAWLINS-FERNANDEZ: --recess, for the, what is that, CR 21, the Waipu'ilani project, oh, sorry, 22-61, can we just get one of the attorney's to confirm that because Sunday, July 17 is the deadline, that the deadline would then be Monday, July 18?

CHAIR LEE: Okay, David is well aware. We've, we've researched this. David, please explain.

VICE-CHAIR RAWLINS-FERNANDEZ: I just want it on the record. Mahalo, Chair.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Okay, Chair and Vice-Chair. Chapter 1.04 of the County Code says that whenever a legal deadline falls on a Sunday or on a holiday, that the deadline actually moves to the next workday. So, for a deadline that was calculated for a Sunday, July 17, actual deadline in accordance with the Code, would be Monday, July 18. Thank you.

CHAIR LEE: Any questions, Members?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And just for the record, while we have Mr. Raatz on, that our Charter amendments--

CHAIR LEE: Could you explain the deadlines for the Charter amendments?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you. Thank you, Chair. And that's under the jurisdiction of the Office of the County Clerk. I don't know if the Deputy County Clerk wants to weigh in on that, but during recess, we discussed that as long as final action is taken on second and final reading of the resolutions to proposed Charter amendments early next week, the Office of the County Clerk will have sufficient time to get the ballots printed for the General Election. Thank you.

COUNCILMEMBER SINENCI: Thank you.

CHAIR LEE: Okay, any more questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: I sent a text to MPO Executive Director just to see how long the 2:00 meeting would be, and if she has any information, but I haven't heard back from her. As I said, the meeting was asked that we do it by State DOT, which would allow us to get more funding. So, for me, it's important. And I know that two

other Members are also on the MPO. But all of us are on, you know, the Council and we need to finish the agenda.

CHAIR LEE: Okay. So, it would be helpful if we don't ask too many questions. And then, if we don't have too, if we hardly have any testimony, we should be able to get through it in no time. But just in case, I would, I would brown bag it, so we can work through lunch, yeah. And then--

COUNCILMEMBER SUGIMURA: I'll buy. I'll buy lunch.

CHAIR LEE: Yeah, that way we're sure to finish by 2:00.

COUNCILMEMBER SUGIMURA: Okay, that's the goal. Is that okay with the Members?

CHAIR LEE: That's the goal. I think everybody wants to get through it as soon as possible. So, James, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, apologies. Just to clarify, when you do recess, that the recess will be for, that you'll come back to the same BlueJeans link that we have posted for today's meeting. And the in-viewing, the in-person viewing, and testimony location is also the same, the Council Chambers.

CHAIR LEE: Okay. Any other questions or comments before I--

Yes, Member King.

COUNCILMEMBER KING: Yes, just wanted to double-check and see what time we are recessing to on Monday.

CHAIR LEE: 9:00.

COUNCILMEMBER KING: 9:00. Okay.

CHAIR LEE: Yeah. Okay, Members, ready?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Last thing. When you say to brown bag it and work through lunch, we're not saying that we're going to keep staff here, cause they need at least a 45-minute break according to the collective bargaining agreement, yeah?

CHAIR LEE: Well, of course we'll give them that option. But I think they themselves would like to finish this up too. We'll play--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, Chair, it's required under the CBA.

CHAIR LEE: Okay. That's fine. I, I'm sure it's, there's some flexibility there since we kept them till almost 1:00 in the morning the last time. So, that was, that was stretching it way beyond lunch, a lunch break.

So, Members, for tonight, I am going call on Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Just wanted to reiterate that I had already previously made a doctor's appointment for 8:30 Monday morning, thinking that we didn't meet till 10. But because we're meeting at nine, I just wanted to let you know that I'll probably be late for that meeting. Thank you.

CHAIR LEE: Okay. We'll try and accommodate you by taking all the easy ones first if we can, if we can. Now, we want as many Members here to vote as possible.

Member King.

COUNCILMEMBER KING: I think, Chair, we might actually be starting with testimony. Is that correct, Mr. Krueger?

CHAIR LEE: Yeah.

COUNCILMEMBER KING: --still open.

CHAIR LEE: We might--

COUNCILMEMBER KING: You might just miss some testimony, Member Kama. We'll take notes for you.

CHAIR LEE: Okay, Members, any last comments or questions? Okay, this meeting of July 15, 2022--

VICE-CHAIR RAWLINS-FERNANDEZ: Member Sinenci had his hand up.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Oh, my apologies, Chair.

CHAIR LEE: Did you have your hand up?

COUNCILMEMBER SINENCI: We just closed testimony on the resolutions that we took up, yeah.

CHAIR LEE: Everything else is still open.

COUNCILMEMBER SINENCI: Okay.

CHAIR LEE: We cannot close testimony on the items we haven't addressed yet, yeah. That's the new law, yeah. And I'm going to, I'm going to tease Member King till the rest of her days about this law. Okay.

COUNCILMEMBER KING: Why me? I didn't come up, I didn't come up with it.

CHAIR LEE: I know. I know, but it was HSAC.

COUNCILMEMBER KING: Yeah, it was one of my colleagues in HSAC.

CHAIR LEE: Yeah, your colleagues at HSAC. Okay.

COUNCILMEMBER KAMA: That's right, you have to live it down, Kelly.

CHAIR LEE: July 15 meeting of the County Council 2022 is going to be recessed. We are recessing it until Monday, 9:00 a.m., using the same link. The same you can, one was the link, and what else did you say, James?

DEPUTY COUNTY CLERK: Oh, the same, the same in-person viewing location, the Council Chambers.

CHAIR LEE: Oh, the same in-person viewing location, right.

DEPUTY COUNTY CLERK: Oh, and then just to clarify--

CHAIR LEE: Anything, anything else?

DEPUTY COUNTY CLERK: --Monday, is July 18.

CHAIR LEE: And it is July 18, Monday. Anything else I should say before I gavel out?

COUNCILMEMBER SUGIMURA: Question, Chair?

CHAIR LEE: Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, so for clarity then, in case people are listening, sounds like we're going to be taking the heavier items on Monday at 9, or from 9:00. And everyone who testified against or for the Waipuli *[sic]*, Hale Waipu'ilani, sorry about that, project, or the EMI Water Authority, and what was the big one? The other--

CHAIR LEE: Good, very good point.

COUNCILMEMBER SUGIMURA: --outdoor lighting, they cannot, they cannot testify again?

CHAIR LEE: Yeah. That is a very good point. I should say that, in case somebody's still listening, that whomever testified today would not be able to testify tomorrow, unless it's on a new item, okay?

COUNCILMEMBER SUGIMURA: Only new items.

VICE-CHAIR RAWLINS-FERNANDEZ: Monday.

CHAIR LEE: Yeah, not tomorrow, I meant Monday. And then, however, if a person didn't testify today, they are welcome to testify on Monday on any of the items. Okay, so I hope, I hope that, if people ask you questions about that, you can explain it to them that they've already testified on the various items. They can only testify on items that they didn't testify on today. Alright? Did I miss anything, Mr. Clerk?

DEPUTY COUNTY CLERK: No, Chair.

CHAIR LEE: If not, this meeting is in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 7:15 P.M., AND WAS RECONVENED ON JULY 18, 2022, AT 9:04 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBER KAMA, EXCUSED.)

CHAIR LEE: Will the Council meeting of July 15, please reconvene. Today is Monday, July 18 and it is approximately 9:04 a.m.

Before we take roll call, I have a couple of announcements. Number one, those who are watching this broadcast, please turn to channel 4, 54, channel 54. Channel 53, our normal channel, will be available sometime later today. But for now, please use channel 54 to watch the Akaku programming. That's one.

Number two is our greeting for today is from the Congo, Africa. And it is mbote, mbote. So, mbote to all of you, Members.

And Mr. Clerk, may we have roll call?

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

Councilmember Shane Sinenci.

CHAIR LEE: Member Sinenci? Let's come back to him. I think he might be frozen for now. Maybe he's going to restart.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and mbote, Madam Chair, and my colleagues, and everyone else joining us for our recessed Council meeting this morning. I am transmitting from the Council Chambers, along with my colleague Member Sugimura, as well as the Clerk and the Clerk's staff, and members of the public who have joined us in the Chambers this morning. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha and mbote, Chair and fellow Councilmembers. For the record, oh, happy Monday. For the record, I'm broadcasting this morning from my office, home office, with my staff Gina Young. Aloha.

CHAIR LEE: Okay. Aloha.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha kakahiaka. Mbote, everyone. And I am broadcasting from my home office today in South Maui. We have reports of no testifiers at the South Maui District Office. And there is no one in the room with me at this moment. Looking forward to getting through our business today in record time.

CHAIR LEE: Yes. Thank you.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Aloha, Chair, community members, Councilmember. Mbote to all of you. I am home alone in my workspace on Lanai. There are no testifiers at the Lanai District Office and I'm here and ready to work. Mahalo, Chair.

CHAIR LEE: Mahalo.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka and mbote kakou. Broadcasting live and direct from the Lahaina District Office here in sunny Lahaina Town, where we have light and variable winds, and surf in the 3-6 foot plus range. And a good time was had by all out there. Thank you. No testifiers at the Lahaina District Office.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Mbote everybody. I'm here in the Council Chambers with Member Molina and the hardworking Clerk's staff. Appreciate you being here. And we have testifiers in the Chambers. I'm glad to see testifiers here in person and looking forward to a very productive meeting. Thank you, Members.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

CHAIR LEE: Excused.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka kakou my Molokai nui ahina. I'm at the Molokai District Office alone and in the office. There are no testifiers here. Mahalo.

CHAIR LEE: Thank you.

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

CHAIR LEE: Mbote everyone and looking forward to, hopefully, a quick, efficient, and amiable meeting.

Yes, Member Paltin.

COUNCILMEMBER PALTIN: Sorry, I forgot to mention I wasn't alone. With me, EA Angela Lucero, and Lahaina District Office staff Christian Balagso.

CHAIR LEE: Thank you. I too am home alone in my office, and looking forward to working with all of you today.

Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. My apologies. Forgot to mention that there are no testifiers at the district office in Paia. Thank you.

CHAIR LEE: Alright, thank you. Any other comments before I call on Mr. Clerk?

If not, Mr. Clerk, please bring us up to date.

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: We, well Members, as you know, we voted on the Consent Calendar, we voted on the, the ceremonial resolution, and we voted on the five bills. And now, we're about to take up the rest of the agenda. But of course, we will need to begin with testimony. And the Clerk will bring us up to date as to where we are.

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

EXCUSED: COUNCILMEMBER NATALIE A. KAMA.

(Councilmember Kama was not present during roll call; however, she arrived at the meeting at 9:26 a.m.)

DEPUTY COUNTY CLERK: Chair, just for the record, there are eight Members 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 Corporation Counsel is Corporation Counsel Moana Lutey.

Chair, at this time, the Council has closed testimony and dealt with the items relating to these items on the, these sections on the agenda: ceremonial resolutions, setting the Consent Calendar, the Consent Calendar, item L. Resolutions, and item N. Bills. Chair, at this time, shall we proceed with testimony on any remaining agenda item?

CHAIR LEE: Mr. Clerk, can you explain to the public about the testimony today? If they have testified on items on the agenda on Friday, that they will, they're welcome to testify on other items, but not the same items. Can you explain that to the public?

DEPUTY COUNTY CLERK: Yes, Chair, that's correct. Today's meeting is a reconvening of a recessed meeting from last week Friday, July 15, therefore it is the same meeting. So, anybody who testified on items on Friday cannot again testify on those items. But they are welcome to testify on new items if they so choose. And of course, we'll also welcome any new testifiers.

CHAIR LEE: Yes. Any questions, Members? Okay, let's begin with testi--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Our Deputy Clerk said test, we're going to open testimony on all remaining agenda items. Are we taking them up in sections for testimony, or are we just opening up all the sections one time?

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, at this time, we were going to call testimony if, similar to how we did on Friday. If anybody wanted to just testify in the morning on any remaining agenda item, and then do it by section. But if the body strictly wants to do it just by section, we can do that as well.

CHAIR LEE: Members, you have comments? I think it'll just be easier if we just go through all the testifiers. They can say whether they want to testify now or when the item comes up.

VICE-CHAIR RAWLINS-FERNANDEZ: Ah, Chair?

CHAIR LEE: We asked them that at the last meeting, I believe.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, we, so under the new Sunshine Law requirement, where we open up testimony at the beginning of the meeting, we did that on Friday. And now, we're required to open up testimony before each section or item. So, I think that's how we were supposed to proceed.

CHAIR LEE: Well, my understanding is that people have a choice. when they sign up to testify, they can testify now, even though their item has not come up yet, because this is simply a continuation of Friday's meeting.

VICE-CHAIR RAWLINS-FERNANDEZ: We, we closed public testimony for the beginning portion. That was on Friday. We completed that already. Now we're on sections. Now we're only on testimony before each section. The choice . . . Friday.

CHAIR LEE: I don't, I don't recall that. Perhaps, Mr. Clerk, you can enlighten us on exactly what has, what transpired on Friday and what will take place today?

DEPUTY COUNTY CLERK: Chair, the body didn't, I suppose the body didn't close, didn't do any formal closing of testimony when we did that big period of testimony at the beginning of the meeting on Friday just because that would also result in closing testimony for all items and that's not what the body, that would not have been consistent with the Sunshine Law. But again, it is the body's decision. If the body just wants to do testimony by section at this point, it's okay to do that. But it is also okay for the body to take up any testifier who wants to testify now, and then any testifier who wants to testify before its section. They can also still split it at this time. It's purely the body's decision.

CHAIR LEE: Well, I would like to have Mr. Raatz' opinion on this. Because my understanding is that people have a choice. We, the only testimony we closed on Friday was testimony on the resolution, the ceremonial resolution, and the other items we took action on, which were the Consent Calendar, setting of the Consent Calendar, and passing of the five bills. Those items are no longer available to testify on because we disposed of them. All other items are open, so people should have the opportunity to say I would like to testify right now on an item that is not before us, that has not been called up yet. Or they have the opportunity to say I would like to wait until that item is called up. I think that choice is up to the testifier. And that is my recollection of the interpretation as explained by David Raatz.

David, are you on the call?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Yes, thank you, Chair. And again, we're under a new Sunshine Law that's been in effect for just over a week or so. We've been

in regular contact with the Office of Information Practices to try to understand the nuances of this amended statute. The statute itself just says that Sunshine Law boards, including the County Councils, and its Committees, can't require that all testimony be at the beginning of the, of the meeting, which the Council has done in the past. So, OIP has suggested that testimony needs to be taken up either by item, or by section, or both. Or you can exercise either of those functions during a meeting before you begin deliberations on a particular item or section of items. There's no requirement to allow testifiers to testify at the beginning of the meeting. So, that's a courtesy that the Council allowed at the July 15 meeting. So, in essence, we, we agree with the Deputy County Clerk's interpretation, and apologize for any confusion, again as we continue to work out the nuances of this new law. Thank you, Chair.

CHAIR LEE: Yes, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, if we're going to open up testimony now, since we're no longer at the beginning of the meeting, because we took action on section L and section N, as well as the other sections the Chair described, Mr. Raatz. And so, if we're going to start with section J, but we're going to open up testimony on other items not in section J, are we bringing up section J and K and M at the same time?

CHAIR LEE: Your question is for the Clerk?

Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Raatz.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Apologies, Chair. I'm not sure if I should respond, or if?

CHAIR LEE: Who are you asking? Me? Cause my opinion is--

VICE-CHAIR RAWLINS-FERNANDEZ: Mr. Raatz. Mr. Raatz. I asked Mr. Raatz.

CHAIR LEE: Okay. Mr. Raatz. Did you hear the question?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Thank you, Chair and Vice-Chair. Again, we agree with the Deputy County Clerk, that it is the body's choice. If you want to continue to allow testimony on all items that have not already been dealt with in deliberations, you can do that. If you want to wait and take up testimony on each item, or each section of items, you can do that as well. So, that the body does have discretion in our

view, again, based on our consultation with Office of Information Practices, which administers the State's open government laws. Thank you.

CHAIR LEE: Okay, Member--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Raatz.

CHAIR LEE: --Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Sounds--

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Appreciate that response. Mahalo, Chair.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. My, my preference would be since we have, today is our deadline for a number of items, I think we should just, you know, take up those items, and whatever testimony on those items first, because if we don't get through the items with today deadline, then we have a problem. Whereas, everything else that doesn't have a deadline of today, we can end up deferring at the end of the thing, if we're not done by like whatever time. I mean, hopefully before tomorrow morning. But we got deadlines today. So, I think we shouldn't goof around, and we should just follow the schedule that we were on yesterday. I think there's J, K, M, and O. I don't know if we can take things out of order and just hear the ones with deadlines first? But we got to get through those deadlines, or else there'll be trouble.

CHAIR LEE: That is true, Member Paltin. But remember, if everybody took care of their business in Committee, we would not have to do Committee work at the Council meeting. In the interest of fairness to people who cannot stay for several hours, and who can only provide testimony now, and I don't know who they are, really, just in the interest of fairness, I was recommending that we afford those signed up today to have the same opportunity as those who had on Friday. But if the body prefers to proceed and require that the testifiers who have signed up wait until their item is called, of course, five votes will make a big difference, and we will proceed that way. So, Members, anybody else?

COUNCILMEMBER PALTIN: Oh, Chair?

CHAIR LEE: Yes, Member Paltin.

COUNCILMEMBER PALTIN: I don't understand what you said. Everybody did have the same opportunity to sign up on Friday, whether they took it or not? Everyone could have signed up on Friday and testified first. It's just the volume of people that wanted to testify, not us that stopped them from testifying. So, it's not like we're saying you couldn't testify on Friday. Everybody had that opportunity. We're, it wasn't us taking that away.

CHAIR LEE: Right. But since it's the same meeting, yeah, it's the exact same meeting. Other people probably, probably thought, oh, I couldn't testify on Friday, now I have an opportunity to testify on Monday, you know.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: But again, I, too, do not want to bicker on this forever. So, but I do want to hear, give an opportunity to those who want to say something to please feel free to say something.

Member King.

COUNCILMEMBER KING: Thank you, Chair. I don't know, if we're going to take this up in sections, which I'm good with as far as testimony, I don't know that we want to pull certain things out of the sections because that gets really confusing. So, if we're going to start on sections that are, that have deadlines, my suggestion would be to start on, just go ahead with the, you know, the first section that has something with a deadline, which I think is probably J, since there's a communication there related to one of the Charter amendments. And then, just take up testimony, go through those items. Then take up testimony on section K, then go through those items. But that, I think that will get us to where we need to be quicker.

CHAIR LEE: Yeah. It will get us to where we need to be quicker. But I'm just saying, it also precludes the, some members of the public from testifying, if they, if they're on a schedule themselves. Okay, but I'm not, I'm not opposed to doing that. Let's have other people have a chance to say something.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, Chair. I just want to get started. We have people in the chambers right now and there may be some parking issues for some. So, whatever your call is, but let's get started.

CHAIR LEE: Yeah, hopefully, yeah, but hopefully they're here for what we call up.

COUNCILMEMBER MOLINA: Yeah. And I'm sure Mr. Raatz, or Mr. Krueger can alert us if there are any concerns as it relates to Sunshine, as we progress. So, anyway, that's just my take on this. Thank you.

CHAIR LEE: Okay. Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, we have people here waiting in the chambers, and I would like to provide them the same opportunity that we look like, we, when we conduct our meetings. And if they want to testify on whatever item they're for, they're here for, please let them. And then, we can proceed with our agenda. Thank you.

CHAIR LEE: Okay. Unfortunately, Member Sugimura, it seems like only you and I have that opinion. And it seems like the other six would like to proceed with item J, and take testimony on item J at this time, and try to move through the, especially the more controversial items, as soon as possible. Because that way we can ensure that we'll finish by, hopefully 2:00.

Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, today was not a day that any of us had planned to do a recessed meeting, and so there are many of us that already have schedules. I have a flight to catch. I'm going to have to be on the road by 10:00, and then I'm going to be on a plane from 11:00 to at least 11:30. And then, I'll likely be on the road again. And I'm going to be on my phone and I'm going to try my best to participate.

But I agree with Member Paltin that there are four items that have deadlines, 22-61, 22-119, 22-144 and 22-165. And I, and for the most part those were the items that received most of the testimony, and I think we should just take up those items. And if we're not able to finish before 2:00 when three Members have a meeting that was also scheduled for today, that they hadn't planned to have a conflict for, then all the items really in the, that's going to be referred, or that have first reading don't have a deadline associated with them. So, the committee reports, most of them, only 22-61 has a deadline. And I welcome anyone to correct me. But I think we should just take up those four items, make sure we take action on those four. And then that way if we don't get through it, at least we meet our deadline and we can adjourn and table the rest.

CHAIR LEE: Members, are you agreeable to that suggestion? Take up the four items first? Okay. But first, we have to take testimony.

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I'm agreeable. I, I have 22-119. However, connected to 22-119 is County Communication 22-167. We can consider that too. Thank you.

(Councilmember Kama arrived at the meeting at 9:26 a.m.)

CHAIR LEE: Okay. We're taking up a long time now everybody, just going around in circles. Let the record show that Member, Pro Temp Kama is here. Okay, now, Mr. Clerk, have you been listening to the items that, okay there's an echo. Why is there an echo? Okay. Mr. Clerk, the Members, the majority of the Members appear to want to call up the four items as mentioned earlier. Did you take note of that?

DEPUTY COUNTY CLERK: Yes, Chair. Our understanding is that that would be Committee Report 22-61, County Communication 22-167, Resolutions 22-119, 22-144, and 22-165.

CHAIR LEE: Okay. So, let's take them up in the order, the alphabetical order, okay? So, we need to still call, allow testimony. My understanding is we still need to allow testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. Yes, Chair. So, will I be opening testimony only on, right now County Communication 22-167?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Okay. So, proceeding with testimony, with the presentation of testimony on County Communication 22-167. 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 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 will be automatically 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 videos and microphones off, and should turn them on only when it is their time to testify.

Individuals may testify for three minutes with up to one minute to conclude per item. When testifying, please state your name and the name of any organization you represent, as well as the items on which you will be testifying. Please also identify to

the Council if you are a paid lobbyist. Individuals may also be disconnected from the meeting at any time for breaking decorum. At this time, we will be taking testimony on County Communication 22-167 only.

Chair, the first individual we have signed up to testify on CC 22-167 is Shay Chan Hodges.

MS. SHAY CHAN HODGES (testifying on County Communication 22-167):

Aloha. My name is Shay Chan Hodges, and I would like to address some of the issues raised by Water Deputy Director Shayne Agawa. On Friday, he compared the goals of a Community Water Authority to the purchase of a car, raising concerns about its monthly payments, maintenance, and operational costs. His analogy doesn't quite fit because the East Maui Water Authority would not be purchasing the aqueduct, only requesting State water leases. And DLNR has clearly stated that a County entity would not be charged for those leases, so there is no cost for acquisition.

There is a part of Mr. Agawa's analogy that's worth looking at, however. As we consider whether to take on the maintenance and gas for our free car from DLNR, we need to remember that we are currently paying Mahi Pono and EMI to use that same car, which EMI has been renting from the State for decades. And yes, the County has been paying the same rental rate for the car since the '70s.

In fact, on July 8, 1976, my husband's father, Tony Hodges, wrote to BLNR to object to the difference between the price paid to the State by A&B for the water leases and the price paid to A&B by the County for the same water. At the time, EMI was paying the State .0018 cents per thousand gallons and selling it to the County for 6 cents per thousand gallons. The State was collecting about $160,000 a year on the four permits. If EMI/Mahi Pono were paying the same amount for the four leases in today's dollars, that would be over $700,000. Thus, they are paying 70 percent less for the leases today than what A&B paid 45 years ago.

As I'm sure you all know, DLNR is hiring consultants currently to assess the value of the water, which isn't easy because it's a public trust and not a commodity. Since the State hasn't adjusted the rates in half a century, it is very likely that even before attempting to appraise the water's value, DLNR will at least triple what they charge EMI/Mahi Pono to bring it in line with today's dollars.

I hope the Department of Water Supply is preparing accurate projections on the County's future costs when Mahi Pono passes on those increases to the County, and when the Water Department must pass on the higher wholesale cost to farmers,

ranchers, and other users. Those projections should assume that Mahi Pono will consider what the market will bear. The County pays 28 cents to Maui Land and Pine and 50 cents to Wailuku Water Company, currently, for every thousand gallons.

So, back to our car. We're currently paying EMI/Mahi Pono to use a car that they are renting from the State. And we can't control when or how we use it, or its condition now or in the future. Alternatively, we can directly rent the car at no cost from the State. And since we only need it 17 percent of the time, we can Uber or Turo it for the rest of the time and use that money to put in a new engine and improve the gas mileage, make it safer and sometimes even use it to drive our grandma to the doctor.

I emailed you folks a Powerpoint. I'll finish up. I emailed you a Powerpoint this morning that shows that after gross income and expenses that ensure good care of the system, we can have between $1.3 and $8 million in net revenues before we even access Federal grants, or financing, or other investment. This seems like a more fiscally responsible plan than the current one of taking on unpredictable extra cost under Mahi Pono's control. Mahalo.

CHAIR LEE: Members, are there any questions?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. This is a, not a question for our testifier. Sorry. Can we keep our questions, Councilmembers, to 30 seconds like we did last time? It was pretty fast that way. That's all.

CHAIR LEE: Yes. Okay, 30 seconds. Any clarifying questions, Members? If not, thank you very much.

May we have the next testifier?

DEPUTY COUNTY CLERK: Chair, we currently do not have any individuals signed up to testify on this item, but we do have individuals who have phoned in that I do not know what items they are testifying on. May I please, if it's okay, I'd like to call them and verify the items on which they will be testifying.

CHAIR LEE: Proceed with that.

DEPUTY COUNTY CLERK: Individual calling in from the phone number ending with 9711, what item are you testifying on?

MR. DAVE DELEON: Resolution 22-119 and 22-144.

DEPUTY COUNTY CLERK: Okay, thank you. We will add you to the testifier list and we'll call you at that time. Thank you.

Individual calling in from the phone number ending with 6659, what items are you testifying on today?

MS. ROBIN KNOX: I'm testifying on 22-167 and 22-61.

DEPUTY COUNTY CLERK: Okay. Thank you. We will add you to the testifier list and we'll call you at the appropriate time.

Chair, oh, apologies, I believe one of the items she called was, is this item. So, we will allow that individual to testify. You may testify on only County Communication 22-167.

MS. ROBIN KNOX (testifying on County Communication No. 22-167):

Mahalo. This is Robin Knox, and I just want to say that I am in support of 22-167. I agree with the prior testifier that this makes more financial sense, and more sense from a water security standpoint than what we're doing right now. That's all. Thank you.

CHAIR LEE: Any questions, Members, for clarification?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there are no other individuals signed up to testify on County Communication 22-167. But we will proceed last--

MS. KNOX: Oh. What is it . . .

DEPUTY COUNTY CLERK: Apologies. I muted them. So, we will proceed with a last call. If there are any other individuals, oh, apologies. I believe Tom Croly wants to testify on County Communication 22-167. Please proceed.

MR. TOM CROLY (testifying on County Communication No. 22-167):

Thank you, Chair. Tom Croly. I'm just trying to stay in touch, stay with the procedure and I wanted to testify at the beginning of each of these items. My only comments on this is, I can see that, that we don't have all of our ducks in a row right now in creating this water authority, right? The idea is we'll create the water authority that allows us to

apply for the water leases, and then we'll figure out how we would distribute that water, or how we would negotiate it and so forth. And I really do think that, that this is not a fully thought-out proposal.

Someone has kind of come up with a scenario that down the road, this could, this could all work. But there's so many pieces of this puzzle that have not yet been, been worked out. And a lot of the testimony that you had on Friday were from people who truly were misled by the idea that they were going to get their Upcountry water meter, or that the County would now be in charge of the distribution and of the water that's coming from the East Maui Irrigation System, none of which is part of this proposal.

So, I, I really think that this would be confusing if it went to the ballot in November. I fully understand the idea that people say we have to do this step first before we can do these other things, so let's jam this thing through at this moment. But I think it's ill-conceived at this moment to push this item through before we truly know what this water authority would be able to do. And we would avoid some fights down the road, if we would take our time with this. So, I do understand this is the last day to do this for this year, but I'd rather do it right in two years, rather than push it through right now. Thank you, Chair.

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

Yes, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Croly. Mahalo for your testimony. Do you not think that's inaccurate to claim that the testifiers on Friday were misled and thought that they were going to get Upcountry water meters when semantically what they consistently said was that they wanted water to be the public trust it is, not in a foreign corporation's hands and controlled by a foreign corporation? That's what I heard consistently. So, do you not think you're being inaccurate right now?

MR. CROLY: I think that what you just stated is highly inaccurate, okay. We could get into a long discussion about it, but we won't, okay. But what you just said, what you just said was not accurate to the current situation from--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Croly?

MR. CROLY: --what is being proposed, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Time's up. Mahalo, Chair.

CHAIR LEE: Well, now time's up. Thank you. Any more questions? If not, are there any more testifiers?

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Toni Eaton.

CHAIR LEE: Okay. Ms. Eaton?

DEPUTY COUNTY CLERK: Toni Eaton, I see that you're connected to the meeting. You're muted on your end. I cannot unmute you.

MS. TONI EATON (testifying on County Communication No. 22-167):

Okay. Okay. Sorry. Aloha, Chair. Aloha, Members. I'm testifying against 167. That 167 when Shayne Agawa mentioned that the water was not a public trust, he was very misinformed. And it's very disheartening for him to be the Deputy Director.

CHAIR LEE: Okay, Ms. Eaton, can you turn your video off, because you're breaking up. You're breaking up. Can you turn your video off?

MS. EATON: Is it better? Is that better?

CHAIR LEE: Yes, it is.

MS. EATON: Okay. So, I, I just wanted to read something from . . . in order for the State to be admitted, in order for the Territory of Hawaii to be admitted to the State there was, the Legislature had adopted that all of the lands owned by the government was to be held in a public trust. So that, they came up with five public trust purposes. So, one of them is for the support of public schools and other public educational institutions for the betterment of the conditions of Native Hawaiians as defined by the Hawaiian Homes Commission Act of 1920, and development, and farm, and homeownership as widespread a basis as possible for making public improvements and the provision of lands for public use. So, in nowhere in that did it say that water is to be considered a commodity.

Now, all public resources according to the Constitution, Article 11, Section 7, says "all public natural resources are held in the trust by the State for the benefit of the people". So, Mr. Agawa's thinking that our water is a commodity that can be sold. That is not true. The, the Mahi Pono, EMI, they don't even pay for the water. They pay for the leases. And so, you know, the testifier before said that, you know, let's wait two years. We don't have two years. If the leases are issued, it's going to be 30 years. We're all,

we're not going to be here. You know, that, that's way too long for us to wait to get our, our public trust and our natural resources back in our hands.

And also, the Supreme Court in the Waiahole Case said that the public trust purposes have priority over private commercial uses, and they do not enjoy the same protection as the public trust. Off-stream diverters who seek to use water for their private commercial gain have the burden of justifying proposed uses in light of the protected public rights in the resource. So, so these guys, yes they did the FEIS, but, I mean nothing was proven in there. They have more resources that they could use, which they're not utilizing at this point. They've got the groundwater that they can use. They've got lands within the, between the lease area of Huelo and, and Kamole Weir, which is their property. They have not exercised their rights to use their lands. All they want is the free water. And so, I, I support the Resolution 119, and the 167 is, is useless. But that's all. Thank you.

CHAIR LEE: Member Paltin has a question.

COUNCILMEMBER PALTIN: Thank you, Chair. I was just wondering, did you read 167? It's kind of just some verbiage changes. And it seemed more that you were testifying against Mr. Agawa's testimony rather than the substance of 167?

MS. EATON: Yeah, I was testifying more against the community, the, the yeah, the communication. That's, that's what I was testifying, yeah. And 167 plays a role in that though, right?

CHAIR LEE: Okay. Thank you. Thank you. We've reached the end of that one.

Member Sinenci, and then Vice-Chair.

COUNCILMEMBER SINENCI: Chair, I didn't have any questions for the testifier. But I did want to make mention that we did thank her for the support from the Board of Water Supply of the water authority.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Dovetailing off of Member Paltin's question. Ms. Eaton, mahalo for your testimony this morning. There are three amendments, four amendments in that County Communication. And it changed it to water, from Water System to Water Authorities, adds "collective", and adds four other positions, grant writers, liaison, technical analyst. So, those three positions after administrators. And then, adds grammatical corrections. So, are you testifying in support or against those amendments?

CHAIR LEE: Ms. Eaton?

MS. EATON: Sorry, I, sorry, I apologize. I am in support of those amendments.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

MS. EATON: So, I am in support of 167.

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

MS. EATON: And one more thing I have to mention. Although I am a member on the Board of Water Supply, I am testifying on my behalf. I'm sorry, I didn't mention that in the beginning.

CHAIR LEE: Thank you. Members, any more questions? If not, may we have the next testifier?

DEPUTY COUNTY CLERK: Chair, no one else has signed up to testify on County Communication 22-167, so we will do a last call. If there are any individuals who want to testify on this item, please identify yourself now. Again, last call. Chair, no one has indicated that they would like to testify on County Communication 22-167.

MR. NORMAN FRANCO (testifying on County Communication No. 22-167):

I would like to testify. Hello?

CHAIR LEE: Hello?

MR. FRANCO: I would like to testify.

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

MR. FRANCO: Norman Franco.

CHAIR LEE: Okay, Mr. Franco, please proceed. You have three minutes.

MR. FRANCO: Okay. I'm a former member of the Maui Board of Water Supply. And this whole issue came about because we were asked to come up with a plan . . . the water

usage plan that was worked on by the Board of Water Supply for over five years. And part of the process we had to go to the different communities and talk to the people, and became evident that the Board of Water Supply didn't have the capability to respond to the needs of the various communities, especially on East Maui, where they're competing interests in the use of water.

That was aggravated when Mahi Pono became on the scene buying up A&B's ag lands. We tried to communicate with them. All we got is a letter from Mahi Pono saying that if you don't get the leases, this is going to jeopardize the people Upcountry from getting their water. I thought that was pretty heavy handed. And at that point, we decided that maybe in the best interest of the public that we form a TIG. And in the TIG report, we pretty much addressed all the issues and concerning the one about the cost to the County. If you read page 70 to 71, it states that this is going to be an asset, and not something that's going to impact negatively to the County of Maui.

So, I envision the Water Authority to be a policy-making organization, bringing in all of the different elements of the community, instead of just one foreign corporation that dictates to us how we're going to get our water. And this really irritates me that this can happen. And surely knowing the track record of Mahi Pono in other locations, we are in a very bad position if we allow these people to get the State leases.

And I just want to say that from experience, I can say this is the only course of action we should take to protect the public interest, which is their water, which is the life of the land. We need water for everything. And it's very important that we take action now and not wait two years to figure out all the mechanisms that can be done in the course of getting those State leases. And that's priority number one. Thank you very much.

CHAIR LEE: Members, do you have any questions? If not, thank you, Mr. Franco.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, no one else has identified themselves as wishing to testify on County Communication 22-167, but we will do last call again. Anybody wishing to testify on this item, please identify yourself now. Again, last call. Chair, no one else has identified themselves as wishing to identify on this item.

CHAIR LEE: Members, any objections to closing testimony on this item and to accepting written testimony into the record?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, Member, I mean not Member, but Mr. Clerk, please call up the item.

DEPUTY COUNTY CLERK: Chair, proceeding with County Communication 22-167.

COUNTY COMMUNICATIONS

NO. 22-167 - SHANE M. SINENCI, COUNCILMEMBER, (dated July 7, 2022)

Transmitting a proposed amendment to Resolution 22-119, CD1, FD1, a proposed FD2 version, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH MAUI COUNTY COMMUNITY WATER AUTHORITIES AND AN EAST MAUI REGIONAL COMMUNITY BOARD".

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. If there are no objections, Chair, may I please request that this item be taken up at the same time as Resolution 22-119, CD1, FD1?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Any objections to taking both of them up right now?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Could you call up the other item, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on Resolution 22-119, CD1, FD1. At this time, members of the public may testify on this resolution only. The first person we have signed up on this item is Shay Chan-Hodges.

MS. CHAN-HODGES: Sorry, I don't need to testify again. Thank you. My testimony for the other item is fine.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Shekinah Cantere, to be followed by the individual calling in from the phone number ending with these last four digits, 9711.

She's in the chambers, Chair. She's coming down to the podium now.

CHAIR LEE: Okay.

MS. SHEKINAH CANTERE (testifying on Resolution No. 22-119 CD1 FD1):

Aloha. One request real quick. Could I testify on CR 22-61 at the same time, please? Okay, aloha kakahiaka, Chair and Councilmembers. My name is Shekinah Cantere. I've been a resident in Kihei since I was five years old. I taught Hawaiian Studies at Kamalii Elementary School for four years. I'm now currently self-employed. I am also a wife and a mother of three girls. Today, I'll be testifying on supporting Resolution 22-119.

I support Resolution 22-119, because I believe our water should be in the hands of our community. E ola wai, water is life. I know majority of you here support this resolution going onto the November ballot for the people of Maui County to get a chance to vote on it.

For those three Members who have voted no to this, I ask that you please reconsider and listen to all of the voices of our community. Please remember that you work for the people. And we the people of Maui County have put our trust in all of you to be making decisions that will not only manage our community, but also help us thrive. Mahalo.

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

DEPUTY COUNTY CLERK: Chair, the next--

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: --person signed up to testify is the individual calling in from the phone number ending with these last four digits, 9711. To be followed by Tom Croly.

CHAIR LEE: Aloha.

MR. DAVE DELEON (testifying on Resolution No. 22-119 CD1 FD1):

Aloha. Thank you for this opportunity to speak in opposition to the proposed amendment. My name is Dave Deleon. I'm testifying as a Haiku resident and property owner. The proposal that's before the Council appears to be rushed in an effort to forestall the State issuance of 30-year water lease to A&B/Mahi Pono partnership.

As Councilmember Sugimura recently pointed out in a, in a statement, if this proposal passes, the public will be asked to endorse a proposal for which there has been no due diligence. This proposal would result in a massive addition to the County's responsibilities without any grounding in whether the County is capable of the proposed undertaking, or without any sense of what it would cost the taxpayers and the water consumers. Without that information, how are the voters supposed to make an informed decision?

My family depends on water from the EMI system, and especially in times of drought. Over the last three decades I've lived in Haiku, I've watched the local climate grow drier. Last year's, last winter's two-months drought was really bad. For about 60 days, no, there was no rain whatsoever. It was so bad the County had to truck water into Nahiku. When Nahiku goes dry, you know something's up. What that is, is a change in the wind pattern, it produces less rainfall. There's another apparent impact, this is another apparent impact of climate change.

Changing, changing who's in charge of the watershed will not change that fact, but might make it more difficult for the community to adapt to the changing situation. Here's some other thoughts on the subject. No knowledgeable person I know of has confidence that the County will be able to meet the responsibilities that this proposal lays out. The EMI system is both massive and irreplaceable. Will the County really be able to acquire and properly maintain it?

The privately-owned EMI system has successfully been providing Upcountry Maui with its main water source at a nominal price for the last 60 years. Our community has been able to depend on it. Why is that no longer a really good deal? Maui is already an incredibly expensive place to live. Actions that increase the cost of water will have a serious impact on those who can afford it the least. My bottom line is this proposal is premature at best. In this time of climate uncertainty, the last thing we should do is rush to make radical decisions to our water system that could negatively affect our ability to meet future needs. EMI must be maintained for the good of the Upcountry community. As the saying goes, if it's not broken, don't fix it. Mahalo.

CHAIR LEE: Thank you for your testimony. Members, do you have questions? If not, thank you very much, Mr. Deleon.

MR. DELEON: Thank you.

CHAIR LEE: Mr. Clerk. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Tom Croly. To be followed by Toni Eaton.

MR. TOM CROLY (testifying on Resolution No. 22-119 CD1 FD1):

I apologize, I didn't intend to, you know, testify twice. That's why I got confused on the last item and kind of came in at the last-second. So, I'll just say one quick little comment, and that is the idea of setting up an authority to bid on the water rights, to put in, you know, a proposal for that, is probably sound at this moment.

The idea that this goes further and defines all of the what's going to happen in the future and the authority's responsibilities and so forth is premature. And even within the document, it says we can set up other water authorities besides the East one by ordinance. But why wouldn't you just want to do all of that by ordinance, rather than put that in Charter right now? So, again, I don't think the whole thing has been thought out and I don't think that you're going to resolve it today in this meeting, unfortunately. Thank you, Chair.

CHAIR LEE: Thank you. Members, questions?

Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Croly. Mahalo for that clarification on your previous testimony. So, regarding Charter authority, do you understand that the Council, this amendment would be necessary in order for future water authorities to be set up via ordinance?

MR. CROLY: Well, I, I guess so. You know, I guess you would have to set--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

MR. CROLY --set it up, you know, for future ones. But my point is that just setting up an authority, saying one can exist might be enough at this point, okay? And not all of the other stuff that's in there.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Croly.

CHAIR LEE: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Are there any other questions, Members? Questions? If not, thank you, Mr. Croly.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last person, oh, Chair, we don't have any other individuals signed up to testify on Resolution 22-119, CD1, FD1. We will proceed with last call. If there are any individuals who want to testify on this item and have not done so, please identify yourself now. Again, this is last call.

CHAIR LEE: Members, are there any objections to closing public testimony and accepting written testimony on this, on CC *[sic]* 22-119, CD1, FD1?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Mr. Clerk.

RESOLUTIONS – SECOND AND FINAL READING

RESOLUTION
NO. 22-119, CD1, FD1

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, TO ESTABLISH A MAUI
NUI COMMUNITY WATER SYSTEMS AND AN
EAST MAUI REGIONAL COMMUNITY BOARD

DEPUTY COUNTY CLERK: Chair, County Communication 22-167 is also before the body at this time.

CHAIR LEE: Mr. Sinenci. You're muted.

COUNCILMEMBER SINENCI: It's listed under Mr. Molina.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Hang on, Madam Chair. Sorry. Madam Chair, we are on again 22-119, correct?

CHAIR LEE: Yes. And, and the other, the other one that I mentioned, 167.

COUNCILMEMBER MOLINA: Okay, Madam Chair, can I request a recess for a procedural matter? Short recess.

CHAIR LEE: Of course. Of course. Members, five-minute recess.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair? Chair?

CHAIR LEE: Reconvene at 10--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Can we take a little longer? Can we take ten minutes please? I have to drive to the airport right at this time. So, if we're going to take a recess for Member Molina for the procedural reason, can we just do five extra minutes so that I can get to the airport?

CHAIR LEE: Okay. You need 15 minutes?

VICE-CHAIR RAWLINS-FERNANDEZ: That would be nice.

CHAIR LEE: Okay, Members, let's take 15 minutes, okay. We don't want her speeding. Okay, meeting in recess, meeting in recess until 10:15, so 14 minutes.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:01 A.M., AND WAS RECONVENED AT 10:18 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED.)

CHAIR LEE: Will the reconvened meeting of July 15, 2022, please reconvene on Monday, July 18. It is now 10:19 and I believe we, Mr. Molina has the floor.

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

I MOVE TO PASS RESOLUTION 22-119, CD1, FD1 ON SECOND AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Molina, second by Member King, to pass Resolution 22-119, CD1, FD1 on first *[sic]* and final reading.

Any discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. Resolution 22-119, CD1, FD1 would place on the next General Election ballot the question of whether the Charter should be further amended, effective upon approval by the majority of the voters, voting on the proposed amendment and upon certification of such result to establish a Maui Nui Community Water Systems and an East Maui Regional Community Board.

Madam Chair, at this point I'll yield the floor to my colleague from East Maui. Thank you.

CHAIR LEE: Mr., Mr. Clerk, yes?

DEPUTY COUNTY CLERK: Chair, apologies. Just to clarify, Mr. Molina's motion, just to confirm that it's on second and final reading.

CHAIR LEE: Yeah, I thought it was. I thought it was final reading, so that's why I said final reading. So, second and final reading, for the record.

And now, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

MOVE TO SUBSTITUTE RESOLUTION 22-119, CD1, FD1 WITH THE PROPOSED FD2 VERSION ATTACHED TO THE ASF POSTED FOR THIS ITEM, INCORPORATING THE FOLLOWING AMENDMENTS:

1. THE RESOLUTION'S TITLE AND THROUGHOUT THE RESOLUTION'S BODY, USE "MAUI COUNTY COMMUNITY WATER AUTHORITIES" INSTEAD OF "MAUI NUI COMMUNITY WATER SYSTEMS."

2. IN THE SIXTH AND SEVENTH PARAGRAPHS, ADD "COLLECTIVE" IN FRONT OF "MAUI COUNTY COMMUNITY WATER AUTHORITIES."

3. IN PROPOSED CHARTER SECTION 8-19.1, ADD "GRANT WRITERS, COMMUNITY LIAISONS, AND WATER SYSTEM TECHNICAL ANALYSTS" AFTER "ADMINISTRATORS."

4. MAKE CORRESPONDING GRAMMATICAL CORRECTIONS.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Second, okay. Members, been moved by Member Sinenci, seconded by Member King, to, to make these changes in the FD2 version. Is that what you said, Mr. Sinenci? Okay.

COUNCILMEMBER SINENCI: Yes, Chair. Yes, Chair.

CHAIR LEE: So, discussion, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Members, we discussed several options for what to call this new collective entity, including the "Maui Nui Community Water Systems". If the voters approved this Charter amendment, the water authorities would be established as County of Maui agencies under the administrative branch. To reflect their official administrative nature, I wanted to retain the term "Maui County" when referencing it. But as we learned during the APT Committee meetings, the County of

Maui has priority over other non-municipal interests when applying for State water licenses. So, using the Maui County name in their agency title will help to instantly demonstrate their official Maui County status.

I also proposed using the term "Water Authorities" . . . develop the proposed, the water authority organizational structure around researching different models of water system management in the U.S. and around the world. Water authorities are the most common model of water system management in the world setup as self-supporting government agencies with community boards. Water authorities around the world and across America collect and distribute water in a transparent, community-oriented and fiscally responsible manner. I think it's important to reflect the structure of the proposed entity as a water authority in the name of the organization. This will assist with qualifying for grant funding opportunities that require community involvement.

And using the name "Water Authority" will help to promote public education efforts. The term "Water Authority" is a generally recognized terminology for a known model of operation that our community members are already familiar with. And to prevent confusion and duplication, the term "water systems" is used throughout the resolution to refer to the water resource delivery systems that are to be managed. This would result in a water systems that manage water systems. So, using the term "water authority" avoids having the same term referenced, but separate within the inter, and interdependent of each other.

As for the proposal to add specific staff in Section 8-19.1, this stems from community feedback, the Members input, and stakeholders interests insuring staffing to assist communities countywide with the establishment of water authorities. And to provide immediate staffing for the newly-created East Maui Community Water Authority, including grant writers to obtain Federal, State, and private funding for feasibility studies, business modeling for long-term capital improvement projects; community liaisons for outreach, public engagement, and receiving stakeholder input. And technical analyst to investigate, evaluate and negotiate potential additional sources once acquired, collect data required to meet State regulations and provide the community with information about the status of water resources.

Chair, I believe these amendments do not significantly change the main proposal we've been supporting, but it does provide clarification that would be helpful to the County and the community as we continue with this Charter amendment process. So, I respectfully request the Members support of my motion. Thank you, Chair.

CHAIR LEE: Any more discussion, Members?

Yes, Mr. Clerk?

DEPUTY COUNTY CLERK: Excuse me, Chair, apologies. Apologies to request this, but may I please request a brief recess to discuss with you a procedural matter?

CHAIR LEE: Okay, Members, any objections to a five-minute recess? It would be 10:30, 10:31 we would return. Okay.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Five, five-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:26 A.M., AND WAS RECONVENED AT 10:36 A.M., WITH ALL MEMBERS PRESENT, EXCEPT VICE-CHAIR RAWLINS-FERNANDEZ, EXCUSED.)

CHAIR LEE: Will the Council meeting please reconvene. It is Monday, July 18, and it is 10:36 a.m.

Mr. Sinenci. Okay, where we are right now is Mr. Sinenci made a motion to substitute. Now, it, I had opened the floor for discussion, but Mr. Sinenci will also make an amendment as well. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Chair, it looks like we're missing one Councilmember. So, if I may, I would like to withdraw my motion, and then consider bringing this up afterwards. We understand that Charter amendments are important, and we need to have it done by today. So, if the Members would consider, I would withdraw my motion at this . . . bringing it up when we do have all Councilmembers present.

CHAIR LEE: Okay. Member Molina, would you like to withdraw your motion?

COUNCILMEMBER MOLINA: Yeah, I guess, if that's the preference of the body.

CHAIR LEE: Okay, any objections.

COUNCILMEMBER MOLINA: Madam Chair, could we leave the motion live on the floor and then just come back to it, you know, in the calendar, or at some other point? I mean, whatever is your preference, Chair.

CHAIR LEE: Either way, it doesn't matter to me because we're going to defer this item for now. So, it's up to you whether you want to withdraw your motion, or just leave it pending.

COUNCILMEMBER MOLINA: Okay.

WELL, I GUESS FOR THE, I'LL JUST GO AHEAD AND WITHDRAW THEN.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: And we'll--

CHAIR LEE: And Member King, I think you were the second. You want to withdraw your second?

COUNCILMEMBER KING:

YEAH, I CAN WITHDRAW.

I just have a question in addition to this.

CHAIR LEE: What is your question?

(See pages 272 through 283 for discussion and action.)

COUNCILMEMBER KING: Well, since we need all Councilmembers, are we, you know, will we defer the Charter amendments till we get the ninth Member? The 22-144 as well?

CHAIR LEE: Any, Members, any objections to, to deferring all the Charter amendments? Maybe not the one having to do with climate change, we can take that one up. Okay. So, we'll defer all of the other, the East Maui item, and the planning commission Charter proposal. What we could take up now would be the Waipu'ilani Project. Any objections to doing that?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, if not, let's ask Mr. Clerk to call that up, CR 22-, 22-61.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with testimony on Committee Report 22-61. Right now, we are taking testimony on Committee Report 22-61 only.

The first person signed up to testify on this item is Dale Thompson. To be followed by Shekinah Cantere.

CHAIR LEE: Mr. Thompson?

Mr. Clerk, next.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Shekinah Cantere. To be followed by Robin Knox.

CHAIR LEE: Okay, let's call on Ms. Knox.

DEPUTY COUNTY CLERK: Oh, apologies, Chair. Ms. Cantere was walking up to the podium.

MS. SHEKINAH CANTERE (testifying on Committee Report No. 22-61):

Aloha again. My name is Shekinah Cantere. My next testimony is to oppose CR 22-61, the Hale Waipu'ilani Project. Although I support affordable housing being built for local residents, I oppose this project mainly because this property is located in a FEMA flood zone.

I grew up on the makai side of where this housing proposal is. I can personally share with you that growing up on Ewa Place, which is right by Maui Sunset, only about a ten-minute walk from the Waipu'ilani Project, my three older brothers and I would have to barricade our yard so that the inside of our hale wouldn't get flooded. Almost every heavy rainfall, my neighbors, the Moody's, who live right across from us, do get flooded inside their house. As children, my brothers and I would kayak in our flooded street. That's how deep the water gets.

This proposed spot is located in a wetland and is also a safety hazard due to the surrounding roads having no curbs, sidewalk or shoulders. This project will cause more congestion in this area and affect the neighborhood's way of life by adding unnecessary stress of being overpopulated. There are also safety concerns for when emergencies and evacuations happen. I've heard other people talk about a land swap and I approve of the idea so that we can conserve this site as is.

I'd like to encourage all of you here and listening today, to make every decision not only based on what is needed now, but also what's going to be needed for our future generations. I really appreciate all of your time. Mahalo nui.

CHAIR LEE: Any questions for the testifier, Members?

Member King.

COUNCILMEMBER KING: Thanks, Chair. Aloha, Ms. Cantere. Just, can you reiterate for me, I can't, I don't remember where you said you live. Is it--

MS. CANTERE: Well, I grew up right across Ewa Place, so it's right across from the area that's going to be built near Maui Sunset. But my parents are still there. I don't live there anymore. I live upper Kihei.

COUNCILMEMBER KING: Okay. And your, when you talk about kayaking, you were talking about on South Kihei Road?

MS. CANTERE: Yes, we could do that there. But I was talking mainly about our street where we did it, because my parents, you know, we were kids, wouldn't just let us go out there by ourselves on South Kihei.

COUNCILMEMBER KING: Okay. No, I don't want to get your parents in trouble. Thank you.

CHAIR LEE: Thank you.

MS. CANTERE: Okay. Mahalo.

CHAIR LEE: No other questions, Members?

Alright, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Robin Knox. To be followed by Lawrence Carnicelli.

CHAIR LEE: Ms. Knox?

MS. ROBIN KNOX (testifying on Committee Report No. 22-61):

My name is Robin Knox. I am speaking on behalf of myself. Aloha. My name is Robin Knox and I'm speaking on behalf of myself. This area where this housing . . . this proposal, which is the area where this housing is loca, proposed project is located is already flooding because of development on top of the wetlands in a floodplain. Each additional development over time makes it worse and negatively impacts the homes

that are already there. There's a high probability that the new homes at the site would flood and, worse than the flooding that already exists.

With regard to the purchase of expensive flood insurance, there's no guarantee that the developer can do what he said to get that requirement waived. Furthermore, even if flood insurance is required through financing, there's no guarantee that it would actually be available if the risk is high, because the companies don't want to insure high risk.

The idea of a land, land swap with the County . . . situation that not only puts families out of harm's way but gives the County room for natural and green infrastructure to address the flooding. It would protect the homeowners and move the homes out of an area sure to be impacted further by climate change, sea level rise, and groundwater levels rising in increasingly intense storms that cause flooding.

I have family members and friends who have had to been rescued from floods and who have lost everything they owned to flood damage. I would never want to put anyone else at risk for that happening. Thank you.

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

MS. KNOX: You're welcome.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify in Lawrence Carnicelli, in the chambers. To be followed by David Bruce.

MR. LAWRENCE CARNICELLI, ALAULA BUILDERS (testifying on Committee Report No. 22-61):

Good morning. Mbote, Chair and Members. My name is Lawrence Carnicelli. I represent the, the applicant. I'm the Vice-President of Development for Alaula Builders. Heard a lot of testimony on this over the last couple of days, eleven hours on Friday. Right project, wrong place. I'm in favor of affordable housing, but I'm not a NIMBY, I live down the street. Although I support affordable housing, all those things.

First thing I think that I need to do is just address some of the things, because you have heard, you know, the presentation twice, hours of discussion on this. But there's some people, you know, just sort of have heard things whether it be online or other testifiers

and they just showed up and started testifying. So, a couple of things is this will never go to market rate, market rate, it's a 297 application.

It's not a wetlands, the Army Corps of Engineers is the determining body for that. We have, so, it's not a wetlands. We're not going to be exempted from anything SMA. We're not bypassing drainage standards. We are going to do frontage improvements. The prices, we've gone over the prices. We're going to, you know, work with Department of Housing and Human Concerns with the deferred payment mortgage program to buy down the prices.

There are three walls. There's walls surrounding three sides of this project. There's not drainage coming on or off, that's just not true. One, one, there's one lot that the gentleman who lives there testifies, he actually floods onto this property, not the other way around. I also find it curious out of all of the pages and pages of written testimony that I've gone over and listened to every piece of the oral testimony, there's not been one piece of evidence about this property.

Kihei has flooding issues, 100 percent. Kihei has traffic issues. Kihei has issues. But no one's brought anything about this property. There's actually one picture of a little pond on this property on December 6, 2021. The pond on my property in Wailuku was bigger than that on December 6, 2021. I'm not negating the concerns of neighbors. They're important. But every neighbor is going to have issues no matter where we go. Like everyone said land swap. We're going to have to deal with whoever the neighbors are there, right?

Also want to just, some people have thought that us saying that we were going to do something market rate is a threat. It's not a threat. It's just, it's an entitled piece of property. If we can't do affordable housing, we have to reassess what we're going to do, and that is an option.

I want to just go over some projects that are for sale affordable housing. The Heritage in Maui Lani, Kahoma Village, Kahoma Residential. If I could just finish, Chair?

CHAIR LEE: Yes.

MR. CARNICELLI: Kaiaulu, Kalama Kai, Pailolo Place, . . . Farms, Waiale Elua, Hale Kaiola, Kilohana Makai, Waikapu Ventures, Pulelehua, Pu'unani DHHL. All of those projects, the neighbors opposed. All but two of them have been built, awesome neighborhoods. The neighbors opposed them. They're now awesome neighborhoods and they're part of the community, but the neighbors opposed. And so, I'm not saying it's just, you know, that we shouldn't listen to the neighbors. I'm not saying that. I'm just saying is we're going to run into it wherever we go. . . . affordable.

CHAIR LEE: Okay, thank, thank you very much, Mr. Carnicelli.

Members, do you have any questions?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Mr. Carnicelli, for your testimony. I don't have a lot of time. I just was wondering with the increasing storm frequency and what not, would you be willing to increase the drainage requirements from a 50-year storm to a 100-year storm?

MR. CARNICELLI: I don't know if that's possible? I mean, we could look at it, for sure. I don't know if it's possible, but we could look at it, yeah.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR LEE: Anybody else?

I, Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Lawrence. Good to see you. Sorry not there in the chamber. I just wanted to--

MR. CARNICELLI: Yeah, I miss you guys.

COUNCILMEMBER KING: I just wanted to ask you about, you know, I mean, the idea that it's not a wetland, I think it's not regulated as a wetland because it's not adjacent to navigable waters. Which, would you agree that that's the Army Corps of Engineers definition?

MR. CARNICELLI: No, that's not the Army Corps of Engineers definition. There's three criteria, you have to meet the criteria. It's not, just is it next to, that's not the criteria.

COUNCILMEMBER KING: Okay, well, that's my time. I guess I can't finish.

CHAIR LEE: Mr. Carnicelli, you want to tell us the three criteria, and then that's all?

MR. CARNICELLI: Oh, gosh. One is soil. One is flora and fauna. And the other one, I can't recall what it is.

CHAIR LEE: Okay.

MR. CARNICELLI: I'm sorry.

CHAIR LEE: Alright.

COUNCILMEMBER KING: Okay.

MR. CARNICELLI: Thank you.

CHAIR LEE: Okay, Members, that's it. Thank you.

Next testifier.

DEPUTY COUNTY CLERK: Chair, the last person we have signed up to testify on Committee Report 22-61 is David Bruce in the chambers.

CHAIR LEE: Mr. Bruce.

MR. DAVID BRUCE (testifying on Committee Report No. 22-61):

Aloha. Thank you, Councilmembers. My name is David Bruce, and I am part owner in the Hale Waipu'ilani Project. I wanted to share from my point of view why we're attempting to build this workforce development. I am in real estate, but I'm not a developer. I've never developed anything ever in my life. But Hawaii's been my home for 22 years, where my wife and I are raising our three children. And I'm speaking as Keoni Kuoha pointed out for the underrepresented people that this is for.

I've seen firsthand, I'm sure as many of you have, the struggle of our friends over the years that have had to hold down two and three jobs only to eventually move to the mainland. Native Hawaiians born and raised here move to the mainland because it's too expensive and they lose hope of forever owning a piece of land. That is why I'm doing this development.

It's significant to own a piece of the land. We could have done market rate housing, as most developers do here. It was really hard to hear the backlash of immediate neighbors and others. I mean, the entire surrounding area is developed. I understand it's in a flood zone. So, it seems a little disingenuous to say it's okay for us to live here, but not for these people. For me, it's about impacting people that live here that make up the communities, industry workers, teachers, firemen, policemen, construction, and so on. This is a chance to keep local families firmly planted in Maui.

Give them an opportunity to stop paying someone else's mortgage. Impact the legacy of their families for generations to come and finally own a piece of the land. The median price point is $1.2 million, as we know, and it's massive and growing. We're offering a chance for residents to own for significantly less than that. So, we have to take every opportunity that we can to make this work. Yes, maybe we'll add to traffic, more people walking the streets, but it will also add to the Kihei community and people that are committed to calling Maui home. Think about how you felt when you first purchased your home.

We've been working for two years. We've addressed every issue as Lawrence stated, with the engineering in place to make this a better situation than most buildings in that area. So, while it might not be a perfect situation, I would ask that those who are opposed to make room on the land and share the aloha that makes Maui special.

I would ask that the Council take a moment, take a moment, I'm almost done, and think about the families that are waiting, struggling on the sidelines to purchase their first home, how grateful they will be to leave behind the conversation should we move to the mainland? Thank you for your time. And I would ask that you would please vote in favor of Hale Waipu'ilani for the people of Maui.

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

Oh, wait, we have one question from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Bruce, for your testimony. It's pretty much the same question I asked Mr. Carnicelli. We're seeing increasingly frequent large storms, and I was wondering if you would be willing to increase the drainage from a 50-year storm to a 100-year storm?

MR. BRUCE: Yeah, I would have to, you know, we'd have to look into that. Like he said, we're, we're not sure if that's possible. But if it is, absolutely.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR LEE: Alright, any more questions, Members? If not, thank you very much, Mr. Bruce.

MR. BRUCE: Thank you.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next, the next person signed up to testify on Committee Report 22-61 is Cody Tuivaiti.

MR. CODY TUIVAITI (testifying on Committee Report No. 22-61):

Aloha. Aloha, Council. Mahalo for your time.

CHAIR LEE: Aloha.

MR. TUIVAITI: My name is Cody Nemet Tuivaiti. I'm a life-long resident of Kula Kai. A member of the Aha Moku Council, a steward of Hui O 'Ainakūko'a O Waiohuli Kai, a restoration project in the vicinity of this proposed development.

He moku he wa'a, he wa'a he moku. He moku he wa'a, he wa'a he moku. An island is a canoe, a canoe is an island. This is a very famous 'ōlelo no'eau that speaks to the difference between the quantity of life, as to the quality of life. As a steward and advocate for restoration, it is vital that our impacts to our environment are held to the highest regard. This involves water quality, marine health, cultural awareness, and mitigation measures in the terms of sea level rise, runoff and storm surge.

As we have seen recently, storm surge is very real and so is flooding and runoff. I worry because there's more emphasis on new growth and less on the existing well-being of our community and aina. I would like to entertain this idea of land being turned to, of this land being turned to conservation and a land swap as was mentioned to me as a possibility.

Being that this area is already surrounded with homes, conservation land is exactly what this area needs. Not just for the environment, but for the quality of life in an existing community. As much as we need good homes, we need a good quality of life. What is the sense that we cram everybody together if everyone is miserable, more traffic, more flooding, loss of environment, loss of morality within our local communities. We became strangers in our own town.

As a member of the Aha Moku Council, we have made it a mission to represent core values when it comes to stewardship of such conservation areas, a place that is impactful to our running waterways, our endemic and native plants, the continuation of healthy hydrology that permeates to our oceans. Overall, a better quality of life.

I ask that we revisit other options proposed and remember that while we look to the future for our much needed affordable housing, that there are already thousands of homes here that also need to be acknowledged. It's pono planning. And as someone

who grew up his entire life in Kula Kai, I can tell you firsthand that we are experiencing too many changes too quickly. We have been impacted. We are beginning to become strangers in our own home. We have lost so many of those core values we grew up with due to the heavy influx of misguided planning. One more thing, planning is more than just meeting requirements and setting standards. Mahalo.

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

Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Cody. You know, you're working on wetland restoration along with a few other of our, of our community members. And so, do you consider this area that we're talking about a wetland?

MR. TUIVAITI: Yes. Definitely.

COUNCILMEMBER KING: Okay. That's what I thought. Thank you. Thank you for being here. Appreciate it.

MR. TUIVAITI: Mahalo.

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

Mr. Clerk.

CHAIR LEE: Chair, we do not have any other individuals signed up to testify on Committee Report 22-61, so we will do a last call at this time. If there are any individuals who wish to testify on Committee Report 22-61, please identify yourself now. Again, this is our last call.

CHAIR LEE: Members, any objections to closing public testimony and accepted, accepting written testimony for communications on this CR 22-61?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with Committee Report 22-61.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 22-61 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Resolution 22-131, CD1, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be ADOPTED;

2. That Resolution 22-130, entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be FILED; and

3. That Resolution 22-132, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be FILED.

CHAIR LEE: Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I kind of am in the same feeling as Councilmember Shane Sinenci, that this is such an important matter, I would hope that we could wait for all nine Councilmembers to be here so we could vote for it. If the body would allow it, I would recommend maybe we take a lunch now, or we can move onto other matters and come back to this. So, that would be my suggestion if we could do that.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I thought that Member Rawlins-Fernandez said she was going to be on the plane from 11 to 11:30 and so she had asked us to wait till 11:30 so that she could be present for any votes that we take. Is that what the timing that she, I think that was the timing? So, I would support Member Johnson's proposal.

CHAIR LEE: Yeah. I don't mind doing that, but she did ask for time to get to the airport. I assumed that she was going to participate on her phone.

COUNCILMEMBER KING: Yeah, I think she couldn't get connected. She was trying to but she couldn't get connected.

CHAIR LEE: Okay. Members, any objections to deferring this item?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Later on the calendar? Okay. No objections, so ordered.

(See pages 284 through 291 for discussion and action.)

CHAIR LEE: Okay, let's take up the reso having to do with climate change, the Charter proposal.

Member, I mean not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on Resolution 22-165. At this time, we will accept testimony only on Resolution 22-165. Chair, there does not appear to be anyone signed up to testify on this item, so we will do a last call at this time. If there is anybody who wishes to testify on Resolution 22-165, please identify yourself now. Last call.

CHAIR LEE: Members, any objections to closing public testimony and accepting written testimony for communications on this item?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Mr. Clerk, please call up this item.

RESOLUTIONS – SECOND AND FINAL READING

RESOLUTION
NO. 22-165

PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO PROMOTING CLIMATE CHANGE ADAPTATION

CHAIR LEE: Pro Temp Kama.

COUNCILMEMBER KAMA: I move to adopt, I don't have my notes, Chair. But I'll move to adopt this.

COUNCILMEMBER MOLINA: Madam Chair? Point of clarification.

CHAIR LEE: Oh, Member, Member Molina, is that one of yours? I'm sorry.

COUNCILMEMBER MOLINA: Yeah. This is, this is under the GREAT Committee.

CHAIR LEE: Okay. Yeah, we're . . . so much out of order that I, because I, I called on her because she was the proposer of that amendment, so.

COUNCILMEMBER KAMA: Thank you, Chair.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

SO, WITH THAT BEING SAID, I MOVE TO PASS RESOLUTION 22-165 ON SECOND AND FINAL READING.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Pro Temp Kama, to pass Resolution 22-165 on second and final reading.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Resolution 22-165 would place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended, should be further amended effective January 2, 2023, to establish a County policy to promote climate change adaptation, including the implementation of guidelines to allow telework and alternative work schedules for certain Maui County employees.

As noted during first reading, both the Mayor's Office of Climate Change, Resiliency and Sustainability, along with the Managing Director expressed support for this proposal.

At this time, I'll yield the floor to Member Kama for additional comments on this proposal.

CHAIR LEE: Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you very much, Chair. Thank you very much, Mr. Molina. Thank you, Members, for getting this particular proposal to this stage today. And I would just continue to ask for your continued support. Thank you, Chair. Thank you, Mr. Molina.

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

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

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", one "excused"; motion carries. Excused is Vice-Chair Rawlins-Fernandez.

Well, Members, do you want to work on the referrals?

COUNCILMEMBER SUGIMURA: Chair?

CHAIR LEE: Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: I have a question. So, we have testifiers sitting in the chambers that have a time schedule. They're hoping, and I think they're sitting here on the outdoor lighting bill.

CHAIR LEE: Okay. Well, the problem is that that's another one that we wouldn't take up without the majority here.

COUNCILMEMBER SUGIMURA: Can we just have the testifiers testify out of consideration for them? They've been sitting here all morning thinking that we were going to take this up at 9:00.

CHAIR LEE: Member Paltin.

COUNCILMEMBER SUGIMURA: As was our--

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Oh, I was wondering if we could complete J? Cause that seems fairly innocuous.

CHAIR LEE: Well, okay, let me take up the suggestion of Member Sugimura first.

Mr. Clerk, how many people do we have signed up for the light bill?

DEPUTY COUNTY CLERK: Chair, there are currently six individuals signed up to testify on Bill 21, CD1, FD1 (2022).

CHAIR LEE: Okay. So, it is possible to take up the testimony but not take up the item? I'm asking you, Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. Yes, Chair, the body can do that with the other items. They could take the testimony on the item now, and then, if they close it, they can close the testimony. And then, if they need to defer the item till later in the agenda, they can.

CHAIR LEE: Okay. Members, any objections to doing that?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, let's proceed with testimony on bill, the light bill.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Bill 21.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on Bill 21, CD1, FD1 (2022). We will be accepting testimony on this item at this time, and this item only.

The first person signed up to testify on this item is Jordan Molina. To be followed by Randy Yamanuha.

CHAIR LEE: Mr. Molina?

DEPUTY COUNTY CLERK: Jordan Molina? I see that Public Works is connected to the meeting.

MR. JORDAN MOLINA, DIRECTOR OF PUBLIC WORKS [testifying on Bill No. 21 CD1 FD1 (2022)]:

Thank you, Chair. So, just for clarification, will I still have the opportunity, or is the Committee going into discussion on the matter at this time?

CHAIR LEE: No, we're not. We're not going into discussion at this, we're just taking testimony on people, from people who did not have an opportunity to testify on this at Friday's Council meeting.

DIRECTOR OF PUBLIC WORKS: So, will I be able to wait until the matter is brought forth for testimony?

CHAIR LEE: Yeah. Yes, you can.

DIRECTOR OF PUBLIC WORKS: Okay, I'll defer to then. Thank you, Chair.

CHAIR LEE: Alright. So, Mr. Clerk, can you call up the next person, Mr. Yamanaha *[sic]*.

DEPUTY COUNTY CLERK: Yes, Chair. The next person signed up to testify is Randy Yamanuha, in the chambers. To be followed by Gary Sanchez.

MR. RANDY YAMANUHA [testifying on Bill No. 21 CD1 FD1 (2022)]:

Good morning, Honorable Chair and fellow Councilmembers. My name is Randy Yamanuha, a retired principal of Maui High School and former president of both the Maui Interscholastic League and the Hawaii High School Athletic Association. I am here today to testify on Bill 21.

Although the bill has its merits, I'm asking you to reconsider in not passing the bill at this time until some unintended consequences and communitywide ramifications can be discussed with all affected parties. As previous testimony mentioned, the obvious financial impacts in the loss of revenues from the decreasing gate receipts and investments in new equipment in order to comply with the bill requirements.

Other consequences that I may point out is the greater risk for the health and safety of our student athletes. Moving athletic competition during the heat of the day places students in an increased risk for heat-related injuries. Other unintended consequences by moving events to the daytime will greatly impact our community's sports leagues as it will lessen available playing fields while high school teams and community teams compete for the same fields during a smaller time window.

Another issue should be considered moving events to the daytime and its impact in the league's ability to secure officials. For example, in football, most of the officials have a regular day jobs and moving events early in the day will negatively impact the number of officials available for sporting events. On a side note, we've had judges, prosecuting attorneys as football officials, which they wouldn't be able to officiate daytime events due to work schedules and they'll be sorely missed by the league and fans as they bring some sensibility, they bring some sense of credibility to the game. With increasing number of schools in the MIL, scheduling games during the week is a necessity due to facilities and officials' availability.

However, today, the most important unintended consequences I want to speak about coming as an educator to you is moving games to the daytime will impact our student's education. Athletic practices and games were moved to the end of the school day to lessen the amount of students missing instructional class time. Having day games, especially in the MIL, which is a tri-isle league, travel is time, is a big component for teams. Students will miss more instructional class time because they will have to leave school earlier in order to have proper warm-up time as injury prevention prior to the sporting event commences.

Lastly, our students and community will be affected socially and emotionally if there are no evening activities for them as we found out during the pandemic lockdown. Have we thoroughly discussed the impact of our students and the greater community? In closing, please consider your decision. I ask you to consider all the unintended consequences of Bill 21. Thank you for this opportunity to speak on behalf of the students.

CHAIR LEE: Okay, Randy, we have a question from Member King and from Member Molina.

COUNCILMEMBER KING: Aloha, Randy. Nice to see you. What about this bill makes you think that we're trying to move you to day games? Because all the sports arenas and sporting events are exempted?

MR. YAMANUHA: No, I was told that the lights would be a problem, so games would have to be moved.

COUNCILMEMBER KING: No, you're, you're exempted from, until, if there were lights that were available that were industry standard, but we're told, we, you know, we did communicate with the Department of Education, and the private schools, and the Parks Department, and they were okay with it as long as--

CHAIR LEE: Okay. Randy, could you respond to Member King, please? We, we have a very short time frame--

MR. YAMANUHA: Okay.

CHAIR LEE: --to ask questions.

MR. YAMANUHA: I was just told the games would have to be moved because of the lighting.

COUNCILMEMBER KING: Okay. That's not true. Thank you for, thank you for your concern.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Aloha, Mr. Yamanuha. Thank you for being here. And you, as a former school administrator, you have a lot of good insight that's appreciated. So, has there been talk amongst the DOE from where you stand, as far as the concerns with this proposed bill as it affects games and everything else, and a lot of parents out there?

MR. YAMANUHA: We'll use an example of Kauai when they went to only day games. We fought a lot to get State tournaments here on Maui to help defray the costs for our parents on traveling. And if that happens, we might not have those State tournaments. We recently had the baseball State tournament here and was really attended well. We have tennis, we have the golf, so that's a concern of the league and the coaches here.

COUNCILMEMBER MOLINA: Okay, thank you, Mr. Yamanuha. Thank you, Madam Chair.

CHAIR LEE: Member Paltin. Oh, we have one more question. Randy, can you come back?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Yamanuha. I just was wondering, you know, as this bill gets more famous, more people are chiming in. And if it were to be recommitted, do you think members of the league, or whatever, would come and be a part of the discussion about a way forward that is acceptable?

MR. YAMANUHA: I can't speak for the league, but I'm sure, because that's the chatter right now, as coaches and some of the officials that I've talked to.

COUNCILMEMBER PALTIN: How about you?

MR. YAMANUHA: I'll be available.

COUNCILMEMBER PALTIN: Okay. Awesome. Thank you.

MR. YAMANUHA: Thank you.

CHAIR LEE: Thank you. Next testifier.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Gary Sanchez. To be followed by John Pelletier.

Gary Sanchez is in the chambers.

MR. GARY SANCHEZ [testifying on Bill 21 CD1 FD1 (2022)]:

Good morning, Councilmembers. My name is Gary Sanchez. I am a retired schoolteacher and still coaching. I'm here to testify against this lighting bill. It concerns me. I've coach here at Maui over 50 years. I've yet to see a bird fall from the sky that hit a light pole.

At the same time, should we ban sporting events at night? What about our keiki? What about our youth? The temperature has been rising. The last couple days where I live up in Omaopio, 93 degrees. You want these kids to be out in this sunlight, exposed? Their safety is at risk. You hear the, you hear the Humane Society and other groups testifying that the ranchers got to provide shade for their cattle. What about our kids? Anybody care about them?

Mr. Yamanuha said about the State tournaments. This past year, we took our kids from Baldwin High School, coaches, and girls, and boys, it cost us almost $12,000, our share, not what the school put out. Should we now have the State track tournament next year on Maui, where we going to come up with 12, $13,000 again? Money don't fall from the sky.

You talked of COVID, our kids for two years couldn't participate. They put on weight. They're lazy. All they want to do is play on the cellphone and indoors. What about their physical, you know, nobody cares about them anymore. They're a lost generation. So, consider what I'm trying to say. It's very important for the kids to participate.

And the day games, like Randy said, where we going to get officials? Where we going get playing fields? Everybody is fighting for fields. Soccer, soccer, baseball, little league, you know how many fields are taken up in any given day? What about the high school kids? You want them out on the town creating problems in the community? Robbing? I mean, you know, we keep them active. We keep them active in the high school level, keep them off the streets. We know where they are. If they're participating in sports, we know where they are for practice, whatever.

So again, the safety of our kids and our welfare is a very big concern. Money is a problem, but you know what, safety is a factor. Thank you.

CHAIR LEE: Thank you. Yes, Member King has a question for you.

COUNCILMEMBER KING: Thank you for being here, Mr. Sanchez. Again, this bill was modeled after Hawaii County, not after Kauai. So, who was it that led you to believe that this was an attempt to close down any sporting events at night?

MR. SANCHEZ: Well, please take it into consideration.

COUNCILMEMBER KING: We are not, we are not trying to shut down any sporting events. The sporting events are exempt from this lighting bill.

MR. SANCHEZ: Okay, we appreciate that, as coaches. And, you know--

COUNCILMEMBER KING: Yeah. And we, and we appreciate . . . Yeah, we all--

MR. SANCHEZ: Thank you.

COUNCILMEMBER KING: Thank you. Thank you for being here.

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

Next testifier.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Jeff Bagshaw. Jeff Bagshaw, I see you're connected to the meeting, but we cannot unmute you, you are muted on your end.

Chair, there are other testifiers signed up to testify on this item, but they have all requested to testify before the, at the time when the Council decides to, or before the time the Council will deliberate on this item.

CHAIR LEE: Alright. Well, we're just not sure what time that might be though. That's fine. So no, no other testifiers?

DEPUTY COUNTY CLERK: So, since Jeff Bagshaw isn't responding at this time, there are no other individuals who wish to testify on Bill 21, CD1, FD1 (2022) at this time. We'll do last call, though, in case there are any other individuals who would like to testify at this time.

MR. JEFF BAGSHAW [testifying on Bill No. 21 CD1 FD1 (2022)]:

I'm sorry, I was unable to mute before. But I'm here now, if I can?

CHAIR LEE: Mr. Bagshaw?

MR. BAGSHAW: Yes, I'm here. I'm sorry. I was not, I was muted before. I'm in touch now.

CHAIR LEE: Okay. Did you want to testify on this item?

MR. BAGSHAW: Yes, please.

CHAIR LEE: Okay. Please proceed.

MR. BAGSHAW: So, I'm Jeff Bagshaw. I'm with the Division of Forestry and Wildlife, although I'm speaking for myself. I know that my agency is in support of this bill. And with respect to previous testimony, I think we need only look to our neighbors to the south, who have successful lighting bills that protect the night skies. And people can go on and function as well. I know that folks have safety concerns regarding car accidents, or police matters, but again, any time you look at statistics on, at other places where dark skies are protected, there is no significant increase in either crime, or accidents. And as stated before, this exempts athletic endeavors.

So, we need only look to Hawaii Island to see that this does not impede human activities. We really have to make room for the native species that are endangered and are going to lose ground as the northwest Hawaiian Islands go underwater.

So, I'm, I'm in support of this bill, but not the, not the Corporate Counsel version, which focuses on Kelvin instead of blue light. That's kind of a weapons of mass distraction. It's really, the significant issue is that we need to take out the blue light in our lighting, and protect these seabirds, because they belong here. And I will stand by the rest of my written testimony and close. Thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Jeff. I really appreciate your support for this, and your expertise. And can you just confirm that Hawaii County, I know they've been, they've had over a decade of this similar lighting bill, and they have, that they have had night sporting events the last ten years?

MR. BAGSHAW: Yes, that's true. They've had night sporting events. They, I think the only impact I've ever experienced, or that I've ever heard is that sometimes visitors, who have certain colored cars may not recognize where their car is in the lot.

COUNCILMEMBER KING: Okay. Take a picture. Alright, thank you. Thanks for being here.

CHAIR LEE: Questions? Thank you.

MR. BAGSHAW: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, all remaining testifiers for Bill 21, CD1, FD1, (2022) have requested to testify before, at that time before the Council deliberates on the item. But we'll do a last call to see if anyone wants to testify at this time. If there is anyone who wants to testify on Bill 21 at this time, please identify yourself now.

CHAIR LEE: Members, do you want to take up J, or do you want to take a break, lunch? Members?

COUNCILMEMBER MOLINA: J.

COUNCILMEMBER PALTIN: J, please.

CHAIR LEE: Take up J, everybody? No objections.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with testimony on J. Communications. At this time, we will accept testimony on items within agenda section J. Communications, except for County Communication 22-167. Testimony on that item has closed. Chair, at this time, there are no individuals signed up to testify on items in J. Communications, but we will do a last call. If there is anybody who wants to testify on any item in this agenda section, please identify yourself now. Again, last call.

Chair, no one else has indicated that they wish to testify on any of these items.

CHAIR LEE: Any objections to closing testimony and accepting written?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Okay, Mr. Clerk, please proceed.

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

COUNTY COMMUNICATIONS

NO. 22-168 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated June 27, 2022)

Reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the General Obligation Bonds Series 2023 Fund as of May 31, 2022.

The recommended action is that County Communication 22-168 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-169 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated June 29, 2022)

Informing of the plan of audits proposed to be conducted during Fiscal Year 2023.

The recommended action is that County Communication No. 22-169 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-170 - SHAYNE R. AGAWA, DEPUTY DIRECTOR OF WATER SUPPLY,
(dated July 5, 2022)

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

The recommended action is that County Communication No. 22-170 be referred to the Infrastructure and Transportation Committee.

CHAIR LEE: Are there any objections to the referrals, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk. Let's see. Letter K.

COUNCILMEMBER KAMA: K.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yeah, Madam Chair. Speaking of letter K, if Members have any concerns, I'd like to address 22-65 and 22-66. These both deal with nominations, if the Members would like to deal with those two matters before we go to break.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Alright, do you want to call up testimony?

DEPUTY COUNTY CLERK: So, Chair--

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, am I calling testimony on Committee Reports 22-65 and 22-66 only?

CHAIR LEE: At this time.

DEPUTY COUNTY CLERK: Yes, Chair. Then, proceeding with testimony on--

COUNCILMEMBER KAMA: Chair? Chair?

CHAIR LEE: Yes?

COUNCILMEMBER KAMA: Can we also do 22-68 and 69 in that same vein?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Any objections, Members?

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

CHAIR LEE: Okay. Member, I mean, Mr. Clerk, four items.

DEPUTY COUNTY CLERK: Yes, Chair. So, at this time, we will be calling testimony on the following committee reports: Committee Report 22-65, 22-66, 22-68, and 22-69.

Chair, at this time, there are no individuals signed up to testify on any of these committee reports, but we will do a last call at this time. If there are any individuals who want to testify on Committee Reports 22-65, 22-66, 22-68, or 22-69, please identify yourself now. Again, this is our last call for testimony on these four committee reports.

CHAIR LEE: Members, if there are no objections are, to, are there any objections to closing public testimony and accepting written testimony on these items?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered.

Mr. Clerk, please proceed with calling up the items.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 22-65 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 22-147, entitled "RELATING TO THE APPOINTMENT OF PATRICIA-HELEN KAHULUMEALANI LINDSEY MALUO-PEARSON TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION", be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO ADOPT RESOLUTION 22-147.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Member Molina, seconded by Member Sugimura, to approve Committee Report 22-65.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GREAT Committee met on June 28, 2022, to discuss the Mayor's nomination of Patricia-Helen Kahulumealani Lindsey Maluo-Pearson to the Maui County Cultural Resources Commission for a term expiring on March 31, 2025, to fill a vacancy replacing Emily Spenser.

Ms. Maluo-Pearson is Executive Director of Ka'ehu, a non-profit organization with the goal to restore the land and perpetuate traditional Hawaiian culture using a community-based, inclusive, family-oriented approach to environmental stewardship and sustainable agriculture.

The Council must approve or disapprove this nomination by July 18, 2022, or the nomination will be deemed approved. I ask for the Members full support of this motion. And your Committee also voted 9-0 to recommend adoption of the resolution. Thank you.

CHAIR LEE: Any more discussion? If not, all those in favor--

Member Paltin.

COUNCILMEMBER PALTIN: Oh, I just wanted to express full support, and say how lucky we are to have Ms. Maluo willing to serve.

CHAIR LEE: Okay, 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, AND CHAIR LEE.

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", one "excused"; Vice-Chair Rawlins-Fernandez. Motion carries.

Mr. Clerk.

COMMITTEE REPORT
NO. 22-66 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 22-148, entitled "RELATING TO THE APPOINTMENT OF EDWARD JAMES RICKORD TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTION 22-148.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Member Moli, it's been moved by Member Molina, seconded by Member Sugimura, to approve Committee Report 22-66.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GREAT Committee met on June 28, 2022, to discuss the Mayor's nomination of Edward James Rickord to the Board of Variances and Appeals for the County of Maui for a term expiring on March 31, 2024, to fill a vacancy replacing Emmanuel Baltazar.

Mr. Rickford *[sic]* is a resident of Kahakuloa and a self-employed contractor who said he believes integrity is important and thus would recuse himself if there was ever a conflict of interest.

According to his application, Mr. Rickford *[sic]* has served on community boards with a focus on Kahakuloa in the past. The Council must approve or disapprove this nomination by July 30, 2022, or the nomination will be deemed approved.

Your Committee interviewed the nominee and voted 9-0 to recommend adoption of the resolution. I ask for the Members full support of my motion. Thank you.

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

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

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Vice-Chair Rawlins-Fernandez. Motion carries.

Mr. Clerk, 22-68.

COMMITTEE REPORT
NO. 22-68 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending that the Miscellaneous Communication, from the County Clerk, transmitting an amendment to Contract C7153, between the County of Maui and Grindline Skateparks, Inc., for improvements to Kalama Skate Park, be FILED.

CHAIR LEE: Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-68.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Pro Temp Kama, seconded by Member Sugimura, to approve the recommendations in Committee Report 22-68.

Discussion, Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Your Human Concerns and Parks Committee, having met June 27, 2022, makes reference to a miscellaneous communication dated January 10, 2022, from the County Clerk, transmitting an amendment to Contract C7153, between the County of Maui and Grindline Skateparks, Inc., for improvements to Kalama Skate Park.

Your Committee noted Contract C7153 was executed on July 31, 2020, for the repair of vert ramps at Kalama Skate Park in the amount of $36,655.21.

Your Committee also noted that the amendment extends the contract an additional 270 calendar days and the improvements will correct safety issues. Your Committee supported the need for this improvement to correct safety issues.

Your Committee voted 5-0 to recommend filing of communications. I respectfully ask for the Councilmembers support of the motion. Thank you, Chair.

CHAIR LEE: Any further discussion?

Member King.

COUNCILMEMBER KING: Just a question, Chair. I don't know if we have anybody from Parks here, but on Friday, we had a testifier come and testify about the need to open up Kalama Skate Park. And I was at the grand opening, as were you, Chair, so I don't know what that's about and I just wanted to ask if Member Kama knew anything? Did it close back down or is there any problem with?

COUNCILMEMBER KAMA: I don't know that either, Member King.

CHAIR LEE: Is anybody from Parks on the line? Apparently not.

COUNCILMEMBER KING: Okay. Well, maybe we could send an inquiry to the Parks Department, just to find out if it's open consistently. Because, yeah, we were both there and we saw the kids get on the park, in the park and skate. Okay, that's all. Thank you very much.

CHAIR LEE: Okay. Any more discussion?

Yes, Member Paltin.

COUNCILMEMBER PALTIN: Oh, my impression of his testimony was that when the park is closed, that people were climbing the fence and, and things like that. Not that it's closed, but that security when it's closed or something.

CHAIR LEE: But we'll check on it anyway. Okay. So, anybody else, comments, questions? All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Vice-Chair Rawlins-Fernandez. Motion carries. Committee Report 22-69.

COMMITTEE REPORT
NO. 22-69 - HUMAN CONCERNS AND PARKS COMMITTEE:

Recommending that Resolution 22-110, entitled "AUTHORIZING DISTRIBUTION OF COVID-19 SUPPLIES TO THE PUBLIC, PUBLIC HEALTH AGENCIES, MEDICAL PROVIDERS AND NON-PROFIT ORGANIZATIONS," be ADOPTED.

CHAIR LEE: Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE REPORT 22-69.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Kama, seconded by Member Sugimura, to approve committee report, the recommendations in Committee Report 22-69.

Discussion, Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Your Human Concerns and Parks Committee, having met on June 27, 2022, makes reference to Resolution 22-110, entitled "AUTHORIZING DISTRIBUTION OF COVID-19 SUPPLIES TO THE PUBLIC, PUBLIC HEALTH AGENCIES, MEDICAL PROVIDERS, AND NON-PROFIT ORGANIZATIONS".

Resolution 22-110's purpose is to approve the donation of COVID-19 supplies, such as at-home test kits, personal protective equipment, and other related goods to the public, public health agencies, and medical providers, and non-profit organizations on an on-needed basis through December 31, 2022.

Your Committee noted the COVID-19 pandemic is an ongoing public health crisis necessitating the ongoing distribution of COVID-19 supplies to the public, public health agencies, medical providers and non-profit organizations such as Hale Makua Health Services, Malama I Ke Ola, Ka Hale A Ke Ola, Family Life Center, and Maui Economic Opportunity, Inc.

Your Committee supported the County's efforts to make at-home test kits and other supplies available free to the public to help curb the spread of COVID-19.

Your Committee voted 5-0 to recommend adoption of Resolution 22-110. I respectfully ask the Councilmembers support of the motion. Thank you, Chair.

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

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

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Vice-Chair Rawlins-Fernandez. Motion carries.

Mr. Clerk, shall we take up the rest?

DEPUTY COUNTY CLERK: Chair, that, Chair, so should I call testimony on the remaining committee reports?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Okay, so proceeding with testimony on remaining committee reports. At this time, we will be accepting testimony on committee reports, except for those for which committee, for which testimony has already closed. The committee reports for which testimony has closed is Committee Reports 22-61, 22-65, 22-66, 22-68, and 22-69. So, at this time, we will be accepting testimony on Committee Reports 22-62, 63, 64, and 67.

Chair, the first person signed up to testify--

CHAIR LEE: Hold up. Hold up, Mr. Clerk. We have a question.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I think that it would be prudent of us to still take testimony on 22-61, since we haven't taken action on that yet. We, usually they say deferring is not an action.

CHAIR LEE: I thought we took testimony on Waipu'ilani?

COUNCILMEMBER PALTIN: Yeah, but we didn't--

CHAIR LEE: 22-61.

COUNCILMEMBER PALTIN: We didn't take an action cause we're waiting for a Member. So, if somebody still wants to testify on it, we should probably let them cause we haven't taken action on it yet.

CHAIR LEE: Oh, yeah, yeah, testimony is not closed. It's not closed. Not on 22-61. So, let's, so what we could do--

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: --is take up testimony on 63, 64, and 67, how's that? Okay, Members?

Mr. Clerk.

DEPUTY COUNTY CLERK: Then, Chair, so at this time, we will just be accepting testimony on Committee Reports 22-63, 64, and 67.

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Then, at this time, the first person signed up to testify is Thomas Croly. To be followed, only Thomas Croly is signed up to testify on any of those items.

CHAIR LEE: Okay, Mr. Croly.

MR. THOMAS CROLY (testifying on Committee Report Nos. 22-63 & 22-67):

Aloha, Council. A confusing set of circumstances for these testimonies, but I understand the difficulties today. You know, one reason I think that that we would like to testify right before you make decision-making is so that we reach all the Councilmembers. And of course, we're holding off decision-making right now because we're missing a Councilmember. So, I just say that for those that just occurs to me.

So, let me testify on 22-63 first. That's the one where we're increasing the home exemption from 200,000 to 300,000 and from 300,000 to 400,000 for a homeowner who also has a long-term rental. I think that this was a missed opportunity for the Council to do what I had asked that you do, which is discuss property taxes outside of the budget.

The idea of changing the exemption, the homeowner exemption, it's a great idea. And I think that, I'm glad that you're doing this, and I'm not testifying against it. But why are we going to 300,000? Why don't we go to 400,000? Would 350 be a better number? Would 500,000 be a better number? None of those things really got considered and I do want you to understand that when you give an exemption, that means we're not going to tax you on this amount. And then, everyone gets that exemption who falls into that, that category. And based on the rate, that exemption is kind of the same for everybody. But what you're doing here is you're actually giving a bigger tax break for homeowners who own very expensive properties, and a lower tax break for homeowners who own lesser valued properties.

So, I would have liked to have seen it get questions and answered as far as what if we gave a $400,000 exemption and we raised the rate for, perhaps, from $2 per thousand where it is now, to $3.50 per thousand where it was when we last had a $300,000 exemption? What effect would that have on our taxes? Well, I can tell you it would help people at the lower end much, much more, and it would tax people at the higher end to a greater amount.

The current scenario that you have right now, that it seems likely you'll continue next year, is giving some taxpayers at the very high-end, guys who own $16 million and $20 million homes, a $150,000 plus reduction in their property taxes. Now, if you're intending to do that, if that's what your goal is, fine, okay? But you could end up with the same revenue by raising the rate and raising the exemptions, so that people at the lower end are paying less. So, again, I don't stand against this issue now, but I think you missed a prime opportunity to understand better how our exemptions and our tax rates affect what people pay on their property taxes. Thank you, Chair.

Would you like me to move on to 22-67, I think was the other one that was in this group?

CHAIR LEE: Yes. Yes. Go ahead, Tom.

MR. CROLY: Okay. So, 22-67, this is the one related to asking the, the Mayor to condemn a property up in Napili, and turn it into a community center or something. This is absurd, okay? There's people who don't like this property, and there's people who don't like this particular developer. Maybe I don't either, I don't know. But it's absolutely positively absurd to say let's spend perhaps $10 million of the County's money to buy a building because we don't like it, okay, and then have it exist and continue to sit there and use it for some need for the County.

So, I know that this is actually going to fall into the kuleana of the Administration. And I expect the Administration will ignore this absurd, you know, request. But, but don't even push it through. This is, this is just silly at this point for you to even be considering this. There is no legitimate reason for the County to be condemning this property, and giving essentially the owner of it a windfall, if you will. Because that's what would happen, as far as the valuation of this property if you were to take it over at this time. So, I just can't express enough how bad an idea this would be. Those are my comments on 22-67.

You did not bring up 22-62, and I'd be happy to comment on that one when you do bring it up later. I just don't want to miss the opportunity to, to comment on that one. That would be it, Chair. Thank you.

CHAIR LEE: Members, questions? I have a question. Tom, do you have any suggestions on what we should do with that monstrosity in Napili?

MR. CROLY: Indeed, it is a monstrosity. Indeed, I think that there were, there were decisions that were made in approving it that were unwise decisions. Indeed, it looks like something other than what it's supposed to be. But what it came forward as is a single-

family home and it should be allowed to be finished as a single-family home, and we should be enforcing laws that surround its use as a single-family home. And that's it.

CHAIR LEE: Okay. Alright. Any other questions? If not, thank you, Tom. We'll see you later.

MR. CROLY: Thank you.

CHAIR LEE: Mr. Clerk.

MR. RICK ALEXANDER (testifying on Committee Report Nos. 22-63, 22-64, & 22-67):

Alice?

CHAIR LEE: Yes?

MR. ALEXANDER: Hello, Alice. Hello, and Rick Alexander.

MR. ALEXANDER: Yes, ma'am. I've been, I've been listening. And--

CHAIR LEE: Are you signed up to testify?

MR. ALEXANDER: Yeah. I, I was just trying to testify on that last two items, the property taxes and the Napili project.

CHAIR LEE: Okay. Okay, hold up a second, okay? Let me check with our Clerk.

MR. ALEXANDER: Okay.

CHAIR LEE: Mr. Clerk, was Mr. Alexander next?

DEPUTY COUNTY CLERK: Chair, there was no other individual signed up to testify on Committee Reports 22-63, 64, 67. And for the record, Chair, Mr. Alexander testified only on Committee Report 22-61 on Friday.

CHAIR LEE: Okay, so please call him up to testify on those other two that he mentioned.

DEPUTY COUNTY CLERK: Yes, it is your turn to testify, Mr. Alexander.

MR. ALEXANDER: Okay. First of all, you know on the taxes, the property taxes, why couldn't you folks do, like--

CHAIR LEE: Rick, we can't hear you for some reason.

MR. ALEXANDER: Oh. Okay, can you hear me now?

CHAIR LEE: Yes.

MR. ALEXANDER: What I was trying to say . . . where the local families live, like, you know . . . in those areas in Wailuku, Kahului, certain parts of Kihei, Lahaina, you have a tax bracket. Then when you go into the area of Wailea, the upper class, Kapalua, certain parts of Napili, then you have another tax bracket. That would kind of make sense, because that way you're taking care the local people and not the pilgrims that come here and misuse our system. That's, that's my thought. So, if you take that in consideration.

CHAIR LEE: Okay.

MR. ALEXANDER: Now, now as far as the Napili project, okay. I don't think the people of Maui County should be paying that guy Greg to take over that property situation. My thing is, whoever did the planning in the planning commission, or in the permitting, first of all, they should be fired for letting that thing get to the point where it is. Okay. Now, if anything, due to the fact that the contractor himself did the misapproval areas, I would suggest that he be condemned, and he has to knock it down and make it to the way it should be. That is the way things should be. If not, the County, the State, they have all the, what you call, the legal rights to condemn things. They don't have to buy it. They can condemn it.

So, just go to the past where Ukumehame, where Goodfellow and all that other money came in, they could've condemned that because that was on the ocean area. Instead, no, the people of Maui going pay. My grandkids going pay for that property, which was what, 10, almost 10 million or whatever it was. See, these are the problems that has been going on for year after year after year.

So, projects like that, especially for Tamara, she's out in that area. And that hurt the local community. And that's my point. You got to take care the locals. Forget these pilgrims that come over here, and less than ten years, and they like be on Committee, they like be on that. They have no clue, okay? And it's not only happening on Maui, it's happening all over the place. So, that's my suggestion. Do not spend County money. Have the guy tear down the, to what suppose--

CHAIR LEE: Okay. I think we're losing you. But, questions, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

MR. ALEXANDER: . . . thank you very much.

COUNCILMEMBER PALTIN: Thank you, Mr. Alexander, for your testimony. I just was, you not testifying on 22-64, the veterans tax reduction bill?

MR. ALEXANDER: Which one was that?

COUNCILMEMBER PALTIN: 22-64, the veterans bill.

MR. ALEXANDER: Well, I not familiar with any of the numbers. I just, I sat on the, on this thing because of the Waipu'ilani project. And so, I've been listening to all these bills. So, if, if you fill me in with that little bit, maybe I could respond to it.

COUNCILMEMBER PALTIN: The one to reduce the property tax for disabled veterans, 70 percent disabled.

MR. ALEXANDER: Oh, I'm definitely for that because I'm a disabled vet. So, yeah, I would appreciate, you know, not having, you know, to take care of that, you know.

CHAIR LEE: Okay, any more questions, Members?

MR. ALEXANDER: Thank you, Tamara.

CHAIR LEE: Yeah, if not, thank you, Rick.

MR. ALEXANDER: Okay, my pleasure.

CHAIR LEE: Anymore testifiers, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, at this time--

CHAIR LEE: On 63, 63, 64, and 67. Right?

DEPUTY COUNTY CLERK: Yes, Chair. Those three items, testimony's open right now and we have received no other requests to testify on those items. But we will do a last call. If there are any individuals who would like to testify on either, or on Committee Reports 22-63, 64, and 67, please identify yourself now. Again, this is the last call for these items.

CHAIR LEE: Members, are there any objections to closing public testimony and accepting written testimony on these items?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Testimony is closed on these items. Okay, please call them up, Mr. Clerk.

COMMITTEE REPORT
NO. 22-63 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending that Bill 93 (2022), entitled "A BILL FOR AN ORDINANCE AN AMENDING SECTIONS 3.48.450 AND 3.48.466, MAUI COUNTY CODE, RELATING TO HOMEOWNER EXEMPTIONS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-63.

COUNCILMEMBER MOLINA:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Member Paltin, seconded by Member Molina, to approve Committee Report 22-63.

And do we have discussion, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Your Budget, Finance, and Economic Development Committee met on June 29, 2022, to discuss Bill 93 (2022). This bill would amend Sections 3.48.450 and 3.48.466, Maui County Code, to increase the homeowner exemption for a principal home to 300,000, and for a long-term rental and principal home to 400,000, beginning January 1, 2023.

Your Committee discussed the significant increase in property valuations that has impacted real property tax payments for homeowners of principal homes and long-term rentals in Maui County, and noted that the last increase was in 2006. This increase was reversed in 2012.

Your Committee voted 9-0 to recommend passage on first reading of Bill 93 (2022). I respectfully ask for the Councilmembers support of the motion. Thank you, Chair.

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

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

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Vice-Chair Rawlins-Fernandez. Motion carries.

Next item, Mr. Clerk.

COMMITTEE REPORT
NO. 22-64 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE:

Recommending that Bill 110, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO HOMES OF UNMARRIED SURVIVING SPOUSES OF VETERANS AND SEVERELY DISABLED VETERANS," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-64.

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER MOLINA: Second.

CHAIR LEE: Been moved by Member Paltin, seconded by Member Sinenci, to approve Committee Report 22-64.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Your Budget, Finance, and Economic Development Committee met on June 29, 2022, to discuss Bill 110 (2022). This bill would amend Chapter 3.48, Maui County Code, to allow a real property tax of 50 percent of the minimum tax per year for severely disabled veterans who are defined as individuals who have been given a 70 percent or higher disability rating by the United States Department of Veteran Affairs.

This bill decreases the required disability rating from 100 percent to 70 percent, allowing more Maui County veterans to qualify for this exemption. During the meeting, the Department of Finance said applicants must certify that they own and occupy the home to qualify for the exemption.

Your Committee voted 9-0 to recommend passage on first reading of Bill 110 (2022). I respectfully ask for the Councilmembers support of the motion. Thank you, Chair.

CHAIR LEE: Any more discussion? Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I'd like to give a lot of kudos to Committee Chair Rawlins-Fernandez for taking up this bill, which I initiated, very expeditiously. And also, for the input from Mr. Lester and also my colleague, Mr. Johnson. Many, many veterans and their families will be very much appreciative of this proposal. Thank you, Madam Chair.

CHAIR LEE: Thank you. Any more discussion?

Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I rise in full support of this bill. And I also want to echo what my Councilmembers are saying about how important it is for our disabled veterans to be taken care of. They, disabled veterans have . . . problems and government shouldn't be one of them, so I'm glad that we're going to do this. And I think it's really reflective on our compassion we have for the folks who served us in the military. So, mahalo for all of the hard work involved in this. Thank you, Chair.

CHAIR LEE: Any more discussion, Members? If not all those in favor--

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I agree with Member Molina and Member Johnson. I'm in full support. I just, you know, I believe that there will come a time when we don't have more disabled veterans if we can stop fighting. So, you know, I look forward to that time.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Chair, just to echo my colleagues, I support the bill. I think it's, thank you, Member Molina, for bringing this forward. I think we all have to be aware too, that there are disabled veterans who don't have a home, that we should be helping out as well, that are maybe among the houseless. And so, just to keep that in mind that there's more work to do here in this arena. And I hope that we can extend the compassion to those folks that need help. Thank you.

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

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

NOES: None.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Vice-Chair Rawlins-Fernandez. Motion carries.

The next item, Mr. Clerk.

COMMITTEE REPORT
NO. 22-67 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 22-158, entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 5385 LOWER HONOAPIILANI ROAD, LAHAINA, MAUI, HAWAII," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO PASS RESOLUTION 22-158 ON FIRST READING.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Paltin, to approve Committee Report 22-67.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GREAT Committee met on June 28, 2022, to discuss Resolution 22-158, which would authorize proceedings in eminent domain to acquire the property located at 5385 Lower Honoapiilani Road in Lahaina, Maui, Hawaii. And the proposed resolution would state that this structure be used for a public purpose for Hawaiian cultural education or any other public purposes for consideration by present Administration or future Administration.

Sections 46-1.5(6), and 46-61, and 46-62, and Chapter 101 of Hawaii Revised Statutes, authorizes counties to exercise power of condemnation by eminent domain when it is in the public's best interest to do so.

And since 2021, this property has been the focus of community criticism and concern due to the size and height of the structure and the permitting process that allowed construction to continue.

And your Committee also notes the Council enacted Ordinance 5233 in 2021, relating to hotel use and development standards in the Napili Bay Civic Improvement District, in response to the community's concern about this problem. I'd like to thank my colleague from West Maui, Member Paltin, for that.

And Ordinance 5233, which took effect August 9, 2021, limits structures to a maximum of two stories and 30 feet in height, including all appurtenances such as elevator shafts, stairwells, vent pipes, and antennas, and prohibited any hotel or apartment-hotel use unless established by August 6,2021.

And sorry to be such longwinded on this, Madam Chair. But your Committee also noted the Council's approval of 22-158 would approve the Administration with the authority to pursue eminent domain by filing a lawsuit in Second Circuit Court on the County's behalf to purchase the property in fee simple for its fair market value.

So, with that said, Madam Chair, your Committee, to conclude, your Committee supported the need to obtain community input on the future of the property to use it in a manner that is respectful and reasonable to the neighboring community, while ensuring communication and transparency, if acquired by the County. And for example, your Committee noted establishing a public building in West Maui for Hawaiian cultural education, among other public purposes for this. And also supports, which also supports the Maui County General Plan, which directs officials to "perpetuate the Hawaiian culture as a vital force in the lives of residents" and to "establish centers and programs of excellence for the perpetration of Hawaiian arts and culture."

Your Committee received written and oral testimony, actually overwhelming support for Resolution 22-158, and voted 8-0 to recommend passing it on first reading. 8-0 was the vote and with one recusal, Committee Vice-Chair Rawlins-Fernandez. So, I ask for the Members full support of this motion for this resolution. Thank you, Madam Chair.

CHAIR LEE: More discussion? Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. And, and I know I'm the one that put the resolution forward, but at this time, I'd like to reconsider my own support of the resolution in taking feedback from, sorry. I wasn't timing myself, that was my phone. In hearing feedback, like the one from the testifiers we just had, a lot of people do not want Mr. Brown to get a payoff from taxpayer money. And you know, since the time when this resolution was put forward last Council meeting, we passed a resolution authorizing the acquisition of Lahaina Crossroads Apartments. And you know,

knowing that there's limited funds, that is the priority right now so that 2020 households don't, you know, experience negative impacts.

So, at this time, I, I would put my full support behind the Lahaina Crossroads and, and any extra resources that we have. And, and I've heard from the community that they don't want Mr. Brown to have a payoff. They don't want this building. And so, you know, if, if we withdraw or file this at this time, I'll leave it to the community to decide, like how you said, Chair, are they going to want a cultural center there? I think Mr. Nakoa said, you know, this Hawaiian cultural center will be surrounded by not a lot of Hawaiians in the, in the area. So, at this time, I would withdraw my support for this in order to put it fully behind the Lahaina Crossroads acquisition, with the limited resources that the County has.

CHAIR LEE: Alright, any further discussion?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I am going to be voting no against this. I think Mr. Croly, in his sound mind, speaks loudly. And I'm glad to hear Ms. Paltin, who proposed this, is also rethinking that. Because during the discussion in Committee, my question came up, like, what is the rest of the community saying? Because we did hear loud and clear from some of the Members, even those that have organized against it, but what about everybody else? What do they want to see for this parcel and use? So, I'm going to be voting no against the eminent domain and look forward to more exploring. Thank you.

CHAIR LEE: Anyone else? Member King.

COUNCILMEMBER KING: Thank you, Chair. I'm not going to reiterate everything because pretty much Member Paltin said everything I was going to say that, you know, just in listening to the community, they do not want to see somebody who, who kind of played the system, if you will, benefiting from it. And I think it's premature. I agree with the community that this is premature, until we do the investigation first, because the valuation may change, depending on the outcome of that. That would be my reason for not supporting it at this time. Thank you.

CHAIR LEE: Before I call on you, Member Paltin, anybody else have anything to say? Member Paltin.

COUNCILMEMBER PALTIN: I was wondering if it would be possible for me to move to amend the motion to recommend filing?

CHAIR LEE: Well, one is to approve and the other one is to file, so I would ask Member Molina, are you still wanting to move forward with the, your motion?

COUNCILMEMBER MOLINA: Well, Madam Chair, listening to the discussion, it seems like there's a change in the Members, you know, proposal for this. I'm fine, as Member Paltin as the maker of the resolution, I'll respect whatever she would like to consider. I mean, she lives in the community, she hears from them. So, I'll leave it to Member Paltin. Personally, I'm fine with filing the matter, if that be the case. Thank you.

COUNCILMEMBER PALTIN: Thank you, Committee Chair Molina.

I WOULD MOVE TO AMEND THE MOTION TO FILE IT IN LIGHT OF, OR I'LL WAIT TILL I GET A SECOND.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER MOLINA: Second.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Moved by Member Paltin, seconded by Member King, to file the motion.

Yes, discussion?

COUNCILMEMBER PALTIN: As stated in my first discussion, the priority needs to be Lahaina Crossroads Apartments. You know, we're in a housing crisis and any, any monies that we have, I would support going to keeping people in their homes. So, you know, we got to make decisions. If the community so chooses to come up with an alternative solution to what's going on, I'll definitely entertain it. But I didn't hear the support for paying Mr. Brown with taxpayers' money. And there wasn't a unified desire of what to do with the property. And so, that's the reason for my motion.

CHAIR LEE: Anybody else? Member--

Mr. Clerk, you wanted to withdraw his original motion?

DEPUTY COUNTY CLERK: No, Chair. I, we just want clarity on Councilmember Paltin's motion to amend. Is the amendment to amend the motion to file both the committee report and the resolution?

CHAIR LEE: I'm sure. Yes.

(Vice-Chair Rawlins-Fernandez returned to the meeting at 12:07 p.m.)

COUNCILMEMBER PALTIN: Yeah, that was my intention. Thank you, Mr. Krueger.

DEPUTY COUNTY CLERK: Thank you.

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

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

NOES: NONE.

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

Okay. Mr. Clerk.

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

CHAIR LEE: Okay. Members, any further discussion? The main motion as amended now. No? No, discussion. All those in favor of the main motion as amended, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: So, I see nine "ayes", zero "noes"; motion carries.

Alright, Members, what do you want to do now? We have the ninth Member back. You want to take a break?

COUNCILMEMBER PALTIN: No.

CHAIR LEE: Do you want to go forward?

COUNCILMEMBER PALTIN: Go forward while we have nine Members.

CHAIR LEE: Well, we have to think of staff. I mean, you know, they, they are entitled to a break of some kind. But let's see, after committee reports, we, we're still not finished with committee reports. So, do want to start to take--

COUNCILMEMBER MOLINA: The Charter amendments--

CHAIR LEE: --the hard ones now? You want to start take the hard ones?

Alright, so let's go back. Mr. Clerk, let's finish up any testimony on the hard ones.

DEPUTY COUNTY CLERK: Yes, Chair. Which item would you like to start with?

CHAIR LEE: The East Maui item.

DEPUTY COUNTY CLERK: Okay. Then, at this time, Chair, before the body is Resolution 22-119, CD1, FD1, as well as County Communication 22-167. The body did formally close testimony on these items already.

CHAIR LEE: Okay, let's take it up then.

RESOLUTIONS

RESOLUTION
NO. 22-119, CD1, FD1

PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH A MAUI NUI COMMUNITY WATER SYSTEMS AND AN EAST MAUI REGIONAL COMMUNITY BOARD

COUNTY COMMUNICATIONS

NO. 22-167 - SHANE M. SINENCI, COUNCILMEMBER,
(dated July 7, 2022)

Transmitting a proposed amendment to Resolution 22-119, CD1, FD1, a proposed FD2 version, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH MAUI COUNTY COMMUNITY WATER AUTHORITIES AND AN EAST MAUI REGIONAL COMMUNITY BOARD".

CHAIR LEE: Member Sinenci. Oh no, was it Member Molina first?

COUNCILMEMBER MOLINA: Yeah, Madam Chair. I guess we had, I guess the, the motion was amended. I don't know if we took the vote on the amendment yet that was proposed by Mr. Sinenci. Maybe Clerk can--

CHAIR LEE: No. No, we didn't. We stopped it, we stopped it, because there was a technical question on, he, his amend, his motion was to substitute, make a substitution, okay. But we have been advised that before we take a vote on that substitution, Mr. Clerk, he also wanted to make an amendment. Mr. Clerk, you can take us back to where we were and what the next steps are.

DEPUTY COUNTY CLERK: Chair, before the body decided to defer this matter to later in the agenda, all motions on the item were withdrawn. So, there are no, there is no main motion pending before the body at this time.

CHAIR LEE: No, but please tell them what the process should be, cause we were sort of heading down the wrong road.

DEPUTY COUNTY CLERK: Chair, so at this time, the body would place a main motion on the floor, which could be a main motion to pass on second and final reading. And then, any amendments that would be made could be made at that time. Councilmember Sinenci, during the last time this item was brought before us, he made a motion to substitute. When a substitution motion is on the floor, the body can make further amendments to either the original material or the material that's being proposed in the substitution. But once the substitution is complete, it is more difficult to make further amendments. So, that's just for the body's information. Thank you.

CHAIR LEE: Okay. And I'm sure you were advised of that, Mr. Sinenci, right? Okay. So, proceeding.

Proceeding, could you, Mr. Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. So, basically this is a redo.

SO, WITH THAT BEING SAID, AS IT RELATES TO 22-119, I MOVE TO PASS RESOLUTION 22-119, CD1, FD1, ON SECOND AND FINAL READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Been moved by Member Molina, seconded my Member Sinenci, to pass Resolutions 22-119, CD1, FD1, on second and final reading. Discussion?

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. For the sake of expediency, I already mentioned what the motion was about. So, I will yield the floor for Mr. Sinenci for other considerations. Thank you.

CHAIR LEE: Okay. Mr. Sinenci.

COUNCILMEMBER SINENCI: Chair, and thank you, Mr. Molina.

MOVE TO SUBSTITUTE RESOLUTION 22-119, CD1, FD1, WITH THE PROPOSED FD2 VERSION ATTACHED TO THE ASF POSTED FOR THIS ITEM.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay, moved by Member Sinenci, seconded by Member King, to substitute with FD2 version, with the FD2 version.

Discussion, Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I'll summarize here, but I can also expound on the rationale, again, if Members need or would like me to. The posted ASF is for the following amendments: The resolution's title and throughout the resolution's body, use "Maui County Community Water Authorities" instead of "Maui Nui Community Water Systems". The sixth and seventh paragraphs, add "collective" in front of "Maui County Community Water Authorities". In proposed Charter Section 8-19.1, add "grant writers, community liaisons, and water system technical analysts" after "administrators". And make corresponding grammatical corrections. Chair, I respectfully request the Members support of my motion. Thank you.

CHAIR LEE: Any more discussion?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Could we ask Corp. Counsel whether the ASF that we just received now, which is to amend 22-119, CD1, FD1, by using terminology that ensures that any administrative head is exempt from civil service consistent with Section 76-77 HRS. Directors are exempt from civil service while administrators typically are not. So, is this substantive? That's my question. This is, this kind of impacts State law as well as--

CHAIR LEE: Corp. Counsel.

COUNCILMEMBER SUGIMURA: --change.

CHAIR LEE: Corp. Counsel.

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you for that question, Councilmember Sugimura. In terms of, you know, what the title is, I don't think that that is material whether you call them an administrator or a director. So, the civil service law states that the directors or the heads of departments, and a first deputy or a first assistant are exempt from civil service.

COUNCILMEMBER SUGIMURA: Oh, so it's clarifying? Exempt from civil service, all of our directors are exempt?

FIRST DEPUTY CORPORATION COUNSEL: Like, I don't think that substitution is substantive.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR LEE: Are there any other questions or further discussion, Members?

Okay. Yes, Corp. Counsel?

FIRST DEPUTY CORPORATION COUNSEL: Thank you, Chair. Just before you get to the vote on the substitution, I have a small amendment that I'd like to offer for your consideration.

CHAIR LEE: Proceed.

FIRST DEPUTY CORPORATION COUNSEL: Okay. So, this is in the first paragraph after the "BE IT RESOLVED", and this is in the substitution bill. So, currently it's an amendment to Section 8-11.2 of the Charter, which is the Department of Water Supply. And it currently reads, this is language added, "Except as set forth in chapter 19, the department of water supply shall manage and operate all water systems owned by the county." And my suggestion is to add "and may acquire or develop water sources and systems". And the reason that I'm suggesting that is so that the Department of Water Supply can continue its current duties, which do involve development of water sources, such as wells, and also the acquisition of, for example, private water systems, or water system infrastructure. Just so there's no ambiguity that DWS can continue its normal functions as they presently exist.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, mahalo, Ms. Thomson. We've had this discussion with . . . We feel that this add more clarification to the bill. We're supportive, Chair.

CHAIR LEE: So do you want to make that amendment?

COUNCILMEMBER SINENCI:

SO, MOVED.

CHAIR LEE: So, moved?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Okay. Moved by Member Sinenci, seconded by Member Johnson, to adopt the recommendation of Corporation Counsel, as an amendment.

CHAIR LEE: Any more discussion?

Okay. So, Mr. Clerk, we can continue to make amendments to the substitution, right?

DEPUTY COUNTY CLERK: Yes, Chair. The motion to substitute is still on the floor. So, the body can make motions to amend the substituted material.

CHAIR LEE: Okay. All in favor of this particular substitution, 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.

Alright. Then, did you have another amendment to make, Member Sinenci?

COUNCILMEMBER SINENCI: Mahalo Chair.

FOR ONE FINAL REVISION, I WOULD LIKE TO MOVE TO WAIVE RULE 19.C., WHICH STATES THAT A RESOLUTION BEING CONSIDERED FOR FINAL READING MAY NOT BE AMENDED AND ACTED UPON AT THE SAME MEETING.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Johnson, regarding Rule 19.C of the Council. Discussion?

Any more discussion, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Since all Charter amendments are to be approved today to meet the logistical requirements for the General Election ballot, this motion is necessary to consider the ASF for this item that was distributed today. Thank you, Chair.

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

Member Paltin? Member Paltin?

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 amendments, Mr. Sinenci?

COUNCILMEMBER SINENCI: Mahalo, Chair. Waiver of Rule 19.C would allow consideration of revised terminology for the administrative head of the Water Authority. I respectfully ask for the Members support on this waiver motion. Thank you, Chair.

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

DEPUTY COUNTY CLERK: Chair? Chair? Chair?

CHAIR LEE: Yeah.

DEPUTY COUNTY CLERK: Apologies. The body already voted on the waiver of the 19.C.

CHAIR LEE: Oh, okay.

DEPUTY COUNTY CLERK: It prevailed 9-0 already.

CHAIR LEE: Okay, I'm sorry because he repeated himself, so I thought okay, let's do it again.

Member Sinenci, do you have any more amendments to make?

COUNCILMEMBER SINENCI: Mahalo, Chair. My apologies, and mahalo to Deputy Clerk.

I NOW MOVE TO FURTHER AMEND THE SUBSTITUTED RESOLUTION 22-119, 119, BY REPLACING EACH INSTANCE OF "ADMINISTRATOR" AND "DIRECTOR" MATCHING THE REPLACED WORD FORM WHERE THEY'RE SINGULAR OR PLURAL.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Member Johnson, to make those changes as stated by Mr. Sinenci.

Further discussion? Any discussion?

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Members, this proposed amendment is to ensure that any administrative head is exempt from civil service consistent with Hawaii Revised Statutes Section 76-77. "Directors" are exempt, while "administrators" typically are not. This amendment, as the others have discussed today, does not materially change the main proposal but will provide some needed clarification. It will be helpful to the County and the community as we continue with this Charter amendment process. Again, thank you for your consideration and I respectfully request the Members support of my motion.

CHAIR LEE: Okay, any further discussion? If not, all those in favor of the amendment, raise your hand and say "aye".

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

NOES: NONE.

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

Member Sinenci. Any more amendments?

COUNCILMEMBER SINENCI: That's all the amendments, Chair.

CHAIR LEE: Any further discussion, Members? Okay, all those in favor of the main motion as amended. Okay, now--

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: --I'm going to call for a roll call.

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes?

DEPUTY COUNTY CLERK: Apologies. Pending before the body right now is Councilmember Sinenci's motion to substitute as amended.

CHAIR LEE: Okay. Sorry. Motion to substitute as amended. All those in favor of the motion, raise your hand and say "aye". Nine--

Pro Temp Kama? Member Sugimura?

COUNCILMEMBER KING: Roll call.

CHAIR LEE: Okay, this is not the main motion now. This is only the substitution. Roll call. Mr. Clerk, 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.

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

CHAIR LEE: Okay, now, the motion, the main motion as amended. And this will be roll call again.

DEPUTY COUNTY CLERK: Chair, proceeding with 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.

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, KAMA, KING, MOLINA, PALTIN, SINENCI, AND VICE-CHAIR RAWLINS-FERNANDEZ.

NOES: COUNCILMEMBER SUGIMURA AND CHAIR LEE.

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

(COUNTY COMMUNICATION NO. 22-167 WAS FILED LATER IN THIS MEETING. See pages 291 and 292 for discussion and action.)

CHAIR LEE: Okay, let's move onto the next one.

DEPUTY COUNTY CLERK: Chair, the next one that we have on the list was Committee Report 22-61. Chair, for 22-61, the body did close testimony on this item; however, the body then immediately deferred it to later in the agenda. So, Councilmember Paltin earlier brought up a point as to whether the body should continue accepting testimony at this time. I believe that is up for you, as the body, to decide.

Member Paltin.

COUNCILMEMBER PALTIN: Yeah, just, you know, if there is anyone out there, I'd rather be safe than sorry.

CHAIR LEE: Mr. Clerk, call up any testimony before we close it.

DEPUTY COUNTY CLERK: Okay. So, Chair, just, just for, for our clarity, the body is, without objections, accepting further testimony on Committee Report 22-61?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Okay. Then, we will call, and if anybody else wants to testify on Committee Report 22-61 at this time, we are doing a last call for that. We do not have anyone else currently signed up who wishes to testify on 22-61. But again, this is a last call. If you want to testify on this item, please identify yourself now.

CHAIR LEE: Members, any objections to closing testimony, public testimony, and accepting written testimony on CR 22 dash, 22-61. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk, please call it up.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 22-61 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Resolution 22-131, CD1, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be ADOPTED;

2. That Resolution 22-130, entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be FILED; and

3. That Resolution 22-132, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be FILED.

CHAIR LEE: Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 22-132, DISAPPROVING THE HALE WAIPU'ILANI HOUSING PROJECT, AND TO FILE COMMITTEE REPORT 22-61.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Johnson, seconded by Member King, to adopt the resolution CR, to approve Committee Report 22-61.

And discussion, Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Members, your Affordable Housing Committee met on June 6 and 13, 2022, to consider the proposed Hale Waipu'ilani Workforce Housing Project by developer Van Bruce Investments.

The project will consist of eight two-story buildings with two one-bedroom units, eight two-bedroom units, and 18 three-bedroom units for sale to households earning between 18 *[sic]* and 140 AMI.

Under Chapter 2.97, the Council must approve, approve with modifications, or disapprove with the proposed project within 60 days after the project's submittal. Because the 60-day deadline fall, falls on a weekend, the legal deadline under Section 1.04.020, Maui County Code, is July 18, 2022.

Your Committee received comments on the project through public testimony and from various County agencies, including Department of Housing, Human Concerns, Planning, Public Works, and Water Supply.

Your Committee discussed concerns about flooding and drainage, traffic congestion, project density, cost of the units, and possible disturbance to wetlands and or cultural assets.

Although this Project would provide 28 residential workforce housing units, I'm hearing loud and clear from the testifiers about the ongoing concerns, particularly the frequent flooding and drainage issues, and the related health-safety and monetary implications.

I believe developers also heard this concern from the beginning and decided to ignore the voice of the community and carry on regardless.

As Chair of the Affordable Housing Committee, I wholeheartedly support more affordable housing . . . and I can say that this Council also does that as well. I fight hard and strong for it, but as they say in the real estate world, "location, location, location". I'd also add to that, "price, price, price", which are the highest ends of the workforce AMI.

Plus, the risk may be too great on our workforce families and on the environment. When your hair is on fire, you don't put it out with the wetlands.

Members, this is hard, but I believe that the right thing to do is disapprove the project and file the CR. I ask for the Members full support of my motion.

CHAIR LEE: Okay. Further discussion?

Member King.

COUNCILMEMBER KING: Chair, I concur with Member Johnson. And you know, we've been doing wetland restoration in South Maui for a couple of years now. The wetland restoration has been expanding. We have more experts on wetlands, which is one of the reasons why we've got the wetland preservation bill in front of us. And I don't think there's any doubt in anybody's mind that this is a wetland. I also don't think there's any doubt in anybody's mind that we support affordable housing as Mr. Johnson said. Sometimes there's inappropriate locations for certain projects, and this is one of them.

Nothing personal, and we've all said that against the developer. But it doesn't, it doesn't follow that every single project that comes before us is going to be totally appropriate, and this is one that just doesn't fall into that category of appropriate affordable housing location, or even the design of being that high up in a flood zone.

So, I've looked at, I've looked at other projects where I did see some NIMBYism and I've supported the project. This is not one of them. You know, just because people don't want it in their neighborhood doesn't mean it's a good idea, and that everything's automatically NIMBYism.

So, we have to look at these projects, we're trying to build a community, not just fill in housing wherever there's entitled land. And this is really not appropriate. So, I'm hoping that we can move forward with some kind of a land swap. It may take longer, but the time spent working on that will be worth it, because we'll get, you know, we'll be, we'll be alleving *[sic]* this community of further harm, and we'll be respecting the flood zone and the wetland area. And hopefully we'll be able to find something suitable. But that's my, that's my assessment of it after approving, you know, the previous five affordable housing projects for South Maui that this one.

And, and I'd also want to point out that so did the Kihei Community Association, and the South Maui Advisory Committee supported other projects in, in our district. This is really the first one they've come out against. And it has nothing to do with the developer. It has everything to do with the location. Thank you.

CHAIR LEE: Anybody else?

Member Sinenci.

Yes, Mr. Clerk, first.

DEPUTY COUNTY CLERK: Apologies to interject, Chair. We would just like to request clarity on what the motion is before the body at this time?

CHAIR LEE: Mr. Johnson, would you like to repeat your motion?

COUNCILMEMBER JOHNSON: I certainly will.

> I MOVE TO ADOPT RESOLUTION 22-132, DISAPPROVING THE HALE WAIPU'ILANI HOUSING PROJECT, AND TO FILE COMMITTEE REPORT 22-61.

Mahalo, Chair.

CHAIR LEE: Is that sufficient, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, will the filing also include the filing of the other two resolutions attached, Resolutions 22-130 and 22-131, CD1?

CHAIR LEE: Mr. Johnson?

COUNCILMEMBER JOHNSON: Certainly, if that's appropriate.

DEPUTY COUNTY CLERK: Thank you, Chair. Thank you.

CHAIR LEE: Alright, further discussion? Mr. Sinenci had his hand up. Mr. Sinenci.

COUNCILMEMBER SINENCI: Chair, yeah, just wanted to quickly speak in support of the motion. I think yesterday, throughout the Pae 'Aina O Hawaii Nei, we've seen a huge south swell that affected all of our south shores. And we've also heard the testifiers of the, the dangers of flooding in South Maui. So, I vote to disapprove. It's also my commitment to looking more into drainage, better drainage systems in South Maui. Thank you, Chair.

CHAIR LEE: Anybody else? Member Molina and then Member Sugimura.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. First of all, you know, I want to thank the developer, Mr. Carnicelli. You know, they have good intentions, and it's just one of those unfortunate cases with regards to location, as has been mentioned by some of our, some of my fellow colleagues.

You know, the project itself is a good one and, but the residents who will be impacted by this project have spoken loud and clear to us, this is not something they would want.

And I would hate to see something that could create some divisiveness. But the landowner certainly has other options that we can consider. And, you know, we have to just move forward with that if the vote is to approve this project.

But again, thank the developer, and Mr. Carnicelli, and everyone else involved for their, trying to do their part to provide more affordable housing. And it's just one of those unfortunate set of circumstances. And also, for the residents who came out to express their thoughts on this project. Thank you, Madam Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I'm going to speak against the motion. I support this project moving forward. Unfortunately, the experience shared by many people, when it led me to, I already talked to my staff of taking up, I took up the December 5th flooding as it related to Kula and my community, because that's what I heard a loud cry for. And that we're going to be taking up this from, for the whole ahupua'a. So, we'll look at the flooding situation that was expressed as a Committee, in my Committee, Infrastructure Transportation.

I'm going to be speaking in favor of keeping this project going, because we do need affordable housing. I know the developers have expressed that they can, because it is already entitled to have market rate homes built. And if that's what we have to end up in this parcel to satisfy our affordable housing, our housing needs, then I guess that's what may happen. So, thank you, Chair.

CHAIR LEE: Member, Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Chair, I will be voting against the motion. You know, we say that we shouldn't let perfect be the enemy of good, and sometimes that happens more often than not. But I'm also very concerned about all of the people that are leaving Maui, because every moment and every day that goes by, it gets harder and harder for them. And so, every time we put off a project, we're putting off five more years, six more years, seven more years, and the need is so great. It's a great need.

So, I realize that the decisions that this Council makes is going to be the life-and-death of other people. And for me, I choose life. I choose to give our people an opportunity. If they want 28 families if they'd like to move in, they could choose to. If people choose not to, they can choose not to also. But we should give them the opportunity to choose, because it is their life that's on the line, not ours, not the neighbors, not the people who live around there. They've been living with those conditions for years. We've heard them. So, why not give others the opportunity before the crisis gets so beyond us, that not just Mr. Johnson's hair's going to be on fire, everybody's hair will be on fire.

And we talk about location, location, location. We're talking about relocation, relocation, relocation of our people. When is that going to stop? It hurts when your children can't come home. It hurts when your grandchildren don't have a place to live. How many generations of our people is this going to have to happen before we all decide that we're going to do something? I can't in good conscious, Chair, vote in support of this. And those are my comments. Thank you.

CHAIR LEE: Anyone else?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. As I mentioned in voting out of Committee, this was a really tough one for me. And it continues to be difficult, because you know, my preference is if we're not providing affordable housing, that we're not allowing development at all, and in that way, saving the wetlands.

I just, you know, for folks out there listening, I think whatever is developed there should have a requirement. If an SMA permit is to be gotten, that in light of what's going on globally with climate change and whatnot, that drainage requirements should include for a 100-year storm, rather than a 50-year storm, cause we're seeing the 100-year storm more frequently.

And the other point I wanted to make, I'll likely follow the lead of the area representative and the Affordable Housing Chair, but the South Maui Community Plan coming up is going to be critical to everyone. Because what happened in West Maui is, this is not a change in zoning, I believe we're going for, or maybe it is, but through the West Maui Community Plan, residential is residential. They've taken away R-1, R-2, R-3, R-0. Residential is residential. And so, if you do not want to have a project like this, pay good attention to the South Maui community planning process, because residential is residential. There is not the 7500, 10,000 square foot properties.

So, this is not the end of testimony for folks opposing this project. You need to be very involved in your communities, community planning going forward. Thank you, Chair.

COUNCILMEMBER KING: Chair, you're muted.

CHAIR LEE: Anyone else? Okay, I am going to just say that I'll be voting "no", because there's going to be either affordable homes built there or market homes built there, and I choose affordable.

So, ready for the vote? Mr. Clerk, 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: KANALUA.

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.

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

CHAIR LEE: Well, well, we have to go back to, we have to go back to Member Paltin.

DEPUTY COUNTY CLERK: Oh, apologies. Councilmember Paltin.

COUNCILMEMBER PALTIN: AYE.

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

NOES: COUNCILMEMBERS KAMA, SUGIMURA AND CHAIR LEE.

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

CHAIR LEE: Okay. Please call up the next one.

DEPUTY COUNTY CLERK: Chair, the next item that was marked as, oh apologies, Chair, just real quickly, County Communication 22-167 was not disposed of in any way. So, at this time, does the body have a disposition for that item?

CHAIR LEE: Member Sinenci? 22-167, did you say, Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Chair, is Mr. Raatz? I wasn't sure if we need to file it.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO FILE CC 22-167.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, there's a motion to file 22-167 by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci.

Any 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.

DEPUTY COUNTY CLERK: Chair, the items remaining that were marked to be separated are Resolutions 22-144, CD1, FD1; and Bill 21, CD1, FD1 (2022). Which one would you like to proceed with?

CHAIR LEE: 22-144, CD1, FD1.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with testimony for Resolution 22-144, CD1, FD1. Chair, the first person signed up to testify on this item is Dave Deleon. To be followed by Tom Croly.

CHAIR LEE: Okay.

MR. DAVE DELEON (testifying on Resolution No. 22-144 CD1 FD1):

It's nice to be back with you guys again.

CHAIR LEE: Hi.

MR. DELEON: Thank you for this opportunity to testify in opposition to the Resolution 22-144, to dissolve the Maui Planning Commission and replacing with six new planning commissions based on community plan districts. I'm Dave Deleon and I've served on the recent Maui Charter Commission. Charter Commission seriously reviewed a similar proposal, and ultimately rejected it. My personal opposition to this concept was based on the numerous testimony we received pointing out the inefficiency of replacing our existing planning commission with six new planning commissions.

The Planning Department's opposition to this proposal was quite informative. The change would be quite expensive for staff. It would be, there would not be enough business to justify the existence of most of these bodies. It would be difficult for the

staff to staff them with adequately trained commissioners. And because of competing rules and overlapping jurisdictions, there was a real opportunity for regulatory confusion and jurisdictional chaos.

The Administration has been pointing out a recent major reduction in citizens willing to serve on boards and commissions. This proposal would result in six new 7-member commissions, as I understand it. And it would be, therefore require another 33 commissioners over the nine we already have.

The Charter Commission ultimately adopted a proposal, which this Council modified and endorsed, that addressed the needs to, the need to assure that every Maui community is represented on the existing planning commission. The Charter Commission accepted the Council's modifications and is now set to be on the ballot in November.

So, given the Council's acceptance of the, of the existing ballot proposal, it is baffling to find this new proposal before the Council. This proposal is in absolute conflict with the existing accepted ballot proposal. If both were to be accepted by the voters, as the Corporation Counsel has pointed out, result would be a legal, would be legal challenges that could conceivably shut down the County's permit approving process, as well as planning reviews, until the courts decides who's in charge.

And then there's the problem with the ballot question itself, which fails to declare that this proposal will give the Council broad new powers to micromanage these new commissions. Under our Charter, the planning, planning is an administrative function. Why is the Council attempting to give itself this kind of a new authority? And why isn't that new authority mentioned in the ballot proposal? The November ballot already has, we already have a lot of expansion on the November ballot. We don't really need this one as well. So, I don't really hear a good reason to do so. Mahalo.

CHAIR LEE: Members, are there any questions of the testifier? If not, thank you very much. Do we have another testifier?

DEPUTY COUNTY CLERK: Yes, Chair. The next person signed up to testify is Tom Croly.

MR. TOM CROLY (testifying on Resolution No. 22-144 CD1 FD1):

Aloha, Council. Tom Croly speaking on my own behalf. Speaking as someone who has attended, I calculate about 350 planning commission meetings, I can tell you that I think the Maui Planning Commission is adequate to do the job that is before them, and that creating these multiple planning commissions is a monumentally bad idea. I

know what's behind it. What's behind it is that many people are unhappy with decisions that are made by the Maui Planning Commission often, because sometimes those decisions are unpopular, and they don't reflect the bulk of the testimony that they got.

But I would like to submit that it's not, it's not a popularity contest when something goes before the planning commission. The planning commission's job is to evaluate whether or not the application in front of them is consistent with the laws. Asking for there to be more planning commissions means many more people are going to have to be trained in the law, and understand the law, and I don't think that that's going to happen. I think you're going to end up with more decisions being made just because someone's gut says I don't like this particular proposal. And then, the County is going to be sued more often by the developer or the person seeking the permit before the commission, because the commission didn't follow the law.

I stand so wholeheartedly against this idea. And then, as Dave has already pointed out, it's wrong to present the voters with two different proposals regarding the planning commissions. And for people who are not as well-versed at what's going on in County government, it puts them in a difficult position to understand why are you presenting me with one idea about planning commissions and another idea about planning commissions on the same ballot? It would make it confusing overall.

And I hope that all of the Members did take a look at the memo that you got, the letter that you got from Corporation Counsel, because they're basically fundamental legal reasons why this shouldn't be done.

But again, with my experience just sitting, observing the planning commissions for as many years as I have, I can tell you there is not a need for there to be more planning commissions. It's not a matter that the planning commissioners don't understand the areas that they're voting on. They fully understand when they're making a vote in Kihei, that it's Kihei, and what our issues are, or West Maui, or Central Maui, whatever. So, again, I, I would not like to see this move onto the ballot. Thank you, Chair.

CHAIR LEE: Any questions for clarification? If not, thank you very much. Thanks, Tom.

And so, Mr. Clerk, are there any more testifiers?

DEPUTY COUNTY CLERK: Yes, Chair. The next person signed up to testify is, apologies, there are individuals signed up to testify but we need to confirm that they didn't testify on the item on Friday. Okay, then, the next testifier signed up to testify on this item is David Dorn.

MR. DAVID DORN (testifying on Resolution No. 22-144 CD1 FD1):

Hello, Councilmembers. This is David Dorn here.

CHAIR LEE: Hi.

MR. DORN: And I would like to testify regarding the community planning decisions. This is extremely important for all the reasons that we've heard before. I didn't testify on Friday, because I was involved in the other one. But we need local representation. You can see the picture behind me. Kihei problems are not the same as Kula problems, as Lahaina problems, or the other areas, Molokai problems. We are very unique down here.

Our current planning commission does not have any people that live in the Kihei area. And with respect to all the Councilmembers, not many of you are familiar with this area either. So, you know, one maybe is. So, we need local representations for local issues. Junya gave a great testimony regarding that, I think on Friday. And we know what the problems are, so that we can have a little bit of an insight into the solutions.

Commissioners do not need to know the law. I've been to many planning commission meetings, and they have Corp. Counsel on hand to explain to them, you know. . . . enough they just say your understanding of the law and that, you know, the Maui Island Plan and everything is what you should vote on. So, it's basically entirely subobjective . . . the planning commissioners are using their knowledge to make these decisions. We need a local representation. That's basically it.

The current planning commission is a terrible misrepresentation of our community. It's full of real estate agents, union lobbyists, and construction reps. And it's very hard to get a word in edgewise. And they basically don't listen to any testimony from the community. They say you're exaggerating, you're lying. They say the community comes out every time there's a construction project and throw shade on it. And that is not the community . . . the Administration.

We need local representation. We need one for each district. And you'll have no trouble filling that up with highly experienced people from the community, cause they would love to have their voice heard and represent their local communities. So, let's do it. Thank you.

CHAIR LEE: Questions, Members.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Dorn. I, I totally agree with you. We had 38 people apply for CPAC, for, for South Maui, so there's definitely interest. Have you yourself been at any of these, the Maui County Planning Commission meetings, where you saw that the majority was not being heard?

MR. DORN: Oh, yes, multiple occasions. And it's, it's very disheartening and it makes you want to not go to these meetings. The way they're run is very disruptive too. You don't have an opportunity like, you know, committee meetings, where you can testify at the beginning. We spent all day there to give our three minutes of testimony and they outright ignore you. They are rude. They make testifiers cry. And they shove your own testimony back down your throat. So, it's not good.

CHAIR LEE: Thank you. Thank you. Any more questions for Mr. Dorn? If not, thank you very much. Let's have the next testifier.

DEPUTY COUNTY CLERK: Chair, the last person we have signed up to testify on Resolution 22-144 is Rick Alexander.

CHAIR LEE: Rick, are you--

MR. RICK ALEXANDER (testifying on Resolution No. 22-144 CD1 FD1):

Hello, there?

CHAIR LEE: Yeah, Rick, we're here.

MR. ALEXANDER: Yeah, I've been watching everything. And as far as the Planning Commission goes, I definitely think that you don't have the right type of people in there. And like Dave said about, you know, you get all these, like, union agents or different, different groups, lobbyists that they only looking out for certain individuals and not the neighborhoods itself. Now, years and years ago, I went to a lot of meetings back in the day, and I've seen how things can get corrupt and one-sided. And you know, I hate to bring it up, but definitely Kihei was one of those places when Mr. Betsill had some ties into that. So, regardless of that, the way I look at it is you should have people from each district, like, say Kula, Makawao, Lahaina, Napili, Kihei--

CHAIR LEE: Mr. Alexander? Your bars look strong. Mr. Alexander, we can't hear you.

MR. ALEXANDER: Oh. Can you hear me now?

CHAIR LEE: Yeah, but you, now you're getting weaker.

MR. ALEXANDER: Oh, I getting weaker? Must be people don't want--

CHAIR LEE: Are you moving around, or are you in one place?

MR. ALEXANDER: No. I'm just sitting here at my desk. Excuse me. So, my point is that you guys should re-evaluate. And first of all, whoever is on that board should . . . not someone who's less than, at least 10-15 years on the island. That's the number one thing. And then, the type of people that are on there, they should be community people, like my neighbor, Dave Dorn. I suggested that he go on the board, because he has such a knowledgeable experience in communication, you know. Not like me, I get, I get different ways of communicating. And, you know, Alice, you know me, you stay laughing. And most of you know me.

But the thing is, like, you know, as the years came on with my PTSD, it's even more struggles, you know? And then, but, you know, I, I believe that Maui County is way, way, way back of schedule as far as a lot of things. And the community planning should really study before letting any more different things come in. Just look at the airport right now. Just look at, look at the weather. Just . . . look at from Suda Store now. . . . are the things that we talked about. Now, when you let developments happen, like how, like I said, I no like be a . . . but when they backfill wetlands, like Meadowlands and the other projects, you just mess up things. So, you gotta do infrastructure. Key is drainage on Piilani, Upper Piilani Highway, they should make like catchment basin.

CHAIR LEE: Okay, Rick, Rick, you need to finish up, okay?

MR. ALEXANDER: Okay. Okay, sorry. But the planning commission should really be looked at and putting the right type of people there, basically, like David said. Okay, thank you very much, you people.

CHAIR LEE: Alright. Any questions? If not, thank you, Rick.

MR. ALEXANDER: Okay. Aloha.

CHAIR LEE: Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify on Resolution 22-144 is Kai Nishiki.

MS. KAI NISHIKI (testifying on Resolution No. 22-144 CD1 FD1):

Hi. Good afternoon, Chair and Committee Members. I testify here in full support. I will just relay my experience before the Maui Planning Commission as Chair of the West Maui Community Plan Advisory Committee. And you know, our West Maui community really put a lot of effort into the community plan. And when it came before the Maui Planning Commission, it was, they tried to change a lot of the things that we worked really hard on. And it seemed that there was one . . . standing to the specific issues facing West Maui. And then, there was a concerted effort by members of the real estate and construction industries to take out things in the community plan that they weren't happy with. So, you know, there's that. So, it would be good to have area representatives making decisions about, about that area.

And there is almost never a lack of interest for boards and commissions, especially for the Planning Commission. And so, I don't think that there would be an issue with that. And in addition, the Planning Commission is the authority or acts as the authority in all matters relating to coastal zone management law. And at this time, it seems, and for many years, it seems that there is a lack of expertise in that area. So, you know, I hope that there will be efforts to change that, and require at least one seat in every district have a background in coastal zone management, and coastal processes. So, thank you very much.

CHAIR LEE: Okay. Thank you, Kai. Questions, Members?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Kai. Thanks for being here, testifying. I just wanted to clarify, I thought I heard you say you didn't think there would be any shortage of people who want to serve on a community planning commission.

MS. NISHIKI: Absolutely not. I mean, like you said, in South Maui, there's just tons of applications. People are very, very interested in having input into what is going on in their, in their communities. So, absolutely. Thank you.

COUNCILMEMBER KING: Thank you. Thanks for being here. Thank you, Chair.

CHAIR LEE: Any other questions? Any other questions? If not, thank you, Kai.

MS. NISHIKI: Thank you. See you a little later. Mahalo.

CHAIR LEE: Bye.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there are no other individuals signed up to testify on Resolution 22-144, CD1, FD1. We will do a last call at this time. If there are any individuals who have not testified on this item already, but would like to do so, please identify yourself now. Again, this is our last call for this item.

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

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Thank you. So, ordered.

Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Prior to getting into discussion on this matter, would there be any consideration to maybe just take a quick break for staff and ourselves to, I guess, get something to nourish ourselves? As you had mentioned earlier, we're going to be doing a "work through lunch" kind of deal. Either, you know, or just after the discussion or vote on this matter. Just ask for your consideration of that.

CHAIR LEE: What did, what did you have in mind, like thirty minutes?

COUNCILMEMBER MOLINA: No, not even that. I don't know--

CHAIR LEE: Twenty minutes?

COUNCILMEMBER MOLINA: Ten, fifteen minutes, whatever.

CHAIR LEE: Member Johnson, suggestion?

COUNCILMEMBER JOHNSON: Chair, if, I'm okay with it, but I'm just concerned about the time we were planning to end today. I, my understanding was 2 p.m. was a hard deadline for us, is that correct? Because that would only give us about 45 minutes left, which, but I don't know if that's the hard deadline. So, I, before we do that, I'm just curious if we are ending at 2?

CHAIR LEE: Well, let's put it this way, we have two hard issues to deal with, and the rest are, I believe pretty much routine. So--

COUNCILMEMBER JOHNSON: So, would we be able to do two and then maybe, you know, put everything later on, if that's the goal?

CHAIR LEE: I don't know, I don't know how long that two will take. Any other thoughts, Members? Suggestions? You want to take a break now, or you take, take one of the hard ones then take a break for 15 minutes?

Member King.

COUNCILMEMBER KING: Chair, yeah, I think we should go ahead and finish this item, and then see where we're at timewise after we get done, the item that we're on right now.

CHAIR LEE: Okay. Members, any objections to that?

COUNCILMEMBER MOLINA: No objections.

COUNCILMEMBER KAMA: No, I concur with Member King.

CHAIR LEE: Alright. Member, I mean, Mr. Clerk, please bring up the item.

RESOLUTIONS – SECOND AND FINAL READING

RESOLUTION
NO. 22-144, CD1, FD1

PROPOSING AN AMENDMENT TO CHAPTER 8 OF ARTICLE 8 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH PLANNING COMMISSIONS FOR ALL COMMUNITY PLAN AREAS ON MAUI AND DISSOLVE THE MAUI PLANNING COMMISSION

CHAIR LEE: Member Molina, this yours?

COUNCILMEMBER MOLINA: Thank, thank you, Madam Chair.

MOVE TO PASS RESOLUTION 22-144, CD1, FD1, ON SECOND AND FINAL READING.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member King, to pass the Resolution 22-144 on second and final reading.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. This resolution would place on the next General Election ballot the question of whether the Charter should be further amended, effective July 1, 2023, to establish planning commissions for all community plan areas on Maui and dissolve the Maui Planning Commission.

Your proposed Charter amendment would promote home rule in land use and planning by giving each of Maui's six community plan areas its own planning commission.

As noted at first reading, this proposal would amend the same Charter section as the Charter Commission proposal, but that it is not uncommon for multiple proposals amending the same Charter section be on the same ballot.

All successful Charter amendments must be read in harmony with each other, as has happened throughout the County's history, except when the Charter Commission and the Council have competing alternatives under Chapter 50, Hawaii Revised Statutes, in which case only the proposal with the largest amount, or largest number of votes is given effect. The County Clerk is otherwise empowered and obligated to give effect to each proposed Charter amendment that receives a majority vote.

Legal action has not been required in the past to determine how to incorporate approved Charter amendments into an updated Maui County Charter after a General Election and it's not required here. I ask for the Members support of this motion. Thank you.

CHAIR LEE: Further, any discussion?

Yes, Mr. Sinenci. You're muted.

COUNCILMEMBER SINENCI: Chair, mahalo.

CHAIR LEE: Oh, okay.

COUNCILMEMBER SINENCI: Mahalo to Member Molina for that explanation. I was, I did have a question for the Clerk, if this Charter amendment will be an alternative to the Charter amendment number 4? But it sounds like it'll just be who gets the highest votes, which one gets the highest votes?

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Yes, Chair. That's our current understanding at the moment. We wouldn't interpret it as, like, an alternative, like the other alternatives that the body proposed when you were considering the Charter Commission's proposals. But yes, if there are competing, competing proposals on the ballot, our current understanding is that the largest vote-receiver would be the one that would be incorporated into the Charter. Thank you.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR LEE: Any more questions or comments?

Yes, Corp. Counsel.

FIRST DEPUTY CORPORATION COUNSEL: Thank you very much, Chair Lee. We are not certain that that would be the outcome. There's no provision in how to handle a, two Charter amendments that are opposed to one another. We do believe that we would need to seek court intervention to help us interpret which one is adopted and which one is not. It's, we don't think that it would be simply the one that got the most votes, although that may be what a court would decide.

CHAIR LEE: Alright. Any more discussion?

Member King.

COUNCILMEMBER KING: Thank you, Chair. And thank you, Member Molina, for, you know, doing the, the research on that, because I know, you know, both of us asked for a PAF and that was, and you, you followed up with that. So, Chair, maybe we could ask David Raatz to, you know, give his opinion?

CHAIR LEE: David, are you on the call? Yes, David, did you hear the question?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Yes. Thank you, Chair Lee. As Councilmember Molina mentioned, this, this proposal is the Council's own Charter amendment. It's not actually an alternative to any of the Charter Commission

proposals, that's a separate process that's set-up. And you will see on the General Election ballot based on the process that's already concluded with the Charter Commission, there will be some alternatives on specific issues, where either a Charter Commission proposal, or a County Council proposal will get approved based on the most number of votes on that particular subject where there is an alternative. This is a separate process under the Charter that, and that's the case for all three of the Charter amendments that have been considered today. And if any of the Charter amendments that the Council initiates get a majority vote, then they'll be deemed approved.

And Office of Council Services is confident we can work with the Office of the County Clerk and the Department of the Corporation Counsel to produce an updated Charter based on any Charter amendments approved by the electorate on November 8, without requiring judicial action. Thank you, Chair.

CHAIR LEE: Any questions, Members? Any more discussion?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Just want to thank the membership for, the Members for getting this proposal to this point. For many of us on the island of Maui, in our communities, this is an equity issue. And, you know, for many years, we have seen an overwhelming majority of Wailuku residents on the Charter Commission, I mean, on the Planning Commission. And as you've heard from our communities, we don't often feel heard. In fact, most of the time we don't feel heard.

When projects are approved based on some kind of a island-wide need and not looking at the immediate area that they're going into, it puts the community at a severe disadvantage. And you know, the timing is really good for this, the planning commission, because we are going into the process of the community plan, the South Maui Community Plan.

It was astounding to see 38 applications for the CPAC, the Community Plan Advisory Committee. And it gives me a lot of hope that it's not just our community, but also West Maui, East Maui and Paia-Haiku will have similar reaction to a planning commission in their areas. People want to be involved in the future destiny and they have not been.

So, I, I urge the Members full support of this, to put it on the ballot and let the people decide if they want representation in their communities. And let's stop withholding that representation. Thank you, Chair.

CHAIR LEE: Members, any further discussion?

Yes, Corp. Counsel?

FIRST DEPUTY CORPORATION COUNSEL: Thank you, Chair. So, I just wanted to just draw the Members' attention to our July 14th memo. We went through a very extensive analysis of, you know, both the Charter Commission's proposal and also this proposal by Councilmember King.

We do not agree with OCS at this point that both proposals, if approved, can be harmoniously read. There are certain provisions in Councilmember King's proposal also that, you know, convey significant powers that haven't been fully discussed.

One of the things I did want to, you know, I won't go over the memo, but Section 7. It's 8-8.4.7, that these are the powers reserved to Council. And one of the most important powers reserved to Council would be to increase or decrease the number of planning commissions. The first section of the bill, also, does not only eliminate the Maui Planning Commission, but it eliminates that section that includes the Molokai and Lanai Planning Commissions. There are other references to those planning commissions in 8-8.4 that are remaining.

But that broad power under section, Subsection 7 would mean that the future Councils can allocate jurisdiction, not only in, you know, for the community plan areas, but potentially subject matter jurisdiction between different planning commissions that can be created at some point later by ordinance. So, thank you very much for the time.

CHAIR LEE: Thank you.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I'm going to vote against this. Hearing Dave Deleon, who is, or was, I guess they still are, but the current Charter Commission, and hearing their discussion, I support what the Charter Commission put forward. And I believe that what we're proposing now will work against the good efforts that were put in by the Charter Commission and the amendments that we did when we reviewed it. And so, therefore, I'm going to be voting against this proposal as it sits before us. Thank you.

CHAIR LEE: Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I too, will also be voting against this proposal. We've just heard from Corp. Counsel the unintended consequences that could occur and the conflicts that these two proposals are going to come. And we're going to have our people determine what they should or should not vote for, and whether or not they even understand what it is. And you know, our job is to make the lives of our people easier, not harder. We're supposed to lift their burdens of their shoulders. And sometimes it just seems as if we're adding more stuff to them. That's not what we're here to do. At least that's not why I'm here.

And so, you know, I, today was hard, last week was hard. But you know, it is what we're elected to do, to do the hard stuff. And not whether or not we're going to win or lose an election, or whether or not what we say is right and good for everyone, not just for those who speak the loudest and those who come. Because the people who don't come are our local people, who are working two or three jobs, trying to get their family situated, trying to make a living here in Hawaii, and they're drowning. They're drowning.

I know that a lot of them are my family. I've got choke kids, choke grandkids. They're drowning and I don't want to be responsible for anyone, my kids, grandkids, or even your kids or grandkids for having such a hard life if we don't help them to make some decisions easy on them. That's what I was taught, to take the burdens off our people. And if we have to carry them, we carry it. And I'm okay with that, Chair. But I'm not voting for this proposal. Thank you.

CHAIR LEE: Anyone else? I'll just say that I, too, am not--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair? Chair?

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Sorry, my video isn't working.

CHAIR LEE: You want to start talking?

VICE-CHAIR RAWLINS-FERNANDEZ: I supported this. Yeah, there's a delay because of the phone. I supported this proposed Charter amendment because I understood Section 7, giving the Council the power to increase or decrease the number of planning commissions on Maui to right size it, perhaps not one in every district, but perhaps a group of districts. But I now understand that it does not give the Council that power to establish. It gives the Council the power to establish transitional rules only, and not increase and decrease as was stated in Mr., by Mr. Forrest in Committee, and Ms. Thomson today.

I, I don't agree with some of the assessments that was shared in testimony. What I see is the trust, and confidence, and the integrity of the commission that has been eroded because it's not clear that decisions are being made above financial interests, individuals' financial interests, or groups of financial interests. It is a selection process that is not serving the larger community.

The Charter Commission has approved an amendment to establish an independent selection Committee to address this problem. In 2017, our Molokai Planning Commission were, consisted of nine Molokai residents. But there was obvious financial interest in them voting to approve projects and STR permits. That year, a group of us community members demanded the Commission Chair step down. He took it further and resigned from the Commission and immediately after, four other commissioners also resigned from the Commission. So, even though the Commission consisted entirely of Molokai residents, it was apparent that residency didn't matter as much in the decision-making as financial interest, as it seems with the case of the current Maui Planning Commission.

I, I agree that geographic representation is absolutely important, and that the amendment that the Charter Commission has approved to be included on the ballot, that every district would be required a seat. So, I'm sorry to those that supported this proposal. I, I did support this proposal, but that's my reason for changing my position at this time. Mahalo, Chair.

CHAIR LEE: Vice-Chair, are you coming to the building?

VICE-CHAIR RAWLINS-FERNANDEZ: No. I'm on Oahu, Chair.

CHAIR LEE: Oh, I see. Okay. Alright. Any, any further discussion? I, too, will be voting against it. I think, I understand the reasoning. I think there's, there are merits to that. But I believe that the voter, the average voter is going to become confused with the two Charter amendments proposed. And I do wonder if there's not some kind of contradiction in there. So, Mr. Clerk, 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.

Apologies --

CHAIR LEE: I'm sorry, I didn't hear--

DEPUTY COUNTY CLERK: --Councilmember Tamara--

CHAIR LEE: I'm sorry, I didn't hear you. Did you say "aye"?

COUNCILMEMBER PALTIN: NO.

CHAIR LEE: Oh, you said "no". Okay.

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: NO.

Sorry.

DEPUTY COUNTY CLERK: And Chair Alice L. Lee.

CHAIR LEE: NO.

AYES: COUNCILMEMBERS JOHNSON, KING, MOLINA, AND SINENCI.

NOES: COUNCILMEMBERS KAMA, PALTIN, SUGIMURA, VICE-CHAIR RAWLINS-FERNANDEZ, AND CHAIR LEE.

DEPUTY COUNTY CLERK: Chair, there are four "ayes", five "noes"; motion fails.

CHAIR LEE: Okay. Now, Members, what do you want to do? The, the next big one will be the light bill.

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes?

DEPUTY COUNTY CLERK: Apologies, Chair. The Resolution 22-144 is still before the body for some other action to be taken.

CHAIR LEE: Okay, what other action? The filing?

DEPUTY COUNTY CLERK: The body could consider recommittal, or filing, or deferral. Any of those.

CHAIR LEE: Okay. Member Molina.

COUNCILMEMBER MOLINA:

MOVE TO FILE.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Been moved by Member Molina, seconded by Member Sugimura, to file the, the item. Any discussion? All those in favor of the motion raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Okay, all "ayes", zero "noes"; motion carries. That's nine "ayes", zero "noes"; motion carries.

Members, what would you like to do? Member Molina.

COUNCILMEMBER MOLINA: Madam Chair, can we take five minutes? I don't think it would hurt anybody.

CHAIR LEE: Okay. Members, you want to take ten minutes?

COUNCILMEMBER KAMA: Ten minutes, Chair. Thank you.

CHAIR LEE: Okay, ten minutes would be 1:33. This meeting is in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 1:22 P.M., AND WAS RECONVENED AT 1:41 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of, continuation from July 15, please reconvene. It is now approximately 1:41 p.m. on Monday, July 18, 2022.

Members, we're talking about what we should do since we have three Members that have to leave for, in about five minutes. And then, they'll come back at 2:15. But then, at 2:30, we're going to lose Member, Vice, Pro Temp Kama. And I'm not sure, does anybody know if Vice-Chair Rawlins-Fernandez is returning?

COUNCILMEMBER KING: I saw something, I saw her, I think she's on.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm on, Chair.

CHAIR LEE: Oh, you're on? Are you, are you going to stay on?

VICE-CHAIR RAWLINS-FERNANDEZ: I have a doctor's appointment at 3:30.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, I will be on until then.

CHAIR LEE: Until up to 3:30?

VICE-CHAIR RAWLINS-FERNANDEZ: Well, I have to check-in with the doctor, so like, at least 3:15.

CHAIR LEE: Okay, 3:15. But we will have every, almost everybody from, well, we will have everybody at 2:15, okay? Okay, and that means, Member Sugimura, Sinenci, and Paltin will have to be back right at exactly 2:15. We'll have 15. Member Kama, are you, are you leaving at 2:15, or your appointment is at 2:15, I mean 2:30?

COUNCILMEMBER KAMA: My appointment is at 2:30, so I'll be leaving at 2:15.

CHAIR LEE: Oh, okay, so you'll be gone.

COUNCILMEMBER KAMA: But I can connect by phone as I drive.

CHAIR LEE: Oh, okay. Well, is that legal? But anyway, yeah, let, let's do the best we can. We gotta move forward. So, let's, let's take the break at 1:50, which is like in seven minutes and return at 2:15. And then, Member, Pro Temp Kama, just join us as you can, okay?

COUNCILMEMBER KAMA: Got it. Got it.

CHAIR LEE: And then, everybody else, we have, we're going to lose one more at 3:15. Okay, so try to keep that--

VICE-CHAIR RAWLINS-FERNANDEZ: I can come back after my doctor's appointment too.

CHAIR LEE: Well, I think Member Molina has something at 4:30.

COUNCILMEMBER KAMA: I think we're going to make it work, Chair. We're going to make it work.

CHAIR LEE: Alright. And, you know, Member King, had a good idea, but then I guess it didn't work. Because, Mr. Clerk, the testimony on Bill, on Bill 21 is still open?

DEPUTY COUNTY CLERK: Yes, Chair. Testimony remains open for Bill 21.

CHAIR LEE: Okay. So, the idea of leaving it on the Clerk's table and taking it up again on August 5 at the next Council meeting, that wouldn't work, because we would have to open testimony again? I mean, we couldn't have closed testimony?

DEPUTY COUNTY CLERK: Chair, if, if Bill 21 is postponed to the next Council meeting, since that is a new Council meeting, anyone will be able to testify on the item again.

CHAIR LEE: Member, Member King, you wouldn't consider a recommittal, huh?

COUNCILMEMBER KING: I don't want to recommit it to Committee. I mean, that doesn't solve the problem. I think it's all, I think there's a lot of misinformation, and I've tried to take care of that in this amendment but, because that doesn't solve the problem of testimony. You know, we can still have three hours of testimony. But I think if we can use the next five minutes or something to try to get one of these other ones done, or two of these other ones done, that might be productive. The GREAT-20, GREAT-65 (2022) and 92, CD1, those are the last two besides the lighting bill.

CHAIR LEE: Which one.

COUNCILMEMBER PALTIN: So, Member Johnson's one.

COUNCILMEMBER KING: Oh, yeah, there's four left.

CHAIR LEE: Okay, four left. Who had his or her hand up? I just saw, was it Member Paltin? Okay. Member Paltin.

COUNCILMEMBER PALTIN: I would speak in favor of recommittal because, you know, there's a lot to go through, and we had three meetings on the lighting bill. And then, at first reading, there was an amendment that was supposed to address people's concerns, and we're still hearing the concerns. So, if we go back to Committee, then we can talk it out with the school folks, the Police Chief, Public Works, and like that, cause even if we pass something with an amendment, I mean, I, I can anticipate a veto coming down. So, it wouldn't be the last of it, even though it's second and final.

So, my preference is just to talk it out with everybody in Committee, try to come up to an agreement, and then move it forward from there. I mean, we've already heard at Council three times record testimony.

CHAIR LEE: Member King.

COUNCILMEMBER KING: The testimony wasn't all about this one item. But you know, if that's the will of the body, it's disappointing because we did work out these exemptions

and, with those entities. And there was, I don't know if it was sloppy reporting or deliberate misreporting, but there was some, for people to get the impression that we were going to shut down sports at night was, you know, shame on those reporters who put that together. It was, it was one person who instigated that report, and it was very poorly done for people to get the impression of us being, wanting to close down sports when we made that one of our first exemptions. But if that's the will of the body and you feel like, you know, that, that damage has been done and we have to rectify it, then, you know, so be it.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, as this bill has gone through the process, there has not been clear communication. And I'm glad that the people who came to testify expressed their concerns because obviously the Council heard them. And I don't believe that we have solved the problem of the Obon people who came out at the last meeting. And the reason why the sports people are coming out is because there's a three-year limitation before they have to, or three years before, if the, you know, if the fixtures become available, whatever that exemption was. But it still left it there of something that had to be addressed. So, we just need to clear this up.

I have a whole bunch of exemptions that I wanted to add to the bill. But I will wait for what this Committee decides. If we can send it back to Committee, or if we're going to continue on, then I'll submit my exemptions as amendments as needed, to clarify things that I heard from the community.

CHAIR LEE: Okay, and then Pro Temp Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I just wanted to mention that I'm in agreement with what Member King's trying to do, to do this bill, do it right at the onset, clear up all the misunderstandings, get the truth, the whole truth out there so that our community is clear about what the intent of this bill is and what the intent and the will of this body is. So, I concur. Thank you, Chair.

CHAIR LEE: Anybody else? Because we've now run up to 1:50.

Member Molina.

COUNCILMEMBER MOLINA: Madam Chair, I just, I'll yield the floor. I think Vice-Chair Rawlins-Fernandez had her hand up before me, so yield the floor to her, she wants to speak.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Can you hear me?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo, Chair. I would support a recommittal, and then that way we can just iron everything out. While, you know, there isn't a deadline, I, I recognize and agree that, you know, the sooner that we can address the lighting issues for our seabirds, because they are an important part of our ecosystem.

But if we can just figure it all out, get it all ironed out, make sure that any, you know, concerns are adequately addressed moving forward, then when it's scheduled again at Council, we won't get so much testimony. Because then everybody will understand, we'll be on the same page. At least that's the ideal in a perfect world. And perhaps the reporting will be more fair and accurate in what the bill will seek to accomplish, and all the concerns will then be addressed. And then, we'll have full support for the bill. Okay, mahalo, Chair.

CHAIR LEE: Anyone else, before we close up?

Yes, Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Might as well get in my two cents, as the person who initiated the original outdoor lighting bill, which focused only on parking lights and streetlights. Now that we have a proposal that's morphed into addressing lights from the business sector, as well as the, you know, community sector, you know, people's houses, residents, now ballparks, you know, Committee is the more appropriate place to work this thing out.

I think there's maybe a lot of people don't have a clear understanding of this. We may have it, because we work with this stuff every day. The science community may have a good understanding, but just a lot of the everyday folks who are unable to come and testify, like Member Kama had mentioned, you know, a lot of our local residents are working jobs and these meetings are being held in the daytime. okay. So, ironically, nighttime is when more people can come out and participate, like they would to go watch their son or daughter play in a football game, soccer game, etc.

So, I believe it's best we hear from all segments of the community because this will have a greater impact on the community with this current legislation. So, we need to absolutely make sure everybody has a full understanding of this. So, Committee is the appropriate place to have a much more fuller and broader discussion on this. Thank you.

CHAIR LEE: Alright, Members. Alright, Member. We're, we're, we said we need to let the Members go. So, Member Sinenci, Member Sugimura, Member Paltin, we'll see you back at 2:15. Members, the rest of the Members, we're in recess until 2:15, alright? Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 1:53 P.M., AND WAS RECONVENED AT 2:19 P.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBER KAMA, EXCUSED.)

CHAIR LEE: Will the Maui County Council meeting please reconvene. It is approximately 2:19 on Monday, July 18, 2022, a continuation from Friday, July 15, 2022.

Mr. Clerk, well, Members, what's your pleasure? Do you want to take up, the next item would have been the light bill, I believe? Mr. Clerk, was it, was it the light bill?

DEPUTY COUNTY CLERK: Yes, Chair. There's that item and then also before the body are the other two, also remaining for the body is the other two bills for second and final reading, as well as Committee Report 22-62.

CHAIR LEE: Okay. Member King, do you have any suggestions before we take this up?

COUNCILMEMBER KING: Well, I, I'm not, are we taking up the lighting bill? I thought we were going through the committee reports first, but.

CHAIR LEE: We could.

COUNCILMEMBER KING: That would be the next logical order, because we only have one committee report left.

CHAIR LEE: Okay. And then, after that, what, you know, I'm, what, the idea was for us to try and go through the hard ones.

COUNCILMEMBER KING: Oh.

CHAIR LEE: So that we could like fly through the rest.

COUNCILMEMBER KING: Okay. Well, I can, if you want to take up Bill 21, is there anybody waiting to testify on it?

CHAIR LEE: Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, there were three individuals who signed up to testify on, oh, now it's four individuals signed up to testify on Bill 21.

CHAIR LEE: Okay. Please call them up.

DEPUTY COUNTY CLERK: We will be proceeding with testimony on Bill 21, CD1, FD1 (2022) at this time, and that item only. The first person signed up to testify is Jordan Molina. To be followed by John Pelletier.

DIRECTOR OF PUBLIC WORKS JORDAN MOLINA [testifying on Bill No. 21 CD1 FD1 (2022)]:

Aloha Council. Is my audio okay?

CHAIR LEE: Yes.

DIRECTOR OF PUBLIC WORKS: Alright, thank you. Aloha, Maui County Council. I am Jordan Molina. I'm the Director of Public Works testifying on behalf of the Department regarding Bill 21. First off, I would like to say that this bill does provide benefits to Maui County. The conversion to LEDs will help us reduce our energy consumption and reduce light pollution in Maui County, furthering our reduction, our demands on MECO, reducing our fossil fuel consumption, and giving us energy savings that we can go towards other environmental benefits.

However, there are some inappropriate measures that only serve to unnecessarily harm Maui County. Regulating blue light content requires tremendous cost but offers no verifiable benefit protecting seabirds. The Department urges the Council to delete this requirement and refer the matter back to Committee for further discussion.

There is no evidence that suggests seabirds will benefit from limiting a certain color of blue light, of light. The Department thoroughly went through this, the matter of reviewing all evidence and studies when we got put through the lawsuit, as well as in preparing our environmental assessment for our streetlight conversion project. None of the evidence can firmly state that a certain percentage of a certain color of light will reduce seabird fallout.

Of major concern is the impact to our streetlight conversion project. This will be a direct loss of millions of dollars in both having to purchase new fixtures to be compliant, as well as delaying the project and the realization of the energy savings that come with converting to LED. Additionally, this bill's attack on the work of the public and the community to develop responsible street lighting standards for Maui County.

As part of the conversion project, a community stakeholder group was assembled to evaluate various lighting projects and various lighting characteristics of concern to determine which is the best light for Maui County. This group included representatives from Save our Seabirds and the U.S. Institute for Astronomy. It was determined that in addition to reducing light pollution, improving visibility was just as important.

The last concern I'd like to express is the cost for the Public Works Department to become blue light police. This will require funding and training to get a handle on all the criteria that comes with measuring and enforcing blue light content and developing a list of approved products for people to become compliant.

In conclusion, this bill does provide good benefits, but it doesn't have to do so recklessly. The blue light content is a reckless move. The arbitrary blue light regulation only serves to delay our streetlight conversion project and attacks the . . . is not consistent with the goals of our island and community plans.

On behalf of the Department, I urge again, the Council to consider deleting the blue light content as the regulation only serves to add cost to our operation and provide no verifiable benefit to reducing seabird.

CHAIR LEE: Okay. Thank you. Members, questions? Okay, clarifying questions, 30 seconds.

Member King.

COUNCILMEMBER KING: Thank you. Mr. Molina, are you a scientist? Do you have a background in this kind of science?

DIRECTOR OF PUBLIC WORKS: I am not a scientist.

COUNCILMEMBER KING: Okay. And then we, this is the first time we've heard about your task force. Why were, why was that not brought to the Committee back in January when we first started talking about this bill?

DIRECTOR OF PUBLIC WORKS: There was no interest from the Committee to discuss the matter.

COUNCILMEMBER KING: But Committee did have interest and we sent you a letter asking for comment. There was no mention of--

DIRECTOR OF PUBLIC WORKS: To clarify, there was no letter sent to the Department of Public Works. There was a letter sent to the Public Works Commission.

COUNCILMEMBER KING: --they asked us to do that. So, you were at the Committee. Thank you, Chair.

CHAIR LEE: Any other questions, Members? If not, thank you for, for your testimony, Mr. Molina. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify on this item is John Pelletier. To be followed by Thomas Croly.

CHIEF OF POLICE JOHN PELLETIER [testifying on Bill No. 21 CD1 FD1 (2022)]:

Aloha. Can you guys hear me?

CHAIR LEE: Yes, Chief. Hi.

CHIEF OF POLICE: Hi. Forgive me, I was just bouncing in between meetings trying to be as effective as possible. I know that I'm on a clock for three minutes and so I just wanted to clarify, when I spoke about a week and a half ago, I had asked for an exemption, not an extension. And the way that it was written, and I was asking for all of public safety, not just for MPD. And so, there's a three-year, basically a 1,095-day extension. And so, I just was going to ask that public safety be removed from it completely and that there is a true exemption and that we don't have to worry about this moving forward. Because we're talking about life being affected on this, and all the reasons that I mentioned in public. And just as Councilmember Kama mentioned, I have to, I have to support, you know, life safety first and foremost.

And so, there's a DOJ study that was done quite some time out of the COPS Office. And what it basically says is that there was methodology used, and they had programs in the United States and United Kingdom, and they concluded that improved street lighting, improved street lighting, leads to a 21 percent decrease in crime compared to controlled areas. I think I'm only mentioning that because of what we saw on that demonstration from Mr. Eric Miyasato. And if I butchered his last name, forgive me. But I thought that that was telling.

I just, in light of that, I think I'm going to ask that we please put this back to Committee work. And if we're going to do something, I think we need to have a demonstration

what this lighting system would actually look like for the public, and that we could actually see it and we can actually experience it. Because I think it's too important of a situation for us just to do this based on reports. We don't know, was his demo factual? Maybe it was, maybe it wasn't. But I think we need to do that.

And as it stands right now, this is, this is problematic. And so, I think if we just are a little more diligent, and we get all our ducks in a row, we can see what we can do moving, moving ahead cause I don't want a human safety issue in this bill. I want to make sure we don't have that. I want to make sure that we don't have a public safety component here. So, thank you.

CHAIR LEE: Thank you.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Chief, do you drive down Mokulele at night? Because there are lights there that are shielded amber lights, that are the appropriate lights. There are also the same kinds of lights on Kenolio, on the road that I live on. So, they are existing right now if you wanted to see what they look like.

CHIEF OF POLICE: Well, I just think based on what that demonstration was, I mean, we know we're at 13 fatalities. And here's what I, here's what I would offer to you is, do we feel that runners and walkers that are walking on the street are adequately, I know you're holding up the sign . . . so I got to ask a question, so.

. . . am I allowed to finish, since I got asked the question, or no?

CHAIR LEE: Yeah, please finish. Please finish.

CHIEF OF POLICE: Okay. So, so what I would say is, we, we, we know that we've got individuals that they're not, they're not equipping themselves with lighting on the outside projecting out. They might be wearing a vest. But if we have streetlights that cause that issue, if we do, I think that we just need to be fully aware of a County as to what that's going to be, because I hate for us to have people get hurt because they were walking and they weren't seen.

I really think that that demo from the gentleman on Friday really illustrated a point. And like I said, it could be, hey, he's in a controlled environment and it was, that, it was staged. I get that. That's why I'm asking maybe we should have something that would demonstrate this is what it would look like, this is what this would look like, and so that everybody could get out there and see it, touch it, experience it.

COUNCILMEMBER KING: I'm saying you can see it now. We have it on our island.

CHIEF OF POLICE: Yeah. But he's, but his demonstration, he showed something too and that was way different than what we're talking about. I just, how do you, how do you, how does anybody not look at what we saw on Friday and not have questions? I just, I think that in the interest of being fully transparent, we should at least consider that. And that's why I'm simply saying, if we're in a rush to vote, I don't see, okay, but if we're going to just be a little diligent and say can we just take a moment and, and perhaps put it to Committee and pause and figure this out.

And like I said, I asked for an exemption, not an extension. And, and a 1,000-days for us to figure out what kind of lighting system we're going to get, and I understand there's another exemption written within that. But that's not what I had asked for on behalf of public safety. And I know that Chief Ventura and I specifically spoke on this very issue together. We were going to try to do this jointly together, but we just couldn't because of our schedules. So, I'm not asking on behalf of just MPD. I'm asking on behalf of public safety for all of the County of Maui, and that the Chief of Fire and I are united in this message today.

CHAIR LEE: Okay. Are there any other questions, Members?

Member Molina, and then Member Paltin.

COUNCILMEMBER MOLINA: Oops, sorry about that. Aloha, Chief. Just one quick question. So, your preference is, you're satisfied with the current lighting that we have at the moment? Just a yes or no answer is fine.

CHIEF OF POLICE: Oh, you know, you and I have had this where you open Pandora's box on me. No, I'd say I'm absolutely not satisfied. I don't there's enough lighting.

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Chief Pelletier. I just was inquiring, is that commitment from you and Chief Ventura to fully participate if it should get referred back to Committee?

CHIEF OF POLICE: I have no problem participating. The word "fully", you're going to have to define that a little bit. But I would give you whatever resources, whatever weigh-in we can do. You know, I'll, I'll defend the former president, you know, what is, is. But, no, you'll, you have my commitment, of course, because I want to make sure that we

do what's best for Maui County. And I want to make sure that I support the Council. And, and I'm available for all of you, as needed. And so, you'll have commitment from MPD.

COUNCILMEMBER PALTIN: Thank you. Thank you, Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Nice seeing you here, Chief. So, I'm concerned about doing your DUI checkpoints and all of that. I, the demonstration that you talked about was one thing, but I, I am concerned about you being able to do the other parts that require lighting.

CHIEF OF POLICE: Well, that's an issue, too, right? We have to make sure that we have things, and so Councilmember Sugimura, you really bring up a great point. If you're going to do some of those tests that you have to establish probable cause on a checkpoint, you have to have adequate lighting or you open up the ability not to defend that. And you've got to make sure that when you make those arrests, you do it to the best of your ability. And if they say well, the lighting here, you weren't able to do that, and it's not adequate to this particular standard, or they couldn't see the straight line that they're walking or they couldn't see for whatever reason, are we going to walk down, again, Pandora's box and create a situation.

Because if this County is different than the other counties and we're doing certain, certain prosecutions and arrests with different lighting standards. And I'm not saying, I know that there's a three-year exemption, but at day 1,096, if there is a, you know, yellow light flood light for that, but it's a different mechanism, you know, do we open up something there? So, I just think it needs a, if it's going to, if we're going to do something, let's do it right and let's have a, let's just do it right. That's all. That's all I'm saying.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you.

CHAIR LEE: You're muted.

COUNCILMEMBER JOHNSON: Oops, beg your pardon. Sorry, pushed the wrong button. Good afternoon, Chief Pelletier. Good to see you. So, you mentioned a little bit on the idea that other counties might not be doing this. And my understanding is Big Island does do this. So, have you spoken with your counterpart on the Big Island, if they, you

know, the Chief of their Police Department, if they have any struggles with that under, underlit areas in inducing crime?

CHIEF OF POLICE: No, I have not. I also know that there's a couple municipalities in the continental United States that have done these as well. I was referring, and I think that the Department of Justice study that I mentioned, to me, is the one that is telling, where you see a 21 percent reduction in crime because of more lighting. And so, you know, we've never even talked about the CPTED issue; Community Policing Through Environmental Design.

COUNCILMEMBER JOHNSON: Okay.

CHIEF OF POLICE: We never even touched that in this whole conversation.

COUNCILMEMBER JOHNSON: I don't have much time.

CHIEF OF POLICE: Right. I . . . mention, yeah, that's a whole other conversation.

COUNCILMEMBER JOHNSON: Right.

CHIEF OF POLICE: And that's, that's your businesses. So, if the businesses have to have less lighting, how many more thefts are you going to have? How many more vehicle thefts? How many more break-ins? So, those are conversations we haven't even, and I was respectful not to even bring that up on the first one. I just was trying to get the exemption, but we didn't get the exemption, we got something else. And so, I was trying to see if we couldn't get that.

COUNCILMEMBER JOHNSON: Okay. Thank you. Thank you so much, Chair.

CHAIR LEE: Mr. Sinenci, do you have a question?

COUNCILMEMBER SINENCI: Thank you, Chair. And mahalo, Chief Pelletier. Yeah, so, just clarification. You don't want the extension, you want the exemption, yeah?

CHIEF OF POLICE: I, I would like a full extension, I'm sorry, full exemption, a full, this does not apply to public safety. And that, and it's for me, for Fire, for ambulance, search and rescue, Coast Guard, whatever would be there for life and safety. And so, we're not on a three-year clock, so to speak.

COUNCILMEMBER SINENCI: Okay. Got it. Thanks.

CHIEF OF POLICE: Thank you. Mahalo.

CHAIR LEE: And, okay, Mr. Clerk? And thank you, Chief. It appears we, we have, we don't have any more questions for you right now.

CHIEF OF POLICE: Mahalo. Thank you.

CHAIR LEE: Mr. Clerk?

Thank you.

Mr. Clerk, do we have any more testifiers?

DEPUTY COUNTY CLERK: Yes, Chair. The next person signed up to testify is Thomas Croly. To be followed by Christopher Fishkin.

MR. TOM CROLY [testifying on Bill No. 21 CD1 FD1 (2022)]:

Aloha, Chair. Aloha, Councilmembers. I'll be very brief. Tom Croly speaking on my own behalf on this issue. First, I believe that there should be greater consensus with the public safety folks, and with the Department of Public Works before this item moves forward. So I hope it gets recommitted.

When it gets recommitted, I hope that you might give some consideration to the standards for people's home lighting. There is this comment in there that says that holiday lighting is exempt. But there's low voltage, low wattage landscape lighting that I don't think should be included as part of this bill. I think the last thing that we want to see is a neighbor calling in another neighbor because their landscape lighting is disturbing them, and it's shooting up and it's supposed to be shooting down, and now you've got the County involved in a neighbor-to-neighbor issue.

But I think that it should be very clear to exempt any low wattage, and maybe you need to define that, 5 watts or less, 10 watts or less landscape lighting from this kind of consideration. Otherwise, you have something that's just non-enforceable, but it's going to be a problem when there's somebody who knows the nuance of the law and says I'm going to call in a complaint about my neighbor because I don't like that he leaves those landscaping lights on until 10:00 at night or whatever the case may be.

So, again, the bigger issue is the public safety issue, but if it's going back for recommittal, please give consideration to establishing specific rules for landscape lighting at people's homes. Thank you.

CHAIR LEE: Thank you, Tom. Questions, Members? If not, thanks again. And may we have the next testifier, please.

DEPUTY COUNTY CLERK: The last person we have sign up to testify on Bill 21, CD1, FD1 (2022) is Christopher Fishkin.

MR. CHRISTOPHER FISHKIN [testifying on Bill No. 21 CD1 FD1 (2022)]:

Good afternoon, Councilmembers. So, you know, in relation first to what the Chief just said, well, public safety is always primary for all of us. The Chief referred to this bill as promoting less lighting. I don't think that is an accurate description of this bill, that it would provide less lighting. So, I think that might have been a mis, an inadvertent misrepresentation on his part.

The Department of Public Works, Jordan Molina, also made inaccurate representations about the science, without citing to any authorities. Let me cite to the paper in Conservation Biology in 2017, or Ornithological Applications, the condor blue light attraction nocturnally migrating birds. And actually, in that abstract, it made a clear statement that as rapid urbanization and industrialization causes an increase in artificial light, we suggest that switching to longer wavelength lights is a convenient and economically effective way to reduce bird collision. So, there is science. Those are two that I found within the period of time that Mr. Molina actually testified and now. So, there's obviously science on this that's clear.

Finally, I just want to say that I'm very disheartened that I learned that Corporation Counsel, your attorneys, Councilmembers, actually instead of approving this bill to legality and form as it was, as they were requested to do, went out and made their own revisions of it, sua sponte as it were. Again, and then had someone testify, who is a very specious person about the bill. I think it's very unfair what your own attorneys do to you. I know that, you know, Yuki constantly tells us, you know, we're not, you know, these people aren't corrupt. I appreciate you saying that, but unfortunately Corp. Counsel does not seem to be looking after your interests. They seem to be looking after their own, and I really have a problem with that. Okay, thank you, Councilmembers. I appreciate you letting me testify today. Thank you. Aloha.

CHAIR LEE: We have a question for you, from Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Fishkin. Can you send those two studies that you found, cause I don't think we saw those. One of them sounds--

MR. FISHKIN: Oh sure. Surely.

COUNCILMEMBER KING: Okay.

MR. FISHKIN: Yeah, I will do that. Thank you. Bye-bye.

CHAIR LEE: Other questions? If not, thank you, Mr. Fishkin.

MR. FISHKIN: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there are no other individuals signed up to testify on Bill 21, CD1, FD1 (2022), so we will do a last call at this time. If there are any individuals interested in testifying on this item and have not done so already, please identify yourself now. I repeat, this is our last call for testimony on this item.

CHAIR LEE: Alright, Members, are there any objections to closing public testimony and accepting written testimony into the record?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk, can you please call this item up, please?

BILLS – SECOND AND FINAL READING

ORDINANCE NO._____
BILL NO.___21, CD1, FD1___(2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING SEABIRDS FROM OUTDOOR LIGHTING

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Just pursuant to what it seems to be the will of the body, I'll just let somebody else make a motion to recommit this.

CHAIR LEE: Alright, thank you. Members?

Member Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO RECOMMIT THIS.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER JOHNSON: Second.

CHAIR LEE: Okay, moved by Member Paltin, seconded by Member Sugimura to recommit this item. Discussion?

Oh, yes, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, just for staff's clarity, is the recommittal to the CARE Committee?

CHAIR LEE: Yes.

COUNCILMEMBER KING: That, that would be it.

CHAIR LEE: Yeah, yes.

DEPUTY COUNTY CLERK: Thank you.

CHAIR LEE: Okay, any discussion? Member Sinenci.

(Vice-Chair Rawlins-Fernandez returned to the meeting at 2:43 p.m.)

COUNCILMEMBER SINENCI: Chair, yeah, I just wanted to quickly speak. Okay with recommitting. I did want to appreciate and mahalo all those that have provided scientific analysis and reports on bird findings. I understand that there was a lot of testimony against it. And again, . . . Councilmember, I'm okay with damage control of sorts if, you know, if there's the wrong information out there. I did agree that there was a lot of exemptions to fill, yet we still heard the same people coming and saying, testifying against it.

I too am sensitive to, you know, even though there's a new types of lights that are economically but, you know, sometimes I'm always flashing people that I think they have their highlights, but they don't. They just have this, this really strong halogen lights that, that can even obscure your own driving at night. So, looking forward to working more on this bill.

CHAIR LEE: Anymore discussion? Well, let the record show that Vice-Chair Rawlins-Fernandez is, has joined the call.

Next, we have Member King.

COUNCILMEMBER KING: Thank you, Chair. I'm willing to take this back into my Committee and hope that we get responses from those who didn't respond back in February when we sent them letters, and came out the last-minute. But I understand that there's been some sensationalistic journalist, journalism around this, and it's gotten people, unfortunately, on the wrong track about what we're really trying to do.

I was disappointed that somebody gave the public the impression that we were trying to close down night sports. That was never an intention. In fact, that, one of the first things we did was make that exemption. And I spoke to the Director of Parks and Recreation, she was good with that exemption. So, I, I'm hoping that this doesn't turn into another attack on an environmental bill like we had with the single-use plastic ban. And we saw the community plastered with posters that said, "Save our plate lunch". And it was never about the plate lunch. It was about the plate, not the food.

So, you know, let's, we'll take it back. We'll be able to better inform the community. I hope we'll get direct participation from those who didn't participate in the, in the beginning of this year when we first started working on this bill. But I, I hear the Members and appreciate their concern. Thank you.

CHAIR LEE: Any more discussion? Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I, like Member Sinenci, I'd like to thank everybody who got us to this point. I think there's a lot more participation now. And I think that recommitting will allow for a broader, fuller discussion than what we had in the past. As Member King said, that she didn't get much response to her initial queries. It seems that everybody is fully aware now of what's going on. I think that recommittal with the posting, and all the ASFs that have happened between moving out of Committee and today will give people a chance to read what is currently being proposed, and add their mana'o to that proposal.

I think that it's, it's good to engage as many people as we can, and not only include what they have to say, but also educate as to why seabirds are so critical to us. Because a lot of testimony, a lot of people were more concerned with businesses and human impacts, where the impacts to the seabirds are just as important. But let's see if we can find a way forward that people can come together on.

So, I think, you know, to educate folks and try to come to a mutually agreeable solution be the best point, best place at this point, because I have no doubt if we continue on, that there will be a veto, and then will be more testimony on the same thing. And we wouldn't have given folks a chance to participate in the discussion if we continue to do the Committee work on the Council floor. So, that's my sentiment. Thank you.

CHAIR LEE: Thank you. Anybody else?

Member Sugimura. You're muted. You're muted.

COUNCILMEMBER SUGIMURA: I agree with this discussion and appreciate that we have broadened the discussion and are able to then include, you know, the people who have come out in force, because they obviously were concerned. One of the other things that's different from the Big Island bill, which we kept on hearing that this was modeled after, is Big Island does not, is not residences. So, that's a big change from Big Island to us, where it's everybody, right? The word "all", versus only commercial, which is what the Big Island focuses on, commercial. So, that's another concern I have for how would we, how would this affect our working families who are just struggling to, you know, keep their families going. And now, if their light bulb goes out, they would have to buy a special kind. I don't know. So, bigger discussion, appreciate it. Thank you, Member King and everybody else. Thank you.

CHAIR LEE: Any more discussion? Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. And thank you, Member King, for taking this back into Committee. As this bill has progressed over the last couple of weeks, more and more people from a major segment of our community, that of parents, the MIL, business folks were coming out to express their concerns. And maybe it's, has to do more with not having a full understanding of the bill, so which is why, you know, you need, Committee is the appropriate place.

And I know it can be frustrating, because I've been where you're at, Member King, where you want to get something out and then something comes up at the last minute. But it's just the process we have and we want to make sure that everybody has a full understanding, not just the science community, but also our residents who cannot attend these meetings or cannot participate because they're working, as Member

Kama had stated earlier, two and three jobs, and they're parents, they have kids. And we also got to look at that factor too. So, it's, of course, about the environment and the birds, but also about the activities involving our society, everything, cultural activities, sports activities. And that's why this bill has far-reaching effects. So we need to take a closer look at it and see where we can reach some type of compromise on it. So, thank you. Support the recommittal.

CHAIR LEE: Any other comments? If not are, do we need roll call? No? All those in favor of the motion, raise your hand and say aye?

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: All "ayes", zero "noes", one "excused"; Pro Temp Kama. Motion carries. This, this matter will be recommitted to the CARE Committee.

Mr. Clerk, next, next one.

DEPUTY COUNTY CLERK: Chair, before the body, the remaining items before the body are Committee Report 22-62, Bill 65 (2022), and Bill 92, CD1 (2022). Which one did you want to proceed with next?

CHAIR LEE: 22-62. Just take it in the order you just mentioned.

DEPUTY COUNTY CLERK: Yes, Chair. So, proceeding with Committee Report 22-62, we'll take testimony on this item at this time. Chair, the first person signed up to testify on this item is Joe Kent. To be followed by Thomas Croly.

CHAIR LEE: Hello.

MR. JOE KENT (testifying on Committee Report No. 22-62):

Aloha. Can you hear me and see me?

CHAIR LEE: Yes.

MR. KENT: Hi. Aloha, Chair Lee and Councilmembers. My name is Joe Kent, and I'm the Executive Vice-President of the Grassroot Institute of Hawaii. We're an economic research organization, and a non-profit taxpayer watchdog that promotes the values of individual liberty, economic freedom, and accountable government. I'm also a paid lobbyist for our institution.

Bill 107 seems to be a well-meaning attempt to lower housing prices, but respectfully, our analysis of the bill is that it would hurt the people it's supposed to help. The bill would affect the price calculations for all homes that qualify as affordable housing and through a complicated means, it would effectively lower the price that an affordable home can sell for by around 20 to 25 percent.

Now, this would lead to developers taking losses. The County could cover those losses, but that would mean taxpayers would be paying to refund developers for those costs. In other words, Maui residents who are struggling to pay their mortgages would also be paying for the mortgages of their neighbors. And if it's done through bonds, then the taxpayers would have to repay the bond plus interest. And interest rates are high right now, so this means that money would be going towards debt service instead of infrastructure like roads, bridges, and etc.

Another point is that any money from the County or from foundations does not have to be granted to developers to cover their losses. Developers are not guaranteed that money from the County. So, they would have to spend their money and take a huge risk of a loss on the project with the hope that the Council would look favorably upon them. And as we know, the Council doesn't always look favorably upon all affordable housing projects. Many, yes, but not all.

So, in summary, there aren't, there's no such thing as a free lunch. There's no way to hide the losses, except by pushing it onto either developers or taxpayers. Either way, this bill increases the risk for home builders who may be taking significant losses, especially when it comes to 100 percent affordable housing projects. Thanks for allowing me to testify.

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

MR. KENT: Thank you.

CHAIR LEE: Oh, well, we have one. Okay, when you, when you raise your hand, can you raise it a little higher, so I can see?

COUNCILMEMBER SUGIMURA: Sorry.

CHAIR LEE: Okay, Member Sugimura has a question.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Mr. Kent, for being here. So, you're saying that the proposed legislation, you're saying you're against it going to developers, and more to the individual homeowners?

MR. KENT: What I'm saying is, is that there was previously, in previous testimony, a rebuttal that the County could repay the losses from the developers from this bill. But I'm just saying that there's a problem with that concept, because that money--

CHAIR LEE: Could you finish up, Mr. Kent?

MR. KENT: Sure. That money would be, you know, a scarce resource. It'd be directed away from paying for rents, for example. A lot of renters are on the verge of becoming homeless on Maui. And so, this would direct money away from them, and towards developers instead.

COUNCILMEMBER SUGIMURA: Okay, thank you.

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

MR. KENT: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Thomas Croly. To be followed by Kai Nishiki.

MR. TOM CROLY (testifying on Committee Report 22-62):

Aloha, Council. Again, Tom Croly speaking on my own behalf. You know, sometimes it's fulfilling when you give testimony and then eventually, it happens. It was probably three or four years ago that I gave testimony on this fundamental idea that we, the calculations that were being used in our affordable housing guidelines didn't line up with the calculations that were being made by mortgagers that to grant mortgages. So, we were putting people into classes and saying if you make this much money, you can buy a house for this much. But then the mortgage company says no, you need to make more money than that in order to buy a house at this value. And that put these people in a Catch-22. So, this measure is trying to fix that, and I support it from that aspect.

That hopefully, it is in, you know, together with what the lenders would lend for these houses.

However, you heard testimony from some of the lenders who said no, this still doesn't work. So, I do think this needs to go back to Committee and needs to be where the affordable prices and the calculation that's being used is consistent with the calculations being used by the lenders that say, yes, if you make this much money, we'll lend you this much money in order to buy the house.

But there's one thing that I think the County can do that would be significant in here. And that is the old rules said they were only considering principal and interest. This one says we're considering principal, interest, taxes, and insurance, and other fees. You know what the County can do to help affordable housing right off the bat is say we're going to give a five-year exemption from real property taxes for any of these affordable houses. Then, you don't have to calculate that in.

So, rather than trying to come up with money that you would be giving directly to the, the purchaser, or money that you would be giving to the developer, the County just doesn't have that component in there. So, please give some thought to waiving property taxes for a period of five years for any affordable house that's being sold. That's basically giving the money directly to the person and helping facilitate their, their purchase of the home.

But I do believe that this should go back to Committee right now, and should come back with the agreement, if you will, of the lenders who say yep this works, we would be able to lend money at, to people in these income classes in these amounts. So, again, great idea. I'll take credit for having it several years ago and presenting it to the Council, but nobody acted on it then. But thank you, Mr. Johnson, for acting on it now. And let's just get it right and move it forward. Thank you.

CHAIR LEE: Mr. Johnson, question?

COUNCILMEMBER JOHNSON: Thank you, Chair. I'm going to stick with clarifying questions, Mr. Croly, I only got 30 seconds. I don't know which lender you're speaking of, because when we had RCAC come down, they're, they help across the nation with getting people in the FHA loans, and we're following the FHA loans. So, which lender did we have in our Committee say that this numbers, this formula does not work? This is a math formula that includes--

MR. CROLY: No, it's not, it's not a matter that the math formula doesn't work. But, like, Jeff Gilbreath came in and said--

COUNCILMEMBER JOHNSON: He's not a lender. He's not a lender. Let's clarify that. He's not a lender.

MR. CROLY: He's not a lender, right, right. But the bottom, bottom line is, we just got to make sure that the lenders are saying, yes, the person you put in this, in this price range can afford the amount that you're saying that they should. And as long as those things line up, then you're, then you're good.

COUNCILMEMBER JOHNSON: Okay, thank you so much. Thank you, Chair.

CHAIR LEE: Okay, any more questions, Members?

Do we have a next testifier, Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Chair. The last person signed up to testify on Committee Report 22-62 is Kai Nishiki.

CHAIR LEE: Ms. Nishiki.

MS. KAI NISHIKI (testifying on Committee Report No. 22-62):

Good afternoon, Chair, Councilmembers. Kai Nishiki speaking on my own behalf. The County has centered on the needs of developers for decades and look where it has gotten us. We have all seen the press releases of record setting sales numbers for real estate. What that means for our residents is absolute devastation. Maui County's housing situation is a disaster, a true crisis.

And I quote a featured speaker at a recent grassroots institute seminar. "Maui's sky-high home prices and the displacement of the local population that comes with it, are a self-inflicted wound", said Tobias Peter, Director of Research at the AEI Housing Center in Washington, DC. And while I do not agree with all that he said, that is a true statement. This is a manmade disaster. I would argue that we are in an absolute housing state of emergency. And when disaster strikes, the people look to our government, you, to step in. This is one of those times.

Homes that are built as affordable really aren't. Just read the thousands of comments made by residents on the message boards ridiculing these so-called affordable projects. Number one comment, affordable for who? We have heard from lending experts that the way we have been calculating sales price guidelines is just not correct. By leaving out PMI, HOA fees, and other insurance prices, we're not using the same

math as lenders to come up with these sale prices. And that is not how you make good policy. We are setting our residents up to fail.

Good affordable housing policy cannot be based on incomplete or faulty mortgage math. There's just no way around it. We have an obligation to our workforce, not developers. That duty means that we have to correct our sales price guidelines and then use all the tools that we have to work with developers and builders to make that possible.

During Committee meetings, innovate and creative thinking developers working on truly affordable, truly attainable housing, were supportive and are willing to work with the County to make this happen now. Also, during Committee, Mariah, from the Financial Opportunity Center, which has been funded for, I believe, the third year from the County of Maui and gets homebuyers ready for homeownership said that with these new guidelines, she can now qualify 40 percent more of our residents on her list. Amazing. That right there should be all you need to hear to realize what a game-changer Maui County has the resources to fix this problem. Millions and millions of dollars. We absolutely have the ability to house our people fairly if we do. . .

This Council has been setting our County up, bill by bill, to do better. Mahalo. Please do not let fear or a scarcity mindset keep us from fixing mortgage calculations that are just not accurate. Who does that serve? Please be bold, solution oriented. A yes vote is a vote for true equity, a vote for our residents being hit by this catastrophic disaster that is destroying our communities. If I could just finish my last sentence.

CHAIR LEE: Please.

MS. NISHIKI: Hit by this catastrophic disaster that is destroying our communities right now. Please help us in this time of crisis. Mahalo very much. And thank you for working all these hours, very much appreciated.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there are no other individuals signed up to testify on Committee Report 22-62. So, we will do a last call at this time. If there are any individuals who want to testify on this item and have not done so already, please identify yourself now. I repeat, this is our last call for testimony on Committee Report 22-62.

CHAIR LEE: Members are there any objections to closing public testimony and accepting written testimony into the record?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Alright. Mr. Clerk, please call this item up.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 22-62 - AFFORDABLE HOUSING COMMITTEE:

Recommending that Bill 107, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.96, MAUI COUNTY CODE, RELATING TO AFFORDABLE HOUSING SALES PRICE GUIDELINES," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-62.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Mr. Johnson, seconded by Mr. Sinenci, to approve the recommendations in Committee Report 22-62.

Discussion, Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Members, your Affordable Housing Committee met on November 29, 2021, May 23, 2022, and June 30, 2022. Your Committee discussed capping total housing costs at 31 percent of gross income within each workforce housing income category instead of per individual home.

Your Committee agreed to amend Bill 107's effective date to be within thirty days of the release of the 2023 U.S. Department of Housing and Urban, Housing and Urban

Development area's median income guidelines to allow developers time to adjust financing for their projects.

Your Committee, your Committee supported Bill 107's potential to increase housing affordability for residents and voted 5-3 to recommend passage of Bill 107, CD1 (2022). I respectfully ask for your support of this motion. Mahalo.

CHAIR LEE: Discussion, Mr. Sinenci? No? Anybody else, discussion?

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR LEE: Oh, okay.

COUNCILMEMBER SINENCI: Yeah, I speak in support of the motion. We've heard from many testifiers that if we don't do something now, then our kids' kids would not have a place to stay or at least afford to live in Maui County.

I support Member Johnson and the AH Committee Chair, as he's got a plan and we've got the Hawaii Community Assets Strategic Planning. We've already got additional 50-some million in our AH, Affordable Housing Fund. So, I'm hoping that this is a path forward in using those additional funds--

CHAIR LEE: Okay, are you frozen? Are you still talking? Okay, we'll come back to you then. Anyone else have anything to say?

Member Sugimura, and then Member King.

COUNCILMEMBER SUGIMURA: Thank you. I have a Amendment Summary Form. Staff, if you could send it forward. Didn't come through? You can go on to the next speaker and we'll wait for it to get sent forward. It was supposed to be sent from Tasha Kama.

CHAIR LEE: Okay, Member King.

COUNCILMEMBER KING: Thank you, Chair. I actually had a question for Member Johnson. You know, when we had all that testimony on Friday, there were a couple people who said they would contact you over the weekend and, and talk to you about, you know, what their ideas were for the bill. Did you get, did you, were you contacted by any of them?

CHAIR LEE: Member Johnson?

COUNCILMEMBER JOHNSON: Yeah. They, we, we had, they sent me some emails. But, yeah, we, you know, we didn't have a dialogue. But that their, their emails were sent by written testimony. It was pretty much the same thing. They just sent me the written testimony.

(Councilmember Sinenci was excused from the meeting at 3:09 p.m.)

COUNCILMEMBER KING: Oh, okay. I thought they were going to have a conversation with you about their ideas for the bill. So, it was pretty much what we heard and wasn't in, was, that was, can you just kind of give us a, you know, your impression of what it was that they sent in written testimony, if that was appropriate or not?

COUNCILMEMBER JOHNSON: Well, what I've heard is that a lot of them, they've the, they spoke that, you know, they weren't at the table. And I had mentioned that we have, we have had three meetings on this particular item. So, I don't know, if it's a public hearing everyone is invited. So, and I'm not sure what more else we can do? Thank you.

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

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. First of all, you know, tip of the cap to our Affordable Housing Chair. I mean, he's certainly taking the bull by the horns on this issue, just in general. So, I really commend you for that, Mr. Johnson. This is one of those rare times where I'm not in support of, you know, legislation related to affordable housing. I think, again, it's maybe similar to the outdoor lighting bill.

Maybe just consider taking it back to Committee where we can rework it a little bit. Because we did hear from people who are strong housing advocates, like Mr. Gilbreath, Mr. Kuoha, and also maybe we should maybe get more lenders involved. My understanding that we had some mortgage counselors, but just get more input. Because I'd certainly hate to pass something that could have some unintended consequences as it relates to, you know, maybe creating disincentives and also, you know, and maybe additional expenses that not anticipated. So, I just want to be sure.

So, my preference would be if the Chair would consider taking it back to Committee. I know we sometimes want to move things out ASAP, and there were several meetings. And I don't know what kind of outreach was done with these other folks who had concerns? And, you know, you are correct that it is noticed, but sometimes you just got to try and get more additional input. And I would hope too, as Member King asked, if these folks who had testified on Friday, that they would have gotten in touch with

Member Johnson. But, you know, I guess they just submitted their testimony in writing. So personally, I'm not comfortable with moving it out here today. Thank you.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much, Chair. So, yeah, I was surprised to hear Jeff Gilbreath in his testimony. And he did submit written also, just saying it was not part of what he was trying to, I guess, get, make happen with the comprehensive affordable housing report that he did for us, and as well as Hawaii Community Foundation, Keoni Kanuha *[sic]*. I mean, he was, you know, they were pretty clear that it may be good, but it needed more work.

And I think I agree that we should, you know, send, if the Chair would allow, you know, send it back to Committee and get all these details worked out, so we don't walk down the path of trying to make a better situation and actually, you know, putting blockages to developers and, and residents to having more housing. So, that's my general comment.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I, I figure I'd speak up now, because both Members mentioned the idea of bringing it back to Committee. You know, this bill does not live in a vacuum, right? And we have other bills that we're going to be moving forward with. We're going to look for, you know, the proper ways to subsidize the little guys. We're going to look at all these, you know, looking at creating other ways that alleviate their concerns.

But this bill is a math formula. It is simply basically saying these are our affordable housing price guidelines starting almost, you know, next year once the HUD guidelines get posted. It's a formula that allows our buyers to get those prime FHA loans that majority of people use their first-time homes for. Once again, it's the, they have, they have the, our one person came in said 40 percent increase in, in people getting their, their loans for their houses. This is a very significant thing.

Remember, we had Bill 61 that opened up the vowels of the, of the way we use our Affordable Housing Fund. We have Bill 111. It's just like what our, our testifier just said, in answer to those questions, affordable for who? And what, what's your definition of "affordable"? Well, this is addressing the, the what is the how much? So, that, that's why I think I don't want to take it back to Committee. I think there'll be more bills that will help, help with this.

You know, we're helping out long-term residents with these homes. It's what Councilmember Kama was speaking on, it is an emergency. This is a bill to help our long-term residents, Bills 111 and Bill 61, as well as this bill, as well as more bills. It's a, you know, it's a, it's a constant reorganization on how we're doing this. You don't look at this bill in the vacuum is my point. Thank you, Chair.

CHAIR LEE: Anyone else, Members?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. This is another difficult one. I, I totally get where Member Johnson is coming from on the affordable for who. I think majority of the people that have been able to take advantage of affordable housing are privileged in some way over folks that are unable to. Because like how Mr. Croly said, it just won't work, the math doesn't work.

At the same time, I think that those other bills that Mr. Johnson is talking about needs to be passed concurrently on this one because we don't want to prevent more houses from getting built at the same time we're making it more able to qualify for a loan. And from the testimony that I heard from Mr. Apo and Mr. Gilbreath, they're willing to help us do that kind of concurrently.

And so, you know, I voted for this out of Committee because we did have the mortgage lenders speak, and we did have all these people speak. The one thing that I do recall that we didn't address is, is the missing portion of how to, to link the two. And I heard Member Johnson reference Bill 61, which is the start, but we need to link it, I think, to, to how to get that to happen.

The other thing that, that really hit me is hearing from the youth, Mr. Higa. And I also got a email testimony from the Youth Council that Member King had started that they, they are looking at this as their project bill. And I think, you know, when the youth speak and when they want to get involved on matters that really affect them, I would like to listen and involve them as well.

So, my preference also would be to recommit and work those issues out about linking Bill 61 and Bill 107, so that it's, it's a concurrent passage, not one before the other. So, or not Bill 61, but a mechanism to get the funds that have been allowed to open up from Bill 61 to 107. And also, involve Mr. Gilbreath and Mr. Apo for their, I guess Mr. Kuoha and bring the kids along, too, because it's an issue that they've expressed an interest in.

CHAIR LEE: Mr. Johnson, it's looking like you may not have enough, you may not have five to push this forward. So, would you consider recommitting?

COUNCILMEMBER JOHNSON: I will consider it. Okay, I have to. Yeah, let's do it. Because we, we have, the idea was that it's not going to start until next year once the HUD guidelines come out. So, if that's, that's what we have to do, we'll recommit it then.

CHAIR LEE: Okay. So, you want to withdraw your motion?

COUNCILMEMBER JOHNSON:

I WITHDRAW MY MOTION.

CHAIR LEE: Okay. And who was the seconder? Member King? Oh, Member Sinenci, I think. But then, he's gone. I don't know where they went. Well, I think Vice-Chair is on, but not her video. Member Kama is gone. And I'm not sure where Member Sinenci went.

Mr. Clerk, can we withdraw the motion if the seconder is no longer on the call?

DEPUTY COUNTY CLERK: Yes, Chair. My understanding is that, to withdraw a motion, only the motion maker needs to state their intention.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: Thank you, Chair.

CHAIR LEE: Okay. So, you withdraw the motion. Are you making a motion to recommit instead?

COUNCILMEMBER JOHNSON:

I MOVE TO RECOMMIT THIS BILL TO MY, OR TO THE AFFORDABLE HOUSING COMMITTEE.

CHAIR LEE: Okay. Is there a second?

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Moved by Member Johnson, seconded by Member Molina, to recommit Committee Report 22-62 to the Affordable Housing Committee.

Mr. Krueger?

DEPUTY COUNTY CLERK: Yes, Chair. Yes, I just wanted that clarification, if the recommittal included the entirety of Committee Report 22-62, as well as Bill 101, CD1 (2022)?

CHAIR LEE: Yeah, the entire Committee Report 22-62.

DEPUTY COUNTY CLERK: Thank you.

CHAIR LEE: Okay. Alright, thank you, Mr. Johnson. I know it's disappointing, but we'll make the bill better.

So, what is the next item, Mr. Clerk? Oh, I'm sorry, I didn't, I didn't take a vote. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SINENCI.

CHAIR LEE: Two, four, five, six, seven "ayes", two "excused"; motion carries. Excused are Member Sinenci and Pro Temp Kasha *[sic]*, Pro Temp Kama.

And then, Member, I mean, Mr. Clerk, what is the next item?

DEPUTY COUNTY CLERK: Chair, the last two items remaining on the agenda are Bills 65 and 92, CD1.

CHAIR LEE: Okay, can you bring them up?

DEPUTY COUNTY CLERK: Yes, Chair. Shall I call--

CHAIR LEE: One at a time.

DEPUTY COUNTY CLERK: --testimony--

CHAIR LEE: One at a time. One at a time.

DEPUTY COUNTY CLERK: Yes, Chair. So, proceeding with testimony on Bill 65 (2022) first. Chair, there are currently no individuals signed up to testify on this item, so we'll do a last call. If there are any individuals interested in testifying on Bill 65 (2022) and have not testified on it yet, please identify yourself now. I repeat, this is our last call for testimony on this item.

CHAIR LEE: Any objections to closing testimony and accepting written testimony for Bill 65-2022?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

BILLS – SECOND AND FINAL READING

ORDINANCE NO._____
BILL NO.___65___(2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, REGARDING THE ISSUANCE OF A MANAGEMENT RIGHT-OF-ENTRY FOR BRUSH CLEARING AND PUBLIC PARKING PURPOSES

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO PASS BILL 65 (2022) ON SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Mr. Molina, seconded by Member Sugimura, to move Bill 65 (2022) on second and final reading.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Bill 65 would authorize the Mayor or his authorized representative to execute the management right-of-entry permit attached as Exhibit "1" for the parcel identified located in Keawekapu, Kamaole, Maui, Hawaii.

The agreement would allow for public parking and the clearing of overgrown brush from an unencumbered portion of the State of Hawaii land consisting of approximately .524 acres, as identified in Exhibit A.

Budget Director stated that 100,000 was allocated in the Fiscal Year 2023 Budget to clear the area and create about 50 temporary parking stalls that can be used immediately.

Moving forward, if this passes, signage for beach access parking will be installed to prohibit parking for commercial or other purposes. And a parking lot attendant or security guard may be hired for long-term management and enforcement of parking restriction.

The right-of-entry is valid for one calendar year upon approval of the agreement.

And much mahalo to community advocate, shoreline advocate, Ms. Nishiki, for her efforts. Thank you, Madam Chair.

(Councilmember Sinenci returned to the meeting at 3:23 p.m.)

CHAIR LEE: Any more discussion? Okay. All those in favor of the motion of passing Bill 65 (2022) on second and final reading, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, now we have back, Mr. Sinenci and Vice-Chair Rawlins-Fernandez. So, we have two, three, four, five, six, seven, eight. Eight "ayes", zero "noes", one "excused"; Pro Temp Kama. Motion carries.

Next item. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next item is Bill 92, CD1 (2022). We'll call testimony on this item at this time. Chair, there are no individuals signed up to testify on this item. But we'll do a last call. If there are any individuals who would wish to testify on this item, please identify yourself now. I repeat, this is our last call for testimony on Bill 92, CD1 (2022).

CHAIR LEE: Members, are there any objections to closing public testimony and accepting written testimony into the record for Bill 92, CD1 (2022)?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

ORDINANCE NO._____
BILL NO.___92, CD1___(2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.60, MAUI COUNTY CODE, RELATING TO A RESIDENCY REQUIREMENT FOR BOARD, COMMISSION, AND COMMITTEE MEMBERS

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO PASS BILL 92, CD1 (2022) ON SECOND AND FINAL READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Been moved by Member Molina, seconded by Member Sinenci, to pass bill second, Bill 92 on second and final reading, CD1 (2022).

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Bill 92 would establish a requirement for board, commission, and committee members to at a minimum, be a Maui County resident with a general understanding of Maui County and the challenges faced by the community.

"Resident" is defined as "a person who meets the requirements of a home exemption claim under Section 3.48.050, Maui County Code, other than the requirement to own and occupy real property as a principal home".

Residency by an appointee outside of the County, or failure to report a residency change outside of the County would justify removal from a board, commission, or committee.

I want to thank our colleague from West Maui, Member Paltin, for introducing this legislation. I ask for the Members full support of this motion. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER KAMA.

CHAIR LEE: Okay, I see one, two, three, four, five, six, seven, eight "ayes", one "excused"; Pro Temp Kama. Motion carries. Zero "noes".

Mr. Clerk, have we covered all the items?

DEPUTY COUNTY CLERK: Chair, there is no further business before the Council.

CHAIR LEE: Oh, my goodness. Alright, Members, do you have anything you wish to add? This has been a very confusing day.

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Just extending my sentiments, safe travels to our compadres going up to the NACo in Colorado.

CHAIR LEE: Yes. And we all ditto that. Yeah, safe travels to all. Any, anything else anyone?

Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Just want to follow that blessings for our members going up to Colorado. If you get a chance, please say aloha to my daughter. She lives in Denver. Thank you.

CHAIR LEE: Yes, please do. Malia.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Quite a meeting we just had over two days. And I want to thank all the Members who submitted bills and we got to, you know, kind of hash it all out. And appreciate the hard work. Thank you.

CHAIR LEE: Thank you. Well, all of your hard work, everyone's hard work is very much appreciated.

Member King.

COUNCILMEMBER KING: Thank you, Chair. To, well, I was just going to give a word of caution when you go to Colorado, just be safe. That is the land, I think they were the first State to legalize marijuana. So, be good.

And then, thank you, Chair, for running the meeting. I know you're still a little bit under the weather and it's not easy to deal with this new Sunshine Law, so thanks for helping us navigate through it. And, you know, we'll probably still be navigating through it in our Committees. But my, my, my prediction is that our Committees will be a little more, our Committee meetings may be a little more compact now, maybe one or two items instead of four or five, just knowing that we, you know, testimony could take most of the meeting. So, maybe that's a good thing?

CHAIR LEE: Yeah. Thank you, Member King. Appreciate the comments. So, everyone, all of you take care until we see you tomorrow probably. And this meeting of July 18, Monday, 2022, it is approximately 3:28, is now adjourned.

ADJOURNMENT

The regular meeting of July 15, 2022 was adjourned by the Chair on July 18, 2022 at 3:28 p.m.

Kathy L. Kaohu

KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

220715/lks:jm

County Clerk

RECEIVED
2022 JUL 11 AM 7:58
OFFICE OF THE
COUNTY CLERK

From: Eric Miyasato <eric@hawaiianlights.com>
Sent: Saturday, July 9, 2022 12:24 PM
To: County Clerk
Subject: Bill No. 21, CD1, DF1 (2022) (Full Council meeting 7/15/2022)
Attachments: Bill 21 CD1 FD1 (2022).pdf

You don't often get email from eric@hawaiianlights.com. Learn why this is important

Dear County Clerk,

I would like to submit this email as my testimony against Bill 21 CD1, FD1 (2022) in its current form.

I have highlighted the DELETES (RED) and the proposed CHANGES (Yellow) on the form.

The bill still requires ALL outdoor fixtures, except for Neon, to be a filter light with a ratio of less than 2% blue light content.

Noted exemptions Section 20.35.070

- A.2. Low wattage fixtures used for holiday decorations.
  - What defines Low wattage?
  - What defines which Holiday?

  This does not seem to address the festivals, concerts and special fair events.

- B. "except that temporary, portable lighting used for emergency services including public safety, road construction or emergency repair"
  - The exemption for Sports fields is valid as Color rendition is important in outdoor sports and is an industry standard.
  - The exemption for emergency services, could be challenged with the last statement which defines " may remain exempt from this chapter beyond the three-year period if, and for only as long as, there are no compliant lighting fixtures available that meet industry standards for emergency services". There are a few 2% filtered lights that could be applied as area or floodlights in this application, so what defines "industry standard" for emergency services.

Also, as mentioned before, this Bill in its current format will restrict and force the 2% blue light content for

Outdoors Sales (Car lots, garden areas, etc.)
Outdoor Eating (restaurant, food trucks, etc.)

Private business outdoor facilities (Driving ranges, batting cages, hotel Tennis courts, etc.)

All outdoor fixtures for residential properties.

Special illuminations of County Buildings (example would be the County Building illuminated in Yellow & Blue for Ukraine earlier this year 2022).

Outdoor signage (external and internal illuminated types) located outdoor.

Lasty, I would like to mention that this Bill in its current form will be a heavy cost expense for the residents of the County of Maui.
I hope that the Full Council understands the implications when voting on this Bill.

Aloha,

Eric Miyasato, P.E.
808-226-5973

ORDINANCE NO. _____

BILL NO. 21, CD1, FD1 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING SEABIRDS FROM OUTDOOR LIGHTING

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this Ordinance is to protect native Hawaiian seabirds from becoming disoriented by artificial lights during their maiden flights from their burrows out to sea. This is often referred to as "fallout" and leaves the birds at risk of predation by cats, mongoose, and other predators, as well as vulnerable to vehicle collisions and starvation.

Native Hawaiian seabirds are an important part of Hawaiian history and were traditionally used by navigators to find their way back home to their islands. They also help our fishermen locate schools of ahi and are critical to our watersheds by helping to fertilize the soils and nearshore coral reef habitats with marine nutrients found in their droppings.

The Council's intent is to protect native Hawaiian seabirds as much as possible from interference of onshore sources of artificial light.

SECTION 2. Section 20.35.060, Maui County Code, is amended to read as follows:

"**20.35.060 General Requirements.** A. All new outdoor lighting fixtures ~~[shall]~~ must comply with the requirements of section 20.35.090.

B. All outdoor lighting fixtures that were legally installed before January 25, 2007, ~~[shall]~~ must comply with section

20.35.090 [by January 1, 2020, except class III lighting fixtures that were legally installed before January 25, 2007 shall be exempt from section 20.35.090].

C. Mercury vapor [shall] must not be used for new outdoor lighting fixtures or for the replacement of existing outdoor lighting fixtures. All existing mercury vapor outdoor lighting fixtures [shall] must be removed [within ten years of the enactment of this ordinance.] by January 25, 2017.

D. All outdoor lighting fixtures, except for neon, must limit short wavelength content to no more than two percent of blue light content. "Blue light content" means the ratio of the amount of energy emitted by the outdoor light fixture between 400 and 500 nm divided by the amount of energy between 400 and 700 nm.

E. All outdoor lighting fixtures, except for neon, must be:

1. Down directed with no light shining above the horizontal. Wall-mounted fixtures must have opaque shields to direct all light down, and, if the light hits a wall surface, the surface must be non-reflective (e.g., not a polished or glass surface; painted surfaces must have matte paint).

2. Fully shielded, including shielding that ensures no light shines over the ocean.

3. The director of public works must develop administrative rules that set height restrictions for outdoor lighting within one year of the effective date of this ordinance.

F. The director of public works must establish and maintain a list of light fixtures that comply with this chapter."

SECTION 3. Section 20.35.070, Maui County Code, is amended to read as follows:

"**20.35.070 Exemptions.** A. The following [shall be] are exempt from the provisions of this chapter:

[A.] 1. All outdoor lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline[.].

[B.] 2. Low wattage fixtures used for holiday decorations only[.].

[C. Temporary lighting used for public safety, road construction or emergency repair, field harvesting, and road crossing;

D. Temporary hotel and condominium beach security lighting;

E. Safety and security lighting for water features, except that water feature lighting such as for waterfalls, jet sprays, and

bubblers shall be subject to the usage restrictions of section 20.35.090;

F. Replacement of outdoor lighting fixtures legally installed before the enactment of this ordinance with the same or like fixtures; provided, that such lighting fixtures shall be subject to sections 20.35.060.B and 20.35.060.C;

G. Outdoor lighting fixtures on a motion sensor timed to turn off within a five-minute time limit;

H. Lighting on federal and State properties and on areas under the jurisdiction of the federal and State government, including, but not limited to, Hawaiian home lands, State conservation districts, airports, and harbors.]

B. All outdoor lighting fixtures installed or used as portable lighting prior to the enactment of the ordinance establishing subsections 20.30.060(D) and (E) are exempt from the provisions of those subsections for a period of three years from the date of enactment of the ordinance establishing those subsections; except that temporary, portable lighting used for emergency services including public safety, road construction or emergency repair, and road crossing and lighting for sports and athletic fields on state of Hawaii department of education properties, private school properties, and County parks and facilities may remain exempt from this chapter beyond the three-year period if, and for only as long as, there are no compliant lighting fixtures available that meet industry standards for emergency services and sporting events."

SECTION 4. Section 20.35.090, Maui County Code, is amended to read as follows:

"**20.35.090 Shielding requirements and usage restrictions.** Outdoor lighting fixtures [shall] must 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] Fully 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] Fully 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
Others	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] must be turned off no later than one hour after conclusion of activities."

SECTION 5. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 6. This Ordinance takes effect on January 1, 2023.

paf:jbf:22-161a

INTRODUCED BY:

Kelly T. King

KELLY TAKAYA KING

DIGEST

ORDINANCE NO._____
BILL NO. 21, CD1, FD1 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING SEABIRDS FROM OUTDOOR LIGHTING

This bill proposes to amend Chapter 20.35, Maui County Code, to regulate all outdoor lighting fixtures, including swimming and decorative pool lighting, to limit short wavelength content that are down directed, fully shielded, and mounted as low as physically possible to limit light trespass and reflection off ground surfaces to protect native Hawaiian seabirds from becoming disoriented by artificial light.

I, KATHY L. KAOHU, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 21, CD1, FD1 (2022) was passed on First Reading by the Council of the County of Maui, State of Hawaii, on the 1st day of July, 2022, by the following vote:

AYES: Councilmembers Gabriel Johnson, Kelly T. King, Michael J. Molina, Tamara A.M. Paltin, Shane M. Sinenci, Vice-Chair Keani N.W. Rawlins-Fernandez, and Chair Alice L. Lee.

NOES: Councilmember Yuki Lei K. Sugimura.

EXCUSED: Councilmember Natalie A. Kama.

DATED at Wailuku, Maui, Hawaii, this 8th of July, 2022.

Kathy L. Kaohu

KATHY L. KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.

Jerome Kekiwi, Jr. - President
Norman Martin, Vice-President
Earl Inouye - Treasurer
Jennifer Kekiwi-Brown - Secretary
Darryl Tau`a - Sgt at Arms
Guy Mahilani Namahoe
Radford Ka'auamo
Nichole Inouye-Nohara
Shane Tegarden

NA MOKU AUPUNI O KO'OLAU HUI
KE'ANAE - WAILUANUI, MAUI

Kūpuna Council:
Edward Wendt
Carl Wendt
Terrence Akuna
Murphy Tau-a

Administrator
Mahealani Wendt

Administrative Assistant
Amanda Martin

RECEIVED
2022 JUL 15 PM 12:32
OFFICE OF THE
COUNTY CLERK

July 15, 2022

Council Chair Alice L. Lee
Maui County Council
200 S. High Street
Wailuku, HI 96793

Dear Chair Lee and Members of the Council:

SUBJECT: COUNCIL RESOLUTION 22-119, CD1, FD1 "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH A MAUI NUI COMMUNITY WATER SYSTEMS AND AN EAST MAUI REGIONAL COMMUNITY BOARD"

For over 30 years of fighting all the powers that be – the state, county, labor unions, big corporations, their vast network of supporters, here we are today. When you think about the history of the East Maui waters, this fight dates back to the 1800's.

The dewatering of the streams deprived all the people of East Maui and greatly impacted all of our communities. It was so heartbreaking for many not to see water in the rivers. The entire East Maui was diverted – the largest diversions ever. These are crown lands that belong to the people. We are protecting our constitutional rights which is native rights in the public trust.

We need to gain control over our own water rights. Hawaii's public trust resources should be controlled by Hawai'i. A foreign for-profit entity should not be managing or controlling our water in East Maui. They will manage it in their own best interest and not the interest of the county, nor the public trust. They are responsible to their shareholders to make a profit. DHHL supports the County receiving the leases because a private foreign entity has no obligation to uphold the public trust doctrine or the Hawaiian Homes Commission Act which guarantee water to Hawaiian Homes. They have had trouble getting water under the current lease agreement.

There is plenty of water for everyone if the system is fixed and the watershed is managed properly. We want to be sure that we focus on growing our water supply for future generations.

We have the expertise and in-depth knowledge that can properly manage the watershed and efficiently restore the eco system. We have the most hands-on experience and generational knowledge of anyone involved and needed to properly manage the watersheds.

What we want is community partnership, management, and stewardship. It's been four years since streams were restored in our moku and we have done everything within our power and means to be good stewards. This is not a business proposition for us, but one of sacred kuleana!

We have no quarrel with company operatives on the ground and our community currently has a good relationship with representatives from the company. Like Maui County we support agriculture and want to see everyone succeed. We have never denied any farmer or business access to water. Upgrading the system on public and private land benefits everyone.

The time is now to take control of our water! Our community's mission is to be good stewards of the land and its resources. We want a seat at the table always when East Maui water is concerned or any issue concerning East Maui. We remain open to working with all stakeholders to move forward in a pono way.

Thank you for the opportunity to testify.

Aloha,

Amanda M. Martin

Amanda M. Martin
Administrative Assistant

P.O. Box 81642, Ha'iku, HI 96708 Namokuaupuniokoolauhui@gmail.com (808) 248-4401

County Clerk

From: K Martin <ikuwa74@gmail.com>
Sent: Friday, July 15, 2022 4:33 PM
To: County Clerk
Subject: Testimony for CR 22-16 / Bill 22119

RECEIVED
2022 JUL 15 PM 7:26
OFFICE OF THE COUNTY CLERK

You don't often get email from ikuwa74@gmail.com. Learn why this is important

Aloha my name is Kalae Martin,

I am a kanaka maoli born on the island of Maui. My parents were one of the first residents on E. Waipuilani Road and have lived there since 1972. I am deeply concerned with The Hale Waipuilani Housing development CR22-61 and the negative impact it will contribute. I oppose this project for the following reasons:

1) Flooding: I have personally experienced nature's fury over the years from tsunamis, hurricanes, brush fires some of which resulted in evacuation to safer shelter and higher ground. The most common threat we endure is flooding . There's been numerous times these roads are closed due to inaccessibility and flooding into neighboring homes resulting in considerable damage.

2) Road Safety: I grew up on Waipuilani when there was no access to Liloa Street. It was safe to play ball, ride your bike freely on the road. As time passed the road opened, paved with speed bumps and became very unsafe due to the fact that people speed on the road with disregard to the posted 20mph signs. MPD is notorious for flying down the road at high speeds. We keep our kids in the house or play in the driveway under adult supervision. There's many pedestrians, bicyclists and now electric bikes that speed up the roads. There are no sidewalks to walk on.

S. Kihei Rd. Another busy and dangerous road. Even though there's crosswalks it's hard to see pedestrians because of lack of lighting.
Several occasions Waipuilani road becomes gridlocked with traffic due to detours for accidents and road work. The project would cause more traffic.

3) Work Force Housing: It was suggested in past zoom meetings these housing would be ideal for police officers, firefighters, nurses and possibly a working young adult ALLI living together. For me who has an employed young adult son. I can tell you he would not be interested in the price and size or probably qualify for this type of housing. So if we're not making it "reasonably affordable" for local residents then who are we attracting? How do we get local families into actual homes?

4) Kuleana; In the last zoom meeting on this project I felt my na'au (gut) lead me in a different direction to address our kuleana as kanaka. Therefore, I suggested the developers ho'olohe (listen) to the kupuna who have personally experienced living there for many years. We each have the kuleana to be good stewards of what God has entrusted in our care which is his 'aina and one another. This type of project is not ideal for this residential area and an a'ole for me.

Finally, I'm in support of bill 22119 as a Kalo farmer, it's important that our community and our county use our water resources, not a corporation. We've seen in the past what corporations have done. This bill should be put on the ballot to vote.

Mahalo for your time

County Clerk

RECEIVED
2022 JUL 14 AM 11:10
OFFICE OF THE
COUNTY CLERK

From: marty.cdb@gmail.com
Sent: Thursday, July 14, 2022 10:42 AM
To: County Clerk
Subject: Committee Report No. 22-62

You don't often get email from marty.cdb@gmail.com. Learn why this is important

The Honorable Ms. Alice Lee
Chair, Council of the County of Maui
200 South High Street
Wailuku, Hawaii 96793

Re: Committee Report No. 22-62
First Reading of Bill 107, CD1 (2022)

Dear Chair Lee,

I am an State of Hawaii licensed architect and general contractor; residing on Maui for the last 30 years.

I do not support Bill 107, CD1 (2022), in its current form.

I have participated in several workforce housing projects both as an architect and builder, including one of my own projects:

- Napili Hau Villages – As the architect.
- Iao Parkside – As the architect.
- Nanea – As the architect.
- Pi'ilani 1 and 2 – As the architect.
- Waikapu Gardens 1 and 2 – As the architect.
- Kahoma – As the architect.
- Waiale Elua – As the architect.
- Kua'aina Mauka – As the architect, builder and part owner.

Local Builders legitimately struggle to provide affordable housing, on Maui, under the current price guidelines and exponentially increasing costs; thus Maui ends up lacking inventory that meets the current sales price guideline.

All builders are faced with uncertainty regarding materials prices, labor prices and State Federal and County regularity red-tape; therefore most contractors are now leaning towards providing only cost plus contracts.

These types of contacts do not leave room for Affordable units.

Making Affordable housing even harder to provide will reduce the number of units even further. Affordable housing builders are faced with the additional risk of an increase in the prevailing interest rate, which serves to lower sales prices and increase their out of pocket costs.
By lowering the affordable housing sales prices, in a perfect world Maui residents would be able to qualify for and purchase affordable housing.
However, this Bill would result in there not being any homes available that meet the "Affordable" guidelines.

I am a father of 3 children and 4 step children; 5 that live in the islands and three that live here on Maui.
One lives with my wife and I.
One lives with her in-laws.
And the last one, a single mom with three young children; is supported by my wife and me.

Please leave the Affordable sales prices in their current form; in my opinion the County could best assist local builders' efforts, in building affordable housing, by providing:

- Basic public infrastructure required for housing.
- Reducing the enormous amount County driven "red tape".
- Providing subsidies to the Buyers.

Thank you for considering my testimony,

Best Regards,
Marty Cooper

CWA Ventures, LLC - License 7350-A, Principal Architect
Cooper Design Build, Inc. - License BC 27530, RME / General Contractor
246 Papa Place Unit 2, Kahului, HI
PO Box 1062, Puunene, Hawaii 96784
Cell: 808 870 3274

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county.clerk@mauicounty.us

From: Jim Hayes <jim@psi-hi.com>
Sent: Friday, July 15, 2022 12:12 PM
To: County Clerk
Cc: Jordan Molina
Subject: Jim Hayes testimony

RECEIVED
2022 JUL 15 PM 12:35
OFFICE OF THE
COUNTY CLERK

You don't often get email from jim@psi-hi.com. Learn why this is important

Dear Clerk,
I provided oral testimony today just before the lunch break. Council members asked that I provide my testimony in writing. They also asked that I share the Draft Environmental Assessment (DEA) with them. I understand that Director Molina is sending the DEA to the Council members via email.
My testimony follows:

My name is Jim Hayes. I am the principal planner at Planning Solutions, Inc. in Honolulu.

I am testifying on Bill No. 21, CD1, FD1 (2022). I am not a paid lobbyist.

I have years of experience assessing impacts to threatened and endangered seabirds in Hawai'i. I led a team that recently completed a Draft Environmental Assessment of the proposed Maui County Streetlight Conversion Project. The Draft Environmental Assessment will appear in the July 23 edition of The Environmental Notice.

The Maui County Streetlight Conversion Project involves the replacement of the approximately 4,900 County-owned streetlight fixtures. It would involve the removal of the existing High Pressure Sodium (HPS) light fixtures and the installation of fully-shielded, energy-saving Light Emitting Diode (LED) streetlight fixtures. The LEDs would have a correlated color temperature (CCT) of 2700K, they could be wirelessly controlled, and they comply with existing administrative rules. The project includes the implementation of adaptive lighting to avoid and minimize impacts to wildlife; those measures would including dimming, when and where appropriate.

In the Draft Environmental Assessment we consider an alternative that would utilize a lower blue light content streetlight, such as the one that would be required under Bill 21. That alternative was eliminated, and Bill 21 reconsidered, for the following reasons:

- A lower blue light content alternative would not provide better shielding, which is the most critical element of lighting to avoid and minimize impacts to seabirds.
- The potential wildlife impacts associated with an alternative that used a low blue light content fixture county wide would likely be similar to the impacts associated with the proposed conversion project. There are two main reasons for this:
    - First, there is no evidence that seabird light attraction would be meaningfully reduced using a low blue light content fixture. It is important to note that the U.S. Fish and Wildlife Service and Hawai'i's Department of Land and Natural Resource do not mention using a low blue light product to avoid and minimize impacts to Hawaiian seabirds.
    - Second, the proposed conversion project's adaptive lighting measures, include the use of low blue light fixtures in certain shoreline situations. This is important because it is sea turtles, not seabirds, that are adversely affected by blue light.
- That during the 2016 demonstration project on Maui Lani Parkway we learned that residents and agency representatives prefer streetlights that have more than 15 percent blue light. The public and safety agencies would find a low blue light alternative unappealing and potentially detrimental to their safety, as testifier Eric Miyasato demonstrated.

- Further considering safety, the County of Maui Police Department told us that LED lighting is recommended in a policy titled "Crime Prevention Through Environmental Design." LEDs are recommended because they allow colors and objects to be more visible and appear sharper. These benefits are only realized when the LED produce a broad spectrum of light. A low blue light LED would not produce a broad spectrum of light and, therefore, be inconsistent with the desires of the Maui Police Department and the Crime Prevention Through Environmental Design policies.

Have a good day,

Jim Hayes
Principal Environmental Planner
Planning Solutions, Inc.
711 Kapiolani Boulevard, Suite 950
Honolulu, Hawai'i 96813-5213
O: 808-550-4559; C: 808-354-4553
www.psi-hi.com

County Clerk

From: Rick Alexander <frankrickalexander@gmail.com>
Sent: Thursday, July 14, 2022 4:49 PM
To: County Clerk
Subject: We Don,t Need: workforce housing at Hale Waipuilani

You don't often get email from frankrickalexander@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families Not PILGRIMS From THE MAINLAND Who Haven't Been on Maui For Atleast 10 Years Plus. We support A ffordable Housing For Real LOCALS
Please Don't Vote in favor of Resolution 22-61. This Housing Project Will Not Be For Real LOCAL Families and ButBecome Market housing for offshore PILIGRIM HAOLE Buyers.

Mahalo! Rick Alexander

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2022 JUL 15 AM 7:58
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Rick Alexander <frankrickalexander@gmail.com>
Sent: Thursday, July 14, 2022 5:13 PM
To: County Clerk
Subject: We Don't Support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from frankrickalexander@gmail.com. Learn why this is important

Aloha Councilmember,

Maui Need Affordable Homes for Real LOCAL FAMILIES But Not In That LOCATION. !st It's Not The Proper Area Because Of WETLANDS and FLOODING ETC. We Need To Find Areas That Has Proper INFRASTRUCTURE To Allow That LOCALS ARE SAFE.
PLEASE VOTE NO FOR Resolution 22-61. We Do Support housing for REAL LOCAL FAMLIES WHO BEEN ON ISLAND AT LEAST 10 YEARS PLUS. We Have Enough PILGRIM HAOLES That Claim To Be Needing This Type Of Housing Then Few Years Later Sell And Move Out And Then The REAL LOCALS GOTTA MOVE.....CHECK IT OUT DO YOUR HOMEWORK YOU WILL SEE IT.

Mahalo! Rick Alexander

RECEIVED
2022 JUL 15 AM 7:59
OFFICE OF THE
COUNTY CLERK

Date: 7/14/22
To: The Honorable Councilwoman Alice Lee:
From: Wade Hondo
RE: Bill 21 - Outdoor Lighting Bill

RECEIVED
2022 JUL 15 AM 8:05
OFFICE OF THE
COUNTY CLERK

To the Honorable Councilwoman Alice Lee:

The MIL is concerned with the following issues that will affect the 4-5000 student athletes as well as the many students, parents and supporters from the 13 different schools that make up the Maui Interscholastic League. Sports highly impacted will be football, cheer, girls and boys soccer, swimming and diving, baseball, softball, track and field, tennis and water polo but the effects will be felt by all disciplines.

Our concerns include the following:

- Funding - Will there be enough funding to make the necessary changes? With this bill being all-encompassing, the concern is where the lights associated with high school youth athletic events fall regarding priority in the budget. The rising cost of equipment and shipping expenses are being felt at all levels. We are concerned that now that everything is more expensive, it will take longer to secure the funds within the exemption period and the night game opportunities that we have been afforded by State and County venues for our student-athletes will be taken away.
- Timeliness of changing of equipment - County and the DOE have different procedures and protocols. Because of the constant use of the facilities by both the schools and the community, the concern is the length of time needed to make the changes. Shutting down fields for extended periods of time to make these changes will impact practice times and availability to hold MIL and state events. I am unclear how it works with the County regarding how they schedule major projects. With the DOE, projects have already been lined up, some for many years, which may put this project outside the exemption window.
- Maintenance, upkeep and updating equipment - We are concerned that there will be enough funding available to do all of these things. We are concerned that there are a very limited number of companies that are trained to fix issues regarding these types of light fixtures and there is proper equipment on the island to do so. The Department of Education has their own procurement system and it does take time to secure funding and get approved vendors.
- Projects already being planned and funded - The concern is that other projects will be put on the side in order to satisfy this requirement. We are in the design phase to get new locker rooms-dance-weight room facilities. Baldwin High School also just recently got funding for the design phase of a girls locker room. I am personally concerned that a project to create lighting compliance will now put those critical projects we have waited years for on hold and, again, our student-athletes and all those students that are required to take PE in the school will continue to lose out.

As the MIL baseball coordinator, many schools rely on County facilities to support their programs. Maehara stadium is considered one of the flagship grass stadiums in the state and is where 2 MIL teams hold practices and is where our MIL baseball pre-season, regular season and postseason games are played. In addition, the HHSAA state tournament is held here every 3 years which brings in teams from

Oahu and the Big Island and is televised on OC16. The state tournament being on Maui allows our Maui teams to save money on travel as well as allows family, friends and the community an opportunity to watch our student-athletes in-person compete against the best in the state.

Our baseball specific concerns are the following:

- Officials - We are in an official shortage and have been for some time. Most of these officials have primary jobs and umpiring is their second job. Having games at night allows these officials to finish work and then make it to the field in time to umpire.
- Safety - We are concerned that changes made to the lights will affect the ability for players to track down the baseball (fly balls, foul balls, infield hits, etc.). Heat Illness is also a concern if day games are the only option.
- Access to the community - Most parents work during the day and most teams need to travel to get to the stadium. Night games allow parents and supporters to attend after work and allow players to play after school is done. Not being able to have night games because lights are not available will put strain on the families wanting to see their kids play and a strain on the players who want their friends and family there to support them.
- Scheduling - Division 1 plays a 12 game schedule plus an MIL tournament which is supported by the fact that we can have night games so multiple teams can play at one central venue at Maehara stadium. If we were unable to have night games, we would need to play at multiple fields and would be limited by daylight which puts a strain on the officials being limited to only officiating 1 game due to location and we would need to start earlier. To get our game season in and to ensure games could be played completely (before we run out of daylight) would mean pulling kids out of school and we are concerned that would put a strain on their academic success.
- Opportunities - With practices and games confined to daylight hours, there is an inequity created with opportunities for our student-athletes in "prime" event hours. Student-athletes on Maui will lose opportunities that other student-athletes in the state have and that would put them at a disadvantage for such things as scholarships and recruitment. Most state tournaments have the higher ranked games at night (higher ranked opening match-ups, quarterfinals, semifinals and championship games) and if our kids are not used to playing under the lights it is again a disadvantage.

We are asking that the Bill be sent back to committee so that these concerns can be addressed and that there is a solid plan that has been developed and in place to help ensure that our student-athletes, student body, families and community supporters in the MIL do not lose out again. We are trying to speak and represent the many student-athletes and stakeholders who have gone through so much with the shutdown of seasons and the restrictions that continue to be in place with high school sports. We are concerned that unintended issues created by this bill may/will become an additional burden and affect our children and our community's social-emotional recovery in very negative ways at a critical time where they are just starting to see things get better.

Thank you for your time and consideration.

Aloha:

Wade Hondo

County Clerk

From: AH Committee
Sent: Friday, July 15, 2022 9:07 AM
To: County Clerk
Subject: FW: Opposing waipuilani hale building

RECEIVED
2022 JUL 15 PM 12:34
OFFICE OF THE
COUNTY CLERK

-----Original Message-----
From: Jennifer Chapman <chapman8187@hotmail.com>
Sent: Thursday, July 14, 2022 8:49 PM
To: Alice L. Lee <Alice.Lee@mauicounty.us>; AH Committee <AH.Committee@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Tasha A. Kama <Tasha.Kama@mauicounty.us>; Gabe Johnson <Gabe.Johnson@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Mike J. Molina <Mike.Molina@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>
Subject: Opposing waipuilani hale building

[Some people who received this message don't often get email from chapman8187@hotmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

> Aloha
>
> My name is Jennifer Chapman and my husband and I own a house at the address of 36 e Waipuilani rd. Directly across from the proposed new development. I'd like to first say that we in this neighborhood have never said we don't want work force housing or affordable housing for other local working class residents. We are WORKFORCE working class residents !!! I work in hospitality as a waitress and my husband is in construction, and many others in the neighborhood are also in the tourism industry.
>
> I feel the developers have twisted a lot of our concerns to fit the narrative for them to move forward with a project that as they call it is a "fill-in" we do not want a "fill-in" condominium because let's be honest 28 units is not a single family structure in a multi single family neighborhood. The developers have been offered a land swap and have declined because "it will take to long" Why Cram something into such a small space that is notorious for flooding, night traffic ect.. Thai is because This project isn't for the people it's about profit and cutting corners, But they keep saying they are doing this for the community?!
>
> Some of my/ our biggest concerns for something that large are:
>
> - There are no lights here in the evenings it's black as can be and no sidewalks. I personally and a few other wear LED vests when walking in evenings early mornings. I've had 2 pets run over by cars. People speed down this road all the time, yes even with the speed bumps. Ask the police how many tickets they write for not stopping at a stop sign right up the road.
>
> - People have been hit by cars right in this area and on south kihei rd. There aren't well marked crossing areas, and no one really ever stops day or night unless you are the pediatrician and get a little aggressive to cross, and again no side walks. Adding 28 units on a crowded road with speeding and small Intersection with no traffic lights in a family neighborhood sets people up for more accidents and traffic issues ect. Not to mention back up traffic when piilani highway is shut down or south kihei rd....
>
> - Flooding is real here look what happened in December 2021 as 1
> example the damage is mostly from all the "fill-in" development that didn't allow the water to navigate appropriately or naturally, damaging many peoples homes, condos, cars ect.... It may not happen all The time but it WILL and DOES happen.

>
> - Parking: There is very limited off road parking; this project is projecting 3 guest parking spots? 28 units 2 cars per unit with 60 parking spots is going to end up just like Kihei villages where people have to park on other roads, and neighborhoods and walk home in the dark, this is not well Thought out cramming as much as possible into a small space for profit and again no side walks!!!
>
> - In one of our zoom meetings when we asked the developers where they got their average family income numbers from they said it was based off a mother and father working 2 JOBS! And a child of age to work a small job to contribute to paying the mortgage.... I'm sorry WHAT?! Does that seem like any type of life for anyone? The average maui house hold income as of 2020 is 72k on the high end 36k lower end. How about the mother with a new born, how does she work 2 jobs pay child support and dad do the same? Seems like a fantasy on someone else's end who doesn't really have a family structure to base facts off of. Even with a income of 72k the families they are proposing to, at 20% down will need 140k as a down payment for a house at 700k that's "affordable" especially In the market now....
>
> For reference my husband and I in 2016 bought our house it was a bank
> owned at 570k we were only able to do this because at the time there
> was a deal for 3% down and no PMI insurance. That was 19k down we at
> that time as things have changed over the past 2 years with Covid made
> 140k combined (and this is what we could afford) .... I'm curious how
> the work force the developers keep trying to "help" are going to do
> 140k down when we are workforce and barely had 19k?...
>
> Another question How long on the market will this be open to locals before they open it up to anyone on the market to buy? Last I heard from them it was 90days..... how about we wait 1 year giving the local work force time to gather that down payment?
>
> Lastly the part that really upset us the most was when Doyal Betsil
> basically tried to talk my neighbor into signing over his easement with out explaining why.. SUPER SHADY. Hank was told it's just protocol but when he went to get it signed at the notary she asked why would you sign his rights away to his Property??? Good question how much integrity do these guys actually have in helping the community.. And again he tried to strong arm Hank to do it after Hank said no, at that Point we all said no don't do that... Hank is a older gentleman who really believes that people are out to help him and do things out of kindness and integrity this was from a place of greed and deceit.
>
> This is not the right project for this area but this project is needed
> just not in this small space.... Sticking to the original plan that this
> neighborhood was developed as, 4 single family homes and a few ohanas
> can still be affordable and help other work force resistants...
> squeezing as many units as you can to make profit when it's not safe
> or even zoned for is unreasonable and that's what the 200 signatures
> were for...
>
> Mahalo for your time
Jennifer Chapman

Sent from my iPhone

County Clerk

From: AH Committee
Sent: Friday, July 15, 2022 9:07 AM
To: County Clerk
Subject: FW: Against the "Waipuilani hale" development County TESTIMONY 7/14/ 2022

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2022 JUL 15 PM 12:34
OFFICE OF THE
COUNTY CLERK

From: gabriel krueger <aspsgabe@gmail.com>
Sent: Thursday, July 14, 2022 10:11 PM
To: AH Committee <AH.Committee@mauicounty.us>
Cc: Alice L. Lee <Alice.Lee@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Tasha A. Kama <Tasha.Kama@mauicounty.us>; Gabe Johnson <Gabe.Johnson@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Mike J. Molina <Mike.Molina@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>
Subject: Against the "Waipuilani hale" development County TESTIMONY 7/14/ 2022

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Aloha,
My name is Gabriel E Krueger resident of 36 E waipuilani rd.
Here are some talking points with my additional comments. My perspective is coming from a contractor, which is what I do for a living and as a resident.

- New Housing should not be located in high-risk areas, such as flood zones (Why is the county considering this project and considering an exemption, when other residents have to abide by the county laws with no exceptions/exemptions)
- This oversized development is poorly placed in a flood plain and notorious flood zone. (The lot should be 4-5 single-family dwellings with ohanas, like the adjacent neighborhood)
- The area in particular has an aging infrastructure, no sidewalks, and no stormwater management system. (During the day Waipuilani rd has already way to much traffic and walking /biking pedestrians have nowhere to go except the middle of the road.) (pets/children are high risk for accidents)
- This high-density project will increase traffic problems for local residents and South Maui. (These intersections are already maxed out and added 28 units and the people associated to that is way too much....more people more cars more accidents)
- This Developer has a long history of building in wetlands, and flood zones, and degrading the watershed. (When my house was built around 1991 the FEMA maps were not updated as they are now. Kihei is already a disaster when it comes to excess rain as we found out on December 12th 2021...mud slides)
- Approx 200 local residents signed a petition against this project, but the developers have now created a "counter-petition". (The counter-petition if signed by someone who has no clue about this area, we do need more affordable housing...100% but not here.)
- Local residents have informed the Builder about the potential harm to Archeological Sites (including nearshore fishponds) etc. Residents have repeatedly informed Builders about flooding issues, traffic problems, and pedestrian safety issues. (This proposed development needs to live somewhere where it would fit into the community)

- The Developer's representative has been disingenuous with the local residents at several meetings and has repeatedly failed to provide meeting minutes and reports that were requested and promised to the residents. (Red flag)
- Documents not shared by the Developer with residents include Traffic reports, Cultural Reports, Meeting Minutes, etc. (Red flag)
- Traffic problems decrease area safety, by increasing the number of residents needing evacuation during natural hazards, tsunamis, etc. (Again 4-5 homes not 28)
- Increased Traffic reduces the ability of EMS to access these areas and reduces their ability to provide timely responses. (More traffic more problems, thinking we have a lot of issues to deal with before we add more problems with no solution)
- This project is asking for exemptions to Zoning laws and SMA requirements.(Why do we give exemptions to something that clearly shouldn't be there, please use common sense)
- The project does not solve housing problems for local people (50 percent or more could be sold to new residents from the mainland etc). (Red flag)
- There is an OCEAN of water 4' below my property which sits approx 6' above sea level, in other words, there is not much room for the ground to absorb rain or flood water in this area which is why FEMA declared it a flood zone.
- Potential owners should be aware of how many red flags and negative community outlook, the developers are avoiding building this, do they really have the owner's best interests in mind when it comes to long-term value and safety? Shouldn't the developers build on the best piece of property? Not a fill-in, low-level lot that is not ideal for a massive development.

My biggest red flag is the fact that Dwayne Betsill was walking the neighborhood asking my neighbors to give up the right to their easement. Asking them to sign paperwork they had no clue as to what it was regarding. This tells me that they needed more square footage to get more buildings approved. Luckily, the neighbor came to their senses before signing this over, which is why the proposed development is smaller now. This tells me that this deal, from the beginning, was and is wrong. Unfortunately, the original buyer of the lot was going to build 4-5 homes with ohanas and was outbid at the last minute by the current group. It hasn't been right from the beginning and never will be. If this goes through this area of Kihei will be forever affected negatively. The trickle-down effect will affect other areas as well.

As our county representatives, please use common sense, Yes, we need more housing in Maui that may be priority #1. However, it needs to be built in the correct area where it fits into the local surroundings. I challenge you as our county leaders to imagine what this project would do to this area.

Please use common sense, we are counting on you to do the right thing.

Gabriel E Krueger

Virus-free. www.avast.com

HAWAIIAN COMMUNITY ASSETS

HCL HAWAI'I COMMUNITY LENDING

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2022 JUL 15 AM 8:04
OFFICE OF THE COUNTY CLERK

July 15, 2022

RE: Opposed with Recommendations Bill 107, CD1

Aloha e Councilmembers,

I am writing on behalf of local nonprofits, Hawaiian Community Assets and Hawaii Community Lending, to oppose Bill 107, CD1 in its current form and recommend amended language.

The updated sales price guidelines proposed in the bill **MUST** be contingent upon the Council committing the subsidy required for our local, low-income residents to become homebuyers and affordable builders to recoup their construction costs.

Our organizations have provided guidance to the County Council on three separate occasions, explaining this: first, in the Maui County Comprehensive Affordable Housing Plan that you contracted us to complete and which we submitted on June 30, 2021, second, during our presentation to the Affordable Housing Committee on November 29, 2021, and third, in our written testimony for the June 30, 2022 Affordable Housing Committee hearing in which we asked the Council to amend Bill 107.

Despite our efforts, councilmembers informed us that the County has the ability to commit subsidies to our local, low-income residents to meet the updated sales price guidelines proposed in Bill 107. **In our team's review of the current County code, we have concluded the County in fact does NOT currently have the ability to provide the subsidies to our local people to meet the update sales price guidelines as they are proposed.**

Passage of Bill 107 in its current form could slow – or at worse, halt altogether – the development of homes our low-income, local people desperately need and at the same time, reduce the few 100% affordable builders we are heavily reliant upon.

The Council can still take action to remedy the situation by amending the bill as follows:

> C. Sales price – dwelling units. The standard sales price of a new dwelling unit [shall] must be established by the department based on current HUD [price] income guidelines[.], and must include principal and interest, capped at 31 percent of the homeowner's gross monthly income. The subsidized sale price of a new dwelling unit must be established by the department based on current HUD income guidelines, and must include principal, interest, taxes, homeowner's insurance, mortgage insurance (if applicable), and homeowner's association dues capped at 31 percent of the homeowner's gross monthly income. Subsidized sale price guidelines, or price guidelines between the standard and subsidized sale price guidelines, proportionate to county subsidies, will be effective upon commitment by the council of subsidies for home purchase, made available to local residents on the county's affordable housing list upon project approval. If subsidies are not committed by the council, the new dwelling unit will be held to the standard sale price guidelines.

HAWAIIAN COMMUNITY ASSETS

HAWAIʻI COMMUNITY LENDING

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COUNTY CLERK

The proposed language is consistent with the recommendations in the Maui County Comprehensive Affordable Housing Plan. It is based off math in our homeownership proforma, developed by first collecting the greatest amount of data possible from local builders on their costs to construct and then assessed by subject matter experts on our team prior to making the recommendation in the plan.

Amending Bill 107, CD1 with the proposed language is a commonsense approach to affordable housing development. It would ensure that both our local, low-income families are able to purchase homes at prices they can afford and our affordable housing builders can build and recoup construction costs.

I hope this council will consider this amended language as a way to move forward on affordable housing for our local people, built by our local builders.

Feel free to contact me directly at 808.587.7653 or jeff@hawaiiancommunity.net should you have any questions or need additional information.

Sincerely

Jeff Gilbreath

Jeff Gilbreath
Executive Director
Hawaii Community Lending

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2022 JUL 12 AM 8:12
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COUNTY CLERK

The "affordable" condominium project proposed on Waipuilani Rd in Kihei is an example of Haste Makes Waste.

Yes, we need affordable homes to be available for purchase by our local residents.

It is debatable as to how affordable this project really is. Most people seeking affordable housing fall into income levels below what these condos will be offered at. Interest rates are rising, making loans even harder to get. *These units could easily fall into market rate sales.*

Affordable homes need to be good quality and must provide a healthy and sustainable environment that supports good community development. There must be a long view in the planning of affordable homes.

This project is very short sighted.

1. It is located in an area that is known to flood regularly, sometimes catastrophically, causing ruin to our near shore waters and damage to existing homes. These problems will be exacerbated by this project.

2. It is in an area that has no sidewalks, curbs, gutters or drainage infrastructure. The developer is trying to exempt themselves from supplying these basic needs.

3. The density of housing and parking on this small site will be very uncomfortable for unsuspecting new as well as existing residents. It will be a heat island. Good community life will not be promoted.

4. The site drainage proposals will not work, and they would be very "unaffordable" to try to maintain.
   - Pervious concrete will not remain pervious due to dust and mud infiltration.
   - Grass pavers cannot be watered when cars are parked on them.
   - Water storage tanks beneath the buildings are not effective in floods

It would be far less damaging to allow the existing R-3 zoning to prevail in this case. The impact on flooding and congestion would likely be much less. There would be fewer than half the number of parking spaces required even if the site were able to be developed to maximum capacity which it probably would not be. It is a misunderstanding that this is a neighborhood of off island owners. The off island owners are concentrated in the Maui Sunset Condominium complex nearby. Residential homes built on this site would probably be sold to local families, not off islanders who tend to live in condominiums or resort communities.

Ideally this site should be an example of wetland restoration where the most good can be done to recreate balance in the flooding issues that plague this part of Kihei. The County would be wise to consider purchasing this lot or trading the owners for a more appropriate site where they can develop truly affordable housing that would not be saddled with these issues.

Currently we have genuinely affordable rental projects coming that can help our affordable housing needs as we work towards high quality environmentally and socially sustainable affordable homes. Kai'ulu O Halele'a, a 63 - 2 to 4 bedroom unit rental project, is under construction now for the 30%-60% income level. Ikenakea - 3 Leaf is in the process of designing and permitting a 90 unit 100% affordable rental project in "Downtown Kihei". It is

centrally located by shops, schools and will have sidewalks and bike paths. These are 2 examples of good "affordable housing".

Let's not be hasty, thereby creating more problems for the future. We can think about the true impact of our decisions and make the ones that we will appreciate in the long run.

Please say NO to this project in this location.

Please say YES to well sited, good quality affordable homes that offer well being and communities that can thrive.

Thank you very much for your consideration of this important matter.

Sincerely Submitted, Randy Wagner, AIA, LEED AP

EARTHJUSTICE

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COUNTY CLERK

TESTIMONY IN SUPPORT OF BILL 21, CD 1, FD 1
A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING SEABIRDS FROM OUTDOOR LIGHTING
(Second and Final Reading))

Maui County Council
July 15, 2022
9:00 a.m.

Good morning, Chair Lee, Vice-Chair Rawlins-Fernandez, and members of the Council:

My name is David Lane Henkin, and I am an attorney with Earthjustice.[1] Earthjustice submits this testimony on behalf of the Center for Biological Diversity and Conservation Council for Hawai'i ***in strong support of Bill 21, CD 1, FD 1,*** which would amend Maui County's lighting ordinance to increase protections for Hawai'i's threatened and endangered seabirds. Bill 21 is consistent with the best available science on how to minimize harm to imperiled seabirds from artificial lights. Bill 21 also provides clear guidance on how to implement these new lighting requirements with minimal burden on the community. Finally, the current version of Bill 21 addresses all reasonable concerns raised by members of the public and the administration, allowing ample time for compliance and ensuring that emergency services will not be interrupted. For these reasons, we urge the Council to adopt this measure as a win-win for the community and Hawai'i's native seabirds.

Artificial lights in Maui County regularly attract and disorient Hawaiian petrels, band-rumped storm petrels, and Newell's shearwaters as they navigate between the ocean and nesting colonies, resulting in fallout, injury, and death. State and federal wildlife agencies charged with helping to prevent these species from going extinct recognize that artificial light attraction poses an ongoing threat to the species' survival and recovery. Best practices to minimize light attraction, and help prevent extinction, include reducing short wavelength "blue light" in outdoor lighting fixtures, preventing outdoor lighting from shining upward or over the ocean, and eliminating reflective surfaces that bounce light into the sky. Bill 21 would require compliance with these best practices to give our native seabirds the best chance of survival.

To address concerns about increased regulatory burdens for businesses and residents, Bill 21, CD 1, FD 1 provides a reasonable phase-in period—nearly three and a half years—for the replacement of existing outdoor lighting. *See* Section 6 of Bill 21 (ordinance does not take effect until January 1, 2023); Proposed Section 20.35.070.B (exempting existing lighting for three years after effective date). The bill further facilitates compliance with the new lighting requirements

[1] I am registered as a lobbyist.

MID-PACIFIC 850 RICHARDS STREET, SUITE 400 HONOLULU, HI 96813
T: 808.599.2436 F: 808.521.6841 MPOFFICE@EARTHJUSTICE.ORG WWW.EARTHJUSTICE.ORG

by adopting the definition of "blue light content" found in Hawai'i County's lighting ordinance.[2] Using the same definition of "blue light content" provides consistency for businesses operating in both locations, and also provides a template for implementation given that Hawai'i County's blue-light content requirement has been on the books for more than a decade. To further assist the public, the bill provides that the director of public works will maintain a list of light fixtures that comply with lighting requirements. *See* Proposed Section 20.35.060.F. These provisions will ensure a smooth transition to seabird friendly lighting in Maui County and reduce any regulatory burdens on the community.[3]

Bill 21 is a crucial step forward for seabird conservation in Maui County and provides a clear path forward for businesses and residences to install seabird friendly lighting. For these reasons, we respectfully urge the County Council to pass this bill.

Thank you for the opportunity to provide this testimony in strong support of Bill 21, CD 1, FD 1. I will be available at the Council meeting to answer any questions you may have. I can also be reached via email at dhenkin@earthjustice.org or via telephone at 808-599-2436.

---

[2] *Compare* Proposed Section 20.35.060.D *with* Hawai'i County Code § 14-51(a)(9); *see also* Hawai'i County Code § 14-55, Table 14-A (specifying that LED fixtures must have "less than 2% blue light content").

[3] The Corporation Counsel's proposal to define permissible outdoor lighting in terms of the Correlated Color Temperature (CCT), measured in degrees Kelvin—rather than the specific percentage of short wavelength light—fails to incorporate the latest science on how best to minimize harm to imperiled seabirds from artificial lighting. The CCT tells you only how yellow or blue the overall color of light emitted from a light bulb appears; it tells you absolutely nothing about what percentage of that light is made up of the short wavelength light that is harmful to imperiled seabirds. Lighting manufacturers can reduce the CCT of their lighting simply by adding more long wavelength light, without reducing any of the short wavelength light that attracts native seabirds, leading to fallout and associated injury and death. Limitations on harmful lighting need to be defined in terms of the percentage of short wavelength light (as the Hawai'i County lighting ordinance currently does and as Bill 21 would), not in terms of degrees Kelvin.

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SUPPLEMENTAL TESTIMONY IN SUPPORT OF BILL 21, CD 1, FD 1
A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING SEABIRDS FROM OUTDOOR LIGHTING
(Second and Final Reading))

Maui County Council
July 15, 2022
9:00 a.m.

Good morning, Chair Lee, Vice-Chair Rawlins-Fernandez, and members of the Council:

My name is David Lane Henkin, and I am an attorney with Earthjustice.[1] Earthjustice previously submitted testimony on behalf of the Center for Biological Diversity and Conservation Council for Hawai'i ***in strong support of Bill 21, CD 1, FD 1***, which would amend Maui County's lighting ordinance to increase protections for Hawai'i's threatened and endangered seabirds. We provide this supplemental testimony to respond to claims by the bill's opponents that expert wildlife agencies do not support reducing the blue-light content of outdoor lighting to protect imperiled seabirds in Maui County. That is simply not the case.

Earlier this year, the Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) provided comments on the County of Maui Department of Public Works' proposal to replace the County's existing high-pressure sodium streetlights (which are amber in color and have low blue-light content) with bright white LED fixtures. DOFAW raised concerns about the harm that such lighting inflicts on protected seabirds, as well as on threatened and endangered sea turtles.

To protect imperiled wildlife, DOFAW urged the Department of Public Works to use only LED streetlights "designed or filtered so as to have a correlated color temperature of 2200 Kelvin or less, or ***a blue light content of less than 2%***." (Emphasis added). DOFAW used the same definition of "blue light content" as found in Bill 21 ("the ratio of the amount of energy emitted by the outdoor light fixture between 400 and 500 nm, divided by the amount of energy between 400 and 700 nm") and noted that "LED lights with these specifications have been found to have ***fewer impacts on protected wildlife, including seabirds*** and turtles, and are consistent, for example, with lighting ordinances on the island of Hawai'i." (Emphasis added). A copy of DOFAW's letter is attached.

Thank you for the opportunity to provide this supplemental testimony in strong support of Bill 21, CD 1, FD 1.

---

[1] I am registered as a lobbyist.

MID-PACIFIC 850 RICHARDS STREET, SUITE 400 HONOLULU, HI 96813
T: 808.599.2436 F: 808.521.6841 MPOFFICE@EARTHJUSTICE.ORG WWW.EARTHJUSTICE.ORG

DAVID Y. IGE
GOVERNOR OF HAWAII

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SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

February 24, 2022

Rowena M. Dagdag-Andaya, Director
County of Maui Department of Public Works
Engineering Division
200 South High Street
Room No. 410
Wailuku, Maui, HI 96793

Dear Ms. Dagdag-Andaya,

Subject: Request for consultation for proposed streetlight replacement at various locations; DPW Project No. 22-44

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) has received the subject request for consultation. As General Electric has ceased the production of high-pressure sodium (HPS) light fixtures, the Department of Public Works (DPW) proposes to replace those lights when they are broken or burnt-out with new light-emitting diode (LED) fixtures. DPW seeks concurrence that the replacement of the HPS lights with LED lights is exempt from the preparation of an environmental assessment (EA), pursuant to Chapter 343, Hawai'i Revised Statutes (HRS). Pursuant to §11-200.1-15, Hawai'i Administrative Rules, exemptions from the preparation of an EA are provided for certain categories of projects that will individually and cumulatively probably have minimal or no significant effects.

DOFAW appreciates the intent to replace broken streetlights in compliance with lighting standards identified in §201-8.5, HRS. However, we have documented incidences of protected seabirds being downed at LED streetlights reported to have been rated at 4,000 Kelvin or less. The Division of Aquatic Resources is additionally concerned with the impacts of lighting on the nesting success of both ESA endangered hawksbill and threatened green sea turtles on Maui. We therefore recommend that those replacement LED lights being installed under an exemption from preparation of EA be designed or filtered so as to have a correlated color temperature of 2200 Kelvin or less, or a blue light content of less than 2%. Blue light content refers the ratio of the amount of energy emitted by the outdoor light fixture between 400 and 500 nm, divided by the amount of energy between 400 and 700 nm. LED lights with these specifications have been found to have fewer impacts on protected wildlife, including seabirds and turtles, and are consistent, for example, with lighting ordinances on the island of Hawai'i.

If you have any questions, please contact Paul Radley, Protected Species Habitat Conservation Planning Coordinator at (808) 295-1123 or paul.m.radley@hawaii.gov.

Sincerely,

DAVID G. SMITH
Administrator

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2022 JUL 15 PM 12:33
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July 15, 2022

Aloha Council Members,

I am writing in regards to the proposed Hale Waipuilani Workforce Affordable housing proposed for 16 East Waipuilani Rd. in Kihei.

I have lived at 1087 S Kihei Rd. since 1995. Our home is one of five, (approximate) quarter acre lots making up the Sunset Estates Subdivision which runs along South Kihei Rd. bordered on the South by Kauha'a St. and on the North by East Waipuilani Rd. Three of these five lots have a main house and one cottage and the remaining two have only one dwelling. The proposed development is slotted for the one-and-a-half-acre property located at 16 E. Waipuilani Rd., which is directly behind these five lots, one of which is ours and is proposed to add 28 units on the same amount of land as our five homes!!!

There is a plethora of reasons why this proposed development is a horrendous plan for this location. A few of the reasons include that the development is located in a wetland area, a Tsunami evacuation zone, a flood zone, is zoned R-3, which means this area is limited to dwellings normally associated with residential neighborhoods and would add to the already congested automobile and pedestrian traffic in this area. We have knocked on doors, collecting more than 200 signatures of our neighbors in this area and NO ONE we have spoken with wants or can justify this development proposed for our neighborhood.

Over the years we have endured flooding, due to lack of drainage and poor development and car accidents due to high traffic and no traffic lights. There have even been pedestrian injuries and fatalities due to the fact that there are no sidewalks, no bike paths or lighting on Waipuilani Rd. The intersection of Waipuilani Rd. and S Kihei Rd is a major cross road which leads to a high traffic neighborhood and public park.

This area for the proposed 28 units is in fact a wet land area. When it rains this area soaks up most of the water however during heavy rains what cannot be absorbed into this wet land spills over and out into our yards and streets. All four of our properties, adjacent to this proposed location, experience flooding during

heavy rains which has not been solved to this day. It is completely irresponsible to develop this parcel without solving the current issues and infrastructure.

Pertaining to safety, there are NO sidewalks along S. Kihei Rd., E. Waipuilani or on the North side of Kauha'a St. Along E. Waipuilani Rd. cars are parked on both sides of the street leaving room for only a single car to drive down the street. Driver and pedestrian visibility are extremely poor and to add 28 more families and their vehicles to this neighborhood on only an acre and a half of land will only exasperate and endanger residents. During normal day to day living this will be disastrous. Imagine what it will be like in an emergency! (i.e., fire, Tsunami evacuation, major hurricane etc.)

We are requesting this development gets a thumbs down and no exemptions be allowed for this project. Ideally this area should be kept open space.

With proper planning this could be a win-win situation for the developer and established residents of Maui county.

Mahalo,

Mary Jo Padilla

County Clerk

From: Regina Padilla <reginalp@live.com>
Sent: Friday, July 15, 2022 8:35 AM
To: County Clerk
Subject: Apposition for Waipuilani Hale Affordable Housing proposal for 16 E. Waipuilani Road in Kihei. (AH-17)

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You don't often get email from reginalp@live.com. Learn why this is important

Aloha,

I **DO NOT CONSENT** to the Waipuilani Hale Affordable Housing proposal for 16 E. Waipuilani Road in Kihei. (AH-17)

My name is Regina Padilla of Kihei, living at 1087 S Kihei Rd. most of my life.

Firstly, I am for affordable housing that is ACTUALLY AFFORDABLE for the LOCAL hard working living men & women of Kihei. This project does not solve housing problems for locals since 50% or more could be sold to new mainlanders.

I **DO NOT CONSENT** to poor planning by developers whose primary volition is financial gain, regardless of future problems, foreseen

and/or unforeseen, that will inevitably arise from poor planning.

This oversized development is poorly placed in a flood plain/zone. Do the developers and our beloved public servants care about building homes that are safe? I myself have watched south Kihei Road and E. Waipuliani Road completely flooded by light storms causing traffic issues and drainage issues. The height of the proposed buildings also makes them intrusive to the privacy of surrounding homes and their yard spaces.

This high-density project would increase traffic and drainage issues for our local community and South Maui. Also, it would restrict access for emergency response vehicles, which would endanger our community.

Beloved public servants, **you may not proceed** with this project. You may reconsider the development of something less intrusive and holistically intelligent, such as a workout

park, dog park or community garden [NO BIG BUILDINGS.]

Mahalo for your time,

Regina Padilla

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July 14, 2022
Don Gerry
My testimony not wanting construction of Affordable housing at:
16 East Waipuilani Road
Kihei

I find it hard to believe that the Hale Piilani project is still being considered in a flood zone that is so active in Kihei. Over and over again we show the damage to this area when floods come down the hill and hit the existing families. Affordable housing is important but again have it done in an area that is not so vulnerable to problems.

With so many affordable projects on the books in the future we need to start aiming in the areas more Mauka. I am not disapproving this or any other projects for Affordable. Just reconsider another place. It has been estimated that 133 million is needed to fix the drainage problems which the County does not have so why add to the problems by putting a project or any other project in the middle of flood areas.

This is a project that does not fit in a single-family dwelling area and should be relocated. Mark my words, once the units are filled even with 2 cars per stall on property, the street will be lined with cars once they move in.

I had always thought the County was seeking an Open Space preservation plan and the goal of the County designating and purchasing land for "green drainage infrastructure. This is the idea that the SMWP and KDMP I heard has had.

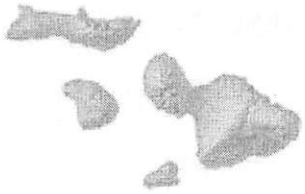
Leave the land open. Build a retention there and on other lots in the area, (1144 South Kihei Road 7-acre parcel) to be a positive impact and not a negative ne to this area.
Thank you,
Don Gerry
1114 South Kihei Road
Kihei, Hawaii, 96753
(808) 298 5679

MICHAEL P. VICTORINO
Mayor

HELENE KAU
Director

SHAYNE R. AGAWA, P.E.
Deputy Director





DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAI'I 96793
http://www.mauicounty.gov/water

July 18, 2022

TO: Dear Honorable Council Chair Lee, Vice-Chair Rawlins-Fernandez, and the members of the Maui County Council:

FROM: Dept. of Water Supply, Deputy Director Shayne R. Agawa

SUBJECT: Dept. of Water Supply Written Testimony on Reso 22-171, Reso 22-119, and County Communication 22-167. Testimony given verbally by DWS Deputy Director, Shayne R. Agawa, at the July 15, 2022 Council Meeting.

DWS Testimony on Reso 22-171, Reso 22-119, & County Communication 22-167

RESO. 22-171

DWS strongly supports this resolution, which urges the mayor to authorize a comprehensive feasibility study for the EMI water system in East Maui. A feasibility study will address many of the concerns that DWS has, and in my opinion, concerns which all of you (council members) and the general public should have before making a huge decision in the formation of regional community boards and the Maui Nui Community Water Systems. How can a decision of this magnitude be made without having accurate costs of acquiring, operating and maintaining these regional water systems and without knowing an accurate number of the future revenue generated by these regional water systems?

Example: When you purchase a new car, do you just say "I will buy that car there because I love it." Or do most of us ask what the purchase price will be, what the cost of maintenance will be, does that car have everything you need as is, or will you need to purchase accessories or upgrades in the future to meet your needs? Another thing most of us think about once we know the total cost of purchasing this new car is am I able to make the monthly payments with the amount I make at my job (your revenue). I believe all of us would not sign on the dotted line to purchase that car until we know the answers to those questions.

DWS feels that this resolution is an important first step in considering the County's best interaction with the East Maui water system, whichever agency takes the lead in the state water lease process. We still need important questions answered before we make huge decisions on water management issue and we believe this resolution will get us those answers.

RESO. 22-119 & CC 22-167

Overall DWS Comments:

- DWS requests that more clarity be given when the terms "*water collection and delivery systems*" are used, that those terms are not to be confused with water collection and delivery systems under the jurisdiction of DWS. We request that the section 8-11.2 be clarified to acknowledge our department's ongoing ability to acquire and manage water sources.

- DWS regularly develops new sources and also accepts sources such as private wells or other infrastructure, if it is in the best interest of the department and our customers, and we want to be sure the DWS continues to have the ability to do so.

2nd Whereas. Reso Pg. 1.

- Any increase to the cost of water for local farmers and ranchers jeopardizes the efforts to promote local food security for Maui

4th Whereas. Reso Pg. 1.

- The creation of an additional layer of bureaucracy reduces efficiency and increases costs.

5th Whereas. Reso Pg. 1

- Wholesale regional water authority systems generally own or operate all major water supply facilities including reservoirs, treatment plants, and transmission lines. Related costs of services are billed to municipalities that own and operate transmission facilities and lines in service areas, issue end user billings, and provide service connections to end user customers.

8th Whereas. Reso Pg. 2

- The DWS is an existing government agency with the ability to provide clean and safe drinking water at affordable rates while managing revenue, operating expenses, capital improvements, and debt service. Maui Nui Community Water Systems would rely upon rates charged to DWS. The administrative overhead and operational costs of running the regional water systems would be passed on to DWS in the form of high wholesale water rates; DWS customers would ultimately absorb these rate increases.

21st Whereas. Reso Pg. 3

- DWS has a long-standing practice of supporting agriculture. Water costs for local farmers and ranchers continue to be subsidized by general use customers. The FY22 Water Rate Study, prepared by Harris & Associates, indicates that agricultural customers pay about 30% of the total costs required to provide the water they use.
- Maui Nui Water Systems' "*additional revenue*" cannot translate to reduced agricultural water rates as system costs would be funded by increased wholesale rates to DWS. DWS would then be required to pass on this additional costs to all customers.

The following are comments made directly to the amended Chapter 19 Maui Nui Community Water Systems:

Section 8-19.1 Organization.

- Hiring staff with appropriate licenses necessary to manage water collection and delivery systems poses significant staffing challenges due to a limited selection of qualified applicants. For example, engineers and personnel with water system experience are in short supply. Having agencies with similar duties will mean that there will be competition for the limited number of qualified candidates to fill vacancies.
- Providing staff with competitive salaries, benefit packages, training, and necessary equipment along with the acquisition, operation, and maintenance for water collection and delivery systems will be costly.

Section 8-19.3 Regional Community Board Powers, Duties, and Functions.

Item 5.

- Appropriations would have to initially come from the general fund. Will the costs for the regional operations and capital improvements be funded by an increase in real property taxes? Does this include the costs to acquire water collection and distribution systems as well? DWS is an enterprise fund and it's revenue is reserved for DWS expenses.

Item 7.

- With regards to "*water rates*": We assume that DWS will be a customer affected by these water rates. DWS is concerned about what those rates will be considering that we currently pay EMI $0.06/1000 gal. How much will the water rates need to be in order to help fund the Regional Community Board's operating budget? Any increase in rates to what DWS is currently paying will ultimately be passed on to DWS customers.

Section 8-19.4 Regional Administrators.

2nd Sentence "*water systems under the control of the water systems.*"

- DWS is still confused about the jurisdiction of the Maui Nui community water systems, referred to as the "*water systems*" in Section 8-19.1. Under Section 8-19.1 "*water systems*" sounds like it's jurisdiction oversees only a regional water system (i.e. East Maui) and Under Section 8-19.2, Council will establish additional regional water systems by ordinance. It is still unclear if there will be a Maui Nui community water system with it's own administrator and staff that has jurisdiction over the remaining districts where Regional Community Boards have not yet been established by Council. This is how DWS reads the 2nd sentence in Section 8-19.4.

If you have any questions, please contact Deputy Director Shayne Agawa at (808) 270-7834 or at Shayne.agawa@co.maui.hi.us.

"By Water All Things Find Life"

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2022 JUL 14 AM 11:03
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COUNTY CLERK

Sterling Higa
sterling@hawaiisfuture.org

14 July 2022

Dear Councilmembers,

My name is Sterling Higa, and I live in Paia with my wife and three children.

I serve as executive director of Housing Hawaii's Future, a movement led by young locals who will create opportunities for Hawaii's Gen Z and Millennials by ending the workforce housing shortage. We focus on the housing needs of the "gap" group that earn 80%-140% AMI, the locals who are affected by this measure.

I write with a simple request: PLEASE. SLOW. DOWN.

Please defer this bill, and allow for a more robust debate that involves all stakeholders, especially the students and young locals who will inherit the decision that you're making.

The next generation of Maui – the people most impacted by this measure – are busy working, starting their careers and providing for their families. They don't have time to track measures like this or to show up for hearings scheduled for 9am on a Friday morning.

Low sales prices would be a great boon to young locals who are starting their careers and families, but there has been no explanation of how this measure will lead to lower prices.

In the absence of a robust subsidy program, Bill 107 will lead to a decrease in supply. This would have a catastrophic impact on the young people of Maui who are already struggling to achieve home ownership.

For sale housing at 80% AMI is often the first rung on the ladder of home ownership. If you reduce the supply of housing at that level, you confine people to be perpetual renters, and you increase the likelihood that locals will leave for California, Texas, and Nevada, where housing is more affordable.

Please defer this bill and reconsider it after you've made a plan to engage the community. I would be happy to assist in planning efforts to engage students and young locals, and you can reach me at sterling@hawaiisfuture.org if you have any questions.

Thanks,

Sterling Higa

July 15, 2022

OPPOSE WORKFORCE DEVELOPMENT FOR 16 E WAIPUILANI ST IN KIHEI

This letter is in opposition to the proposed Workforce Affordable housing development slated for 16 E Wiapuilani in Kihei.

The government has a responsibility of keeping the citizens safe with a stable economy.
It's simple, being caught without an escape route that works is NOT safe.
A land swap will keep the economy on track by providing work to the construction industry as well as work force accommodations to do the work.
Developers complain a land swap will take to long, how long would it take for a family to get over losing a family member due to not taking the time to put the infrastructure in place that will provide a safe route either walking to the Wiapuilani park across South Kihei road, or to Safeway at Piilani Shopping Center. We need a safe route leading up country that is an escape route to get out of harms way instead of a bottle neck type route that a reasonable person would call a trap, which is what we have now. This road from Kihei to up country has been in the general plan for years.
There are no sidewalks in this area, the drainage problems remain unsolved, this project is high density and does not belong in this neighborhood.
When does the bad decision-making stop.

Please do not approve this project.

Larry Padilla

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2022 JUL 15 PM 12:33
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County Clerk

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2022 JUL 14 AM 9:10
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COUNTY CLERK

From: Lloyd Johnson <pinklloyd@yahoo.com>
Sent: Thursday, July 14, 2022 8:43 AM
To: County Clerk
Subject: 22-61 Hale Waipuilani

You don't often get email from pinklloyd@yahoo.com. Learn why this is important

My name is Lloyd Johnson. My property is adjacent to the proposed development site. I'm opposed to the project. You may say that we are just the usual NIMBYs, not in my back yard, but there's more to it than that. Because my property is adjacent to the property in question, I know what's wrong with this proposal.

I acknowledge the need for workforce housing, but this is the wrong place for it. This site is subject to frequent flooding. Predictably, the property owners there will have to trudge through ankle deep water from home to car for several days following seasonal heavy rains. These houses will not be a bargain. There will be a lot of buyers' remorse. Are we to let the buyer beware?

Apparently the developer has asked that flood insurance be waived. Can he be any more obvious? The buyers of these units will be additional victims. Apparently he has been offered an alternate site, and has declined.

The empty lot in question is a necessary flood control. Anyone who has ever driven on South Kihei Road after a heavy rain knows that the road is flooded for several days after. That flood water creeps up my driveway then finds low ground to follow on the south side of my house, into my back yard, then into that empty lot. It then takes several days to absorb into the ground there.

The county has neglected drainage in this area. Old drains are clogged and covered. You may promise to do better maintenance, but you can't keep that promise. Eventually you will leave office and your replacements will not feel bound by your promises. Unless you expect water to flow uphill, you must reject this project.

One of the two access roads for this project is already too narrow for current traffic. Kauhaa has parking on both sides and two way traffic. I avoid this street because it isn't wide enough for two way traffic. If there's a car coming from the opposite direction, one car has to pull over and yield. And this project proposes more traffic on that street.

County Clerk

From: Andrew Kayes <andrewvkayesmdllc@gmail.com>
Sent: Wednesday, July 13, 2022 9:41 PM
To: County Clerk
Subject: Re: Outside Lighting Bill - Opposition or at least consider exempting low powered solar lights

You don't often get email from andrewvkayesmdllc@gmail.com. Learn why this is important

Subject typo corrected.

On Wed, Jul 13, 2022 at 9:38 PM Andrew Kayes <andrewvkayesmdllc@gmail.com> wrote:

I would like to write in opposition to the outside lighting bill.

My home is dark and the few outside lights I have are solar generated with batteries and help keep me and my family feeling safe. They use no electricity.

At a minimum I would like to suggest exemption for solar battery powered path and safety lights that are 150 lumens or less, and/or or 25 watts or less.

These really only help with safety and are not bright enough to be seen from outside my property. I can't imagine they would affect any seabirds.

Thank you for your consideration.

Sincerely,
Andrew Kayes, M.D.

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--
Andrew V. Kayes, M.D.

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--
Andrew V. Kayes, M.D.

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County Clerk

From: Shay Chan Hodges <shay.chanhodges@gmail.com>
Sent: Monday, July 18, 2022 8:05 AM
To: County Clerk
Subject: NO. 22-119,CD1.FD1, NO.22-167
Attachments: Cost Breakdown-4.pdf

You don't often get email from shay.chanhodges@gmail.com. Learn why this is important

Aloha:

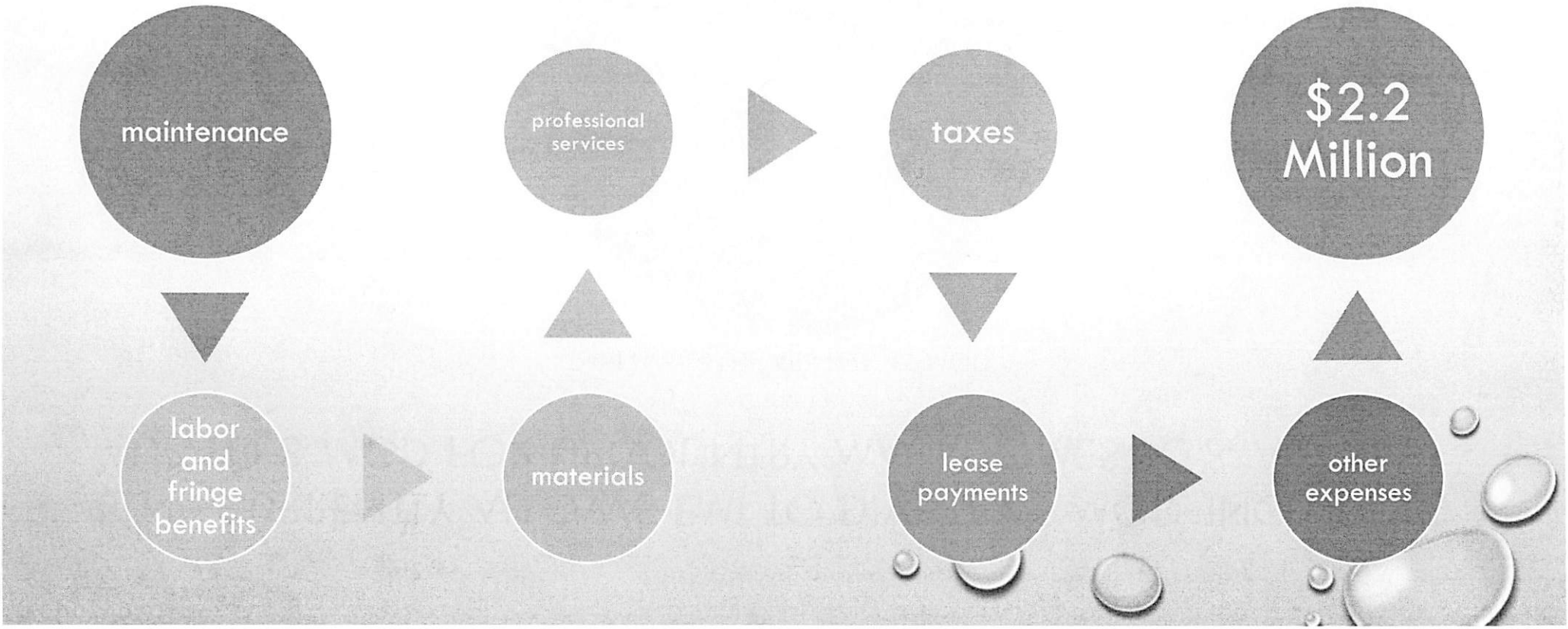
Please find attached a cost breakdown that I will be referring to in oral testimony today.

Mahalo!

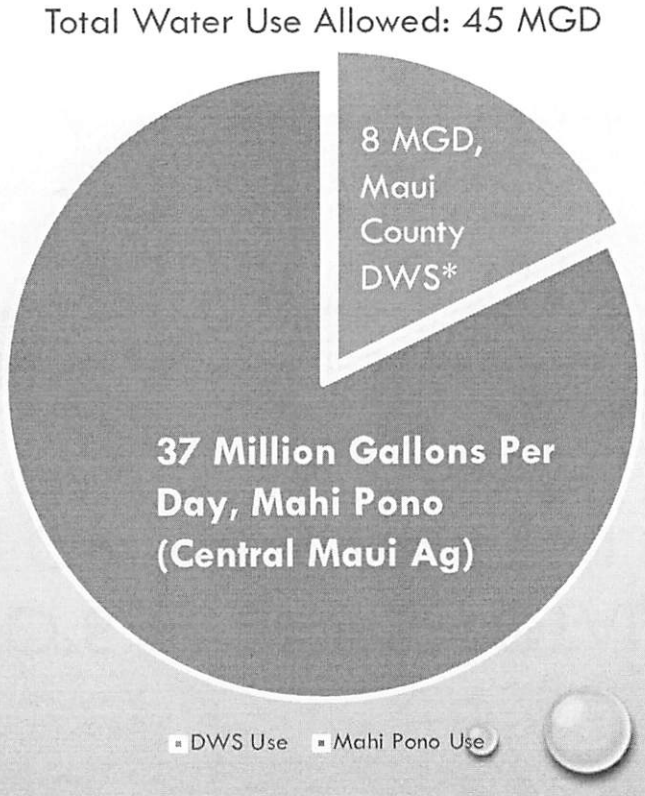
Shay Chan Hodges

Responsible Markets
Maui ESG Project
mauiesgproject.org
808.250.6160

PER MAHI PONO'S 2021 EIS, TOTAL OPERATIONAL COSTS FOR THE ENTIRE EMI SYSTEM:



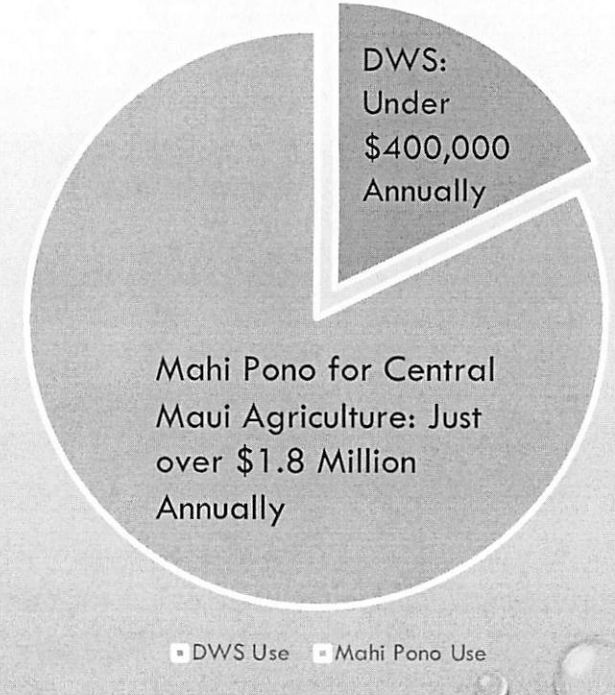
BLNR CURRENTLY ALLOWS EMI TO DIVERT 45 MGD, INCLUDING UP TO 8 MGD FOR UPCOUNTRY MAUI DOMESTIC & AG USE



*This amount varies: In 2020, DWS paid for the delivery of only 6.3 MGD

OPERATIONAL COSTS BROKEN DOWN BY % OF USE

Per Mahi Pono, Total Annual Operational Costs: $2.2 Million



MAUI COUNTY'S CHEAP WATER FROM A&B/EMI WAS CONNECTED TO THE DEPARTMENT OF LAND & NATURAL RESOURCES LOW LEASE RATES FOR A&B/EMI

DWS currently pays .06 cents per 1,000 gallons for up to 8 Million Gallons per day for delivery of EMI water (up to $175,200 annually)

This contracted rate between Maui County and EMI has been in effect since 1973 (almost 50 years)

In 1976, BLNR charged A&B/EMI about $160,000 a year for permits on the four lease areas. In today's dollars, that would be over $700,000.

The most recent lease rates set by BLNR for Mahi Pono total $238,362, 70% LESS than what A&B paid 45 years ago.

DLNR IS CURRENTLY DEVELOPING A NEW WATER APPRAISAL PROCESS FOR PRIVATE ENTITIES WITH CONSIDERATION OF WATER AS A PUBLIC TRUST IN ADVANCE OF MAHI PONO'S PLANNED BID ON THE LEASES.

It is very likely that even before attempting to appraise the water's value, DLNR will at least triple the current lease rate for EMI/Mahi Pono to bring it in line with today's dollars.

The Market: The County pays .28 per 1,000 gallons to Maui Land & Pine, .50 per 1,000 gallons to Wailuku Water Company.

The EMI/Mahi Pono increased lease rates will result in increased costs to the Department of Water Supply, which could result in higher costs for rate payers.

DLNR HAS STATED THAT A COUNTY ENTITY INTERESTED IN THE LEASES WOULD BE EXEMPT FROM THE BIDDING PROCESS AND WOULD NOT BE CHARGED FOR THE WATER LEASES.

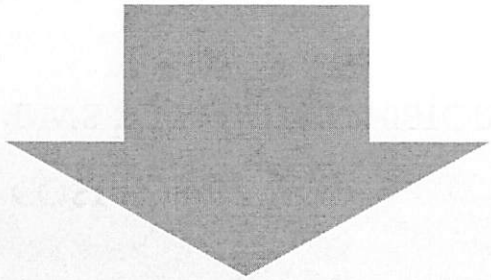
POTENTIAL REVENUES FROM THE EMI SYSTEM, BASED ON CURRENT ALLOWABLE 45 MGD

Water Authority can deliver **37 Million Gallons Per Day** to Mahi Pono for agriculture

The County currently charges $1.00 per 1,000 gallons for Non-Potable Agricultural Water

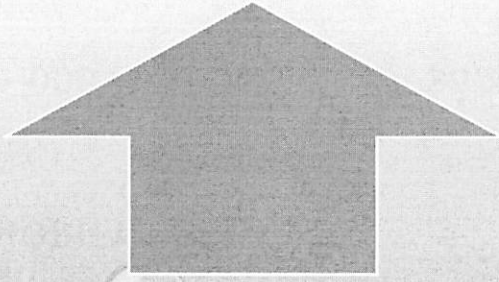
Due to the Water Authority's use of the EMI conveyance system, a lower wholesale rate might be negotiated.

DEPENDING ON HOW WHOLESALE RATES ARE NEGOTIATED, INCLUDING HOW A RATE STRUCTURE BALANCES SUBSIDIZING LOCAL FARMERS OR MAHI PONO, REVENUES MAY RANGE FROM:



Gross Annual Revenues for
37 Million Gallons Per Day
@ $1.00per 1,000 gallons
= **$13,505,000**

Gross Annual Revenues for
37 Million Gallons Per Day
@ $.50 per 1,000 gallons
= **$6,752,500**



POTENTIAL NET REVENUE FOR EAST MAUI WATER AUTHORITY

- LOW RANGE REVENUE FROM MAHI PONO (@.50 PER 1,000 GALLONS) = $6,752,500

EXPENSES:

- OPERATING COST FOR 37 MGD = $1,809,000
- SUBSIDY TO DWS TO MAINTAIN HISTORIC RATE FOR 8 MGD = $224,800

LOW RANGE NET REVENUE = $4,718,700

HIGH RANGE NET REVENUE ($1.00 PER 1,000 GALLONS, ADD $6,752,500) = **$11,471,200**

POTENTIAL ADDITIONAL COSTS

ONE-TIME COSTS:

- ENGINEERING STUDIES TO SUPPORT FEDERAL FINANCING & GRANTS: $300,000
- FINANCIAL AND INVESTMENT CONSULTANTS: $300,000
- SUBTOTAL: **$600,000**

ANNUAL:

- ADDITIONAL WATERSHED RESTORATION FUNDING: $2,000,000
- ADDITIONAL SUPPORT STAFF: $800,000
- SUBTOTAL: **$2,800,000**
- TOTAL ADDITIONAL EXPENSES : $3.4 MILLION

ADJUSTED LOW RANGE NET REVENUES: $1,318,700

ADJUSTED HIGH RANGE NET REVENUES: $8,071,200

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County Clerk

From: Shekinah Perry <shekinahperry808@gmail.com>
Sent: Thursday, July 14, 2022 12:45 PM
To: County Clerk
Subject: The hale Waipu'ilani Housing Development testimony

You don't often get email from shekinahperry808@gmail.com. Learn why this is important

Aloha,

I hereby testify that I oppose the proposed Hale Waipu'ilani Housing Development.

This proposed plan is a safety hazard due to its location, and it also will not help Maui's need for housing for local residents (as 50% or more of the housing could be purchased by outsiders).

Mahalo,

Shekinah Cantere

County Clerk

From: David Bruce <hawaiihomebuyers@gmail.com>
Sent: Friday, July 15, 2022 8:33 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from hawaiihomebuyers@gmail.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

--

David Bruce
(808) 938-7227
hawaiihomebuyers@gmail.com
Instagram - @bruceproperties
Linkeded - DavidBruce

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2022 JUL 15 PM 12:32
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From: Jordan Molina <Jordan.K.Molina@co.maui.hi.us>
Sent: Friday, July 15, 2022 12:16 PM
To: County Clerk
Subject: Streetlight Conversion DEA. Bill 21, CD1, FD1 (2022)
Attachments: MT#9746-Bill 21, CD1-Lee, Alice.pdf

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Aloha Maui County Council Members,

Provided for your reference as it relates to your review of Bill 21, CD1, FD1 (2022) is a link to the draft environmental assessment prepared by the Department of Public Works for its streetlight conversion project.

https://protect2.fireeye.com/v1/url?k=31323334-50bba2bf-31360632-4544474f5631-49dbda52c7c826af&q=1&e=927cddd3-0fda-47ff-9c1a-69bcfefd71b0&u=https%3A%2F%2Fplanningsolutions.sharefile.com%2Fd-s7f779a14ddfb4d939bcc4debb1fe1054

Also attached is my testimony from first reading. These concerns still persist under the latest version of the bill.

Mahalo,
Jordan

Begin forwarded message:

> **From:** Jordan Molina <jordan.k.molina@co.maui.hi.us>
> **Date:** June 30, 2022 at 11:44:05 AM HST
> **To:** County Clerk <County.Clerk@co.maui.hi.us>
> **Subject: Testimony re: Committee Report 22-47, Bill 21, CD1 (2022)**
>
> Aloha County Clerk and Members of the Maui County Council,
>
> Please see the attached testimony from the Department of Public Works as it relates to Committee Report 22-47 and Bill 21, CD1 (2022) regarding the proposed amendments to the Outdoor Lighting Ordinance being heard at tomorrow's Council meeting.
>
> Mahalo.
>
> Jordan Molina
> Director of Public Works
> County of Maui
> 200 S. High Street, Room 434
> Wailuku, Hawaii 96793
> (808) 270-7845

MICHAEL P. VICTORINO
Mayor

JORDAN MOLINA
Director

GARY L. I. AMBROSE
Deputy Director

WADE SHIMABUKURO, P.E.
Development Services Administration

RODRIGO "CHICO" RABARA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

Telephone: (808) 270-7845
Fax: (808) 270-7955





COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM 434
WAILUKU, MAUI, HAWAII 96793

June 29, 2022

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 6/30/22
Mayor Date

For Transmittal to:

Honorable Alice L. Lee, Council Chair, and
Members of the Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Council Chair Lee and Members:

SUBJECT: BILL 21, CD1 (2022) RELATING TO OUTDOOR LIGHTING COMMITTEE REPORT 22-47

The Department of Public Works opposes the proposed bill in its current form because of the direct and immediate impacts to the public that will result. The Department requests the bill be recommitted for further discussion.

In addition to the concerns raised by the Department of the Corporation Counsel in their correspondence to the Maui County Council dated June 17, 2022, the Department is concerned about the following unintended consequences that will result from the passage of the proposed bill.

1. **Housing projects must be stopped immediately upon enactment of this ordinance to verify compliance of their lighting fixtures.**
   The bill's three-year exemption only applies to "fixtures installed prior to the enactment of the ordinance". Any new housing project that has not yet installed their outdoor lights must be stopped upon enactment of this ordinance until compliance can be verified. New permits for housing projects cannot be issued until compliance can be verified.

It will take time for the Department to establish the training and expertise necessary to determine whether a lighting fixture is compliant, particularly as it relates to measuring blue light content according to the bill's definition. Unless projects opt for the removal of all outdoor lights associated with their projects, the projects must be stopped or be subject to enforcement action for non-compliance until such time when the Department is prepared to make compliance determinations.

The Department recommends the proposed bill be amended to exempt residential properties from complying with the new lighting standards, which is consistent with the Hawaii County ordinance.

2. **Current energy efficiency projects involving lighting must be abandoned and the associated material costs and energy savings will be immediately lost.**
The County spent $3.8 million to purchase 4,800 brand-new streetlight fixtures as part of its Streetlight Conversion Project (the "Project"). None of these fixtures comply with the filtered or blue light content requirements of the proposed bill. For the Department to continue the project, another 4,800 streetlight fixtures must be purchased at a cost that will be significantly higher than the initial $3.8 million already spent.

Additionally, the conversion from high-pressure sodium to light emitting diode (LED) light fixture is estimated to save the County $660,000 per year in electricity costs. Completion of the Project has already been delayed by three years resulting in lost energy savings of approximately $2 million. The Project will need to be entirely restarted to ensure compliance with the proposed bill. This will cause an additional three years of delays and result in the loss of an additional $2 million in electricity savings.

The Department recommends the proposed bill be amended to allow for a limited exemption for streetlights to allow the County's current streetlight conversion project to proceed and require that subsequent streetlight replacements to comply with the new lighting standards.

3. **Emergency operations and CIP projects will be hindered.**
Events and activities conducted at night require the use of temporary lighting. Unlike the Hawaii County ordinance, the proposed bill does not provide an exemption for such temporary lighting and there are no readily available alternatives that would comply with the proposed bill's requirements. Any current or proposed night activities would need to be suspended until compliance can be determined.

Impacted activities include emergency operations and capital improvement projects. Without temporary lighting, night work is no longer a viable tool to managing traffic impacts in situations where concurrent roadway projects and post-disaster cleanups are occurring in the same vicinity.
The Department recommends the proposed bill be amended to allow for an exemption for temporary lighting.

4. **The requirement for wall surfaces to be "non-reflective" is unenforceable and contrary to the purpose and intent of the County's Energy Code.**

The proposed bill requires any wall surface hit by light to be "non-reflective", but does not define what this means. The bill attempts to provide examples of non-reflective surfaces, such as the use of matte paint. However, by definition, matte paint does not comply with the requirement of being non-reflective. The Merriam-Webster dictionary defines "non-reflective" to mean not capable of reflecting light. The least reflective paint developed to date, named Singularity Black, still reflects 1.5% of light that hits the surface. Typical matte black paint reflects about 20% of light that hits the surface. No surface can be non-reflective except in the absence of light.

Additionally, requiring building surfaces to be black or dark colors undermines the benefits that the County's Energy Code seeks to achieve. A consequence of the reduced reflectivity provided by dark colors is an increase in heat absorption. Building cooling systems have to work harder and expend more energy to counteract the additional heat loads absorbed by the dark-colored surfaces. The added heat that dark surfaces will absorb reduces the energy efficiency of the building.
The Department recommends the proposed bill be amended to delete the requirement for non-reflective surfaces.

5. **The requirement for "filtered" LEDs is unenforceable.**
The proposed bill requires outdoor light fixtures to be a "filtered LED". A light filter is an accessory device and is not an integral part of a light fixture. The proposed bill would require light fixtures to be filtered even if the light fixture alone complies with the blue light content requirement. Residents and business would not be able to find compliant lighting because filters are not a commonly available accessory for outdoor lighting.

The Department recommends the proposed bill be amended to delete the requirement for "filtered" light fixtures.

6. **No evidence supports less blue light will result in less seabird fallout.**

The Department recognizes that artificial human activities have the potential to impact natural processes in the environment. However, the Department is not aware of any evidence showing that reducing the blue light content of outdoor lighting results in any measurable reduction to seabird fallout. Therefore, it is unclear whether the purported benefits of the proposed bill will outweigh its unintended consequences.

The State Department of Land and Natural Resources, who is the State's authority on wildlife management and seabird fallout, maintains a Seabird Fallout Season webpage (https://dlnr.hawaii.gov/wildlife/seabird-fallout-season/) that provides information about seabird-friendly lighting. The strategies presented on the webpage for reducing light

attraction focuses on controlling the direction and intensity of light. Nowhere on the page does it recommend prohibiting blue light.

In May 2022, Hawaii Pacific University and the U.S. Fish and Wildlife Service published a study conducted on Oahu that evaluated the impacts on wedge-tailed shearwater fallout caused by converting streetlights from high-pressure sodium to LED fixtures. It was found that the conversion to LED fixtures had no observable impact on fledgling fallout.
The Department recommends the proposed bill be amended to delete the requirement relating to blue light content so that the County's efforts can be better directed at implementing the bill's more meaningful mitigations relating to controlling the direction and intensity of outdoor light installations.

Thank you for your consideration of this matter. You may contact me at 270-7845 with any questions.

Sincerely,

Jordan Molina

JORDAN MOLINA
Director of Public Works

JM:jso
s:\jordan\transmittals\alee_bill 21 cd1 2022 re outdoor lighting comm report 22-47 06.29.22

Good morning Honorable Chair Lee and Fellow Council Members:

My name is Randy Yamanuha, retired principal of Maui High School and former president of both the Maui Interscholastic League (MIL) and Hawaii High School Athletic Association (HHSAA). I am here today testifying on Bill No. 21. Although the bill has its merits, I am asking you to reconsider in not passing the bill at this time until some of the unintended consequences and community wide ramifications can be discussed with all affected parties. As previous testimonies mentioned the obvious financial impacts in loss of revenue from decreasing gate receipts and investment in new equipment in order to comply with the bill requirements. Other consequences that I want to point out is the greater risk for the health and safety of our student athletes. Moving athletic competition during the heat of the day places students at an increased risk for heat related injuries. Other unintended consequences by moving events to the daytime will greatly impact our community sports leagues as it will lessen available playing fields due to high school teams and community teams competing for the same fields during a smaller time window. Another issue should be considered moving events to the daytime and its impact on the league's ability to secure officials. For example, in football most officials have regular day jobs and moving the events to earlier in the day will negatively impact

the number of official available for sporting events. On a side note, we've had judges and prosecuting attorneys as football officials, which they wouldn't be able to officiate daytime events due to work schedules and they would be sorely missed by the league and fans as they bring a sense of creditability to the game. With the increasing number of schools in the MIL, scheduling games during the week is a necessity due to facility and officials' availability.

The most important unintended consequence that I want to speak about coming as an educator is moving games to daytime will impact our student's education. Athletic practices and games were moved to the end of the school day to lessen the amount students miss instructional class time. Having day games and especially for the MIL which is a tri-isle league, travel time is a big component for teams. Students will miss more instructional class time because they will have to leave school earlier in order to have proper warm up time as injury prevention prior to the sporting event commences.

Lastly, for our students and community they will be affected socially and emotionally if there are no evening activities for them as we found out during the pandemic lock down. Have we thoroughly discussed the

impact on our students and greater community? There are probably many more impacts for our students that haven't been mentioned.

In closing, please reconsider your decisions and I ask you to consider all the unintended consequences of Bill 21. Thank you for the opportunity to speak on behalf of our students.

County Clerk

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From: David Dorn <daviddorn808@gmail.com>
Sent: Thursday, July 14, 2022 7:15 AM
To: County Clerk
Subject: Updated testimony: Hale Waipuilani site should remain as is, and be designated as "conservation".

Update 7/14/2022:

The Hale Waipuilani project should not be approved: We should not allow new housing to be built in the flood zone. This area has multiple risk factors and there are many better locations to build affordable homes.

There are 2500 Affordable homes in the pipeline: Maui currently has 36 Affordable Housing projects in the works and according to Mayor Victorino (editorial re Affordable Housing Maui News 4/30/22), there are 2,500 affordable homes in the pipeline.

Disapproving will have a negligible impact on Affordable Housing: Disapproving this 28-unit project will have a negligible impact on Maui's affordable housing and represents only about 1 percent of affordable housing in the pipeline.

A land swap deal is the best option: Maui County currently doesn't have the 133 million dollar budget to fix drainage Infrastructure to make Kihei safe from flooding. But the County does have land. The County has land available at the Kihei Police Station, at Maui Lani, and in the central valley near Pu'unene. Any of these areas are far better suited for housing, and are free from the flooding, and coastal hazards of tsunami, sea level rise, and climate change.

The Developer has been offered a Land Swap: The Maui County has offered the developer the opportunity to discuss a land swap for county-owned land, in a more suitable location. Although the developer initially agreed, they are now saying it would take too long for that to happen.

The County needs to protect Kihei: Kihei cannot accommodate more traffic, or more housing in flood zones, so we need to reduce development on the flood plain, and encourage a retreat from the shoreline. Urban growth areas and new housing should be located on higher ground, and far from known flood zones. Only the County has the power to make the decisions necessary to make this happen.

The best use of 16 E Waipuilani Road is Conservation:

- This site should be placed into conservation. This is one of the area's last remaining open spaces. And it is part of the local watershed and wetland nexus.
- Keeping this lot as conservation helps the County to meet its goals of Open Space preservation, from the MIP, and KMCP Community Plan, as well as achieve the goals of shoreline retreat as recommended in the CARE Committee and Multiple studies.
- Also, this action helps us to depopulate and relocate the Kihei flood zone, as was recommended by former planning director David Goode.
- Conserving this lot at 16 E Waipuilani Road will help to stabilize the degraded watershed, and will help preserve the site's beneficial function as the area's de facto drainage basin.
- This also helps the County towards its goal of designating and acquiring land for "green drainage infrastructure", as recommended in the SMWP, and the KDMP.

Keep the property as is: Preserving this lot as is, has many benefits and will not overburden the local community or its aging infrastructure. The site's original historic house can remain, and continue to provide

housing. The open space and undeveloped land, can continue to provide beneficial services. The site's uncompacted Jaucus and Loamy sand soils can continue to function as a settling area for neighborhood floodwaters, and the site's native vegetation can be encouraged to provide ground cover and habitat for native species. Other possible uses could include becoming an urban nature park or a community garden.

regards,

David Dorn

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Testimony CR 22-61, July 15-2022:

Hi my name is David Dorn, I have lived next to this property for over 20 years. I Oppose the Hale Waipuilani Project.

We shouldn't be building more houses in Kihei's worst flood zone:
There are better places to build housing away from flood plains and coastal hazards. Kihei has an aging infrastructure, bad traffic, and a lack of area drainage. The local area surrounding this specific project has no drainage and is known to flood.

The Kihei Drainage Master Plan states that:
"The intersection of **East Waipuilani Road and South Kihei Road is the low spot of South Kihei Road**. Water is unable to drain efficiently during heavy rainfall because the local drainage system is not designed to cope with large runoff. **Pumping is required to take out the water.** The segment of South Kihei Road from West Waipuilani Road to West Lipoa Street has almost a level slope and is **flooded during heavy rainfall**". (KDMP 66/388)

Decades of neglect and bad planning decisions has left this community highly exposed to flooding with inadequate stormwater drainage, roads, and infrastructure. Natural waterways have been compromised, because building has been allowed in wetlands, streambeds, gulches, and flood zones. The mistakes of the past have created a legacy of poorly planned neighborhoods, and dysfunctional stormwater systems.

Residents of my neighborhood live with aging infrastructure, and lack of amenities such as sidewalks, and no stormwater drainage system. The authorities say that drainage fixes could be 20 years away. We live with the constant threat of flooding, and there is no relief in sight.

Most of you counselors do not live in our neighborhood, so you may find it difficult to relate to this, except Kelly King who lives in our Moku. **When it floods here no one comes to help you**. When the water comes in, sometimes in the middle of the night, it takes over. It can be swift and silent and take you by surprise, and sometimes people do not wake up until their beds are floating on floodwater. You cannot stop the floodwater because it finds a way in, even coming up through the ground, or coming up drain pipes and sewers.

You cannot call 911 because they are too busy to help, you cannot flag down a passing fire truck, because they will not stop, and you are on your own. Nobody is

coming to help, unless you have family or friends that you can call, and they will have to make it to you through the floods.

People stranded in their cars wait hours to be rescued and other vehicles drive around them not stopping to help.

Parents have no choice but to risk the floodwater to get back to their children at home, or to try to evacuate. If You are old or disabled you can only wait and pray that you will be okay. Sometimes we also lose power for days, and we have been stuck inside our home unable to leave for groceries or supplies. Neighbors cannot help you because they too are in the same situation. So you fight any way you can to try to save what is important, the people, and perhaps the photos and memories.

Living at Waipuilani I have been a victim of flooding several times over, but we have been lucky to have flood insurance that helped us, but we almost didn't have even that. After flooding we often live with the flooding effects for days and weeks afterward, waiting for pump trucks, then the contaminated mud to dry enough for it to be scraped away, 50 truckloads at a time. Months afterward dust, silt, mold, continue, and it takes a long time to rebound from the impacts. The ocean can stay brown for months, and some people are unable to move back into their homes until they have had an expensive restoration.

Flooding in this exact location is already bad, but it could get much worse. My neighbors and I are extremely concerned that his project will make flooding worse. And we have no confidence in the promises of the Developer. They have told us that they are **not responsible for regional flooding**, and they are **not able to reduce all their stormwater production**, and they told us that they **will not be responsible for flooding harm to neighbors after the units are sold**. They told us that the **residents and HOA are responsible for their own flood insurance**, and the **homeowners will be responsible for maintaining any stormwater system they install**. The developer has told you that they intend to add almost **one Acre of new roof and impervious services**, and that they will produce an additional **6000 gallons per hour of stormwater**. That also said they could not stop the stormwater coming off their property, but they could make it cleaner. **Betsill admitted that "there is (ground)water all over this site"**, and **Carnicelli acknowledged that the area has a flooding problem.**

The Planned Drainage System will not work.

Several people including local drainage experts, builders, watershed scientists, and architects have testified that the planned under-ground/under-building drainage retention system will not work. The proposed method of stormwater disposal relies on

percolation of stormwater into groundwater using narrow perforated pipes in underground storage ponds. This type of system is known to be high maintenance and quickly loses its effectiveness if not properly maintained.

Underground Storage System: This area site is within the FEMA AH flood zone with anticipated 1-3 feet surface ponding. So any stormwater detention "holding tanks" would need to be placed above the 3-foot flood height. Any underground storage system would not work during anticipated storms with 3-foot deep ponding and surface flooding.

Underground percolation will not work with rising water tables:
The proposed underground "perforated-pipe retention ponds" would not work in the event of rising groundwater. Prolonged rain events such as Kona Storms can last several days, and typically saturate the ground and bring water tables to the surface. So the proposed underground drainage solutions would likely fail at the worst possible times during a Kona Storm flooding event.

The worst storms are yet to come:
We have not seen a 100-year storm in our lifetimes. All of Kihei's worst storms in the last three decades or more have not reached the anticipated 100-year storm threshold. Even though many storms are extremely severe and property is damaged, the biggest storms are yet to come.

The Developer has been offered a Land Swap: The Maui County has offered the developer the opportunity to discuss a land swap for county-owned land, in a more suitable location. Although the developer initially agreed, they are now saying it would take too long for that to happen.

Carnicelli said the 16E was not a wetland according to ACE (Army Corps of Engineers).
FYI, The ACE designation by itself is **not enough to protect a wetland.** Even if this Site was designated as an ACE "Jurisdictional Wetland", Betsill would still try to develop it, Just as they already did to several wetland lots on Halama Street.

It is up to the County to decide what it wants to protect. Sites such as 16 E Waipuilni do not have to meet the specific ACE wetland criteria to be important to the watershed. The County needs to value the beneficial functional and services that these types of sites provide to the area's natural drainage.

Local Flooding Issues:

- Mr. Carnicelli said that "most testimony was for regional flooding, and not local flooding". **This is not the case.** There has been a lot of specific testimony given by the immediate neighbors at all of the meetings, regarding the specifics of flooding at this exact site.
- You have heard testimony from the adjoining neighbors living on at least three sides of this property. You have heard first-hand testimony of flooding, diagrams, and photos.
- The County has also heard verbal testimony and received written testimony from the immediate neighbors regarding flooding witnessed on this site itself, describing the water flowing across this site and onto South Kihei Road, affecting downslope properties. And you have heard specific details of stormwater water coming under the fencing and rock walls on the makai side, and flooding at this site affecting groundwater.
- And you have heard testimony from people affected immediately downslope on West Waipuilani Road, Ewa Place, and South Kihei Road.
- You have received a petition, regarding the specific issues at this site from the 200 immediate neighbors living in approx 100 affected houses neighboring this property.

Site-specific drainage testimony: There has been a lot of testimony given about the immediate drainage problems, lack of curbs and stormwater drains. There has been testimony about drainage through soils on this site, as well as the condition of the groundwater and high water table at this specific site.

There is no doubt that this Development will worsen the flooding conditions:
The Hale Waipuilani development would add approximately **One Acre** more of stormwater producing surfaces. The combined area of Roof, Driveways, and other impervious surfaces that will produce stormwater is about an acre. This represents a significant change to existing drainage and flooding conditions. The proposed drainage calculations estimate approximately 6,000 gallons/hr will be added to the local stormwater loads.

There is a high probability that the downslope neighbors and properties will be impacted by drainage from this project. Drainage from this site already affects the downslope neighbors, so any increase in stormwater runoff from present conditions could have a devastating impact on neighboring properties, Even adding a few inches to the flood height or adding those thousands gallons of expected stormwater runoff, can have harsh consequences for the neighbors. These harmful effects are far reaching as

hundreds of homes share the same low elevation and are situated in a natural depression that fills with stormwater.

Managing Surface Flow: There has been a lack of information by the developer about surface flow conditions. And they have no clear plan about how they would manage surface flows going onto this site, especially during Kona Storms and 3-foot deep ponding.

Existing Surface-Flow Conditions: Currently, storm water surface-flows into this property from Waipuilani Road as well as from (and to) South Kihei Road. Surface stormwater flows from the NE corner to the SW corner of the site. Water flows downslope diagonally across this site. Flowing downslope, the surface water passes under the chainlink fence or unfenced portion (in the SW corner) and across the 2 neighboring properties. The corner properties are 1103 S Kihei Road, and 1093 S Kihei Road. After crossing these properties, stormwater then fills the South Kihei Road intersection at Kauhaa Street. Floodwaters accumulate in this area and backfill into neighboring properties in both directions including the 5-lots immediately makai of the property.

The 5 adjoining lots immediately makai of 16 E Waipuilani Road are:
1103 S Kihei Road, 1093 S Kihei Road, 1087 S Kihei Road. 1077 S Kihei Road, 6 E Waipuilani Road. Properties across SKR are also affected. And along W. Waipuilani Road and Ewa Place and Uluniu Road. And several smaller, private roads makai of the property are also affected.

Neighboring properties facing the north side of 16 E Waipuilani Road are.
1051 S Kihei Road, 15 E Waipuilani Road, 9 Eleu Place, on the NW catty-corner is 37 Waipuilani Road. Elevations vary little between the 16E Waipuilani Road property and the roadway. Other neighboring properties are on the same level where they are vulnerable to flooding.

On-Slab Houses: Houses in this area are generally built on-slab because of the high water table, and basements and below ground construction is not possible. Most of the neighboring houses are built on-slab, and have little resistance for flooding.

Eleu Place/Waipuilani Road Intersection:
The entire intersection (Eleu Place and E. Waipuilani Rd.) also floods, and water ponds here to a depth of several feet. Most houses along Eleu also flood at the same time.

Drainage patterns and Surface flows.

- East Waipuilani Road slopes down from the eastern side at Liloa Street end and is the lowest at the corner of Waipuilani Road and South Kihei Road.
- Waipuilani Road varies little in elevation near this end and is mostly flat between Eleu and South Kihei Road.
- The entire portion of the road along the northern side of 16 E Waipuilani is flat, and is where water pools and accumulates. This northern side of the property is level with or slightly lower than the roadway.
- When it rains, water flows down Waipuilani Road, or onto this property, between Eleu and SKR, where it floods the roadway and flows onto the property and adjoining houses.
- Water flowing onto the northern side of the 16 E Waipuilani property surface flows across from the Northeast corner towards the South West corner. Shallow parts of this lot will accumulate water, where there are generally ponds to a depth of a foot or so. And then excess stormwater will drain towards the SE corner across the southernmost properties on the makai side.
- On the Makai side of the property, only 3 out of 5 houses have rock or concrete walls. And the last 2 houses have either a chain link fence or no fence. Actually the 4th house has a chain link fence, and the last (5th) house doesn't have any fence at all.
- The majority of the outgoing surface water flows over the corner property (1103 South Kihei Road) and flows onto South Kihei Road.
- Stormwater coming onto South Kihei Road from this property will flood the Kauhaa/SKR intersection. Stormwater ponds here and backfills, where it will migrate north and south along SKR and enter the front side of the property's makai neighbors.

Neighbors adjoining the Eastern side of the property include:

38 E Waipuilani, 36 E Waipuilani, 30 E Waipuilani, 26 E Waipuilani Road. These properties are on the same elevation as 16 E Waipuilani, and are separated by a low row of cinder blocks that varies from 6-20 inches high. This wall is inconsistent and broken in many places. Several properties on the eastern side have stormwater drains or french drains that either soak excess rain water into the groundwater or direct surface flow toward the subject property. The driveway on the eastern side features several large grated stormwater drains that reach about 5 feet in depth and are permanently filled with a foot or two of water. Presumably this drain water comes from the water table which is known to be close to the surface in this entire area.

The southern side of the property:
The Southern side is a 5-6 foot high retaining wall from the meadowlands project and Kauhaa Road. N.B. That southern retaining wall exhibits signs of permanent water seepage into 16 E Waipuilani property side.

The Urbanized Watershed: In developed areas, the watershed becomes urbanized. Water that flowed in streams flows into stormwater drains, and streets become tributaries. Housing developments and parking areas become the catchment areas, and low-lying areas become drainage basins. This is described in the South Maui Watershed Plan. Unfortunately in the absence of proper urban drainage planning, nature has adapted to the environment. But unfortunately for residents this part of Kihei is located in a drainage basin with no ocean outlets.

Sources of Flooding: Flooding onto and around this site comes from a number of different sources. And will eventually end up in this neighborhood. Localized flooding from heavy Kona storms produces vast amounts of stormwater, hardened surface roads and rooftops increase local stormwater production of surface runoff far exceeds the absorption. Storms at higher elevations create flash flooding, and swell stormwater channels, gullies and gulches. Stormwater and heavy rains can also increase groundwater, and cause water tables to rise, This creates areas of ground flooding and increased exfiltration of water coming out of the ground. Surface water and groundwater flows downslope. Rain falling in the lower part of the watershed, below Piilani Highway, will often travel along streets and through properties until it hits the lowest portions of the floodplain. This particular part of Kihei has no outlets to the ocean. So stormwater builds up, ponds, and backfills into houses and other areas.

Flooding from local streams and gulches:
Local streams and gulches will also flood, break their banks and flow laterally affect this area. Floodwaters from Kulanihakoi, Waipuilani Gulch, Piilani Highway, and Keokea flow downhill and join at the floodplain, in particular at South Kihei Road. Any one or several sources can combine and travel laterally along South Kihei road. South Kihei Road acts as a transverse auwai (water channel).

Shared Water Table: All the neighboring properties share a common water table, and what affects one impacts them all. Adding or disposing of this development's stormwater into the groundwater could raise the water table for all adjoining properties. This would have the greatest impact during the heaviest rains and storms.

There are 2500 Affordable homes in the pipeline:
Maui currently has 36 Affordable Housing projects in the works and according to Mayor Victorino (editorial re Affordable Housing Maui News 4/30/22), there are 2,500 affordable homes in the pipeline.

Disapproving will have a negligible impact on Affordable Housing:
Disapproving this 28-unit project will have a negligible impact on Maui's affordable housing and represents only about 1 percent of affordable housing in the pipeline.

Betsill already has multiple projects in the works:
Betsill already has multiple projects in the works, including the 204 unit Kuikahi project in Wailuku. And Betsdil has been offered a land swap from the County to relocate Hale Waipuilani project to higher ground. What they ultimately decide to do is up to them. They say they are "entitled" to build market-rate homes under the current zoning, but they will also have to prove proper drainage for an SMA also.

Betsill and Alaula Builders can be good neighbors:
Hopefully Betsill is truly a "good neighbor" as they claim, so surely they should want the safest housing for our future workforce. To this end they should be amenable to relocating the Hale Waipuilani project to a better suited area, where there are adequate amenities, and no flood zones, or coastal hazards.

Land swap deal is the best option:
Maui County currently doesn't have the 133 million dollar budget to fix drainage Infrastructure to make Kihei safe from flooding. But the County does have land. The County has land available at the Kihei Police Station, at Maui Lani, and in the central valley near Pu'unene. Any of these areas are far better suited for housing, and are free from the flooding, and coastal hazards of tsunami, sea level rise, and climate change.

County needs to protect Kihei:
Kihei cannot accommodate more traffic, or more housing in flood zones, so we need to reduce development on the flood plain, and encourage a retreat from the shoreline. New urban areas and housing should be on higher ground, and far from known flood zones. Only the County has the power to make the choices necessary to make this happen.

Best use of 16 E Waipuilani is Conservation:

- This site should be placed into conservation. This is one of the area's last remaining open spaces. And it is part of the local watershed and wetland nexus.
- Keeping this lot as conservation helps the County to meet its goals of Open Space preservation, from the MIP, and KMCP Community Plan, as well as achieve the goals of shoreline retreat as recommended in CARE Committee and Multiple studies.
- Also this action helps us to depopulate and relocate the Kihei flood zone, and was recommended by David Goode.
- Conserving this lot at 16 E Waipuilani Road will help to stabilize the degraded watershed, and will help preserve the site's beneficial function as the area's de facto drainage basin.
- This also helps the County towards its goal of designating and acquiring land for "green drainage infrastructure", as recommended in the SMWP, and the KDMP.

Keep the property as is:

Preserving this lot as is, has many benefits and will not overburden the local community or its aging infrastructure. The site's original historic house can remain, and continue to provide housing. The open space and undeveloped land, can continue to provide its beneficial services. The uncompacted Jaucus sand soils can continue to function as a settling area for neighborhood floodwaters, and the site's native vegetation can be encouraged to provide ground cover and habitat for native species. Other possible uses could include becoming an urban nature park or a community garden.

Regards,

David Dorn

REFERENCES:

"To address the flooding problems at South Kihei Road, it will involve several factors such as land acquisition, roadway and private driveways reconstruction, utility relocation, and community involvement". KDMP 12/388

"Each future development, both mauka and makai of Piilani Highway, is assumed to control its onsite increased runoff (detention facilities) so as to not to cause adverse impact to the downstream areas". KDMP 10/388

"Several well-defined gulches exist within the study area that carry large quantities of storm water runoff across Piilani Highway and South Kihei Road to the ocean. Rare, but intense, storms cause flash floods in the lowland areas". KDMP 17/388

"The flow discharges to open spaces past Piilani Highway and sheet flows to the ocean seeking natural outlets".
Kihei-DMP-Pre-Final-Report-Complete-11-04-16.pdf

"The storm drainage system on South Kihei Road is not meant to convey large runoff". KDMP 23/388

"The LiDAR topography shows South Kihei Road is almost level for the majority of its segment. As a result, flooding is observed throughout South Kihei Road during heavy rainfall. The flooding is noticeably severe for the northern portion of South Kihei Road between Kulanihakoi District and Charlie Young District". KDMP 23/388
"The FIRM shows the area from approximately 1,300 feet mauka of South Kihei Road to the ocean is inundated by both the Kulanihakoi Gulch and Waipuilani Gulch floodplain." KDMP 45/388

"The flooding problems along South Kihei Road are caused by the overflow from both Kulanihakoi Gulch and Waipuilani Gulch". KDMP 46/388

"No development is anticipated makai of Piilani Highway". KDMP 48/388

"Insufficient channel/culvert capacity forces the storm water to overflow into the nearby lots and causes flooding at South Kihei Road". KDMP 56/388

"The intersection of East Waipuilani Road and South Kihei Road is the low spot of South Kihei Road. Water is unable to drain efficiently during heavy rainfall because the local

drainage system is not designed to cope with large runoff. Pumping is required to take out the water. The segment of South Kihei Road from West Waipuilani Road to West Lipoa Street has almost a level slope and is flooded during heavy rainfall".
KDMP 66/388

"The area bounded by South Kihei Road, West Lipoa Street, Uluniu Road, and West Waipuilani Road lacks a drainage system. The existing terrain within this enclosed area generally is in a sump condition making it a challenge to drain. The storm water is not collected and flows overland seeking natural outlets to the ocean. Whenever there are depressions in the terrain, ponding will occur. A 12" pipe running along Uluniu Road is the only drainline identified in this area and outlets to the beach via an 18" pipe. The latest FIRM shows the area within Keok 1_2, approximately from 480 feet mauka of South Kihei Road to the ocean, is subject to Zone AO (shallow flooding due to sheet flow on sloping terrain) and Zone AH (shallowing flooding due to ponding)".
KDMP 66/388

KIHEI-MAKENA COMMUNITY PLAN (1998):
https://www.mauicounty.gov/DocumentCenter/View/1712/Kihei-Makena-Community-Plan-1998

"The significant amount of vacant land mauka of Pi`ilani Highway will, in the future, provide opportunities to expand public facilities, parks and housing". KMCP 13/69

"Establish a system of parks, utility easements, shoreline areas, drainageways and wetlands as an open space framework for the urban areas of the region, i.e. where structures exist or are planned to exist, and provide an integrated system of pedestrian and bicycle paths". KMCP 17/69

"Prepare an Open Space Master Plan for the region to provide a unified system of non-motorized access to community resources, and to provide a planned program of resource stewardship. Establish standards for the use of drainageways, gulches, wetlands, and easements for public access". KMCP 19/69

" ...prevent haphazard development, and ensure that the provision of adequate infrastructure and public facilities and services takes place prior to or concurrent with development". KMCP 19/69

"Require the integration of wetlands and drainageways into an open space, pedestrian pathway, and bikeway system within and around the Lipoa business district". KMCP 21/69

Maui Island Plan: https://www.mauicounty.gov/1503/Maui-Island-Plan

Maui Island Plan Book:
https://www.mauicounty.gov/DocumentCenter/View/84686/Whole-Maui-Island-Plan-Book

"The island's infrastructure systems are vital to our community, economic prosperity, and quality of life. They are also expensive to construct, maintain and replace. However, for Maui to be prosperous in the future we must now make the same sacrifice our grandparents made. We must aim to share their foresight and be willing to make the investments needed to provide a stable future for our children and grandchildren". (MIP 6-2)

"Identify and improve hazardous and substandard sections of roadways, drainage infrastructure, and bridges, provided that the historical integrity of the roads and bridges are protected". (MIP 31-77)

"Consider identification, acquisition where appropriate, and utilization of abandoned right-of-ways for bikeways, pedestrian pathways, and open-space networks". MIP 31-77

"Major floods from severe storms typically occur during the winter season (October through April) and account for 84 percent of the floods in the islands.1 Kona storms are typically the most destructive storms in Hawai`i, based on frequency. Storm intensities may include wind speeds up to 60 miles per hour with flooding rains and snow storms on Haleakalā. Kona low pressure systems are relatively long-lived storms, often affecting Hawai`i for a week or more, and have been historically responsible for a great deal of damage". (MIP - Severe Storms and Flooding).

"The University of Hawai`i Coastal Geology Center has predicted that the sea level will rise in the coming decades. This would impact all coastlines, and would most severely affect Maui's developed, low-lying communities: Mā`alaea, North Kīhei, Lahaina, Kā`anapali, and Kahului. Prudent land use planning will consider possible sea-level rise as a variable in the future". (MIP - Sea Level Rise).

ASSESSMENT OF FEASIBILITY OF MANAGED RETREAT IN HAWAI'I
https://planning.hawaii.gov/czm/ormp/ormp-action-team-project-on-the-feasibility-of-managed-retreat-for-hawaii/

"Managed retreat essentially means shifting development inland from the coast either by the physical movement of structures or changing the restrictions and management of Hawaii's coastal areas".
https://files.hawaii.gov/dbedt/op/czm/ormp/assessing_the_feasibility_and_implications_of_managed_retreat_strategies_for_vulnerable_coastal_areas_in_hawaii.pdf

Climate Change Main Adaptation Strategies: "Managed Retreat involves relocating existing structures out of the vulnerable area and avoiding new development there". ~ Codiga & Wager, 2011

"Most of the development inland of the coastal highway is situated within the tsunami evacuation zone and are within the NFIP VE Zone, where there is a 1% annual chance of inundation by a flood event and the additional hazard of storm-induced velocity wave action. If a 100-year flood were to occur, some stretches of the State highway would become inundated and some communities could be left inaccessible". Managed Retreat 37/84

Office of Climate Change and Resiliency:
https://www.mauicounty.gov/142/Office-of-Climate-Change-Resiliency-and-
SMWP FINAL REPORT: Southwest Maui Watershed Management Plan, Maui County, HI Final Report 2019
https://www.mauiwatershed.org/_files/ugd/c0882d_9514cad08a164e67a2e81fe9d81fcdcb.pdf

"Many of the existing wetlands have been filled in and paved over to make room for this development. Stormwater is unable to filter through the soil and instead, flows over these impervious surfaces directly into the ocean, transporting sediment, oil and hazardous waste, nutrients and pathogens directly into the ocean".(SMWP 87/163)

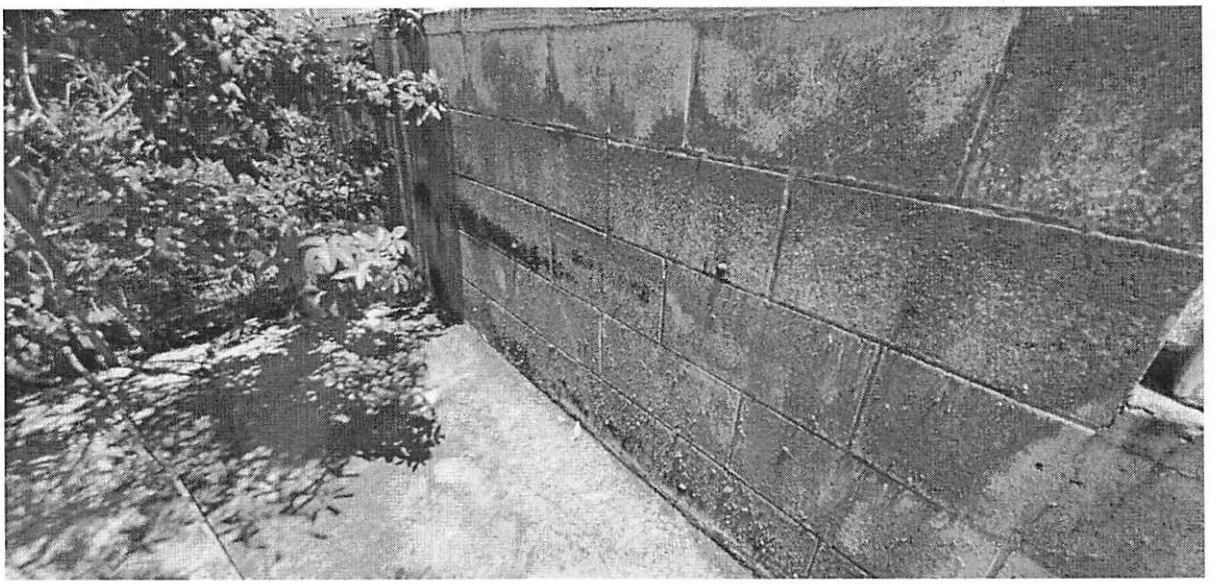
"when stormwater events do occur, the potential for flash floods, and very large stormwater volumes is possible within this watershed". SMWP 159/163

"Both public infrastructure such as roads and bridges and private property are damaged during storm events by sediment laden stormwater". SMWP 23/163

South Kihei Road between Kauhaa Street and Waipuilani Rd



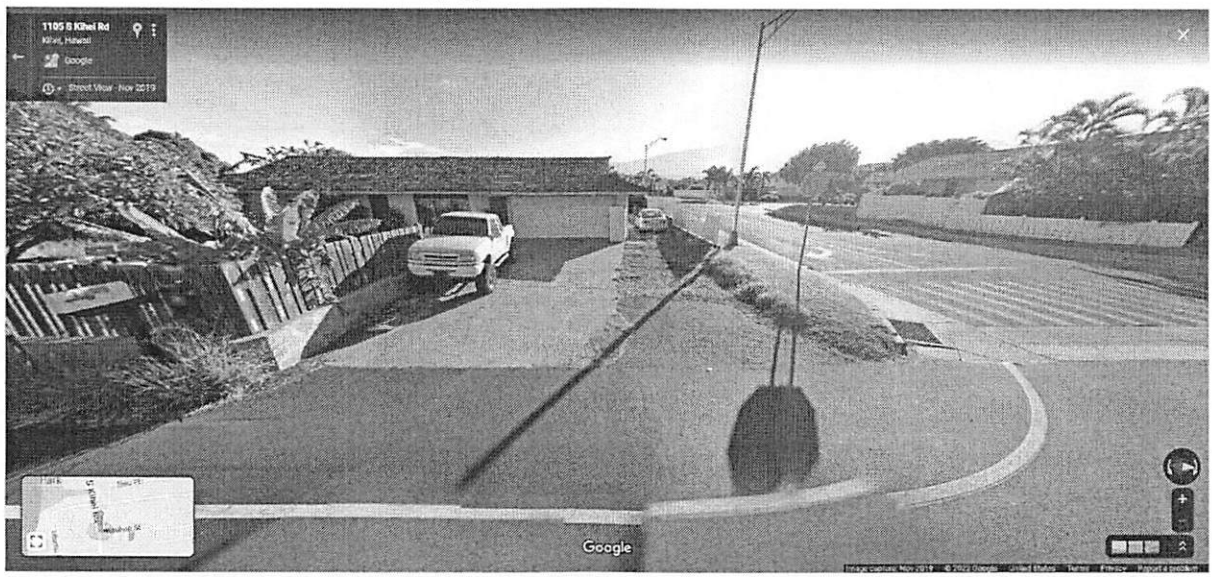
16-E-Waipuilani-Road-groundwater-leakage.jpg



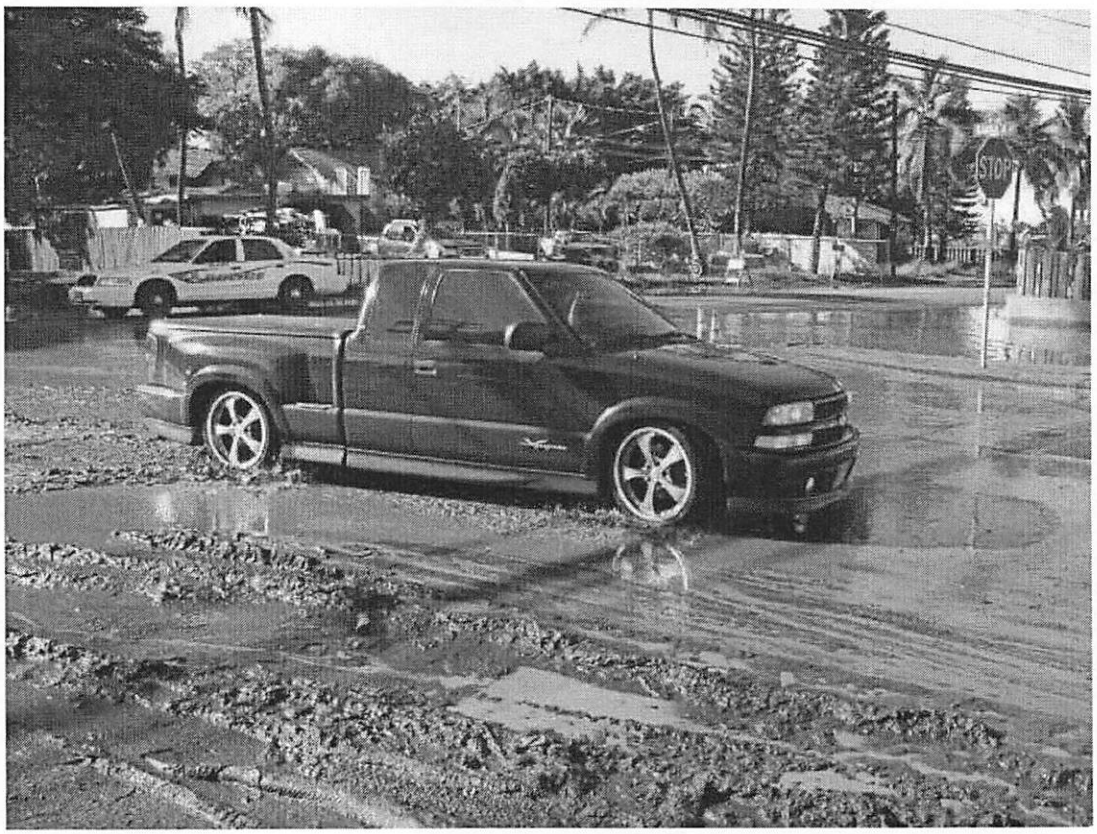
Surface Flows around 16 E Waipuilani Road (Hale-Waipuilani-Surface-Flows-Diagram):



Corner House where the stormwater from 16 E Waipuilani, flows out (Kauhaa-street-google-street-view.jpg):



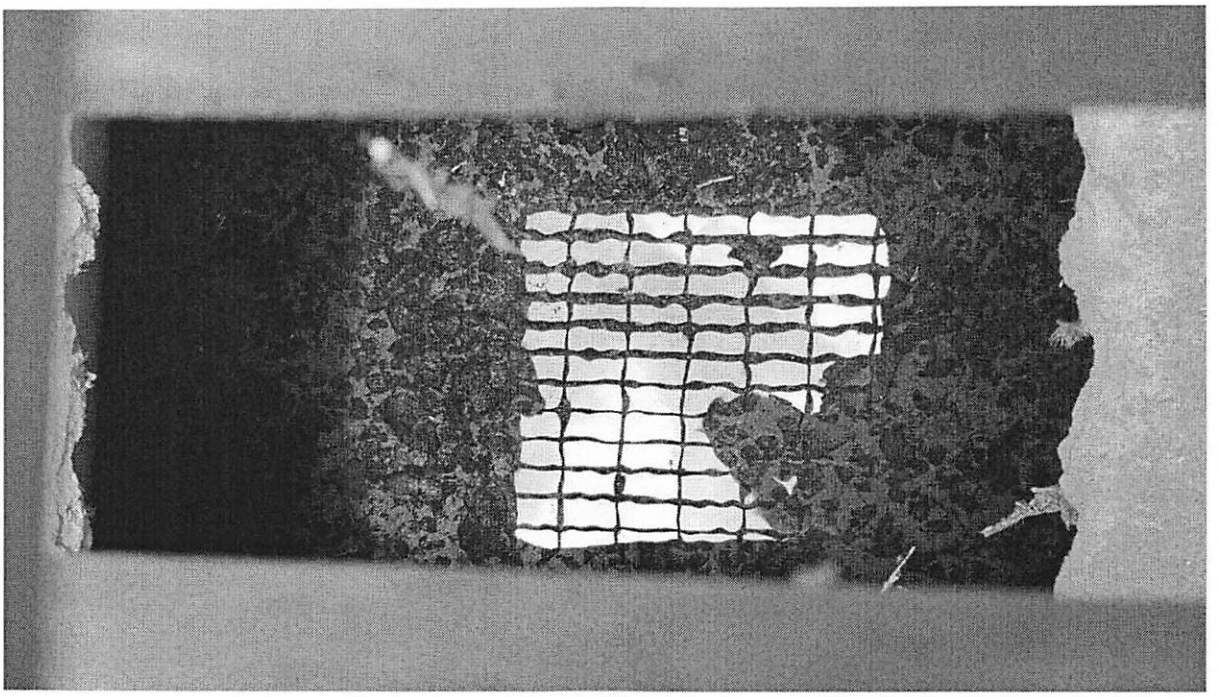
Kauhaa- Street and South-Kihei-Road-after-storm:



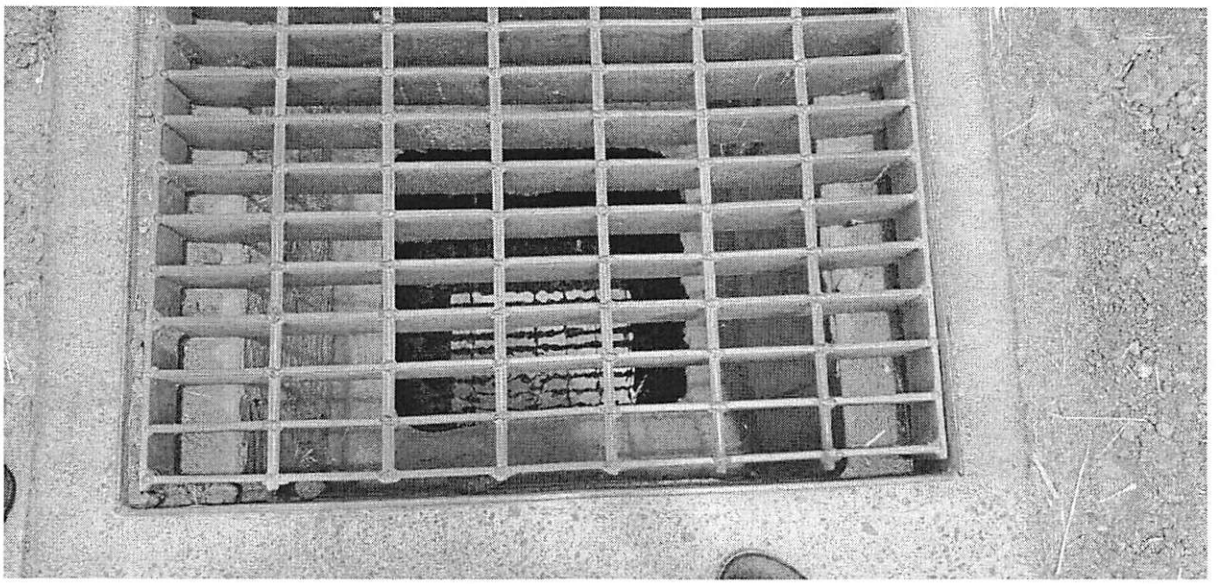
16 E Waipuilani Road Area Map:



16-E-Waipuilani-Road groundwater-in-storm-drain 7/13/22:



16-E-Waipuilani-Road-groundwater-in-storm-grate:



16-E-Waipuilani-Road-groundwater-seepage-Kauhaa-Street:



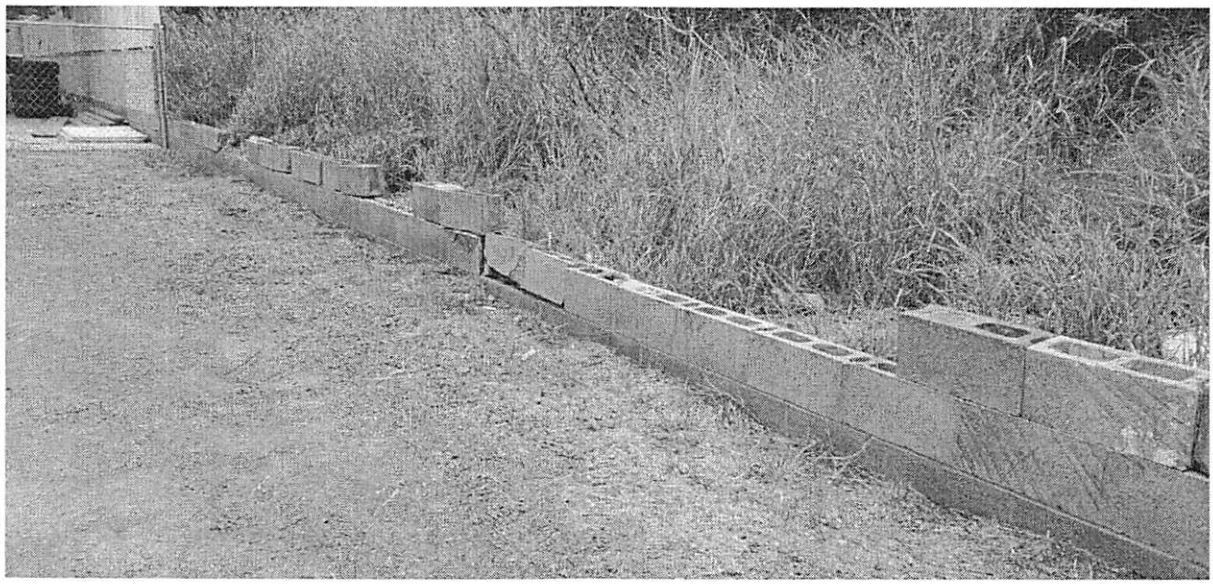
16-E-Waipuilani-Road-SW-Corner (unfenced section):



16-E-Waipuilani-Road-Chain link-Fence (this entire street floods 3-feet deep or more):



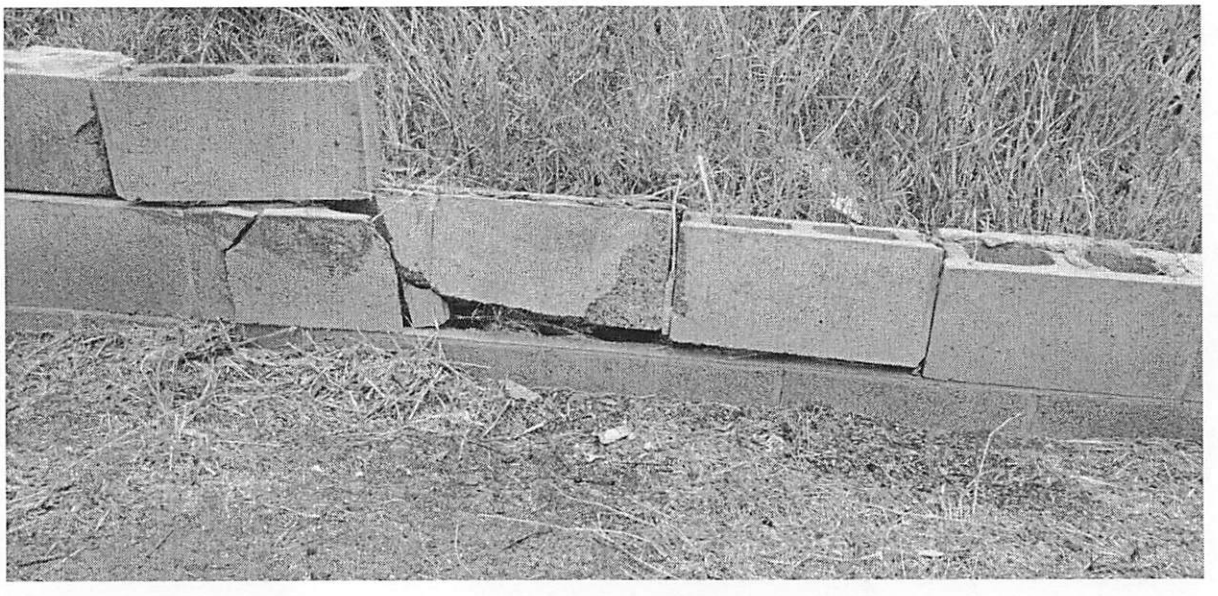
16-E-Waipuilani-Road-eastern-wall (Carnicelli said there is no possibility for flood water to come onto the eastern side of the property):



16-E-Waipuilani-Road-eastern-side (Flood Barrier?)



16-E-Waipuilani-Road-eastern-flood-wall.jpg:



16-E-Waipuilani-Road-block-wall.jpg



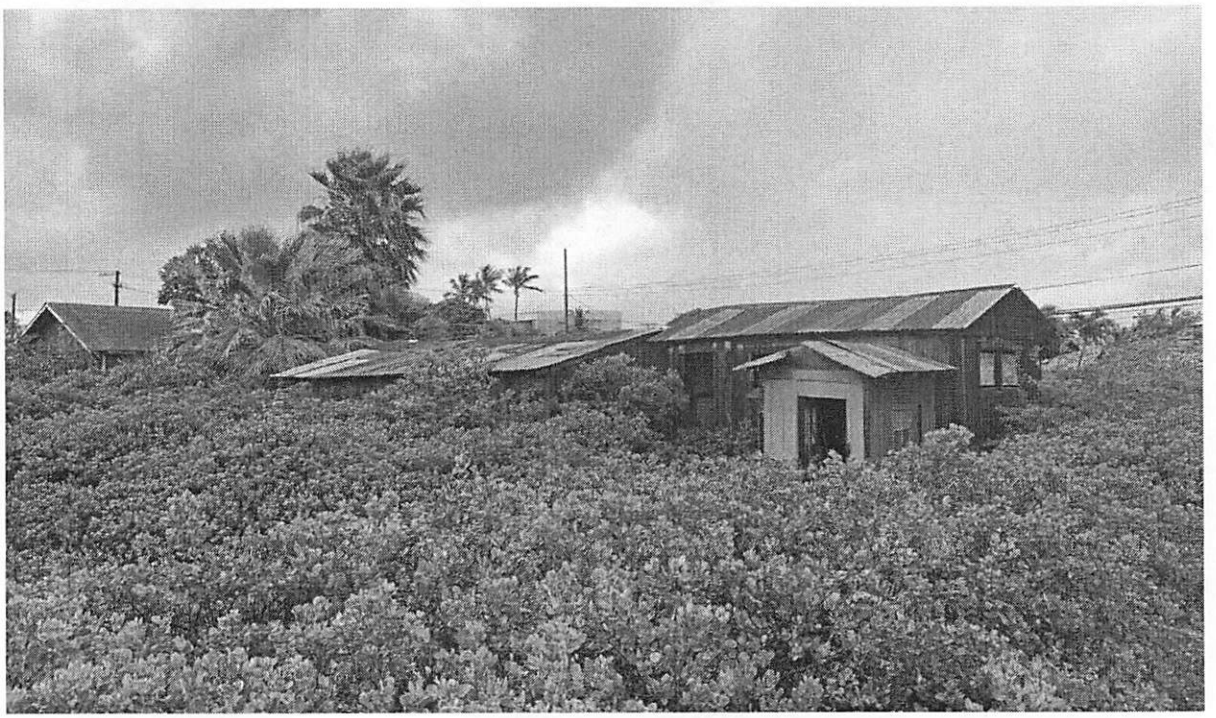
16-E-Waipuilani-Road-Northeastern-Corner.:



West-Waipuilani-Road-Flooded, Properties downslope affected by floodwater.



16-E-Waipuilani-Road-Old-Sheds:



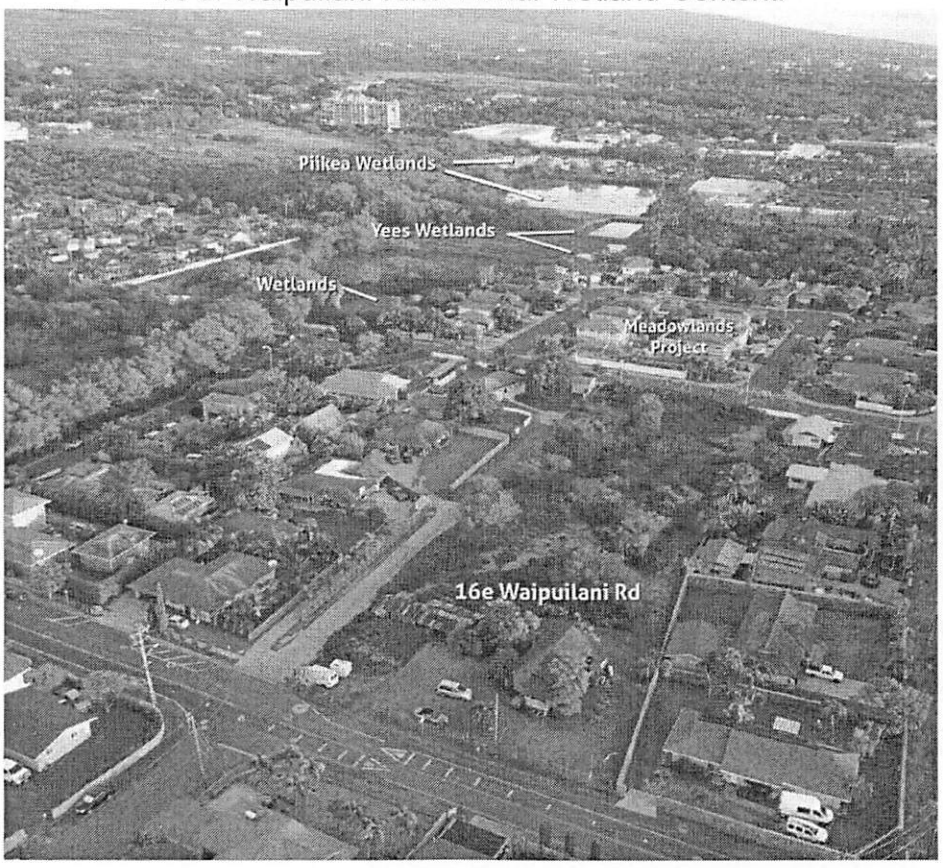
These sheds and adjoining homestead predate most of the other houses in the area, Records show the home at this site dating to around 1957.

16-E-Waipuilani-Road-neighbors-plants (‘Ae‘ae):

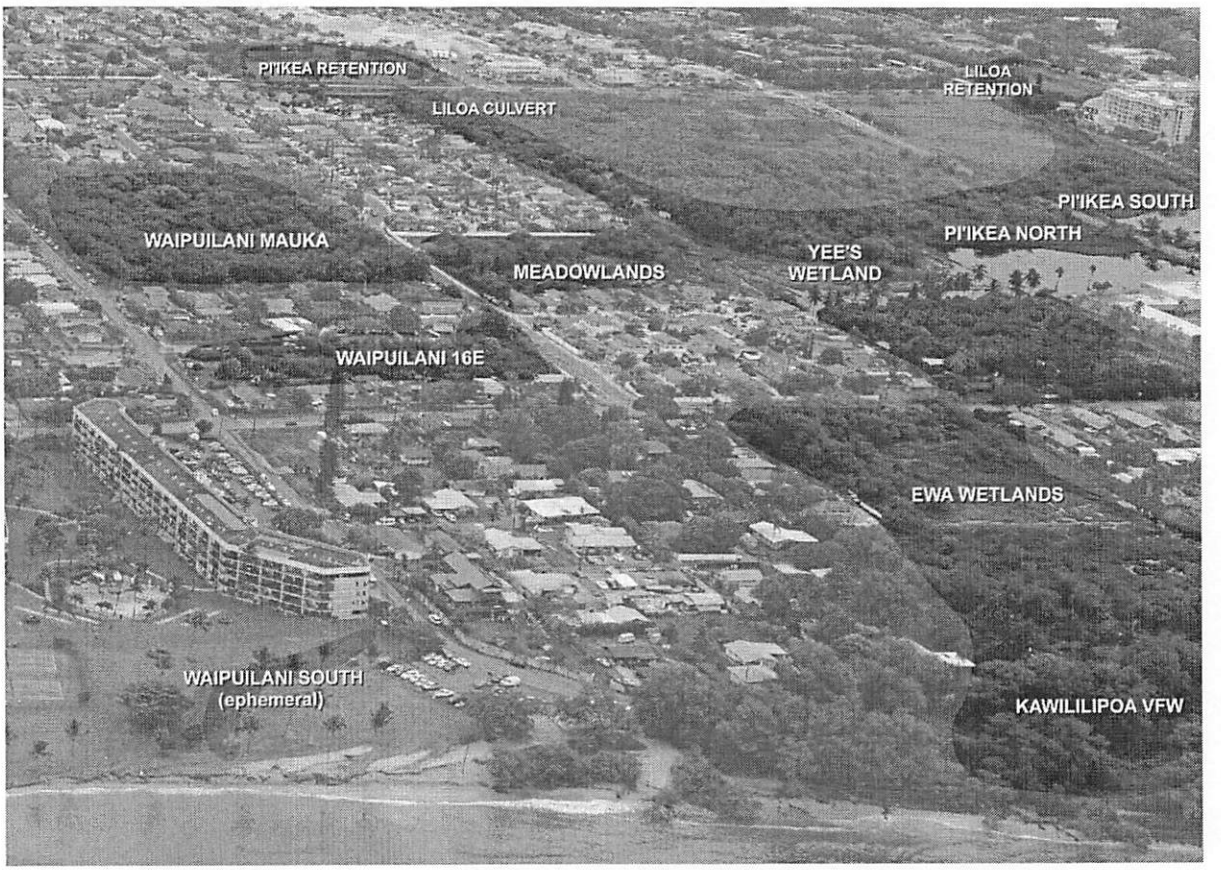


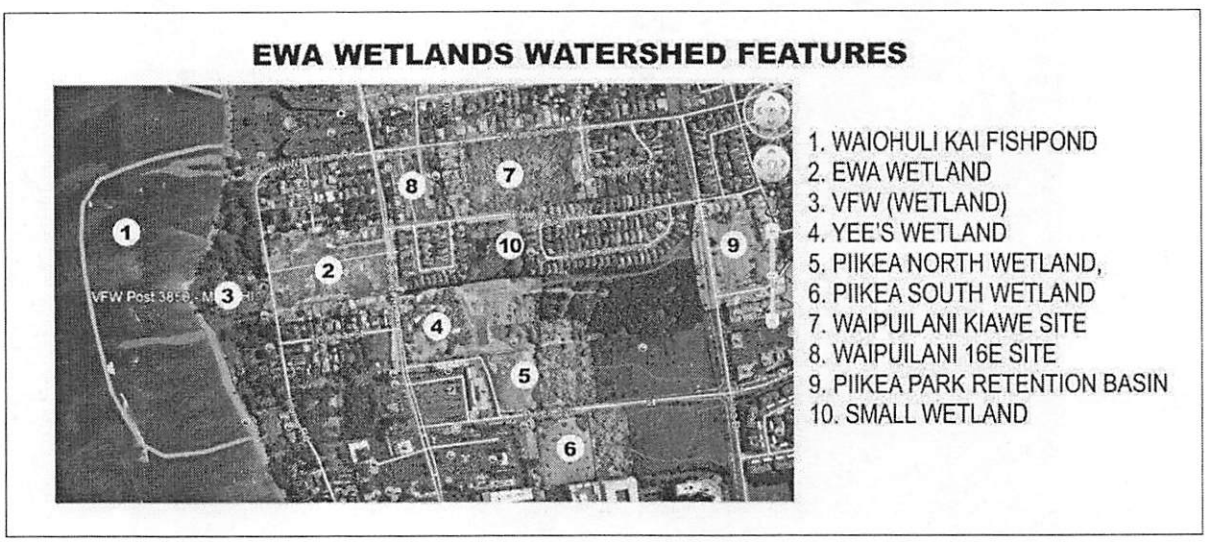
Bacopa monnieri, Hawaiian name: ‘Ae‘ae These water loving plants found around the site. They are perfectly adapted for the damp soil conditions. They are an ethnobotanical plant with medicinal properties. The water table at this site is a foot or two below the surface.

16-E-Waipuilani-Kihei Aerial Wetland-Context:



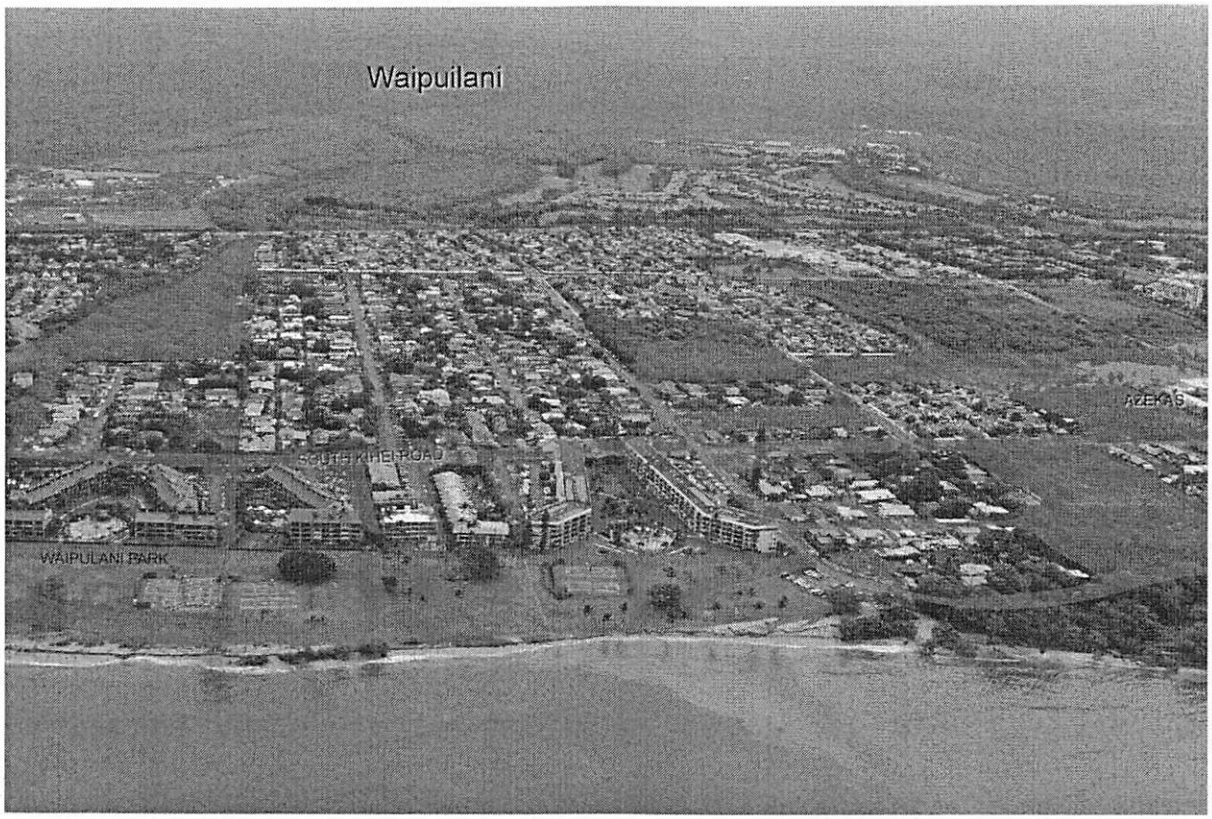
Waipuilani-Wetlands-Group (Waipuilani/Kawililipoa Wetlands Group):



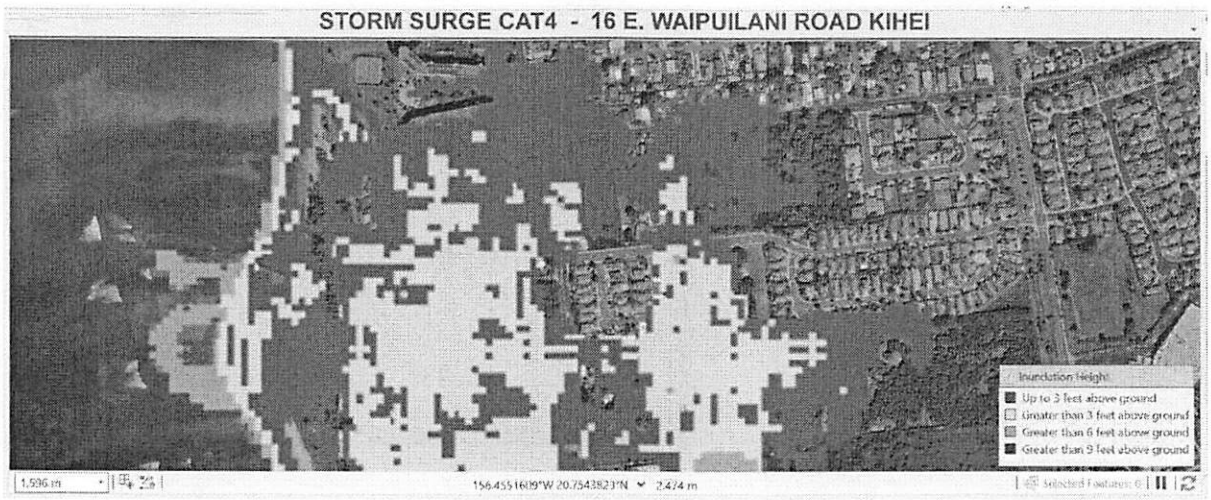


Watershed Features Diagram (Source, South Maui Wetlands technical report)

Flooding Diagram: Waipuilani/Kawililipoa (Source, South Maui Wetlands technical report):



Kihei-CAT4-StormSurge-16E-Waipuilani-Road (3 foot deep flooding):



Carnicelli said, this site was not in a tsunami evacuation zone, (that is not the case):



FEMA FIRM Flood Map, Zone AH 1-3 foot Flooding:



County Clerk

From: David Dorn <daviddorn808@gmail.com>
Sent: Monday, July 18, 2022 6:14 AM
To: County Clerk
Cc: Kelly King; Keani N. Rawlins; Mike J. Molina; Alice L. Lee; Yukilei Sugimura; Tasha A. Kama; Gabe Johnson; Shane M. Sinenci; Tamara A. Paltin
Subject: Testimony cc 22-61: I oppose the Hale Waipuilani project,

Dear Council Persons,
I oppose the Hale Waipuilani project,

Various people have created a false narrative that the people living in the flood zone chose to live here. This narrative is pushed by builders and lobbyists. This is just a form of victim blaming that suits their agenda.

Do not listen to lobbyists and construction industry shills that are victim-blaming people living in flood zones. They have totally ignored the vast amount of testimony regarding the area problems, in particular the dangerous lack of basic infrastructure. And the known hazards.

Kihei is underrepresented on the Planning Commission
Outsiders also do not know the problems of dealing with the Maui County Planning Commission, which rubber stamps all construction projects, regardless of the environmental impacts of flooding considerations. We have been to many Planning Commission meetings and had our testimony completely ignored or we have been told that it is just not true. Outsiders also do not know that our planning commission does not have a single member that lives in Kihei. Outsiders are always trying to tell Kihei residents what is good for them, and they consistently ignore the testimony of local residents, and their lived experiences, or the local conditions that we experience here.

My neighbors and I did not choose to live in a flood zone.
But we now realize that we do, and we also are trapped living here, because of the housing market. We did not move here because it was a flood zone, we came here because it was what we could afford.

Mortgage Qualification Issues: many people living in this area would not qualify for a mortgage today, some are retired or do not make enough for today's prices. Many cannot even qualify to refinance their own homes. When I bought my home I was self-employed and was able to make a "Stated Income" loan, (aka a "No Docs Loan") at 7.5% interest. I would never have got a mortgage otherwise. Nowadays these types of loans are not available, also I wouldn't qualify for another mortgage today. So I cannot move to a new home unless I can pay cash for it. In short, I am stuck here, unless I cash-out and move to a smaller, cheaper apartment.

When I bought my home over 20 years ago I was never told it was a flood zone,

- I have never lived in the area before,
- and as a first-time homeowner I didn't know what questions to ask.
- I didn't know what a title company was, or mortgages, or anything related to home ownership.
- I chose my home because it was the cheapest one in Kihei, and the only one that I could afford.

Because it was required by the mortgage company;

- I had a home inspection/valuation
- I had a termite inspection
- I was required by the mortgage company to have flood insurance,
- I also needed home insurance,
- and I had to have title protection insurance.

What Was not declared or disclosed to me:

- It was never declared to me that this area had a bad flooding problem,
- I was never declared that this location had no stormwater drainage,
- or that my home's floor level was below the area's Base Flood elevation,
- I think that maybe the FEMA Firm designation came later.
- I was never informed that I would not be able to build ohanas without raising the floor level of the entire house.
- I was never told that my house was in the SMA, or subject to CZM.
- I was never informed that my home was in the Tsunami Zone.
- I was never informed that my home was subject to Sea Level Rise.
- It is a new rule that REA (Real Estate Agents) have to declare to homebuyers that houses are in the SLRXA.

NB, Many of these items are still not required to be disclosed to homebuyers today.

The Flood Zone has been created around us.
According to long-time resident Jimmy Gomes (73 years living here on Waipuilani Road),
This area always flooded, but it was never this bad. The water came down the mountain but was filtered by the vegetation and would run clean to the ocean. But over time development has worsened the flooding. More concrete and less vegetation have made the flooding worse year by year.

In the last 20 years since I owned my home, I have experienced worsening flooding and more frequent flooding.
The flooding got worse after Betsill built the Meadowlands project next door in 2017. There was a major flood in Kihei during the construction of Betsill's projects on Waipuilani Gulch Some say because during construction they blocked the stream bed there. And flooding got worse after Betsill built into the gulches at Kulanihakoi gulch, Keokea Gulch, and other wetlands. And flooding gets worse every time someone builds housing projects uphill.
Because there is no proper County stormwater system, most projects have been allowed to dump their stormwater onto neighboring properties in a daisy-chain effect. Subsequently, all stormwater accumulates in the lowest elevations on the flood plain. This is what the Planning Commission has allowed and we are not experiencing the cumulative effects of stormwater dumping.

The County and Planning Commission have allowed the flooding to get worse:
The County and Planning Commission have allowed the flooding to get worse in my area because they never required any of the developers to create a pepper drainage system, and many times deferred their required SMA infrastructure contributions.

The Maui County helped to create the flooding problems that we are experiencing today. By negligence and omission, the county has allowed a dangerous condition to develop because they never added the appropriate infrastructure, or followed through on their drainage plans or watershed management plans.

Please listen to the local residents who are affected by the flooding problems. And who stands to be impacted by the increasing flooding problems that overdevelopment at this site could cause.

Regards,
David Dorn

MICHAEL P. VICTORINO
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT
COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

JOHN PELLETIER
CHIEF OF POLICE

CHARLES L. HANK III
DEPUTY CHIEF OF POLICE

July 14, 2022

Honorable Michael P. Victorino
Mayor, County of Maui
200 S. High Street
Wailuku, HI 96793

RECEIVED
2022 JUL 15 AM 8:15
OFFICE OF THE
COUNTY CLERK

For Transmittal to:

Honorable Alice Lee, Chair
and Members of Maui County Council
200 S. High Street
Wailuku, HI 96793

Dear Chair King and Council Members

SUBJECT: BILL 21, CD1, FD1(2022), SEABIRD AND BIODIVERSITY PROTECTION (PAF 22-164)

Thank you for the opportunity to testify in person at the Council Meeting on July 1, 2022 regarding the above-referenced matter. Pursuant to your letter dated July 12, 2022, this responds to your request for written testimony. At this time, I am requesting a full and permanent exemption of this ordinance for all those in public safety.

As I testified, the numerous reasons for such an exemption include, but are not limited to, crime scene investigations, hostage barricades, fatal accidents and violent criminal apprehensions. There should be no mandate on what light is used as it pertains to public safety. Since these incidents are critical and as technology expands, I would hate for us to be limited in our ability to be as effective as possible.

Thank you for your consideration.

Sincerely,

JOHN PELLETIER
Chief of Police

GRASSROOT
INSTITUTE OF HAWAII

RECEIVED
2022 JUL 15 AM 8:02
OFFICE OF THE
COUNTY CLERK

July 15, 2022
9 a.m.
Council Chamber, Kalana O Maui Building
8th Floor, 200 South High St.
Wailuku, Hawaii 96793

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 (CD1) to establish a new method of determining the sales price of an affordable dwelling unit to include the total housing costs associated with home ownership such as principal, interest, taxes, homeowner's insurance, private mortgage insurance, and homeowner's association dues.

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, a 501(c)3 nonprofit policy research organization.

The institute is a taxpayer watchdog group that promotes the values of individual liberty, economic freedom and accountable government.

We have concerns that Bill 107 (CD1), though well-intentioned, could cause homebuilders to stop building affordable homes. This is because the bill would reduce the sale price of a home by approximately 20% to 22%, which would virtually wipe out any profit homebuilders currently enjoy and significantly reduce the financial incentive for homebuilders to invest in projects.

Affordable housing projects already sell at below-market prices and barely pencil out as it is. As a result, homebuilders recoup by adding to the prices of their higher-end homes,

Bill 107 makes the below-market prices for workforce homes even lower by requiring total housing costs to fit within 31% of gross household income. "Total housing costs" under this bill include not only the mortgage and interest, but also homeowner association fees, property tax, private mortgage insurance and home insurance. Those additional costs can vary, but on

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average, adding them to the total price that can be charged for workforce housing would lower the actual sales cost of the homes by 20 to 22%.

Reducing prices even further by simple decree would erase what little incentive homebuilders have to build affordable housing. The result will be no new affordable housing projects at all, which would hurt the very people this proposal is intended to help.

Instead of trying to lower prices by mandate, Maui County Council members should consider reforming the county's regulations to allow more housing to be built, as outlined in the report "How to build affordable, thriving neighborhoods," produced by the national State Policy Network.[1]

Here is a summary of proposals from that report most applicable to Maui:

>> **Allow smaller housing.** Let housing be as small as builders, buyers and renters want.

>> **Allow smaller lots.** Minimum lot sizes have no clear health or safety justification.

>> **Allow residences in commercial districts.** Allow office parks and malls to build housing. Allow vacant downtown storefronts to convert to residential use.

>> **Allow taller buildings.** Remove limits on height. Where fire department capabilities might be affected, ensure that new buildings can provide for their own fire response.

>> **Allow subdivision of existing structures.** Historically, one of the most important sources of low-cost housing has been single-family homes that were turned into boarding homes or subdivided into apartments.

>> **Allow single-room occupancy buildings.** Housing with shared bathroom and/or kitchen facilities benefits low-income residents, especially near dense employment districts.

>> **Legalize the "Golden Girls."** Remove or loosen restrictions on the number of occupants or nonrelated persons allowed in a housing unit, except for fire code restrictions.

>> **Waive some building code requirements for temporary homeless shelters.** Imperfect housing for unsheltered homeless populations is better than the status quo.

>> **Allow extra kitchens.** Permit homeowners to add additional kitchens to adapt to their evolving needs.

>> **Allow accessory apartments.** Accessory dwelling units add more housing and often can make it possible for the homeowners to better afford their own housing costs.

---

[1] "How to build affordable, thriving neighborhoods," State Policy Network, Local Government Working Group, 2019.

>> **Allow larger "house" on the same land.** Reduce setback, floor area ratio and lot-coverage rules.

>> **End single-family-only zoning.** Many people cannot afford a large, detached house. Allow duplexes, triplexes or fourplexes in places zoned for only single-family houses.

>> **Enact a "Permit Freedom Act" for building permits.** Require clear permitting standards, defined response time and the option for independent judicial review.

>> **Publish pre-approved plans.** Pre-approve plans for common projects like ADUs or single-family homes, then permit expedited review for projects using these plans.

>> **Reduce political approvals.** If a project complies with existing zoning, it shouldn't require more than a planning department approval and building permits to proceed.

>> **Set up one-stop, parallel-process permitting.** Let applicants submit all permitting documents in one place. Allow departmental reviews to happen at the same time.

>> **Outsource building permit application review.** Outsource plumbing, electrical, mechanical and structural code review when demand peaks.

We urge the Maui County Council to shelve any proposal that would stifle affordable housing in the islands, such as this current price-fixing proposal.

Instead, please consider the reform options listed above, which would be more likely to succeed in increasing housing supply and easing housing prices for Maui residents seeking a home.

Sincerely,

Joe Kent
Executive vice president
Grassroot Institute of Hawaii

County Clerk

From: Scott Abbott <scottmabbott@gmail.com>
Sent: Thursday, July 14, 2022 4:32 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

County Clerk

From: Junelle Akiona <akiona.junelle@gmail.com>
Sent: Thursday, July 14, 2022 4:56 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Junelle M. Akiona

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County Clerk

From: Lorinda Alana <lorinda.alana@k12.hi.us>
Sent: Friday, July 15, 2022 8:06 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Lori Alana
and all teachers at King Kamehameha III Elementary School

We are reliant on affordable housing to stay and work for the public schools of MAUI COUNTY!!!!

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From: Lorinda Alana <lorinda.alana@k12.hi.us>
Sent: Friday, July 15, 2022 8:14 AM
To: County Clerk; Mike J. Molina; Shane M. Sinenci; Tamara A. Paltin; Gabe Johnson; Alice L. Lee
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Lori Alana
and all the teachers here at Kamehameha III Elementary School.

**Teachers need to own affordable homes to continue to serve our public schools
I have been sleeping on a couch for 5 years ---I am TIRED of renting at my age.....
I will move if I have to even though I am rated an effective/highly effective teacher by Hawaii DOE and have 6 years of experience
with the community here in Lahaina. Please have a heart for the community contributors and pass Affordable Housing initiatives
especially ones that offer home ownership opportunities.

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To: Maui County Council Affordable Housing Committee

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Re: RESO 22-130, Testimony In Opposition Based on Personal Experience

From: Helen Dale Allen-Alioto
Former resident of the Waipuilani Beach Park area near the proposed Waipuilani Hale

Honorable Maui Council Representatives:

PLEASE DO NOT PASS THE PROPOSED WAIPUILANI HALE DEVELOPMENT. IF BUILT, THE DEVELOPMENT WILL CAUSE MORE HARM THAN GOOD. THE DEVELOPERS WILL BENEFIT TO THE DETRIMENT OF THE ADJOINING NEIGHBORHOOD AND THE WHOLE KIHEI COASTLINE AND OCEAN,AND, IS LIKELY TO NOT BENEFIT THOSE NEEDING AFFORDABLE HOUSING.

I oppose RESO 22-130 for the following reasons:

A.My experiences with flooding in the in the Waipuilani neighborhood

1.My property
From July 2002 through October 20 2017 I lived in on the end of Eva Place which is adjacent to the property in question (Waipuilani Road ending at Waipuilani Beach Park which continues on to Uluniu Road past the UFW land and then in back of MacDonalds near Keihei Road (“the Property”).

I had an elevation study done when we bought the property. Our house was measured at about 7 feet above sea level and the lowest part of the yard was at 2 1/2 feet above sea level, The water table in most of the yard was from 5 feet to maybe 11 or 2 inches above the water table. Judging from the floods that we experienced, the Waipulani neighborhood stands in most of the area around 2 1/2 feet or so below sea level. With most floods including the most catastrophic floods, most of the neighborhood became a lake.

2.Floods
During the time that I lived on Ewa Place, most every time that there was measurable rainfall, the roads particularly Waipuilani Road and Eva Place
became impassable except for four wheel drive vehicles. There were several catastrophic floods in which not only the roads were impassable but many or most of the houses in the neighborhood were inundated with mud and the water pooled like a swimming pool across the neighborhood especially the Property in question.
Two times I watched as water rushed in from the top of my property as it traveled from uphill. The water rushed in and receded slowly, especially around the Property.

Major Flood 1

I stood on dry land at the highest point of my property as the water rushed in. Within a few minutes I was standing in at least 2 feet of water as the water rushed in.
The water water rushed in very rapidly and then the neighborhood became was one big lake. The water stood for several days. The Property was a lake along with the adjacent property next to mine.

Major Flood 2
There was a major storm that dropped several inches of rain over several hours. The roads quickly became impassable. Rocks and large pieces of debris rushed around the yard. The next day I paddled a surf ski from my house 100 feet to the street, Eva Place. The water was at least 3 feet in places on my driveway. The whole neighborhood again was a lake and the water stood and slowly receded over a period of about 2 weeks. The Property was in the worse area for the standing water and lasted over a long period of time. The receding water smelled of paint or solvent as well as a sewer type smell.

Flood water
As can be imagined, the water from the flooding was extremely dirty and unhealthy. Mosquitoes became intolerable (and while cleaning up my yard I developed a Staphylococcus infection from scratching a bite). It's hard to believe that the Property could be developed with the potential for these types of conditions.

Other floods
One night I woke up to see that the whole neighborhood was flooded and most neighbors had mud in their houses and, no rain had fallen. Obviously the water had traveled down hill and quickly filled up the neighborhood.

During and after the Japanese Tsunami the flood came in from the ocean side. My property was like an island but uphill such as on Kehei Road in from of Longs Drug Store, there were fish left on the road as the tides went in and out from the Waiahule and the Waipuilani creeks on both sides. Again, the Property flooded.The strange currents in the ocean continued for at least two or three months

Ocean Impact
I spent hundreds of hours in the ocean water off the Waipuilani Beach Park (and continue to do so). Most days I walked along the shore in the area. After even minor flooding (measurable rainfall), the ocean would become brown and full of debris. I witnessed the ocean water becoming more cloudy and, the degradation of the coral, not just off of Waipuilani but also along the whole Kihei coastal waters.

B.South Maui Flood
In 2017 we sold the property on Eva Place and moved to South Maui as the flood insurance was going as high as $6,000 by the next year so. We live on a gully which historically stayed dry except for once every several years. On December 4, 2021, we experienced a flash flood. We are still cleaning up and repairing the property.The flood water rushed like a river from Kula,

through our neighborhood with an approximately 8 foot high wall of water, as witnessed by neighbors, funneled through our garage and out the back. Contributing to the flash flood was the deep gully that overflowed and the street water ran as a river. Eventually the water ended up in the Ocean. We, as many of our neighbors up and downhill from us are still cleaning and repairing from the flash flood six months later and most of us did not have flood insurance.

OPPOSITION TO MORE DEVELOPMENT ALONG AND NEAR THE KIHEI COSTAL AREAS
If the developers are allowed to go through with plans to build affordable housing on the Waipuilani Property, not only will the property cause further flooding to the Waipuilani neighborhood but the tenants will have to contend with the same type of flooding that has been experienced in the neighborhood through the years. Like the neighboring resorts such as Maui Sunset, the sump pumps and other means drain the flooding into the neighboring areas, and the proposed development would have to include this type of flood alleviation.Historically, according to my neighbors on Eva Place, whose families have lived in the area for generations, the area changed from an estuary type natural coastline to what the Kihei coastline is today.
We must stop any more development along the Kihei coastline and uphil. We must find ways for the waters to spread out instead of making narrow rushing dangerous rivers that travel down to the ocean.

Affordable housing in all of Hawaii is one of the top major issues to be dealt with but developing an acre and a half of one of the one of the only remaining estuary area in Kihei will cause more problems than it will solve. This development will not solve the affordable housing issue. The proposed development will only make existing issues worse and the property is not a practical area in which humans can live.

Thank you for your consideration,

H. Dale Allen-Alioto, retired HI DOE teacher and Sierra Club member or 35 years, and property owner

P. S. (Also, is the development under the guise of "affordable housing" will be profitable to the developers without truly helping those who need affordable housing and what is going to stop the development in question from raising the rent from whatever is considered affordable higher and price out the people who need affordable housing? Who is really going to profit if this development goes through?)

County Clerk

From: Keith Amemiya <keith.amemiya@gmail.com>
Sent: Friday, July 15, 2022 11:51 AM
To: County Clerk
Subject: Maui County Bill No. 21

[You don't often get email from keith.amemiya@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Chair Lee and Fellow Maui County Council Members:

My name is Keith Amemiya, former Hawaii High School Athletic Association Executive Director, and I'm testifying in opposition to Bill No. 21.

While protecting Native Hawaiian seabirds is certainly important, there's simply not enough information and basis to substantiate the bill's passage at this time.

Indeed, I've attended many Maui Interscholastic League outdoor nighttime athletic events and haven't been made aware of any danger to seabirds caused by the lighting.

Additionally, longtime MIL administrators, coaches, former players, parents, and fans are similarly unaware of such dangers.

The downside of banning nighttime games with outdoor lighting are simply too great to allow this bill to pass.

Further, based upon past history and the many competing State and County needs, even if the MIL is provided time to change the lighting at the numerous athletic facilities in question, the likelihood of the necessary funding being provided and installation being made in a timely manner is uncertain at best.

In sum, Bill No. 21 may have the best of intentions for seabirds, but our youth will suffer greatly if it's passed.

Therefore, I respectfully request that the Council vote against Bill No. 21's passage.

Mahalo for your time and consideration.

Sincerely,

Keith Amemiya

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COUNTY CLERK

Bruce Anderson

20 Mikiola Street
Makawao, HI 96768
(808) 359-0777 cellular
bruce32go@yahoo.com

July 18, 2022

Chair Lee and Maui County Council Members:

My name is Bruce Anderson, as former Maui High School Principal, and sports fan, I would like to submit my written testimony in opposition to Bill No. 21. The bill seems to be premature. Our youth and the activities that support them and the safety of native seabirds are certainly important considerations that affect us all. How can we work together for the benefit of all?

Sporting events do not support only the active athletic participants. Sporting and other events provide the school community an opportunity to develop an identity and sense of belonging. The team, the band, the robotics team, and other activities help to provide this sense of place and belonging. To limit any of these activities has the potential to affect this important fabric of our community. Other testifiers have pointed out that they were not aware of any seabird incidents occurring at outdoor nighttime sporting events.

I strongly believe that the issue is not "No Can but HOW CAN? How can we work together to craft a solution to this important issue,

Thank you for allowing me to submit this testimony.

Sincerely,

Bruce Anderson,
Retired Principal
Maui High School

County Clerk

From: Andrew <andreww300@gmail.com>
Sent: Thursday, July 14, 2022 5:24 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Andrew

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From: Joel Angyal <joel.angyal@gmail.com>
Sent: Thursday, July 14, 2022 6:11 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

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From: Debbie Arakaki <debbie@debbiearakaki.com>
Sent: Thursday, July 14, 2022 1:21 PM
To: County Clerk
Subject: Reject Bill 107, CD1 (2022)

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Aloha Chair Lee and Members,

I am a licensed relator and do not support Bill 107, CD1 (2022), in its current form. In trying to build homes on Maui for primary or rentals, it is so difficult to get anything done. From permitting delays, to increases in material and labor cost and regulatory red-tape, it's not easy to build homes on Maui, much less workforce homes. Being in real estate, I know that there are not a lot of homes available below $1M, and by lowering the affordable housing sales prices as proposed will further reduce the number of homes and widen the gap between affordable and market homes. Please leave the sales prices in their current form. Instead of lowering the affordable housing sales prices please consider subsidizing the individual buyers who need the help or have the County pay for infrastructure and initiate zoning changes. Provide incentives, not disincentives.

From first hand experience, I am trying to do the right thing by building more ADU and rental homes on our properties, and yet I find it so difficult to navigate the various rules that are counter productive to the process.

The gap for the ability of our children to be independant and own their own homes grows wider and wider with bills such as this one. Please reject this Bill 107 as it is written. Go back to the drawing board on how to give homeowners incentives to build their ADU, the developers to create more affordable housing projects, revisit our zoning rules and regulations to allow more flexibility for creative housing ideas.

Mahalo,

Debbie Arakaki
COMPASS | Founding Broker
808-283-7214

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawai'i 96850

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In Reply Refer To:
File #: 2022-0063957

July 15, 2022

Keola Whittaker
Deputy Corporation Counsel
County of Maui
200 High Street, 3rd Floor
Wailuku, Hawai'i 96793

Subject: U.S. Fish and Wildlife Service Recommended Avoidance and Minimization Measures for Lighting Effects to Federally Listed Species

Dear Keola Whittaker:

Thank you for reaching out to us and requesting information on how Maui County can avoid and minimize adverse effects to federally listed Hawaiian seabirds and sea turtles from artificial lighting. We appreciate your coordination with our office and acknowledge the work you have done to modify County lighting through a recently updated Maui County Ordinance to avoid impacts to federally listed Hawaiian seabirds and sea turtles from lighting.

We offer the following recommended measures to avoid and minimize take of Hawaiian seabirds and sea turtles. Our comments and this letter are prepared under the authority of, and in accordance with, provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) as amended (ESA).

Avoidance and Minimization Measures for the Endangered Hawaiian petrel (*Pterodroma sandwichensis*), Threatened Newell's shearwater (*Puffinus auricularis newelli*), and Endangered Hawai'i Distinct Population Segment of the band-rumped storm-petrel (*Oceanodroma castro*) (Hawaiian seabirds):

Hawaiian seabirds may traverse the project area at night during the breeding, nesting and fledging seasons (March 1 to December 15). Outdoor lighting could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may become exhausted and collide with nearby wires, buildings, or other structures or they may land on the ground. Downed seabirds are subject to increased mortality

due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Fledging seabirds traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable to light attraction. To avoid and minimize adverse effects and take of Hawaiian seabirds we recommend implementing the following general measures:

- Fully shield all outdoor lights so the bulb can only be seen from below.
- Install automatic motion sensor switches and controls on all outdoor lights or turn off lights when human activity is not occurring in the lighted area.
- Avoid nighttime lighting, including nighttime construction, during the seabird fledging season, September 15 through December 15.

There is research currently being conducted that is evaluating the physiological response of Hawaiian seabirds to different lighting characteristics. We expect that this research will offer new insights into how Hawaiian seabirds discern light and could be used in lighting modifications to avoid causing seabird fallout in the future. Until the results of this research are available, our recommendations focus on efforts to reduce overall lights and shield all outdoor lights

Threatened (Central North Pacific DPS) Green sea turtles (*Chelonia mydas*) and Endangered Hawksbill sea turtle (*Eretmochelys imbricata*) (collectively referred to as sea turtles): Green sea turtles may nest on any sandy beach area in the Pacific Islands. Hawksbill sea turtles exhibit a wide tolerance for nesting substrate (ranging from sandy beach to crushed coral) with nests typically placed under vegetation. Both species exhibit strong nesting site fidelity. Nesting occurs on beaches from May through September, peaking in June and July, with hatchlings emerging through November and December. We expect that all sandy beaches may potentially provide nesting and/or basking habitat for green sea turtles and that unless specific modifications have occurred to alter lighting, we assume that all lighting that is visible from a beach environment has the potential to affect sea turtle nesting and hatchling emergence.

Optimal sea turtle nesting habitat is a dark beach free of barriers that restrict sea turtle movement. Nesting turtles may be deterred from approaching or laying successful nests on lighted or disturbed beaches. They may become disoriented by artificial lighting, leading to exhaustion and placement of a nest in an inappropriate location (such as at or below the high tide line). Hatchlings that emerge from nests may also be disoriented by artificial lighting. Inland areas visible from the beach should be sufficiently dark to allow for successful navigation by hatchlings to the ocean.

To avoid and minimize project impacts to sea turtles from lighting we recommend incorporating the following applicable measures into your project description:

- Avoid nighttime lighting, including nighttime construction work, during the nesting and hatching season (May to December).
- Minimize the use of lighting on or near beaches and shield all project-related lights so the light is not visible from any beach.
    - If lights can't be fully shielded or if headlights must be used, fully enclose the light source with light filtering tape or filters.

- Incorporate design measures into the construction or operation of buildings adjacent to the beach to reduce ambient outdoor lighting such as:
    - tinting or using automatic window shades for exterior windows that face the beach;
    - reducing the height of exterior lighting to below 3 feet and pointed downward or away from the beach; and
    - minimize light intensity to the lowest level feasible and, when possible, include timers and motion sensors.

Conclusion

We look forward to continued coordination with you in advance of and throughout the upcoming seabird fledging and sea turtle nesting seasons. Our hope is that implementation of these measures will effectively avoid take of listed Hawaiian seabirds and sea turtles. We request that you continue to keep us apprised as avoidance and minimization measures are implemented.

While we anticipate the identified avoidance and minimization measures will reduce the likelihood of lighting impacts to listed seabirds and sea turtles, whether take can be fully avoided can only be determined through robust monitoring, reporting, and adaptive management. If take cannot be fully avoided, Maui County should develop a Habitat Conservation Plan and apply for an Incidental Take Permit pursuant to Section 10 of the ESA. Additionally, we recommend working with the Hawai'i Division of Forestry and Wildlife regarding compliance with the State of Hawai'i Endangered Species Law 195-D. If Maui County pursues development of a Habitat Conservation Plan, we encourage working closely with the Service and the State to ensure our required issuance criteria are met. The Habitat Conservation Planning handbook provides more detail on the content of a Habitat Conservation Plan and can be found online at the following website: https://www.fws.gov/sites/default/files/documents/habitat-conservation-planning-handbook-entire.pdf

If you have any questions regarding this response, please contact Lindsy Asman, Island Team Manager for Hawai'i Island and Maui Nui (808-348-3394 or lindsy_asman@fws.gov).

Sincerely,

LINDSY ASMAN

Digitally signed by LINDSY ASMAN
Date: 2022.07.15 15:31:07 -10'00'

Island Team Manager
Hawai'i Island and Maui Nui
Pacific Islands Fish and Wildlife Office

County Clerk

From: De Austin <dezireenaustin@gmail.com>
Sent: Friday, July 15, 2022 10:47 AM
To: County Clerk
Subject: Testimony on Bill 21 and the 22-61 Waipulani

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Aloha, Council Members and Honorable Chair Alice Lee,

I am in full support for Bill 21, the lighting regulation to protect our seabirds.

All the concerns of this administration have already been addressed. There is no reason to not go forward.

The interest in the cost of light replacement or supply are only mongering fear. These same interests were the battle ground on which the bans on plastic bags and disposable containers were still passed, and the mineral based sunscreen made it through. And look: no businesses failed because they were unable to find alternative supplies for these products.

If the Big Island can be successful, we should follow their lead.

The failure of this administration to support this bill, and instead, put up obstacles ,is consistent with its history of no concern for our island environment and our relationship with it. This administration drove this county to spend a huge amount of money to defend itself against *an actual federal law* when it came to the impact of the injection wells in Lahaina. Any administration which has little regard for the environment should not be leading an island government.

I am fully against the Waipulani housing development. It's in a flood zone. This is again an environmental issue. We are putting affordable housing for our workforce in dangerous areas. Maui County has to rethink its practice of enticing developers to pay for affordable housing with the agreement to allow "market-rate" homes to be built as well. *This isn't working.*

Maui County should invest in its own development for affordable housing. Maui County should look into federal grants, and possibly other donation sources. We have had sorely needed senior housing built and paid for charitable organizations. Habitat for Humanities and Catholic Charities are not the solution, however. Maui County should budget for a housing fund which will provide 20-30 homes per year, for homes which cannot be resold at "market-rate" at a later date. This is to prevent profiteers and for-profit developers purchasing these homes. These homes should be sold on a lottery system, with preference for families who have been on-island for at least five years, and whose annual income falls below at or the poverty levels for Hawaii.

Thank you for reading my testimony.

Respectfully,

Dezireen Austin

County Clerk

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From: Chris Bakeman <funnychrisb@gmail.com>
Sent: Thursday, July 14, 2022 4:24 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

County Clerk

From: Traci Bean <TraciB@BetterMauiVIP.com>
Sent: Thursday, July 14, 2022 7:16 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Mahalo,
Traci Marie Bean
R(S) 76614
54 Maui Lani Pkwy
Suite 2030
Wailuku, Hi 96793
808-280-1690

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County Clerk

From: Cas Beaumont <healwithmushrooms@gmail.com>
Sent: Monday, July 18, 2022 10:41 AM
To: County Clerk
Subject: In support of the Charter Amendment to create a Water Authority.

[You don't often get email from healwithmushrooms@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha!

Please know water is life. This is for all generations. All people. All beings. Clean water is our birthright.

The citizens of Maui need the opportunity to vote on the creation of a water authority sooner than later!

We need a water authority to protect Maui's water resources and properly manage them for the benefit of present and future generations.

Sincerely,

Cassandra Beaumont

Sent from my iPhone

County Clerk

From: Gloria Bennett <gb921900@gmail.com>
Sent: Friday, July 15, 2022 7:52 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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Aloha Councilmember,

I have been a resident of Hawaii Maui since 1998. I have been working on Maui for a hospice company, and am now looking into buying a home which is my dream. With housing prices at a all time high workforce housing is the only route I am able to purchase a home. My co- worker who was born and raised on Maui had to recently move to the mainland because she could not afford housing here and rentals were not in favor of young children.
Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!
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County Clerk

From: Jude Bernard <jude@thebrooklynbank.com>
Sent: Friday, July 15, 2022 2:34 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

"Be better than yesterday...but not as good as tomorrow."

Jude Jean Paul Bernard
917-309-4571

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2022 JUL 15 AM 8:03
OFFICE OF THE
COUNTY CLERK

County Clerk

RECEIVED
2022 JUL 14 AM 8:17
OFFICE OF THE
COUNTY CLERK

From: Bobbie Best <bestb002@hawaii.rr.com>
Sent: Thursday, July 14, 2022 8:14 AM
To: County Clerk
Subject: I support Bill 21 (CD1 FD1)!

Aloha e County Council Members!
My name is ____Bobbie Best_____, and I fully support Bill 21 (CD1 FD1) that addresses harmful outdoor lighting in order to protect our dark night skies for our human health, astronomy and our native wildlife. We truly appreciate your work on this and look forward to your vote of support.
Mahalo nui loa!

Mahalo
Bobbie
280 Hauoli
Wailuku

808-242-9119
Cell 808-359-1554

County Clerk

From: Rick Bickford <rickbickford@gmail.com>
Sent: Monday, July 18, 2022 11:00 AM
To: County Clerk
Subject: Water Authority on Maui

[You don't often get email from rickbickford@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

The citizens of Maui need the opportunity to vote on establishing a water authority.
This is needed to protect Maui's water resources and to properly manage them for the benefit of the people living here both now and for future generations My Testimony:
Aloha, this is James Bickford from Hoolawa valley on the north shore of Maui. Since 1984 we have had a fruit and flower farm along the Hana side of Hoolawa stream. For years EMI controlled the water in Hoolawa.
They took all the water in the stream at the lower ditch at the bridge above our property. When it rained hard the river overflowed the ditch. This changes the quality and all life along the stream. This absolutely does not work for farmers who rely on the water during dry weather and don't need water when it rains hard and the ditch overflows.
I am testifying to support the charter amendment to create a Water Authority for the county of Maui.
Please no more research is necessary to recognize the need to have a say in our water supply. The alternative is to give the control to a foreign corporation where the bottom line is profit and not the citizens of Maui.
There can be changes and improvements in the future Thank you for considering my testimony James Bickford

Sent from my iPhone

WEST MAUI LAND COMPANY, INC.

LAUNIUPOKO – OLOWALU – KAUAULA – KAHOMA – MAKILA

305 E. Wakea, Suite 100
Kahului, Maui, Hawaii 96732

Phone: (808) 877-4202
Fax: (808) 877-9409

July 14, 2022

Chair Alice Lee & Members
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

RECEIVED
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OFFICE OF THE
COUNTY CLERK

Via e-mail to county.clerk@mauicounty.us

Re: Committee Report No. 22-62
First Reading of Bill 107, CD1 (2022)

Aloha Chair Lee,

I am writing on behalf of West Maui Land Company, and we do not support Bill 107, CD1 (2022) in its current form. Reducing the sales prices without a back-stop will discourage new projects and potentially kill entitled affordable projects, including an 80 unit 100% affordable project I am working on. With existing conditions and sales prices, this project (and possibly others), are already teetering on the edge of infeasibility. Cutting sales prices would be a nail in the coffin. Without a reasonable rate of return, builders will be unable to obtain financing, or not even try if the project is showing a loss.

As a project manager for West Maui Land Company, I have completed two 100% workforce projects and have a 100% affordable 80 unit project in the permitting process. I am familiar with the challenges workforce housing projects face from the entitlement process to permitting, infrastructure, construction of the homes to sales that take years to get to the finish line. Conditions can change dramatically as we have all seen in the past few years with supply chain issues, material costs skyrocketing and interest rates rising, and adoption of new standards for construction. The 201H and 2.97 processes may be considered fast track, but after that there is no 'fast track' process for the subdivision and permitting of affordable projects, even with the 'pink slip'. For example, on my 80-unit project:

- 7 ½ MONTHS for re-approval of plans for an off-site main waterline extension in an existing roadway. Re-approval process included agencies requests for additional work that added thousands to the construction costs and consultant fees. This $600,000 main county waterline extension is being funded on the backs of the workforce homes in this project.

- 7 MONTHS for comments from wastewater on the on-site. Comments included a request for the plans to be redrawn at a different scale which required two weeks of engineering

time, and included a request to concrete encase laterals that do not need to be encased under the code, adding a cost of more than $50,000 to the project.

- 8 MONTHS and still **no comments** from Public Works.

RECEIVED

This is just the tip of the iceberg of the challenges and unknowns a project faces. It takes tenacity and capital to build affordable homes on Maui, and it's a choice not an obligation. Under the current price guidelines and conditions, builders are not knocking down the door to build affordable homes. We have a supply issue. Lowering the sales prices will make projects infeasible to build, resulting in few to no homes being built in the affordable ranges and causing existing home prices to continue rise.

In 2007, County Council had similar concerns and doubled the affordability requirement from 25% to 50%. This, coupled with poor market conditions, effectively destroyed the workforce housing market until 2014, when a new council reverted the requirement back to 25%. Many of you may not recall this, but we can still learn from past actions: By legislating a higher percentage, or as proposed today, lowering prices, does not encourage new inventory, and may have the exact opposite effect.

Studies after studies on Maui's housing challenges have been paid for by the county over the years. Please follow the recommendations Policy 8, Priority 3 of the Maui County Comprehensive Affordable housing Plan and consider subsidizing the individual buyers and leaving the affordable housing sales prices in their current form. The County could encourage housing by providing the necessary public infrastructure improvements and initiating zoning changes in areas that make sense for homes. We need all types of housing for a broad range of income groups, professions and life stages. Let's work together to find solutions for Maui's families.

Mahalo for considering our testimony. I can be reached at 808-877-4202.

Sincerely,

Heidi Bigelow
Project Manager

County Clerk

From: Julia Bissen <juliabissen@gmail.com>
Sent: Thursday, July 14, 2022 4:54 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from juliabissen@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

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COUNTY CLERK

County Clerk

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2022 JUL 13 PM 4:15
OFFICE OF THE
COUNTY CLERK

From: Nicholas Blum <nicholas.blum@gmail.com>
Sent: Wednesday, July 13, 2022 3:35 PM
To: County Clerk
Subject: In Support of Bill 21

You don't often get email from nicholas.blum@gmail.com. Learn why this is important <https://aka.ms/LearnAboutSenderIdentification>

To Whom It May Concern,

My name is Nicholas Blum, and I am a Hawaii resident living on Oahu. I am greatly in support of Maui Bill 21 relating to protecting seabirds from outdoor lighting. I often travel and swim in Maui, and this bill will keep skies dark for human health, astronomy and the protection of our native wildlife (particularly seabirds and sea turtles), all the while taking human safety into account.

With gratitude,
Nicholas Blum

County Clerk

From: Dan Bolton <dan@boltoninc.com>
Sent: Thursday, July 14, 2022 3:37 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from dan@boltoninc.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Get Outlook for iOS

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County Clerk

From: steven B <steviebluehi@gmail.com>
Sent: Thursday, July 14, 2022 9:36 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani
Attachments: Noah and Dad.JPG

You don't often get email from steviebluehi@gmail.com. Learn why this is important

Aloha Councilmember,
I'm a registered voter and long term Maui resident.

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.
Mahalo!
Steven Bronstein
steviebluehi@gmail.com
808-357-1525

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OFFICE OF THE
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County Clerk

From: Chris Bruce <outlook_D617A9AFBD4AFE1B@outlook.com>
Sent: Friday, July 15, 2022 7:56 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from outlook_d617a9afbd4afe1b@outlook.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!
Sent from Mail for Windows

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County Clerk

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From: Danielle <danielle.bruce97@gmail.com>
Sent: Thursday, July 14, 2022 12:58 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from danielle.bruce97@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

County Clerk

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COUNTY CLERK

From: Gloria Bruce <gloriajbruce29@gmail.com>
Sent: Thursday, July 14, 2022 12:39 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from gloriajbruce29@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

County Clerk

From: Natalie Bruce <nataliebrucey@gmail.com>
Sent: Wednesday, July 13, 2022 9:56 PM
To: County Clerk
Subject: I support Resolution 22-61: workforce housing at Hale Waipuilani.

You don't often get email from nataliebrucey@gmail.com. Learn why this is important

Aloha Council member,

Maui needs homes for local families. We support affordable housing. Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo,

Natalie Bruce
--
———————————————— Every moment is a fresh beginning.... ❁ Natalie Bruce
www.nataliebrucemakeup.com

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COUNTY CLERK

County Clerk

From: Robert Bruce <robertbruce358@yahoo.com>
Sent: Thursday, July 14, 2022 2:55 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from robertbruce358@yahoo.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

Sent from Yahoo Mail on Android

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COUNTY CLERK

County Clerk

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2022 JUL 14 PM 12:50
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COUNTY CLERK

From: Scott V. Bruce <scottb@silverseasyachts.com>
Sent: Thursday, July 14, 2022 12:39 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from scottb@silverseasyachts.com. Learn why this is important

Aloha Councilmember,

I'm writing to you to discuss Maui's need for affordable housing local families. I wanted to tell you that I am in support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Best regards,

Scott Bruce

Newport Beach
949 678-5514
www.SilverSeasYachts.com
ScottB@silverseasyachts.com



County Clerk

From: Terry Bruce <tbruce@elevationchurch.org>
Sent: Friday, July 15, 2022 5:52 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from tbruce@elevationchurch.org. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Council member, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

Sent from my iPhone
--

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This communication may contain privileged and/or confidential information. If you are not the intended recipient of this message, any reading, distribution, copying, or other use is prohibited. If received in error, you should delete and destroy the message and kindly notify the sender by reply e-mail. Unless expressly indicated herein, this communication is not intended to be, nor shall it be deemed, an agreement or electronic signature. It is understood that opinions or conclusions that do not relate to the official purpose of Elevation Church are neither given nor endorsed by Elevation Church. Thank you.

County Clerk

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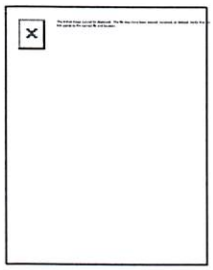
From: Robert Bryan <rbryanagent@yahoo.com>
Sent: Thursday, July 14, 2022 4:24 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from rbryanagent@yahoo.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!



Robert D Bryan
Realtor RS-72591
808 397-7234
Coldwell Banker Island Properties Kapalua
Bobbykapalua@gmail.com
700 Office Road Lahaina, HI 96761

Website: rbryan.islandproperties.com

County Clerk

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OFFICE OF THE
COUNTY CLERK

From: Justin Cantere <justintimecantere@yahoo.com>
Sent: Thursday, July 14, 2022 12:44 PM
To: County Clerk
Subject: The Hale Waipu'ilani Housing Development testimony

You don't often get email from justintimecantere@yahoo.com. Learn why this is important

Aloha,

I hereby testify that I oppose the proposed Hale Waipu'ilani Housing Development.

This proposed plan is a safety hazard due to its location, and it also will not help Maui's need for housing for local residents (as 50% or more of the housing could be purchased by outsiders).

Mahalo,

Justin Cantere

County Clerk

From: Jacqueline Carroll <jacquelinemakena808@gmail.com>
Sent: Thursday, July 14, 2022 5:40 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from jacquelinemakena808@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

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2022 JUL 15 AM 7:59
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COUNTY CLERK

County Clerk

From: Christina <cksmb99@yahoo.com>
Sent: Thursday, July 14, 2022 2:54 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from cksmb99@yahoo.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

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MICHAEL P. VICTORINO
Mayor

SANANDA K. BAZ
Managing Director

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COUNTY CLERK

COUNTY OF MAUI
OFFICE OF THE MAYOR
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

July 14, 2022

Honorable Michael P. Victorino, Mayor
County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 7-14-22
Mayor Date

For Transmittal to:

Honorable Kelly Takaya King, Chair
Climate Action, Resilience, and Environment Committee
200 South High Street
Wailuku, Hawaii 96793

Dear Chair King,

SUBJECT: **BILL 21 CD1, FD1 (2022), SEABIRD AND BIODIVERSITY PROTECTION** (PAF 22-164)

At the Council meeting of July 1, 2022, the Energy Commissioner served as a resource on behalf of the Mayor's administration and the Office of Climate Change, Resiliency, and Sustainability (CCRS) on the first reading of Bill 21, CD1, FD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO OUTDOOR LIGHTING FOR PROTECTION OF SEABIRDS."

As stated in testimony provided at the Council meeting, we support protecting wildlife and minimizing light pollution in Maui County, however, our recommendation is to send Bill 21 back to Committee. This would allow for discussion to address the narrow specification of maximum 2% blue light content, the commercial availability and associated warranties of lighting fixtures that meet such a specification, and the realistic application and enforcement of Bill 21 for commercial and residential use. We have conferred with Hawaii County and they confirmed that their outdoor lighting specification only applies to commercial street lighting and parking lot lighting. They have also confirmed that they have faced issues with difficulty in sourcing commercially available lighting that meets the 2% blue light specification and offers a reasonable warranty that will cover replacement of lighting if it fails as a result of electricity fluctuations from the electrical grid. We recommend that Bill 21 include a hardship exemption that would allow for all

County Departments to be exempt from the maximum 2% blue light content specification if a commercially available lighting option is not available or if a commercially available option does not offer industry standard warranty terms.

Should you have any questions or require further clarification, please contact me at ext. 8250 or the Energy Commissioner, Alex deRoode at ext. 7203.

Sincerely,

Allison Cleghorn
Environmental Coordinator
Office of Climate Change, Resiliency, and Sustainability

County Clerk

From: Christian K. Balagso
Sent: Friday, July 15, 2022 8:59 AM
To: County Clerk
Subject: FW: Bill 21

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2022 JUL 15 PM 12:33
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COUNTY CLERK

Written testimony submitted for Bill 21.

From: Jonathan Conrad <10015690@k12.hi.us> **On Behalf Of** Jonathan Conrad
Sent: Friday, July 15, 2022 8:56 AM
To: Christian K. Balagso <Christian.Balagso@mauicounty.us>
Subject: Re: Bill 21

Mahalo for hearing my testimony against bill 21.

The MIL is concerned with the following issues that will affect the 4-5000 student athletes as well as the many students, parents and supporters from the 13 different schools that make up the Maui Interscholastic League. Sports highly impacted will be football, cheer, girls and boys soccer, swimming and diving, baseball, softball, track and field, tennis and water polo but the effects will be felt by all disciplines.

As a former Certified Athletic Trainer of 23 yeas at Lahainaluna the health and safety of our student athletes is and always be my primary focus. If this bill passes it will put Lahainaluna High School's, as well as many MIL athletes in an unsafe environment for practices and games. The State of Hawaii High School Athletic Association has a Heat Acclimatization and Practice Policy that protects our student athlete. It is the duty of the school athletic administrators, athletic trainers, and athletic staff to follow these guidelines. Exertional heat stroke is the second leading cause of death in sports after cardiac conditions, according to the National Center for Catastrophic Sorts Injury Research, 2009. In the past 11 years, from the time this study was done, we have all witnessed the increase of temperature here on Maui.

We use wet bulb global thermometer which is a device that monitors temperature, wet bulb global temperature, relative humidity, and wind speed. The reading that device gives us is imputed into a chart that tells us how long practice can be as well as how many water breaks are mandated and what equipment needs to come off. Abiding to this policy to keep our athletes safe, we have been in the situation here at Lahainaluna to start our practices late in the afternoon and into the evening when it is cooler.

If we were put into the position to play day games in Lahaina we would be not only be putting our student athletes at risk, we would also be putting a large portion of our student body and community supporters in jeopardy of contracting heat related injuries by just being present at the games.

We are asking that the Bill be sent back to committee so that these concerns can be addressed and that there is a solid plan that has been developed and in place to help ensure that our student-athletes, student body, families and community supporters in the MIL do not lose out again. We are trying to speak and represent the many student-athletes and stakeholders who have gone through so much with the shutdown of seasons and the restrictions that continue to be in place with high school sports. We are concerned that this bill may/will be an additional burden and affect our children and our community's social-emotional recovery in very negative ways at a critical time where they are just starting to see things get better.

Jonathan Conrad
Athletic Director
Lahainaluna High School
jonathan.conrad@k12.hi.us
808-318-0445

On Jul 15, 2022, at 8:27 AM, Christian K. Balagso <Christian.Balagso@mauicounty.us> wrote:

No, it does not need to be 24 hours prior. I can send it in for you or you can send it directly to the County Clerk's office at county.clerk@mauicounty.us. Let me know what you would prefer.

From: Jonathan Conrad <10015690@k12.hi.us> **On Behalf Of** Jonathan Conrad
Sent: Friday, July 15, 2022 8:22 AM
To: Christian K. Balagso <Christian.Balagso@mauicounty.us>
Subject: Re: Bill 21

I think it needs to be in 24 hours prior. That was more addressed to you anyway. If I send you something now would you be able to send it in?

Jonathan Conrad
Athletic Director
Lahainaluna High School
jonathan.conrad@k12.hi.us
808-318-0445

On Jul 15, 2022, at 8:02 AM, Christian K. Balagso <Christian.Balagso@mauicounty.us> wrote:

Aloha Jon,

Yes, I do work in Tamara Paltin's office. Would you like me to forward this email to the county clerk to submit as written testimony?

From: Jonathan Conrad <jonathan.conrad@k12.hi.us>
Sent: Thursday, July 14, 2022 5:20 PM
To: Christian K. Balagso <Christian.Balagso@mauicounty.us>; christianbalagso@yahoo.com
Subject: Bill 21

I hope this email finds you well,

My plan is to go and testify tomorrow against this bill. We would only have a 3 year window of opportunity to retrofit not only our stadium (football and softball) lights and because we are a state facility and this is a county bill they will more than likely not help us with the cost in upgrading. Unfortunately, this leaves us to play day games at the risk of serious heat illnesses to the players and fans. Not to mention the policies we follow regarding heat illness from the state would allow very little time to practice outdoors. There is a small period of time before the sun goes down where it is acceptable to practice when it is hot on the football field. This puts the kids at a disadvantage not only in competition within the league but also at the state level which is where our kids can perform on a stage that could enhance their opportunities for scholarships.
I could go on and on about how this will negatively impact the league and how many student athletes (4-5 thousand), students, and loyal fans that all the schools in the MIL have. Health and safety as you know is my main concern. I have been doing this for 24 years and this would be a disaster that I can see coming and would not be able to control.
I am writing to you because I heard you work in Tamara Paltin's office. Please excuse the error if I heard wrong.

Jonathan Conrad ATC, CAA
Athletic Director
Lahainaluna High School
MIL Basketball and Golf Coordinator
jonathan.conrad@k12.hi.us
808-318-0445

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2022 JUL 14 AM 11:03
OFFICE OF THE
COUNTY CLERK

Aloha County Council,

I am writing to you today to oppose the Hale Waipuilani housing project. There are several reasons why I do not agree with this project being built.

First of all, I live one street over from this project on Namauu place. I have experienced the major traffic and flooding damages that have occurred in just the last few years in this area.

We have an infrastructure problem on South Kihei Road and allowing any new construction in the area will cause all of us on Namauu place, Hoonani and Waipuilani much more problems. We only have an entrance and exit through South Kihei Road and our wait times to get out of our street has increased 3xs the amount during this year.

We can not handle any more cars on our roads without adding sidewalks, culvert repairs, stop lights and possibly more lanes of traffic to our already congested South Kihei Road.

These developers are not going to make repairs to the Waipuilani road or South Kihei road that will be caused by the heavy equipment and additional cars that will be traveling every day in the area. They do not care about our old infrastructure or anything that happens to our way of life after these houses are built. They only care about selling these homes.

Please remember that Waipuilani, Namauu and Hoonani are 3 of the oldest neighborhoods in Kihei and all of our way of life will be greatly affected by this added construction and congestion to the area. Also the fact that they are condo style homes does not fit into our neighborhoods. These condos are going to be sold to outsiders who can afford them and will eventually become rental income for most.

I have been working with my community for years on protecting our Waipuilani gulch and our Waipuilani Beach Reserve. I call this project and the Hoonani project an attack on our natural resources. These two neighborhoods are built around our wetlands and this project should not be allowed to happen for that reason alone.

We are currently trying to get a wetlands protection resolution passed that would protect these wetlands as you all know. If you allow this project to move forward, you are going against all of our community members, our south Maui vision plans and wetlands experts who know and have told the council what will happen if we destroy our remaining wetlands.

We need our wetlands that are still left in the area to remain in their natural state so that they can do their job. They help our land heal when flooding occurs and help to stop runoff that will go straight into our ocean.

Affordable housing should be built for Maui residence and not for just anyone who works here. Please say no to this project to protect our natural resources and focus your housing support towards truly affordable housing for our people.

Locals don't want to live in condos and they can't afford these proposed prices even if they are coined as “affordable”. Once our wetlands are destroyed they can not be brought back. The flooding that occurs everywhere around Waipuilani will still happen if these condos are built. It's just a matter of when and where

the flooding will occur once developers are allowed to build on top of our last remaining wetlands.

Please say no to destroying our wetlands and our communities' quality of life. Say no to Hale Waipuilani.

Sincerely, Brandi Corpuz
Rooted Kekahi Me Ka Aina
808-357-9170

County Clerk

From: Jean Corpuz <jeanrane16@yahoo.com>
Sent: Thursday, July 14, 2022 4:34 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from jeanrane16@yahoo.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

RECEIVED
2022 JUL 15 AM 7:58
OFFICE OF THE
COUNTY CLERK

County Clerk

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2022 JUL 14 PM 1:22
OFFICE OF THE
COUNTY CLERK

From: David L Cunningham <prayforrain@gmail.com>
Sent: Thursday, July 14, 2022 12:58 PM
To: County Clerk
Subject: Support for Resolution 22-61:workforce housing at Hale Waipulani

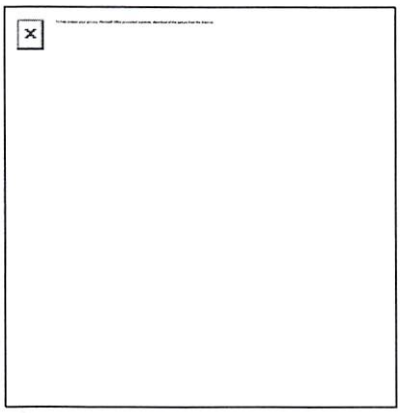
You don't often get email from prayforrain@gmail.com. Learn why this is important

Aloha Council member,

Maui needs homes for local families. I've lost too many friends from the islands to the mainland because they can not afford to live where they were born and raised. I support affordable housing and you should too. Please vote in favor of Resolution 22-61. Support housing for local families and not just high end housing for mainland buyers.

Mahalo,

David Cunningham
lifelong Kama'aina



County Clerk

RECEIVED
2022 JUL 14 PM 4:29
OFFICE OF THE
COUNTY CLERK

From: Elijah Curry <novel.adj@gmail.com>
Sent: Thursday, July 14, 2022 4:23 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from novel.adj@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Elijah Curry, Kihei, 808-773-3757

Sent from my iPhone

County Clerk

From: Diana Dahl <dianaldahl@gmail.com>
Sent: Monday, July 18, 2022 9:46 AM
To: County Clerk
Subject: IN SUPPORT OF ESTABLISHING A WATER AUTHORITY

[You don't often get email from dianaldahl@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

To Maui County Mayor and Council:

Appreciate the opportunity to give testimony in support of a charter amendment to create a Water Authority in Maui County. No more studies are needed in order to give the people a chance to vote for such. Please make sure this is on the ballot in November. Please further refer to my daughter Megan Loomis Powers' testimony also sent today: I echo her concerns.

Let's make sure this Charter Amendment is on the BALLOT. Also, another related issue — please approve Planning Commissions in each Community Plan District.

Mahalo for you consideration of this important issue.

Sincerely,

Diana Loomis Dahl
Haiku

County Clerk

From: Vivian Dames <viviandames@rocketmail.com>
Sent: Thursday, July 14, 2022 9:28 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from viviandames@rocketmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

RECEIVED
2022 JUL 15 AM 8:02
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Martha Davenport <marthamua@gmail.com>
Sent: Monday, July 18, 2022 12:00 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from marthamua@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Our family is in desperate need for affordable housing, and would benefit from this, it could change our lives and offer housing security for so Many in the same position who work day after day to make ends meet.

Mahalo!
Martha Davenport

County Clerk

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2022 JUL 14 PM 1:22
OFFICE OF THE
COUNTY CLERK

From: Maria Melo <malualoha@yahoo.com>
Sent: Thursday, July 14, 2022 12:47 PM
To: County Clerk
Subject: Committee Report No. 22-62; Bill 107, CD1 (2022)

You don't often get email from malualoha@yahoo.com. Learn why this is important

Dear Chair Lee,

I do not support Bill 107, CD1 (2022), in its current form. The largest problem is the lack of affordable housing for sale on Maui. The County should be assisting builders to build more affordable housing. Lowering the price that builders can sell the affordable housing for is a deterrent to building more affordable housing. Instead of lowering the affordable housing sales prices please consider subsidizing the individual buyers that need the help.

Maria de Melo

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COUNTY CLERK

The Senate

STATE CAPITOL
HONOLULU, HAWAI'I 96813

SUPPORT TESTIMONY ON 22-119, CD1. FD1
"PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH A MAUI NUI COMMUNITY WATER SYSTEMS AND AN EAST MAUI REGIONAL COMMUNITY BOARD"

COUNCIL OF THE COUNTY OF MAUI

FRIDAY, JULY 15, 2022
9:00AM

Dear Council Chair Lee, Vice Chair Rawlins-Fernandez and all members of the Maui County Council,

I write to you to today to express my **support** for Council Resolution 22-119, CD1. FD1 for the establishment of a Maui Nui Community Water Systems and an East Maui Regional Community Board.

As the State Senator representing all of East Maui, UpCounty Maui along with Moloka'i, Lana'i, Kaho'olawe and Molokini I feel the establishment of the proposed system and board will give a much-needed voice and a sense of oversight to my constituents.

Respectfully,

Lynn DeCoite

Lynn DeCoite
Hawaii State Senate
7th District

Senator Lynn DeCoite
District 7: Makawao (Specklesville, Pukalani, Makawao, Olinda, Pulehu, Kula, Waiohuli, Keokea, Ulupalakua, portion of Keoneoio, Paia, Lower Paia, Haiku, Pauwela,Ulumalu, Huelo, Kailua), Wailuku (portion of Kahului), Hana (Keanae, Wailua, Nahiku, Hana, Hokuula, Hamoa, Puuki, Haou, Muolea, Kipahulu, Kaupo); Islands of Kaho'olawe, Molokini, Lana'i, Moloka'i
State Capitol, Room 231, Honolulu, HI 96813
Phone: (808) 587-7225 Fax: (808) 587-7230
Email Address: sendecoite@capitol.hawaii.gov

County Clerk

From: Mike <mike@scshawaii.com>
Sent: Friday, July 15, 2022 4:33 PM
To: County Clerk
Subject: Response to BIll 107: CC22-62 Oppositon

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2022 JUL 15 PM 7:26
OFFICE OF THE
COUNTY CLERK

You don't often get email from mike@scshawaii.com. Learn why this is important

Aloha County Council

I am opposed to Bill 107 (CC22-62) which seeks to decrease the sales price for affordable housing on Maui. We all know affordable housing is needed but if this bill goes into effect, no one will actually be building these affordable homes. Contractors/construction crews would face a losing money battle here and thus, have no incentive to build them beyond a kind gesture to the community. Given the amount of time it already takes to build anything on Maui, given the various regulations and permits needed, the bill fails to consider these lengthy delays, which also cost money. I oppose this bill.

Mahalo,

Michael Dega, Ph.D.

County Clerk

From: Suzie Dorn <suziedorn@gmail.com>
Sent: Thursday, July 14, 2022 2:59 PM
To: County Clerk
Subject: I OPPOSE Hale Waipuilani Project Committee report 22-61
Attachments: Hale Waipuilani Housing Petition-oppose (1).pdf; waipuilani road - 16E. 20210313_064918 (1).jpg; waipuilani-neighborhood-petition-map2 (1).jpg

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2022 JUL 14 PM 3:13
OFFICE OF THE COUNTY CLERK

You don't often get email from suziedorn@gmail.com. Learn why this is important

Aloha,

I strongly oppose the Waipuilani Hale Affordable Housing proposal for 16 E. Waipuilani Road.

My name is Suzanne Dorn and I live at 6 E. Waipuilani Road and I OPPOSE the proposed Waipuilani development at 16 E. Waipuilani Road.

PLEASE DO NOT ALLOW ANY PROJECT IN THIS AREA - I suggest making this a conservation area, and swap this land for one of the County parcels that are available for affordable housing.

I have reviewed all the meetings/videos regarding this develpement and I am certain any project built on this site will cause an increase in flooding to our neighborhood.

Allowing 28 residences/townhomes (with one, two, and 3 bedrooms totaling 72 bedrooms) and 59 parking spaces to be built in this location is unsafe and totally irresponsible of any builder/developer to even consider this location for such a dense project. This property is located in a FEMA flood zone, tsunami zone, tsunami evacuation area and is in a SMA area. Waipuilani Road is the tsunami evacuation street for the area. I have witnessed major flooding in this area over the years. Waipuilani to Kauha'a Street is one of (or is) the area with the most flooding in all of South Maui.

Betsill/Alaula Builders are calling this an "in-fill" project. This development is far from an in-fill project. Betsill has asked for an exemption in zoning to allow multi-family - duplex units. **Please DO NOT allow this zoning exemption.** All the homes in this area are zoned R-3, which is a lot area of 10,000sq foot with an accessory dwelling of up to 720 square feet. Allowing a zoning exemption to 28 duplex units and 59 parking spaces on a 1.53 acre lot will drastically change and have a negative impact on our neighborhood.

Waipuilani Road acts at the secondary (main) road when there are accidents near Lipoa or on the Highway, the traffic/gridlock down Waipuilani Road can be backed up at times all the way to Liloa Street. When we get our heavy rains from Kona storms or the runoff flooding from Upcounty Kauha'a and Waipuilani Road intersections become undrivable. You can not even pass a car when driving up Kauha'a to Liloa. Kauha'a street is so narrow and filled with street parking I doubt a fire truck could even drive down this street. This small lot at 16 E Waipuilani Road can not handle this project.

I have seen 16 E. Waipuilani Road and the surrounding area completely flooded and access cut off to the property all the way down to South Kihei Road, this property acts as de facto detention basin for stormwater . Allowing this dense project to be built **WILL** create additional flooding to the neighbors properties and this already flood sensitive area.

Please read this article from Hawaii News Now 05/23/2011 - The article talks about this exact area with statements from former Planning Director David Goode. In this article Goode talks about "moving people out" of this area. David Goode

is now a Planning Consultant for Alaua/Betsill Brothers and was at our first Zoom meeting March 01, 2021. David Goode suggested in 2011 that some people in this exact area be moved out. How can this Waipuilani Hale project be supported by anyone knowing how bad the flooding is in this exact area and suggest that the residents/homes be located? https://www.hawaiinewsnow.com/story/14702361/special-report-kihei-underwater/

Quote from David Goode; There is an Option B that's much easier and much cheaper, but perhaps not as realistic.

"The least costly thing might be to move people out. Has that ever been seriously considered? Well, there are instances of complete towns along the Missouri River that were removed," said Goode. "That's not gonna happen in Kihei, but there might be a few where it doesn't make sense to have a structure right in the middle."

Attached is a petition started by local Waipuilani residents and signed by over 200 residents living in 100 homes in the immediate area. I am aware of an "on-line counter petition" started by Betsill to support their Waipuilani project. We chose to not start an on-line petition and went door to door to speak to all the neighbors and everyone that will be affected by this development. We could have easily gathered many more signatures if we chose to do an online sponsored petition like Betsill. Our petition is signed by local residents/homeowners who are very concerned about this devastating project in our Waipuilani community.

The last meeting is was mentioned that 64% of homeowners in this area are from out of state. I looked up all the home owners on Waipuilani Road, and 100% of these homes are owned by Maui residents, there are only 4 homes on this street that are second homes (but the owners still live on Island) with 2 of the owners owning 2 homes on Waipuilani Road, These are all local residents in this area.

Please listen to the local residents/neighbors, some who have lived in this area for 60 plus years. We all know this area, the land, the neighborhood, the roads, the flood issues, the safety concerns, etc and WE ALL suggest this project be relocated to a more suitable area. Please consider our South Maui representative Kelly Kings views on opposing this project as welll as the Kihei Community Association, Maui Tomorrrow, Sierra Club, South Maui Save the Wetlands Hui, and all the area neighbors who are asking this project to not be approved in this area.

I am respectfully asking the Maui County Council to not approve the 16 E. Waipuilani Road housing project for all the above reasons.

Mahalo,

Suzanne Dorn

808-283-7913

attached:

Waipuilani Hale signed petition

Waipuilani petition map

photo: flooding 16 E. Waipuilani Road

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
RAYNAKO OSHIRO	69 E. WAIPUILANI RD KIHEI	rayosh957@gmail.com	
Noah Hamman	55E. Waipuilani	NoahVanMan@gmail.com	
Paula Dowling	47 E. Waipuilani	popcarts@AOL.com	
Leslie Armstrong	47 E Waipuilani Road	LeslieArmyStrong@gmail.com	
Jenn Yost	14B Kaikanepl Kihei	Jennyost75@gmail.com	
Donald Marcellus	14B Kaikanepl Kihei	Jennyost75@gmail.com	
Keum Anna	14 Kaikane Pl. Kihei	kjanna81@gmail.com	
CASSIE PALI	42 Kaikane Pl	Pelllynn@yahoo.com	
David Kaohelaulii	42 Kai Kane Pl		
GERALD KAYA	1077 S. Kihei Rd	G KAYA@HAWAII.RR.COM	GK
Jimmy Gomes	15 W WAIPUILANI	879 1122	
BECS ALEXANDER	15 EAST WAIPUILANI	269.0928	
Debra Thiel	20 Kaikane Place	419-6467	

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Suzanne DORN	6 E. Waipuilani RD KIHEI HI 96753	SUZIE DORN @ gmail.com	
DAVID DORN	6 E WAIPUILANI RD. KIHEI HI 96753	DAVID DORN 808 @ GMAIL.COM	
jenn chapman	36. e. waipuilani rd. Kihei HI 96753	Chapmar 81 81e hotmail.com	
Gabiil Kwegh	36E. Waipoi lani Rd Kihei HI 96753	aspsycbe@gmail.com	
Russell Goodman	26 E. waipuilani Rd unit A Kihei HI 96753	Russgoodman3@gmail.com	R. Goodman
TED LEACH	1131 Kahaapo Loop	tedleach@earthlink.net	
Alice Kramp	1129 Kahaapo Loop	alicekramp7@gmail.com	Alice Kramp
Tess Leach	1129 kahaapo loop Kihei HI	jcustom760@Hotmail.com	
TOM ALMEIDA	1133 KAHAAPO LOOP 96753	ALMEIDA53@AOL.COM	
Bill BOSTON	31 W. Waipuilani Rd.	BillBoston03@yahoo	Bill Boston
Chad Kaulukukui	31 B West Waipuilani Rd	chadkaulukukui@yahoo.com	
TRAVIS Ross	31 D West Waipuilani Rd	TRAVIS A. ROSS @GMAIL.COM	

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

	Name	Address	Email	Signature
22	Jo-Ann Gurule	195 E Waipuilani	nedandjo@hawaiiantel.net	
78	C Roy	154 E Waipuilani	croskey Holmail	C S
	Lorna Bautista	183 E. Waipuilani Rd	lornajeanbautista@gmail.com	LB
	Laura Longi	177 E. Waipuilani Rd	Ltavar2007@[redacted] live.com	
76	Mark Kaluc	171 E Waipuilani Rd	Heatwave808@aol.	
	Faith Corrales	165 E Waipuilani Rd	fcorrales@hawaii.rr.com	Fcorrales
	Helen Wheatley	159 E Waipuilani Rd Apt A	hwheatley1349@gmail.com	
	LINDA d'AVELLA	159 E. WAIPUILANI RD		L. d'Avella
	Christine Pimentel	1048 Uby St.		
	Nellie MARTIN	125 WAIPUILANI Rd		Nellie Martin
	Jimmy Miyazono	119 Waipuilani Rd		
	Georgette Hermance	115 East Waipuilani Rd	hermance808@gmail.com	

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Edgar Vergara	113 Waipuilani		
Laila L. Vergara	113. E. WAIPUILANI RD	laila.gomez.lhs@gmail.com	
IVAN VERGARA	113. E WAIPUILANI RD	NO email	
Amanda A Cr	113. E-Waipuilani Rd		
Alison Hethcock	107 E. Waipuilani Rd	staric80@yahoo.com	
[illegible]	107 E Waipuilani	Hethcock@gmail	
GREGORY STARMER	107 E. WAIPUILANI		
LITO ASUNCION	101 WAIPUILANI RD.		
Ann Asuncion	101 Waipulai	Ann Asuncion	
Ryan Smith	93. E. waipuilani St.	ryansmith094@gmail.com	
Dan Cordell	87 E waipuilani R	Cordell@maui.net	
Irene Cordell	87 E. Waipuilani Rd	cordell@maui.net	
Maria	81 E. Waipuilani		

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Jim Hackett	1131 Kahaapo Lp	Ananee333@gmail.com	
Sean Gailey	1135 Kahaapo Lp	patgailey@aol.com	
Pat Gailey	1135 Kahaapoo Loop	" "	
Chris Harris	1133 A Kahaapo Loop	StationAloha3@gmail.com	
Michelle Almeida	1133 Kahaapo Lp	talmeida53@aol.com	
Falesegga. Olo	165 Elen Pl.	olofaleseugaa@yahoo.com	
Janet Manibog	172 Elen Pl	Janetmanibog@yahoo.com	
Charles Ewell	178 Elen Pl	Beach-star-1@hotmail.com	
Dan. Reed	178 Elen Pl	619-913-3764	
Jerime Story	183 Elen PL	jrston25@gmail.com	
Malia Miranda	183 Elen Pl.	miranda.malia@yahoo.com	
Stephen Rivers	194 Elen Place	monkeypod194@gmail	

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Dana Wagner	185 Kauhaa St. Kihei, Hi	danawagner@gmail.com	
W. James O'Brien	181 Kauhaa St Kihei HI	JObrien182@yahoo.com	
James Lobendahn	116 Kauhaa St, Kihei	alex.lobendahn@gmail.com	
Scott Walker	124 Kauhaa St. Kihei		
Lorin Walker	124 Kauhaa St Kihei	Kinoro66@aol.com	L. Walker
Ken Van Horn	75 Laumakani Loop	clohcfurrow@hawaii.rr.com	
Jay Whitten	78 Laumakani Loop		
Lisa Whitten	78 Laumakani Loop	Lisa_pea003@gmail.com	
Madison Kidd	91 Laumakani Loop	MadisonKidd@gmail.com	
Issac Bulmer	91 Laumakani Loop	IssacBulmer@ghawaii.com	
Ellie Kidd	91 Laumakani Loop	ellie@eydesignmaui.com	
Ethan Kaahui	8093 HANA HWY	adaiar2000@gmail.com	

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Tara REED	61 E. Waipuilani Rd	tararced71515@gmail.	
Robin Knox	2796 Kauhale St.	robin.S.Knox@gmail.com	Robin S. Knox
Aileen LinKee	9 Eleu Pl. Kihei Hi 96753	NO email	Aileen LinKee
Delia Molina	41 Eleu pl Kihei Hi 9675	deliamolina78@yahoo.com	
DAN COFFMAN	54 ELEU PL KIHEI HI 96753	info@kbpacific.com	
Hilda Wall	63 Eleu Pl. Kihei HI 96753	hdaglag-west@hawaii.rr.com	HW
Shauna de la Nux	62 Eleu Pl. Kihei. HI 96753	lokelani16@hotmail.com	S. de la Nux
Lionel Valdez	77 ELEU place 96753	valdezleonl1024.com	
Andrew Malafu	84 ELEU PLACE 96753	andrewmalafu0297@gmail.com	
Chad Roberts	90 ELEL PLACE 96753	CHADR@MAUIBREWINGCO.COM	
Alexis Ayala	91 Eleu Pl 96753	Alexis.Ayala43@icloud	Alexis A.
Julio Portillo	91 Eleu pl 96753	Waika30@hotmail.com	

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Brandon Holmes	31 D W Waipuilani Rd Kihei	Brandon@HawaiiRealEstateTeam.com	
William I. Mignd	31C We Waipuilani Rd Kihei	nativemaui808@Gmail.Com	
Morgan Dennett	31C W. Waipulani rd Kihei	morgn.Dennett@yahoo.com	
Noé Pizano	41 W. Waipuilani Rd. Kihei	pizanonoe@outlook.com	
Stephanie Schaaur	1065 Ewa Place Kihei, HI 96753	skphariccs87@gmail.com	
LAURIE BOGART	1091 EWA PL, KIHEI HI 96753	artworkscounseling@gmail	
CORINA BOGART	1091 Ewa Pl, KIHEI HI 96753	cbogartpile@gmail.com	
[illegible]	1101 Ewa Pl Kihei Hi	[illegible]	
Kalae Martin	75E. Waipuilani Rd. Kihei 117 Pulama Pl. Kihei	ikuwa74@gmail.com	
SCOTT MARTIN	75 E. WAIPUILANI RD. 117 PULAMA PL KIHEI.	SCOTT.MARTIN@CO.MAUI.HI.US	
Opuulani Kuluhiwa	75 East Waipuilani St. Kihei, Maui, Hi.-96753		
Walter Kuluhiwa	75 East Waipuilani St. Kihei Maui Hi 96753		

We the undersigned local residents and community members. OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Jennifer Connaughty	96 Eleu PL. Kihei, HI 96753	JNaughty001@gmail.com	
BEKI Muddeta	109 Eleu Pl Kihei, Hi 96753	SPORTFISHBOB@GMAIL	
IAN MIYAGAWA	115 ELEU PLACE KIHEI 96753	ian myg@gmail.com	
Doreen Mizuki	1931-A Alaloa Rd - Kihei 96753	dmiyagawa@hawaiianbl.net	
Phillip Ryce	121 Eleu PL. - Icimi, Hi 96753	PPR91290@gmail.com	
IRENE K.	126 ELEU PL. - KIHEI, HI 96753		
Opel Baener	127 Eleu PL - Kihei Hi 96753	baeyphet@gmail.com	
Bradley Fujishiro	127 Eleu PL kihei HI 96753	fujishiro4.bf@gmail.com	
Paul Samita	139 Eleu PL Kihei Hi 96753	KonaKing1990@gmail.com	
IRENE PINOMI	124 ELEU PL: A KIHEI, HI 96753	ipinomi@yahoo.com	
Arvin Velasco	147 ELEU Pl. Kihei Hi 96753	808-344-7136	
ERIC J Peterson	154 ELEU PL Kihei 96753	zitty LOL@gmail.com	
CATIEL RAYMOND	159 ELEU KIHEI, 96753		

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Lori Tezak	255 Ameke St. Kihei HI 96753	Lori@wildip.com	
Brenna Miles	533 Mikioi Pl Kihei 96753		
Annette DeWalt	3310 Akala Dr Kihei 96753	email.nettie@yahoo.com	
Rachel Baranik	187 Kamakoi Loop, Kihei	rachelbaranik@yahoo	
Kristina MacArthur	21 Kai La Place Kihei	Kristinawailea@gmail	
Emily Ranel	74 Ohukai Rd Kihei	ememahonster@gmail	
Pam Rosumny	700 Imihale St. Kihei	pamrosumny@yahoo.com	
Rebecca Paulin	3343 Kuaua Pl., Kihei	RKPAULIN@att.net	
Joy Gerry	1114 S. Kihei Rd	joygerry1@gmail.com	
Don Gerry	1114 S. Kihei Rd., Kihei, Hi.	donanmaui2@gmail.com	
James Lachy	15 Kulanihakoi Kihei 96753	JLachy@yahoo.com	
Martin Nortel	2861 Kaikeq St. Kihei 96753	Kiteinmarty@Gmail.com	
Sharo Raiesi	9 Kai La Pl, Kihei, 96753	SHARORAISSI@ICLOUD.COM	

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Paz Padilla	1087 S. Kihei rd. Kihei Hi 96753	PazPadilla1111@gm...	
MARILYN PARADISO	483 S KIHEI RD KIHEI HI 96753	paradisomaui@gmail.com	
Ryan Edmond	791926 Paia H. 96779	Ryemau.@gmail	
ian Padilla.	56 akumu way 96793	ian8082053009@...	
ariell nash Padilla.	56 akomu Way 96793	ariell.nash.@gmail.com	
Patricia Gomes Kaauamo	1086 S. Kihei Rd Kihei, HI, 96753		Patricia Gomes Kaauamo
Lloyd Johnson	1093 S Kihei Rd	pinkllo@yahoo.com	
Ryan Marquez	15 Kulanihakoi S t. building 2-F Kihei, HI 96753	808marquez@Gmail.com	
Shawn Jezerinac	1093 S Kihei Rd	shawn@shawnyoga.com	
Shai'on Woloshen	1093 S Kihei Rd 96753	swoloshenak@gmail.com	
Melissa Padilla	954 Haawi Loop Wailuku HI 96793	melissal.ross@gmail.com	
Lolena Zluaga	1087 S Kihei Rd, Kihei HI 96753	lolenazulu1@gmail.com	
Christine Donnelly	8 Lauhaina Loop Kihei HI 96753	luvygirl007@yahoo.com	Christine Donnelly

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Chase Hollander	50 Lau Maewa Loop	Hollander_chase@yahoo.com	
Emily Hollander	50 Lau Maewa Loop	↑	
Heather Pillard	48 Laumaewa Loop, Kihei		
Kenny Wilson	44 Laumaewa Loop	kocandy@att.net	
Jodi Riley	42 Laumaewa Loop	Jriley@mwls.k12.hi.us	
Russell Riley	42 Laumaewa Loop	riley575@yahoo.com	
Genevieve Pinkerton	18 Laumaewa loop	genevieve.rundle@gmail.com	
[illegible] Zakis	7 LAUMAEWA LOOP	ZAKSE001@HAWAII.RR.COM	
Wendy Zakis	7 LAUMAEWA LOOP	11	Wendy Zakis
JAMES PADILLA	347 S. ALU RD	JAMES PADILLA@[illegible]	
Ron Chamberlain	Kihei 1915 Kihei Rd	MAUI RON17@GMAIL	
Joy Hosseinian	2545 Omiko Pl, Kihei Hi	joyhosseinian@gmail.com	
BETSY BOWEN	15 KULANIHAKOI ST #7J	LIFEWORKS1001@GMAIL.COM	BCBowen

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Regina Padilla	1087 A. S. Kihei rd.	Positive 808 vibes@gmail	
Larry Padilla	1087 So Kihei RD.	Info@padilladesigns.com	
Margo Padilla	1087 S Kihei Rd Kihei HI 96753	mjpadilla.mary@gmail	
Angelica Dail	15 Kulanihakoi Street, Apt 2F, Kihei, HI 96753	Angelica Dail@gmail.com	
ROB TOWN	70 LAUMAEWA LOOP	RTOWNL@HAWAII.RR.com	
Chad Kyffin	62 Laumaewa loop	swimchad@yahoo.com	
James Marquez	72 LAUMAEWA LOOP	JMCA_120@msn.com	
Cherie Kutzke	70 LauMaewaLoop	cheriemauibound@gmail	
Deba Larson	119 Kauhaa St.	Mauioceanblue@gmail.com	
Edward Field	71 LAUMAEWA	efieldmaui@gmail.com	
Don Larson	64 Laumaewa Lp		
Gina Silva	46 Laumaewa Loop		

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E Waipuilani Road, Kihei, HI. 96753

NAME	ADDRESS	EMAIL	SIGNATURE
Ramon Kosmala	9 Laumaewa		
Celina Moreno	9 Laumaewa		
Molly Ennis	9 Laumaewa		
Tim Griffith	30 Laumaewa Loop		
Naomi Ishikawa	8 Lauwetawa		
LYDIA BUNIEL	641 Molokai Ahau St. Kahului		Lydia Buniel

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
C. Hirisha Kauka	1037 Hou St.	chrisha77@yahoo.com	C. Kaua
JUSTIN ODY	1036 Hou ST	justinody@gmail.com	
ASHLEY ODY	1036 Hou ST	ashleyody80@gmail.com justinody@gmail.com	
Kelly	Hou St		Kelly
Sadaifu	Hou St		
BERD	Konia Pl	situla@icloud.com	

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

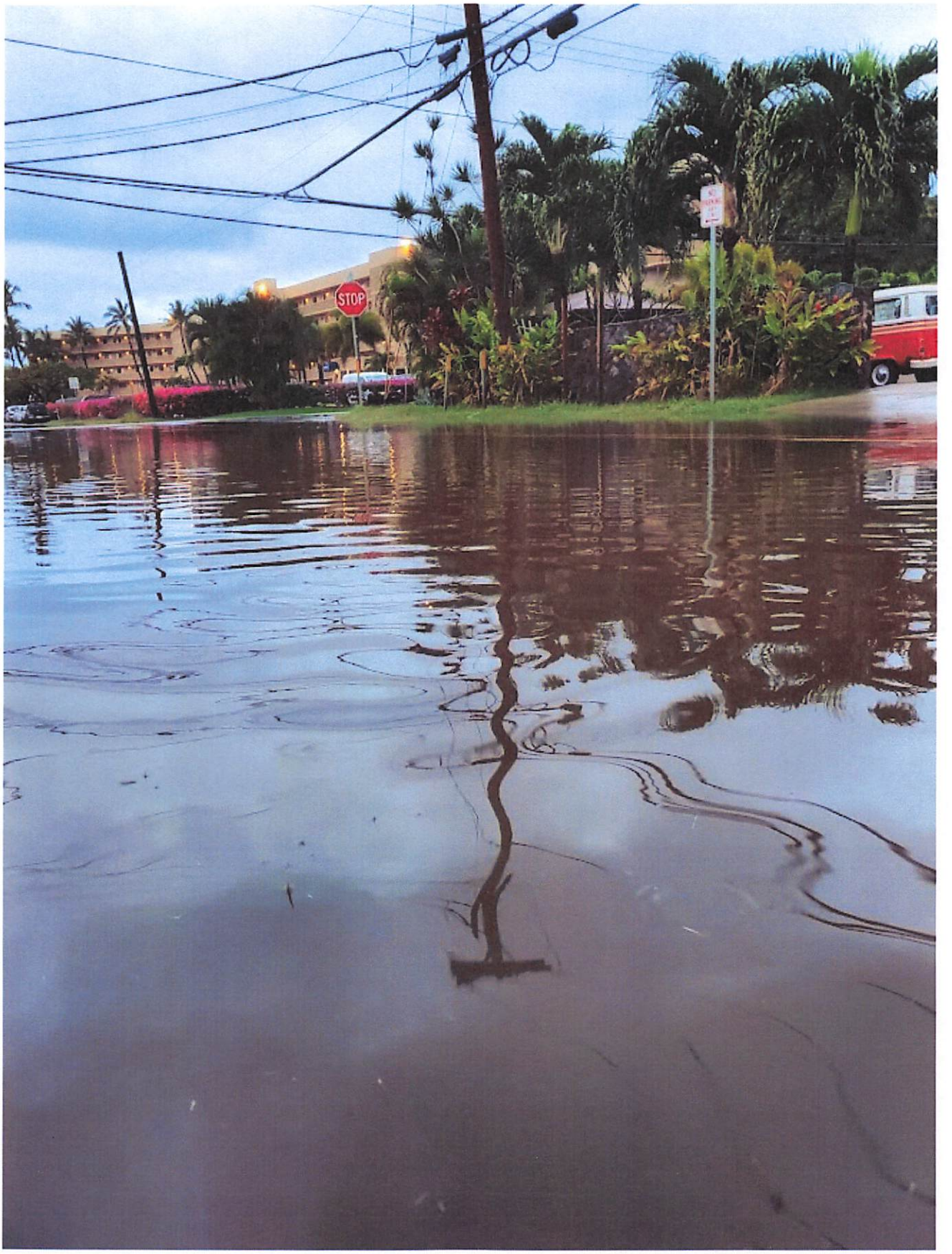
Name	Address	Email	Signature
Don Gerry (another page)	1114 South Kihei Road	donon maui2@gmail.com	
Joy Gerry	1114 S. Kihei Rd	joygerry1@gmail.com	Joy Gerry
Joshua Datcher	494 Kumulani Dr.	joshuadatcher@outlook.com	
Teddy Fatuesa	1102 S. Kihei		
NATHAN Moody	1073 Ewa pl		
JOE Vuong	1092 EWA PL.		
Wayne Perry	1074 Ewa PL	mauiwayne@gmail.com	
Fallon Lacio	Harbor Lights		
Michael Maher	57 Nohokai St		
Lynette Maher	57 Nohokai St.		
TOM INZANO	34A Nohokai St		
RIKI INZANO	34A Nohokai St		

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Steven K. Woodall	1578 S. Kihei Rd Kihei ✓	[illegible]	
Cynthia J Woodall	1578 S. Kihei Rd. Kihei ✓	movieconfirm@gmail.com	Cynth J Wood
Portia Goyette	415 Dairy Rd Ste E224, Kahului	portiairiley@gmail.com	
Chad Lacio	483 Ladie Dr Kula HI	Chadlacio@icloud.com	
Rachel Domingo	34 Nohokai St Kihei HI ✓	rachel@surfdivemaui.com	
Aubrey Holland	26 E Waipuilani Rd A Kihei HI	96753 alabourra26@gmail.com	
Matt Holland	26 E Waipuilani Rd A Kihei	Matthewdavidholland@gmail.com	

We the undersigned local residents and community members, OPPOSE the proposed "Hale Waipuilani" housing project" at 16 E. Waipuilani Road, Kihei, Hi. 96753.

Name	Address	Email	Signature
Josephine Del Castillo	38 E. Waipuilani Rd. Kihei, HI 96753	jddc@hawaii.edu	
Zenaida del Castillo			
Cynthia Laty	37 E. WAIPUILANI RD KIHEI, HI 96753	sinifapictures1@gmail.com	
CARLA BARANDIE	16E WAIPUALANI	PUA4495@AOL.COM	
Sabrina and Scott Haken	1051 S. Kihei Rd Kihei HI 96753		


STOP



County Clerk

RECEIVED
2022 JUL 15 AM 8:15
OFFICE OF THE
COUNTY CLERK

From: Suzie Dorn <suziedorn@gmail.com>
Sent: Friday, July 15, 2022 8:10 AM
To: County Clerk
Subject: I OPPOSE HALE WAIPUILANI PROJECT CR 22-61

You don't often get email from suziedorn@gmail.com. Learn why this is important

I OPPOSE HALE WAIPUILANI PROJECT

My name is Suzanne Dorn and I oppose the Hale Waipuilani project. This project needs to be disapproved. My last testimony I suggested keeping the zoning to R3 single family homes only, but after reading all the documents for this development, listening to the presentations and comments from engineering and other departments - I am now convinced that any development built on this lot will have a direct negative impact and create more flooding for this area. I am asking for this property to become a conservation zone; There is county land for affordable housing set aside near the R/T park for about 1200 homes, land in Maui Lani, near the Kihei police station and in Puunene. Please DO NOT approve this project - there should be no new houses in flood zones.

Maui has many affordable housing projects being built, there is a lottery in a few weeks in Kihei for over 100 affordable homes, 40 homes in north Kihei, Bestil is working on 204 affordable homes in wailuku, there is another 700 affordable home project in the plans, plus many other projects.

At the last meeting Carnecelli said they were open to a land swap, their only concern was it would take time but why should we rush this? They should put this project in a safe location where it is a win-win for everyone. The county has offered a land swap or the County can purchase this land back; the developer only paid 1 million dollars for it. Turn this area into a conservation area, this is the best possible use for 16 E Waipuilani Road

At the last meeting Carnecelli said their flood water runoff will be cleaner.
If you do not live in this floodplain you do not know how dangerous and scary it is. These flood events are not just a few hours, these flood events can be days, months and sometimes years to recover. I have experienced many floods while living here. We have 100 sand bags stockpiled in the corner of our yard at all times. During storms and flood advisories my husband and I have to sleep in shifts so we can be alert to flooding. When floods damage our home we have claimed on our flood insurance.

We believe this project will make flooding worse.
When the floods start there is no help, every man is on their own. When we call 911 they can not help us, they say they have too many other things to deal with. The streets usually flood first which makes evacuation difficult or impossible. When the water starts coming into your house it is already too late to do anything about it. During floods we have begged passing fire trucks for help, we have called the county and the authorities and no one can do anything to help us. The only people who have ever helped during the storms are our immediate neighbors.

There are no police, no emergency services, no road works blinking signs, there is absolutely no help. When the streets flood, passing trucks create large waves that create more problems and the entire situation is complete chaos.

The after effects can be long lived, we've been stuck in our home for a week until the mud dries enough to be shoveled away to move our cars there is no help for this. After major flooding the Red Cross comes to check on us and our homes, they give us bleach and cleaning supplies and talk about the risk of mold in the house, body infections and staph from the flooding waters.

At the last meeting a Council member said they were thinking of the 28 people who need homes, well I am asking to

please consider the 28 plus people who can lose their homes due to the direct impacts this project would have on our neighborhood.

RECEIVED

Mahalo for your consideration.

2022 JUL 15 AM 8:15

Suzanne Dorn
808-283-7913

OFFICE OF THE
COUNTY CLERK

County Clerk

From: MJ Duberstein <mjduberstein@gmail.com>
Sent: Sunday, July 17, 2022 10:45 PM
To: County Clerk
Subject: Re:CR 22-61

[You don't often get email from mjduberstein@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha
I have not testified on this item before.
That, unfortunately, was an oversight.
Building anything in a flood zone is not smart development.
Attempting to put workforce or so-called affordable housing in a flood zone is doubly ridiculous.
I appreciate that a solution is able to happen on behalf both of the developer—who should have known better—and the County to make a land swap that can, with your approval, result in the flood zone land be turned into a permanent conservation site.
Do it, please.
You will be remembered as officials who will long be remembered as making a critical and positive step in protecting the aina.
And, the developer will be able to build true workforce and affordable housing on a better site.
As we move into creation of the South Maui Community Plan, this step will a model for the future of our community.
Malama aina.
Ua Mau ke Ea o Ka Aina I Ka Pono
Michael J Duberstein
34 Iliwai Loop Kihei 96753
808-891-0597

County Clerk

From: Christian Dumalanta <chrisdumalanta@gmail.com>
Sent: Friday, July 15, 2022 7:43 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from chrisdumalanta@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!

I have many family members and friends who are being pushed off the island or aren't able to get ahead financially because rent is getting too expensive and housing prices are too high.

Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

--

Christian Dumalanta, R(S) 78470
eXp Realty
Direct: 808-463-4828
chrisdumalanta@gmail.com

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2022 JUL 15 AM 8:05
OFFICE OF THE
COUNTY CLERK

County Clerk

RECEIVED
2022 JUL 14 PM 4:25
OFFICE OF THE
COUNTY CLERK

From: Gina Duncan <mauigina@gmail.com>
Sent: Thursday, July 14, 2022 4:20 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from mauigina@gmail.com. Learn why this is important <https://aka.ms/LearnAboutSenderIdentification>

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families that they can afford. The rental market is so tight right now that when renters are displaced they can't find a home. Let's get our local folks into permanent homes. These homes would cost similar to what many are paying for rent.

Mahalo!

Gina Duncan R PB Fine Island Properties LLC 808-250-9858 https://ginaduncan.fineislandproperties.com
RB-21124

County Clerk

From: Travis Duncan <AlohaProperties@live.com>
Sent: Friday, July 15, 2022 12:50 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from alohaproperties@live.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Thank you, Travis Duncan

Aloha Properties SC
704.957.5594 (cell)

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2022 JUL 15 AM 8:03
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Isara Ebsen <isara@fixatedevents.com>
Sent: Thursday, July 14, 2022 1:26 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from isara@fixatedevents.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Isara Ebsen
Director of Operations
Fixated Events, LLC
isara@fixatedevents.com
206-707-9277

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2022 JUL 14 PM 2:10
OFFICE OF THE
COUNTY CLERK

County Clerk

RECEIVED
2022 JUL 14 AM 9:10
OFFICE OF THE
COUNTY CLERK

From: Gary Elster <crazy2kite@gmail.com>
Sent: Thursday, July 14, 2022 8:41 AM
To: County Clerk
Subject: FW: Bill 21 CD1 July 15 Written Testimony submittal

You don't often get email from crazy2kite@gmail.com. Learn why this is important

From: Gary Elster <gse@hawaii.rr.com>
Sent: Thursday, July 14, 2022 8:28 AM
To: 'county.clerk@mauicountv.us' <county.clerk@mauicountv.us>
Subject: Bill 21 CD1 July 15 Written Testimony submittal

Dear Councilmembers:

I am writing to you to strongly support Bill 21 CD 1
The bill is a serious attempt to improve our Night light ordinance and needs your support.
Aloha
Gary Elster
808250-3726

County Clerk

From: Falishah <sassypants555@gmail.com>
Sent: Saturday, July 16, 2022 4:29 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from sassypants555@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

County Clerk

From: Jeffrey Fawson <jsfawson@gmail.com>
Sent: Thursday, July 14, 2022 3:01 AM
To: County Clerk
Subject: We Support Resolution 22-61: Workforce housing at Hale Waipuilani

You don't often get email from jsfawson@gmail.com. Learn why this is important

Aloha Council member,

Maui needs homes for local families. We support affordable housing. Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo,

RECEIVED
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OFFICE OF THE
COUNTY CLERK

County Clerk

From: Ashley <ashleyfazal@mosaicchurch.tv>
Sent: Thursday, July 14, 2022 2:55 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from ashleyfazal@mosaicchurch.tv. Learn why this is important <https://aka.ms/LearnAboutSenderIdentification>

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

Naeem and Ashley Fazal

RECEIVED
2022 JUL 14 PM 3:13
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Naeem Fazal <n@mosaicchurch.tv>
Sent: Saturday, July 16, 2022 3:09 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from n@mosaicchurch.tv. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

NAEEM FAZAL | **MOSAIC CHURCH**
www.mosaicchurch.tv | 704.458.7373

County Clerk

From: Paul Fedi <ppfedi@gmail.com>
Sent: Thursday, July 14, 2022 6:05 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from ppfedi@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

RECEIVED
2022 JUL 15 AM 8:00
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Dyvette Fong <dyvette.fong@gmail.com>
Sent: Thursday, July 14, 2022 9:58 PM
To: County Clerk
Subject: Item CC22-62 Affordable Housing Bill 107

You don't often get email from dyvette.fong@gmail.com. Learn why this is important

Chair Alice Lee

County Council

200 South High Street

Wailuku, Hawaii 96793

RECEIVED
2022 JUL 15 AM 8:03
OFFICE OF THE
COUNTY CLERK

Re: Committee Report No. 22-62; Bill 107, CD1 (2022)

Dear Chair Lee,

I do not support Bill 107, CD1 (2022), in its current form. The lack of affordable housing for sale is the biggest problem when trying to purchase a home on Maui. I am a partner in a 100% workforce project that will not get built if these sales prices go into effect. Please understand that lowering the price that builders can sell the affordable housing for is a deterrent to building more affordable housing. More than likely, it will reduce the number of affordable homes that are built. Builders are already facing extreme increases in building material costs as well as a shortage of workers and it will just not be economically feasible. Instead of lowering the affordable housing sales prices please consider subsidizing the individual buyers that need the help.

Mahalo!

Dyvette Fong

--

Dyvette Fong
(808)870-3001

County Clerk

From: For Sale On Maui <forsaleonmaui@gmail.com>
Sent: Thursday, July 14, 2022 8:38 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from forsaleonmaui@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

RECEIVED
2022 JUL 15 AM 8:02
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Frankum, Eric <Eric.Frankum@westin.com>
Sent: Thursday, July 14, 2022 7:51 PM
To: County Clerk
Cc: Takahashi, Rie (KEA)
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from eric.frankum@westin.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!

Workforce housing is essential to maintain a stable economy for the future. We need to lower the prices of our homes. What more can you do?

Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Eric Frankum

Senior Marketing Manager

THE WESTIN MAUI RESORT & SPA

2365 Ka'anapali Parkway,
Lahaina, HI 96761
westin.com/maui

M 808.357.6958

RECEIVED
2022 JUL 15 AM 8:01
OFFICE OF THE
COUNTY CLERK

County Clerk

From: L Freidenburg <lanihuli@hawaii.rr.com>
Sent: Wednesday, July 13, 2022 4:28 PM
To: County Clerk
Subject: I support Bill 21 (CD1 FD1)!

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2022 JUL 13 PM 4:31
OFFICE OF THE
COUNTY CLERK

[You don't often get email from lanihuli@hawaii.rr.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha e County Council Members!

I am Linda Freidenburg of Mā'alaea, Maui. I urge the Council to support Bill 21 and other similar efforts to restore and protect dark night skies both for us and wildlife. Hawai'i Island has been a pioneer in these efforts. Maui may be a bit late to this effort, yet now is better than never. This Council has been progressive in doing some things that are in the best interest for Maui. Your work is appreciated. I encourage you to pass this bill.

Mahalo palena 'ole!

County Clerk

From: Marisa Fujimoto <marisa.m.fujimoto@gmail.com>
Sent: Thursday, July 14, 2022 11:16 AM
To: County Clerk
Subject: Testimony to Oppose Bill 21 re Outdoor Lightinf

You don't often get email from marisa.m.fujimoto@gmail.com. Learn why this is important

Dear Council members,

Please do not pass this ridiculous bill. The justification for this bill is to prevent seabirds from becoming confused, but how Is that more important than SAFETY FOR HUMAN BEINGS at night?

I appreciate those of you who work to improve the safety and well-being of our community and consider the best interests of the PEOPLE of Maui. Seabirds don't pay taxes - Maui residents do!

Thank you,

Marisa Fujimoto
Wailuku Resident

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2022 JUL 14 AM 11:41
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COUNTY CLERK

County Clerk

From: Edna Galinato <chinabear1992@gmail.com>
Sent: Thursday, July 14, 2022 8:52 PM
To: County Clerk
Subject: Hale Waipuilani project

You don't often get email from chinabear1992@gmail.com. Learn why this is important

Aloha my name is Edna Galinato and I wanted to share my concerns for the project. I am not able to attend (zoom) or call in tomorrow at the time you all are having the meeting, so I would like to take the opportunity now to email you all. I've lived on East Waipuilani Street from 1986-2019 , although I no longer reside in Kihei I still care about the neighborhoods this one especially. I do oppose the project, like the many concerned residents you've heard from and for all the same reasons. While I do support affordable homes for local families, I also do believe there is a RIGHT and WRONG place to build on. This is the wrong area to build that type of affordable units. Flooding of course is #1 reason . No matter where you live on Maui I'm almost certain everyone knows South Kihei road when it floods as the whole state in fact just witnessed late last year. How can you guys support or allow for units to be built with no storm drainage system to be in place. Building it above so it doesn't sit low is not going to fix any future issues, in fact as more " future builds" come up along Kihei it'll be a mess. Traffic and floods does not go hand in hand. That road is an alternate route when there are road closures , its a gridlock so when an actual emergency evacuation needs to happen those residents will be stuck in their own homes. Its also so easy for everyone to support also because they don't live there, is there anyone on the county side or on the builders side or anyone who wants this to happen lives there or have friends and family live there? I doubt it. Would you all be supportive and happy if they wanted to build a project like this in your residential neighborhood? Like I said earlier there are RIGHT places to build and WRONG places to build. I truly believe this project should not go through in this area or any other flood zoned /wetlands areas. A temporary solution is just that temporary , any project builds should be built correctly starting from the ground/foundation.So many construction in Kihei , when you guys keep giving the green light on building and building for " profits and image " thats not being responsible to your community. Thats the problem nowadays everything's done temporary so all the taxpayers can pay bigger state taxes on our car registrations to fix roads from all the flooding that could have been prevented if storm drainage was put in correct places. Thank you for your time, I do apologize for my long letter but in short, I DO NOT support the Hale Waipuilani project.

Mahalo,
Edna

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2022 JUL 15 AM 8:02
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Keith Garcia <baldsound@gmail.com>
Sent: Thursday, July 14, 2022 1:21 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from baldsound@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Keith Garcia

RECEIVED
2022 JUL 14 PM 2:10
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Chelsea Gerbig-Bedoya <chelsg808@icloud.com>
Sent: Thursday, July 14, 2022 11:20 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from chelsg808@icloud.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

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COUNTY CLERK

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OFFICE OF THE
COUNTY CLERK

HAWAI'I HOTEL ALLIANCE

July 14, 2022

Gerard C. Gibson
President

The Honorable Alice L. Lee, Chair
The Honorable Keani Rawlins-Fernandez, Vice-Chair
Maui County Council
Kalana O Maui Building
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

RE: Hawaii Hotel Alliance Opposition to Bill 21, CD1 ,FD1 (2022)

Aloha Chair Lee, Vice-Chair Rawlins-Fernandez and Members of the County Council,

Mahalo for this opportunity to provide testimony in advance of the County Council's June 21, 2022 meeting. Maui's lodging industry is deeply committed to its stewardship role for the local environment—including the protection of Hawaii's native seabird species—but if enacted Bill 21, CD1, FD1's outdoor lighting fixture requirements would impose impractical, ambiguous and unsafe requirements on businesses (and residents) throughout the County which run counter to the guidance of state and federal agency experts in this space.

For the reasons our testimony will expand upon below, the Hawaii Hotel Alliance must regretfully oppose Bill 21, CD1, FD1.

Bill 21, CD1, FD1 Conflicts with Prevailing Expert Opinion:
State and federal agencies with expertise on what constitutes appropriate measures to protect endangered seabirds have developed corresponding light minimization guidelines. Importantly, these guidelines were included in Appendix E to the Kauai Seabird Habitat Conservation Plan (KSHCP, or Plan)[1]—a Plan prepared in 2020 by the U.S. Fish and Wildlife Service (USFWS) and the Hawaii Department of Land and Natural Resources (DLNR). This Appendix includes requirements relating to the placement, angling and shielding of lights, as well as other key lighting mitigation measures. At the time the KSHCP was prepared, several groups asked the agencies to also impose light spectrum requirements similar to those found in Bill 21, CD1, FD1. It is important to underscore the experts at these agencies declined to do so.

Bill 21, CD1, FD1 Ignores Established Safety Parameters:
The wellbeing of our lodging guests and employees alike is of the utmost importance, and something that should not be unduly compromised in anything adopted by the County via Bill 21, CD1, FD1. There are

[1] *See* Attachment, *"KSHCP Appendix E."*

human safety benefits of lights with shorter wavelengths, including that they create greater contrast and enhance

peripheral vision—yet Bill 21, CD1, FD1 does not properly account for this critical dynamic. Conversely, recognition of human safety needs is present within state and federal agency light minimization guidelines for protecting endangered seabirds, and the KSHCP itself requires appropriate lighting level stipulations for particular light functions—recognizing the standards prepared by the Illuminating Engineering Society of North America (IESNA). More specifically, the IESNA standards provide light level recommendations for several applications, including parking lots, walkways and roads—again, something for which Bill 21, CD1, FD1 does not properly account. The County should not be requiring light levels be less than these recognized and patterned illumination standards for human safety, which Bill 21, CD1, FD1 would concerningly do.

Exacerbating these concerns is the fact that Bill 21, CD1, FD1 would newly apply its provisions to *"[t]emporary hotel and condominium beach security lighting"* and *"[s]afety and security lighting for water features,"* which were previously exempt in broad scope. This could increase safety hazards for hotel guests and make it impossible for security staff to implement safety or security lighting at their hotels and resorts, even temporarily to resolve pressing safety matters.

Bill 21, CD1, FD1 Contains Unworkable, Unsubstantiated Provisions:
A critical requirement within Bill 21, CD1, FD1 would be that all outdoor lighting fixtures must *"limit short wavelength content to no more than two percent of blue light content"* (with *"blue light content"* defined as *"the ratio of the amount of energy emitted by the outdoor light fixture between 400 and 500 nm divided by the amount of energy between 400 and 700 nm"*). Such a standard would be impossible for most—if not all—residents and businesses to adhere to.

The short wavelength content measurement specified in Bill 21, CD1, FD1 is not something that is typically provided by light bulb and fixture manufacturers, nor is it included on the labels for their products, so one would be unable to determine if new lights they purchase effectively comply with the law. Most businesses and residents lack the equipment and expertise that would be necessary to perform the calculations necessary to determine compliance, all while state and federal agencies have yet to determine if there is scientific support to suggest this requirement is beneficial for seabirds. State and federal agencies knowledgeable about endangered seabird protection have not recommended adopting this for all outdoor lighting, which means Bill 21, CD1, FD1 is again a troubling outlier.

Moreover, requiring all (except neon) outdoor lights to be filtered light emitting diode bulbs (LEDs) is concerning on added grounds, as LED filters are not commonly used and are not widely available. Per the County's Deputy Corporation Counsel,[2] there is only one vendor who arguably sells such filters, yet every outdoor light in the County would require one—presenting cost trepidations, supply anxieties, and even worries over such a product voiding light manufacturer warranties given this alteration of intended use. All for a practice outside of what experts would constitute as necessary.

[2] *See* Memorandum, *"Ordinance on Protecting Seabirds from Outdoor Lighting Bill No. 21 CD1 (2022)"* (May 24, 2022).

Further, Bill 21, CD1, FD1 would take effect immediately for all new or newly replaced lighting fixtures, and provide only a three-year grace period for existing fixtures. Given the numerous compliance challenges present, this would create immediate difficulties for businesses such as hotels and resorts with large
numbers of outdoor lighting fixtures. And even a three-year period may not be enough time to comply, particularly with stipulations like those for blue light content and filtering that are stymied by present manufacturer specifications and availabilities.

Concluding Remarks:
In sum, the lodging industry on Maui is steadfastly committed to protecting Hawaii's native seabird species, including by minimizing lighting. When one minimizes lighting though, it is also important that human safety—namely the safety of our guests and employees—is not compromised, especially with impractical and burdensome requirements that do not hold demonstrated, expert-validated benefits.

Bill 21, CD1, FD1 is simply not a sensible approach to the important protection of Hawaii's native seabirds, especially given that alternative options are available. One logical option would be for Maui to adopt requirements similar to those included in the KSHCP's Appendix E, which reflects mindful policies established by subject-matter experts from USFWS and DLNR. Another option would be to impose a correlated color temperature requirement, as the State imposes on its own agencies (this measurement is typically included on LED light bulb labels).[3] Any new requirements should also preserve existing exemptions and allow enough lead time for compliance.

For the many reasons articulated in our testimony, the Hawaii Hotel Alliance urges the County Council to reject Bill 21, CD1, FD1 and instead pursue an alternative conservation pathway. Without such action, the risks and harms brought about by Bill 21, CD1, FD1's requirements—to residents, businesses, guests and more—will greatly exceed any benefit that may possibly be attained.

Mahalo Nui Loa,

Gerard C. Gibson
President
Hawai`i Hotel Alliance

[3] *See* Hawaii Revised Statutes Section 201-8.5.

APPENDIX E: Guidelines for Adjusting Lighting at Facilities

1. Guidelines for Adjusting Lighting at Facilities

This appendix provides detailed guidelines to inform minimization measures that can be customized to address an array of possible lighting issues at Participant facilities. A lighting minimization plan to achieve the maximum extent practicable will be included in each Participant PIP.

These guidelines represent best available science at the time of KSHCP permit issuance. Over the life the plan, likely new information and new technologies will be available, and this appendix may be updated accordingly.

Not all lighting guidelines are appropriate for all types of facilities. Some represent long term, infrastructure solutions, and others may be implemented on a seasonal basis.

1.1. Deactivate Non-Essential Lights

Prioritization of seabird and honu light attraction minimization measures involves evaluating light needs to determine if non-essential lights can be deactivated during the seabird fallout season (September 15 to December 15) and turtle nesting season (May 15-December 15). Deactivating the lights avoids the potential for light attraction that those lights could otherwise cause. Turning off a subset of lights, both unshielded and shielded, during the fallout season (September 15 to December 15) can assist with minimizing the risk of seabird light attraction, if those lights are not necessary. In their PIPs, Applicants must provide rationale for any facility lights that cannot be deactivated during seabird fallout season, and detail what other minimization practices will be implemented on lights that will remain illuminated. The regulatory agencies will review the evaluation and justification as provided in applicant PIPs.

Similarly, turning out lights that shine directly on beaches during the turtle nesting season (May 15-December 15) can prevent hatchling disorientation. Avoid use of the following lamp styles on beachside or shore perpendicular to sides of a structure: private balcony lights, up lights; decorative lighting, not necessary for human safety or security; pond lights; and beach lighting. Timers or other similar devices should be used to ensure the selected lights remain off during the turtle nesting season. This measure may require the installation of independent light switches. Conversely, to prevent accidental activation, light fixtures can be removed for lights that will no longer be needed at a facility.

1.2. Install Full Cut-off Light Fixtures

A full cut-off fixture refers to a light fixture which that does not shine light above a 90 degree horizontal plane. For lights necessary to be activated, full cut-off fixtures provide an effective measure to achieve light minimization because they prevent light from shining directly upward.

These types of lights house the light bulb up within the fixture so that no bulb protrudes below (**Figure 1**). Such fixtures must be mounted at appropriate angle so they point directly down to the ground. Many light manufacturers provide light fixture information along with the light specifications to indicate if a fixture is a full cut-off design. The International Dark Sky Association (www.darksky.org) is a good source for information on full cut-off lights and provides additional references to light engineering resources and light manufactures.

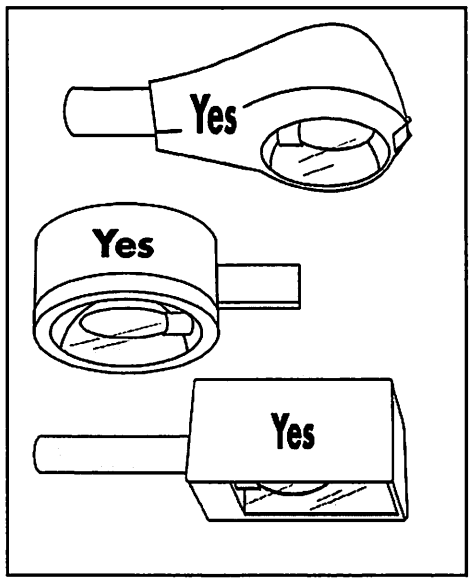


Figure 1: Examples of full cut-off light fixtures. Source: www.darksky.org.

Along shorelines, exterior fixtures on the seaward (makai) and the shore perpendicular sides of the building (and on the landward side of the building if they are visible from the beach) should be down-lit fixtures, fully shielded and full cut-off, louvered, or recessed fixtures that do not have reflective inner surfaces. These fixtures should use low wattage bulbs (e.g.,< 50w). All exterior fixtures on the landward (mauka) side of the building should be directed downward only (Witherington & Martin 2003).

1.3. Shielding Light Fixtures

This minimization measure aims to achieve the functional equivalent of a full cut-off light fixture by installing a shield, visor, hood or similar on an existing light fixture to prevent light from shining upward and reducing trespass. In addition to the shielding, to achieve the functional equivalent of a full cut-off fixture, a light fixture should be adjusted so that it points directly down perpendicular to the ground to create a level, horizontal plane between the fixture and the ground, and have the bulb housed within the light fixture (**Figures 2 & 3**). Reed

et al. (1985) suggest that in areas where other light sources are rare, the shielding of principal lights would likely have a larger effect in decreasing seabird light attraction.

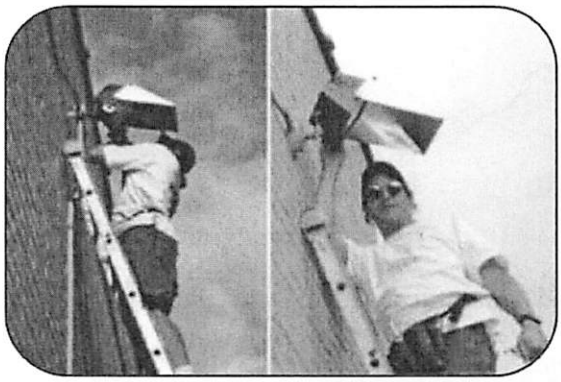


Figure 2: Installation of an appropriately sized floodlight shield. Source: www.darksky.org.

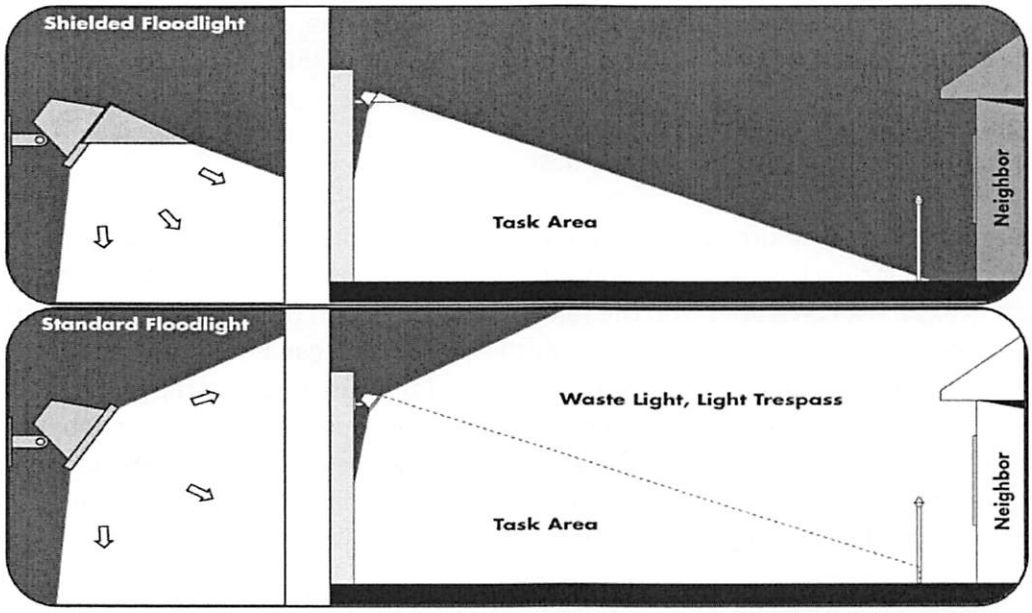


Figure 3: Before and after effects of shielding and light management designed to minimize light attraction risk to seabirds and to decrease light pollution. Source: www.darksky.org.

1.4. Angle Lights Downward

Angling and repositioning lights presents a potential alternative to shielding or replacing light fixtures and may be sufficient to make lights fully cut-off and eliminate light shining horizontally and vertically (**Figure 4**). To achieve the functional equivalent of a full cut-off fixture, a light fixture should be adjusted so that it points directly down perpendicular to the ground to create

a level, horizontal plane between the fixture and the ground, and have the bulb housed within the light fixture. Tree strap downlights may be used to minimize seabird light attraction unless turtles may be present on the adjacent beach.

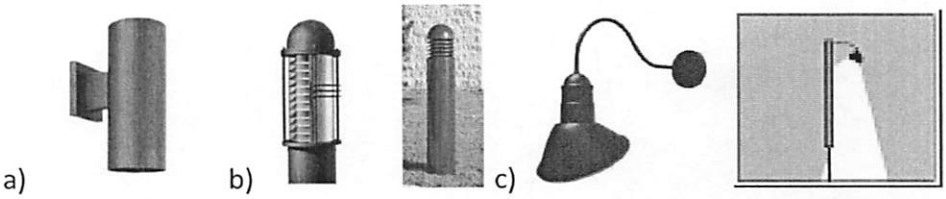


Figure 1-: (a) Wall mount cylinder down-light, (b) bollards with downward-directed louvers, and (c) sign lights angled downward. From http://myfwc.com/media/418417/SeaTurtle_LightingGuidelines.pdf **(FWC 2011).**

1.5. Place Lights Under Eaves

Light fixtures placed under building eaves can achieve the functional equivalent of a full cut-off fixture. The architectural eave acts as shield to prevent light from shining directly upward.

1.6. Shift Lighting According to the Moon Phase

This minimization measure addresses lighting for which the need, or purpose, for the lighting can be shifted in timing each year to coincide with the moon phase. Because a reduction in light attraction has been correlated with the full phase of the moon (Reed et al. 1985; Telfer et al. 1987) lights for essential functions, and for which that function can be shifted in timing, should coincide with the full phase of the moon and avoid the dark phase of the moon. It is important to note that a full moon that is obscured by heavy cloud cover could simulate the dark phase of the moon. By not activating those lights during the dark phase of the moon the effect of those lights is reduced. Examples of activities that could be minimized with this measure include scheduling of night time events, such as festivals or sporting events.

1.7. Install Motion Sensors for Motion-activated Lighting

Motion sensors switch lights on only when triggered, thereby limiting the time that the light stays on and reducing its potential for seabird light attraction. If a sensor light is required for security purposes, the light equipped with the sensor should be at low light levels. For example, Light Emitting Diode (LED) streetlights and parking lot lights can be activated when needed and dim when no activity is detected nearby. However for those fixtures, full cut-off designs or the functional equivalents are recommended because of the possibility of light attraction occurring when the motion-sensor light is activated or in the event that the motion sensor equipment malfunctions and the light remains on.

Where motion sensors are impractical (eg at sporting events), stadium lights should be turned off as soon as the public leaves the stadium.

1.8. Decrease Lighting Levels

This measure addresses lowering light intensity levels (e.g., measured in lumens) while still meeting the need to safely complete tasks and serve the purpose of the light. Guidance on standards for the appropriate lighting level for a particular light function should be followed as provided by the appropriate agency or professional and technical organization. For example the Illuminating Engineering Society of North America (IESNA) provides recommendations for light levels for several applications including parking lots, walkways, and roads. In addition individual entities may have standards and best practices for lighting needs.

For many applications where lighting is needed, brighter lighting may not always provide the best lighting for the needed function. It is often the case where reduced lighting levels can provide for the needed function of the lighting. For example, for security purposes overly bright lights tend to create blind spots, or very dark shadows, outside the lit area that preclude effective visibility. Well placed, but reduced lighting can provide for more effective security. Therefore, when Participants seek to enhance onsite visibility for security, while reducing risk to seabirds, the appropriate reduction of light levels (along with shielding and re-angling lights) forms a starting point to accomplish both purposes.

1.9. Decrease Visibility of Interior Lights

Facilities with large and/or numerous windows, tall building profiles, or large glass facades may also pose a risk of light attraction to Covered Seabirds on Kaua'i. The following measures are based, in part, on efforts in cities in Canada and the mainland USA to decrease harmful effects of buildings on birds and apply to seabirds in that they can decrease the amount of light escaping from within buildings (City of Toronto 2007; Evans Ogden 2002):

- Install screens or shades over large windows that are lowered nightly during the fallout season;
- Modify buildings and decrease or eliminate light glow from within a facility;
- Create glass opacity to prevent the escape of internal light. Tinted glass or film with a visible light transmittance value of 45 percent or less should be applied to all windows and doors within line of sight of the beach;
- Install physical screens outside a building;
- Install landscaping in front of large windows;
- Close all window blinds after daylight hours until sunrise;
- Stagger the operation of lights in the evening or morning hours so that not all lights are turned on at once; and
- Maximize the number of offices or indoor rooms that turn off all lights after sunset;

- Place reminder notices on switches to turn out lights or draw curtains/blinds in oceanfront rooms. This should include coastal areas that are on the perpendicular sides of the structure;

    a. Turn off room and lanai lighting that are not needed;

    b. Relocate moveable lamps away from windows that are visible from the beach; and

    c. Close opaque curtains or blinds after dark to block inside light from shining outside.

1.10. Use Light-less Technologies

Where conditions and facility needs permit, technologies that do not use light, such as closed-circuit television (CCT) with infrared illuminators, may be effectively employed to "see" at night thus enabling some of the lights to be turned off. For example, any fenced areas or the dark sides of facilities can be monitored with CCT so that lights do not need to be used or installed.

1.11. Plant Vegetation Around Lights to Reduce Light Visibility

Trees and shrubs can be planted so that they over-arch lights or shield side visibility of lights along the coast or along a ridge, for example. Whether the lights are mounted on 20-foot poles, walkways, or within landscaped areas, having adjacent or overarching vegetation would further reduce the risk of seabird light attraction that any residual light scatter may pose. Long-term planning and maintenance of screening vegetation is encouraged, where appropriate to the uses and needs of the affected lights.

1.12. Lower Height of Lights

Light that is low in height has potential to reduce the effect of light attraction because lower lights may be less visible to passing seabirds. Installing ground-level lighting, such as along walkways, and reducing pole height can decrease light waste and trespass.

1.13. Use Longer Light Wavelengths

In coastal areas, use of acceptable lights such as: LPS 18w, 35w, red, orange or amber LEDs (true red, orange or amber diodes, but not filters), true red neon, and other lighting sources that produce light wavelengths of 560 nm or longer (Witherington et al. 2014). Long wavelength lights, e.g., those that produce light that measures greater than 560 nanometers on

a spectroscope, are required for all construction visible from and adjacent to sea turtle nesting beaches. Turtles are most sensitive to short wavelengths of light, probably because they live in a marine environment that filters out long wavelengths. Green turtles are least attracted to longer wavelength light in the yellow-orange to red end of the spectrum (630 to 700 nm) (Witherington and Martin 2000). In the absence of other light sources, however, turtles may still be attracted to long wavelength light.

Filters designed to exclude transmission of short wavelengths (<570nm) can be fitted to high pressure sodium (HPS) vapor lights. Such filters have been found to be effective at avoiding disruption of nesting females (Salmon, 2006) but even filtered HPS light has been found to attract hatchlings, although not as strongly as unfiltered HPS lights (Sella et al, 2006). Filtering alone is thus not sufficient to avoid attraction and disruption of hatchling orientation. Bright white light fixtures, such as metal halide, halogen, fluorescent, mercury vapor and incandescent lamps, are not approved for beachside or shore perpendicular sides of a structure. Limited use of shorter wavelength lights may be approved in areas where direct and indirect light or glow could not possibly be visible from the beach due to installation of opaque "light fencing" (see below).

County Clerk

From: John Gillespie <johnny.gillespie@gmail.com>
Sent: Thursday, July 14, 2022 6:19 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from johnny.gillespie@gmail.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

Johnny Gillespie

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County Clerk

From: Patty G <gorskified@gmail.com>
Sent: Friday, July 15, 2022 7:32 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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[You don't often get email from gorskified@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

I am a single mom and 10 year educator in the the state of Hawaii, Maui resident for 7 of those years. Unfortunately, even as a masters graduate, nationally credentialed professional in the highest bracket pay scale for my job, owning a home is out of my reach without affordable housing. There is simply nothing on the market that I can afford anymore and the rent has become outrageous, equal to or more than a mortgage in most cases.
The workforce of Maui has been left hanging while the rich or off island buyers pay far more than asking price for available homes and have made buying a decent and affordable home nearly impossible. Where are we supposed to live? How is this sustainable for those of us in the community, the ones who keep it running, if we cannot find affordable housing? Workforce will leave in droves or suffer if something is not done soon.
Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Patty Gorski

Sent from my iPhone

County Clerk

From: William Greenleaf <bgreenleaf.maui@yahoo.com>
Sent: Sunday, July 10, 2022 8:31 AM
To: County Clerk
Cc: Alice L. Lee; Kelly King; Kean'i.Rawlins@mauicounty.us; Tamara A. Paltin; Mike J. Molina; Shane Sinenci; Gabe Johnson; Yukilei Sugimura
Subject: RESO 22-130

I oppose the Hale Waipuilani Project which is being promoted as a high-density workforce housing project planned for a residential neighborhood in north Kihei. This area is a notorious flood zone.

Building in Flood Zones creates problems. Who is being helped by giving exemptions for this project? Developers will tell you it helps those in need of homes. That's not true...it does give them hope, but the danger from flooding will make insurance very expensive and ultimately not available.

After the first flood causes devastation... hope, dreams and any family finances will be washed away.

We need housing, not housing in Flood Zones.

With Respect
Bill Greenleaf

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COUNTY CLERK

County Clerk

From: William Greenleaf <bgreenleaf.maui@yahoo.com>
Sent: Thursday, July 14, 2022 4:54 PM
To: County Clerk
Cc: Shane Sinenci; Gabe Johnson; Tamara A. Paltin; Kean'i.Rawlins@mauicounty.us; Alice L. Lee; Mike J. Molina; Yukilei Sugimura; Kelly King
Subject: Hale Wailpuilani Project. "CR22-61"

Aloha Council

I oppose this project...
It's a small piece of land that is a wet land...
A land swap was offered...I support building affordable housing, but not in an area that will lead to problems....
Also, there are quite a few exemptions being requested...too bad that developers feel it's ok to leave problems behind after they do their work.

Mahalo
Bill Greenleaf

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County Clerk

From: William Greenleaf <bgreenleaf.maui@yahoo.com>
Sent: Sunday, July 17, 2022 1:28 PM
To: County Clerk
Subject: Hale Waipuilani

I'm writing in opposition to this project.

This is a flood zone and should be put in conservation. I understand MauiCounty has Offered a land swap...that's a blessing that will solve this problem...

I tried to testify last week and I got an email saying it was not delivered

Aloha
Bill Greenleaf

County Clerk

From: Laura Gyori <lavendermaui@outlook.com>
Sent: Thursday, July 14, 2022 11:14 AM
To: County Clerk
Subject: OPPOSE the Hale Waipuilani housing development at 16 E. Waipuilani Road. Kihei Refer to "CR22-61"

You don't often get email from lavendermaui@outlook.com. Learn why this is important

Aloha County Council and Mayor,

I OPPOSE the Hale Waipuilani housing development at 16 E. Waipuilani Road. Kihei Refer to "CR22-61".

"The "Hale Waipuilani" project would be built in a notorious Flood Zone. This is a high-density population zone."

The County should not allow more housing to be built in a flood zone where at some point residents will suffer.

VOTE NO to this project.

Ask the developer to accept the LAND TRADE offered by Maui.

That is the solution. DO NOT BUILD ON THAT SITE. VOTE TO MAKE IT FOR LAND CONSERVATION ONLY.

Mahalo and please vote the conscience of Kihei and Maui.

Laura Gyori
Kihei, Maui, HI

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County Clerk

From: Laura Gyori <lavendermaui@outlook.com>
Sent: Thursday, July 14, 2022 2:24 PM
To: County Clerk
Subject: OPPOSE the Hale Waipuilani housing development at 16 E. Waipuilani Road. Kihei Refer to "CR22-61"

You don't often get email from lavendermaui@outlook.com. Learn why this is important

VOTE NO

If council votes yes to this development, it should be WITHOUT subsidies from the County budget or waiver of fees.

That is the only way to be sure that flood control, density issues in the area, and immediate neighborhood impact is strictly by code and correct.

If that means speculator v affordable it will not matter. As it stands, affordable is but a wish and builder cost savings.

BEST solution is move it elsewhere.

Laura Gyori
Kihei, Maui

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From: Maui Web Design <aloha@mauiwebdesignpros.com>
Sent: Tuesday, July 12, 2022 11:38 PM
To: County Clerk
Subject: Bill 21 CD1 FD1 TESTIMONY FOR July 15, 2022 at 9:00 a.m.

You don't often get email from aloha@mauiwebdesignpros.com. Learn why this is important

Aloha,

I would like to provide written testimony for Bill 21 CD1 FD1.

Bill 21 CD1 FD1 is a superior policy to both the current law and the Mayor's proposal, and I believe it would positively impact our environment.

We need protect native Hawaiian seabirds as much as possible from interference of onshore sources of artificial light not only because it's the right thing to do for another species, but also because they are a critical part of Hawaii's ecosystem.

Future fallout and death of fledging and other seabirds can be greatly curtailed with this common sense, science-based legislation.

Thank you,

Ritama

Ritama Haaga

Maui Web Design Pros
808.866.4077
www.mauiwebdesignpros.com

County Clerk

From: Derek Hall <contactderekhall@gmail.com>
Sent: Thursday, July 14, 2022 5:54 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani.

You don't often get email from contactderekhall@gmail.com. Learn why this is important

Aloha Council members,

Maui needs homes for local families. We support affordable housing. Because everyone needs a place to live!.

Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Have some humanity please.

Mahalo,

Derek Hall

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County Clerk

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From: Kawailehua Kuluhiwa <kkuluhiwa@hotmail.com>
Sent: Friday, July 15, 2022 8:19 AM
To: County Clerk
Subject: Opposition to CR22-61

You don't often get email from kkuluhiwa@hotmail.com. Learn why this is important

Aloha,

My name is Kawailehua Hall and I am writing in opposition to CR22-61, the Hale Waipu'ilani Project. There are multiple reasons I oppose this housing project. I was born and raised on Waipui'ilani Rd. and my biggest concerns with this housing project are flooding and traffic which leads it to being a safety hazard.

Flooding has been a big issue in Kihei as a whole due to not having the proper drainage system. I've witnessed high water levels on Waipu'ilani Rd. during storms on multiple occasions, and most recently even during small rainfall. The flooded water can remain stagnant around where this project is being considered for days, sometimes weeks if there is drastic flooding. Additionally, this location is located in a wetland, tsunami inundation zone and is subject to future sea-level rise.

The intersection at Waipu'ilani and South Kihei Road is already a traffic hazard. Often times, Waipu'ilani Rd. is used as detour route when there is heavy traffic flow somewhere in Kihei due to a traffic accident, fire or even Fourth Friday. How will this road be able to support increasing car and pedestrian traffic? There are currently no sidewalks for pedestrians to safely walk. We also witness vehicles racing through this residential area on a daily basis despite the 20 mph speed limit and multiple speed bumps.

I believe there are better-suited places to build this type of project elsewhere. Please do not approve this high-density residential development in a dangerous flood zone.

Mahalo for your consideration.

Me Ka Ha'aha'a,
Kawailehua

County Clerk

From: heidi@mindsong.com on behalf of heidi@nalaroo.net
Sent: Thursday, July 14, 2022 9:41 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from heidi@nalaroo.net. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

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County Clerk

From: Kentrie Cantero <kentrie.808@gmail.com>
Sent: Thursday, July 14, 2022 7:59 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from kentrie.808@gmail.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

--

Kentrie H Ho Cantero
Executive Assistant
Island Catering
(808) 446-1798
kentrie.808@gmail.com

RECEIVED
2022 JUL 15 AM 8:01
OFFICE OF THE
COUNTY CLERK

County Clerk

RECEIVED
2022 JUL 14 PM 4:25
OFFICE OF THE
COUNTY CLERK

From: Nicole Hollern <nikkihollern@hotmail.com>
Sent: Thursday, July 14, 2022 4:17 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from nikkihollern@hotmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

County Clerk

From: hosaka993 <hosaka993@gmail.com>
Sent: Thursday, July 14, 2022 7:26 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from hosaka993@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my Verizon, Samsung Galaxy smartphone

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DAVID Y. IGE
GOgovernor

DENISE ISERI-MATSUBARA
EXECUTIVE DIRECTOR

RECEIVED
2022 JUL 13 AM 9:01
OFFICE OF THE
COUNTY CLERK

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
HONOLULU, HAWAII 96813
FAX: (808) 587-0600

IN REPLY REFER TO:
22:OED-04

July 12, 2022

The Honorable Alice Lee, Chair
Maui County Council
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

Subject: Bill 107, CD1 (2022). A Bill for an Ordinance Amending Chapter 2.96 Maui County Code, Relating to Affordable Housing Sales Price Guidelines

Dear Chair Lee:

The Hawaii Housing Finance and Development Corporation (HHFDC) would like to ***offer the following comments*** on Bill 107, CD1 (2022). One of the many factors affecting the short supply and high home prices in Hawaii is government regulation that limits the ability of the housing market to create the units necessary to meet demand. According to a recent study by UHERO, the average regulatory burdens in Hawaii are significantly higher than those found in any other state. Maui county ranked number 6 out of 30 counties with the highest median home prices.[1]

While we support pursuing housing policies that are designed to promote the development of affordable housing, this proposal to cap sales prices may have the opposite effect. It may have the unintended consequence of constraining development of new for-sale affordable housing projects by making them financially infeasible to build.

For example, under Bill 107 we estimate that for 100% AMI households, the maximum price for a 1-bedroom unit would be about $360,000 and the maximum price for a 2-bedroom unit would be about $390,000. Since the per-unit cost of new homes is well over $400,000, developers may choose not to develop this type of housing and Maui County's insufficient supply of affordable for-sale housing may only worsen over time.

Developers today must contend with inflation (which increase development costs) and higher interest rates (which reduce revenue from home sales). We respectfully recommend that the Council continue the dialog with affordable housing developers to establish policies and programs that will actually achieve your housing goals. Thank you for your consideration and the opportunity to provide comments.

Sincerely,

Denise Iseri-Matsubara
Executive Director

[1] UHERO Study, Apr 2022. Pg. 4- https://uhero.hawaii.edu/wp-content/uploads/2022/04/MeasuringTheBurdenOfHousingRegulationInHawaii.pdf

County Clerk

From: aya iwasaki <aya.beloved@gmail.com>
Sent: Wednesday, July 13, 2022 11:16 PM
To: County Clerk
Subject: Maui County Community Water Authority ~ Written Testimony for meeting July 15th,2022

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2022 JUL 14 AM 8:08
OFFICE OF THE
COUNTY CLERK

You don't often get email from aya.beloved@gmail.com. Learn why this is important

Aloha,
My name is Aya Iwasaki I'm a Ha'iku Resident.
I'm writing in support of the Maui Community Water Authority.

Establishing a countywide community water authority gives us the opportunity to bring in the right expertise and acquire the funding to manage this precious resource wisely. As it stands, aging infrastructure and mismanagement contribute to unacceptable amounts of wasted water, with major impacts to local ecosystems, watersheds, and communities.

A Maui County Community Water Authority would allow us to invest in watershed restoration and repairs and maintenance to old wasteful infrastructure, develop transparent, efficient, and culturally and environmentally responsible systems of management, provide local jobs in resource management, and ensure water security for all of Maui's current and future residents. Regional community boards incorporate the indispensable knowledge from local communities who have an intimate understanding of their watersheds and water systems.

The alternative is private, corporate control over public trust resources with no guarantee of good stewardship or equitable distribution of water or water rates.

Today millions of gallons of water per day are being diverted from the East Maui streams for commercial use, for some years leaving local farmers without water.
Sadly, generations of kalo farmers got wiped out because their water source was taken away. This not only effected their livelihood, planting and farming halo is a Hawai'ian practice and birth right.

There has been a 30 year water lease in place giving private entities rights to divert water from the East Maui Rivers held by Alexander & Baldwin and East Maui Irrigation Co (EMI.)
With the current lease set to expire, EMI along with Mahi Pono are now attempting to get another 30 year lease for our waters which would allow them to divert up to 88 million gallons a day from East Maui Streams.

A&B/EMI and Mahi Pono/PSP have caused great harm to the community (including local kalo farmers & the preservation of Indigenous ways), as well as ecological harm by altering the essential mauka to makai water flow.

We cannot afford to perpetuate the status quo. Maui County must do better to ensure the sustainability of our resources, our 'āina, and our communities.

The Community Water Authority would bring the management of our waters back to the residents of Maui.
Mahalo for your time and efforts for our beloved island.

Aya Kamānakai Iwasaki

--
Join the Wild Womb Women Group via FB to stay connected and to receive some of my favorite quick practices to come home to pleasure... search #pleasurebite
Join the Wild Womb Women Group here

www.AyaPapaya.com

www.facebook.com/AyaPapayainfo

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MAR 8 '08
COUNTY ATTORNEY
OFFICE OF THE

RECEIVED
2022 JUL 14 AM 9:10
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COUNTY CLERK

From: Maui_County Council_mailbox
Sent: Thursday, July 14, 2022 8:33 AM
To: OCC Legislative
Subject: FW: Light Pullution

Forwarding as testimony on Bill 21. Thank you!

-----Original Message-----
From: john jangwong <johnjangwong@hotmail.com>
Sent: Thursday, July 14, 2022 7:29 AM
To: Maui_County Council_mailbox <county.council@mauicounty.us>
Subject: Light Pullution

[You don't often get email from johnjangwong@hotmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Stop the light pollution!
Save the sea birds.
John J
Kihei

Sent from my iPad

County Clerk

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OFFICE OF THE
COUNTY CLERK

From: Taylor Jerome <taylor.n.cohen@gmail.com>
Sent: Thursday, July 14, 2022 4:20 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from taylor.n.cohen@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!
Taylor Jerome

County Clerk

From: leslie johnsen <mauimum@gmail.com>
Sent: Thursday, July 14, 2022 4:42 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from mauimum@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

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OFFICE OF THE
COUNTY CLERK

County Clerk

From: Erika Kawehi Kaaa <kawehi.kaaa@gmail.com>
Sent: Sunday, July 17, 2022 12:18 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from kawehi.kaaa@gmail.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

KA'AKAKAI **KAAHUI**
kaikaahui@gmail.com

RECEIVED
2022 JUL 15 PM 12:33
OFFICE OF THE
COUNTY CLERK

Maui County Chair Alice Lee
Maui County Council
200 South High Street
Wailuku, HI 96793

DEAR MAUI COUNTY COUNCILMEMBERS,

My brother, John Kaahui, and I are currently attending Seabury Hall and are serving on the Maui Youth Council. In our most recent Youth Council meeting, we heard from Councilmember Tamara Paltin, who expressed to us briefly her history in the Maui community, her interest in the Planning Department, and even how she rose to become a Councilmember. Councilmember Paltin offered us a clearer understanding of the formulation process of Bills and then the members of our Youth Council were tasked/encouraged to perform research on a Bill which could benefit the Maui community.

Since our recent Youth Council meeting, my brother and I have learned about the proposed Bill 107, which touches on our one of our biggest concerns for Maui's future: affordable housing. Several members of the Youth Council have expressed an interest in finding way(s) to improve on the critical shortage of affordable housing in Maui.

My brother and I both believe that this would be an ideal Bill to research as a collective in our Maui Youth Council. We, as youth looking to our future in Maui, will be most impacted by the housing shortage which this Bill addresses.

John and I respectfully ask you, the Members of the Maui County Council, to allow the Maui Youth Council the opportunity to research this Bill and present to you our findings within the time designated by our Youth Council timeline.

Thank you for your service and for your guidance in structuring a good future for Maui.

Sincerely,

Ka'akakai Kaahui
John Kaahui

County Clerk

From: Debra Kahula <debrakahula@aol.com>
Sent: Thursday, July 14, 2022 5:15 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from debrakahula@aol.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

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2022 JUL 15 AM 8:03
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7-14-2022

Aloha Maui County Council Members.

I'm here to provide my reasons to why I oppose the Hale Waipuilani Housing Project.

- This proposed project is located in a NATURAL BASIN as it stands. If this project is accepted, the developer will build a retention basin on site to mitigate surface run-off/flooding from this property. Digging 2 feet from grade you will hit the water table below. That would mean the retention basin needs to be empty or dry to function properly. Then that would also mean "Fill" will be used to fill the water table below and most likely the spring cavities below that flows from Waiohuli mauka to Waiohuli makai. ACCOUNTABILITY is urgent here when the natural resource "The Wai" is compromised and the continuity of natures "Circle of Life" is disrupted and cut-off. This is HEWA!!

- Please choose a "Land Swap". I did hear there is a parcel in the Maui Lani area that would qualify to be used for Affordable Housing. It is only a 15 min. drive from Maui Lani to Waipuilani Gulch. Adding 15 min. of your time to drive is manini and the PONO direction moving forward. Keep this Waipuilani parcel open for conservation.

- Work on the County parcel next to the Kihei Police Station for a much larger Affordable Housing Project. For approvals, permits, etc., all the Depts. can expedite the necessary approvals. Developers do it, so can everyone else if Affordable Housing is much needed right?

- Any housing project that is built here will flood and add more flooding to the surrounding properties and roadways. Engineering Degree is not required here. The residents that live on Waipuilani and residents of Kula Kai that knows the history of the flooding situation in this wahi, knows!

Commit to a Land Swap is the right decision! We are not loosing time to put people in these Affordable Projects. What we are loosing is the environment nature has created for Kula Kai's kuleana. "What we do to the Aina will impact the Kai"
Vote "NO" to this project will improve and benefit all of us in the near future through education, relationships, trust and solution driven for our communities and the environment.

Mahalo for your consideration,
Vernon K. Kalanikau

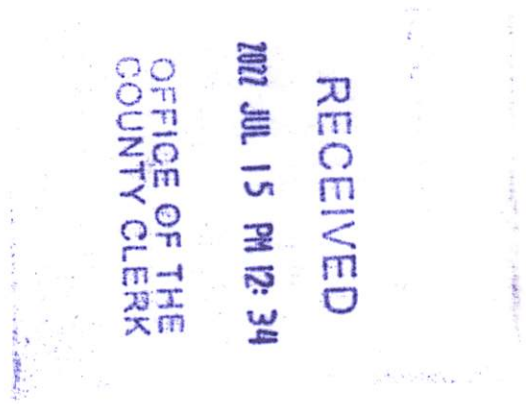
County Clerk

From: Russell Kallstrom <rkkallstrom@hotmail.com>
Sent: Friday, July 15, 2022 9:47 AM
To: County Clerk
Subject: Written Testimony in Support of Ceremonial Resolution No. 22-169

You don't often get email from rkkallstrom@hotmail.com. Learn why this is important

Aloha-

My name is Russell Kahikinaokalā Akaka Kallstrom and in my personal capacity as a member of the Molokai Community I would like to extend my heartfelt condolences to the ʻohana of Colette Machado. Colette was an activist and advocate for Molokai- she was a founding member of The Molokai Land Trust which has protected over 1600 acres of Molokai coastline. She was a key advocate for the Papakilo Database project spearheaded by OHA that houses the largest indigenous language library in the world, which is in ʻōlelo Hawaiʻi. Both have impacted me greatly, but I must admit when I heard the news of her passing, my first thought was not of these or any of her many public accolades, but how much she loved my daughter. She was a woman of faith in Jesus and she constantly supported and prayed for my daughter and for us through some terribly rough times and I honor and aloha that. I recall the Scripture, "Pōmaikaʻi ka poʻe make, ke make i loko o ka Haku, ma kēia hope aku: he ʻoiaʻiʻo, wahi a ka ʻUhane, i hoʻomaha lākou i ko lākou luhi; a ke hahai nei nō hoʻi kā lākou mau hana me lākou." (Rev 14:13) <Blessed are the dead, that hereafter die in the Lord. For truly, says the Spirit, they will rest from their toil; and their deeds will follow after them."> And that, rightly so, is what today and this resolution is about, allowing those deeds to finally catch up to her. I know that in the end, we are judged by how much we loved. And I testify she loved greatly. Aloha ke Akua. Mahalo Myron, all the ʻohana, council and testifiers.



County Clerk

From: Dawn Kaluakini <dkaluakini@gmail.com>
Sent: Sunday, July 17, 2022 8:27 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from dkaluakini@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

County Clerk

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COUNTY CLERK

From: Lena Kamai <lkamai.onmaui808@gmail.com>
Sent: Thursday, July 14, 2022 4:14 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from lkamai.onmaui808@gmail.com. Learn why this is important

Aloha Councilmembers,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

County Clerk

From: Justin Kanakaole <kanakaole1106@gmail.com>
Sent: Friday, July 15, 2022 4:46 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from kanakaole1106@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

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County Clerk

From: Linden Kanamu <lindenkanamu808@gmail.com>
Sent: Saturday, July 16, 2022 4:10 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from lindenkanamu808@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

County Clerk

From: Twin Oaks Capital <info@twinoakscap.com>
Sent: Thursday, July 14, 2022 1:22 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from info@twinoakscap.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Charlie Kao
616.378.5044
Twin Oaks Capital
www.twinoakscap.com

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OFFICE OF THE
COUNTY CLERK

County Clerk

From: Barb Kapua <barb.kapua@gmail.com>
Sent: Thursday, July 14, 2022 5:26 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from barb.kapua@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

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COUNTY CLERK

County Clerk

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2022 JUL 14 PM 4:25
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COUNTY CLERK

From: Mary M. Kerstulovich, R(S) <mary@hawaiilife.com>
Sent: Thursday, July 14, 2022 4:20 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from mary@hawaiilife.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Council-members

As a small business owner here on our island who has 7 employees who all rent and faced recent rent hikes. THIS IS A PROBLEM. If we can't keep our local residents here who is going to be left. Please support workforce housing

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Mary M Kerstulovich R(S)
Your Maui Real Estate Agent
Hawai'i Life Real Estate Brokers
808-283-4688

County Clerk

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2022 JUL 14 AM 9:10
OFFICE OF THE
COUNTY CLERK

From: Cheryl King <cking4@hawaii.edu>
Sent: Thursday, July 14, 2022 8:32 AM
To: County Clerk
Subject: testimony in support of Bill 21 (CD1 FD1)

[You don't often get email from cking4@hawaii.edu. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha e County Council Members!

My name is Cheryl King, a Seabird Biology Technician with the Maui Nui Seabird Recovery Project and I also run the Hawaiian Hawksbill Conservation project under the Hawai'i Association for Marine Education and Research. While working as a marine biologist for over 25 years (in Hawai'i since 1999), I've witnessed first hand countless incidences of the negative effects lighting has on sea turtles and seabirds specifically. Human lighting overrides their natural instincts during many crucial stages of their lives. Every death and injury caused by human lighting should have been preventable with smarter lighting choices.

There are so many impacts facing our natural world every day, and making our lighting wildlife friendly is one of the easiest actions that everyone can control every day. There are so many solutions out there and readily available. Sometimes it's as easy as turning off the switch! It's the least we can do as we try to co-exist with native wildlife, who inhabited these islands long before humans and completely deserve protecting.

I fully support Bill 21 (CD1 FD1) that addresses harmful outdoor lighting in order to protect our dark night skies for our human health, astronomy and our native wildlife. We truly appreciate your hard work on this and look forward to your vote of support on July 15th.

Mahalo nui loa!
~Cheryl King, MSc.
www.mauinuiseabirds.org
www.hihawksbills.org
www.hamerinhawaii.org

County Clerk

From: Kelly King <ktkmaui@me.com>
Sent: Thursday, July 14, 2022 7:34 PM
To: Maui_County Council_mailbox; County Clerk
Cc: Alice L. Lee; Axel I. Beers; Ellen B. McKinley; James B. Forrest; Jay Penniman; David Henkin
Subject: Fwd: lighting bill question

Please submit this for the July 15 Council Meeting as additional information on Bill 21!

RECEIVED
2022 JUL 15 AM 8:01
OFFICE OF THE
COUNTY CLERK

Councilmember Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 8th Floor, Wailuku HI 96793
http://mauicounty.us/

Now is the time to provide input to update the South Maui Community Plan! https://southmaui.wearemaui.org/get-involved/

we are SOUTH MAUI

Begin forwarded message:

Aloha,

Lights certified for Florida's Wildlife Lighting Certification Program meet our Bill 21 < 2% blue light requirement
Hawaii and Maui could just copy these websites.
Start here: https://myfwc.com/conservation/you-conserve/lighting/criteria/
There are big square boxes at the bottom of the page you can click on. One take you to the page if you are a company wanting to get on the certified light list. One takes you to compliant lights for residential and commercial customers.

Click on certified fixtures for property owners ect.. : https://myfwc.com/conservation/you-conserve/lighting/criteria/certified/
Click on walkway lighting: https://myfwc.com/media/21328/certified_pathlights.pdf
On that pdf click on the top light on the 2nd page : https://www.beachsidelighting.com/

That is a Honolulu company!
Handy guide: https://myfwc.com/media/18511/seaturtle-lightingguidelines.pdf
There are hundreds of compliant lights from dozens of manufactures and suppliers.. all compliant with the < 2% blue light requirement

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COUNTY CLERK

County Clerk

From: K Martin <ikuwa74@gmail.com>
Sent: Thursday, July 14, 2022 9:34 PM
To: County Clerk
Subject: Written Testimony to OPPOSE the Hale Waipuilani housing development at 16 E. Waipuilani Road. Kihei Refer to "CR22-61"

You don't often get email from ikuwa74@gmail.com. Learn why this is important

Aloha we are Walter and Opuulani Kaauamo Kuluhiwa who have reside at 75 East Waipuilani Road for the past 50 years dating back to August 1, 1972. As residents and property owners of Waipuilani we totally DISAGREE and OPPOSE the Waipuilani housing development at 16 E. Waipuilani Rd. We have seen the progression of Kihei, as a whole to "no end". Here are our concerns to the matter.

1. Flood, Zone, Area—We consider it through because we have seen the results after a very rainy day, flooding this street, being mud/ filled, debris/ choked and the onset of water retainment at the end of Waipuilani exiting to South Kihei Road. Until a couple of years ago, there has been some correction made at this particular area. However, recently, when we experienced heavy rain, there's still the settlement of water exiting to S. Kihei Rd. We even have pictures of a neighbors son who stood in knee deep water fronting their home. It took days for the water to dry up. One of the residents exiting Waipuilani to S. Kihei Rd. also built a stone wall and a berm to keep water out from their property when Waipuilani gets flooded. Luckily, we live on a higher level entering our residence and property so when it gets flooded we are not affected. However, some of our neighbors were not so fortunate because their homes were situated on the same level as the road so whenever there was heavy rain or flood they had to deal with the clean up.

2. Traffic Congestion: How wonderful it was to move to Waipuilani in 1972. Definitely No Traffic Congestion and also none on S. Kihei Rd. Presently, this road has been used for diversion of traffic whenever there's a fire, accident or event in Kihei. Sometimes vehicles line up for 4 or 5 hours to get to whatever destination their headed to when this happens, do we need to add to the situation by allowing to building this housing development? It's an A'ole!! NO to build it somewhere else because it doesn't fit here on our street. This will commence and add development on this road. Dangerous as it is where and when many cars speed up the road (presently 20mph) but, people do not heed to the signs. We know of a neighbors son who was in a hit and run accident by a speeding car and the driver did not render help. The driver was later caught, intoxicated and speeding. Fortunately, good neighbors who look for each other rendered to help the young boy and he was hospitalized and released in satisfactory condition.
3. Bike Pathway and Sidewalk. There are none and many bikecyclist utilize this road for exercising, going to the store, bank and etc.

Mahalo for taking the time to listen to my concerns regarding this housing development. We hope you listen to our experiences and concerns on this matter and why we oppose this project.

Respectfully,
Walter & Opuulani Kaauamo Kuluhiwa

County Clerk

RECEIVED
2022 JUL 14 AM 11:17
OFFICE OF THE
COUNTY CLERK

From: Christopher Laidlaw <claidlaw7635@gmail.com>
Sent: Thursday, July 14, 2022 11:15 AM
To: County Clerk
Subject: Bill 107 CD1 (2022)

[You don't often get email from claidlaw7635@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Chair Lee and members,
My name is Chris Laidlaw and I am writing to you today to ask you not to support bill 107, CD1 (2022). I have been working in the construction industry on Maui for 17 years, and during this time I have participated in the building of over 500 affordable or workforce homes. I am a huge supporter of either affordable, workforce or just reasonably priced houses for our Maui residents. Unfortunately in these unprecedented times I don't think that we can cut sales prices by 20-25%. Land costs and development costs with all the permitting and red tape along with rising labor costs and the unforeseen construction material hikes of 25-100% have made it challenging for a developer/ builder to make a profit with even the current workforce sales pricing. I do not want companies getting rich off of providing reasonable priced houses for our Maui people but I know that nobody is going to go through years of trying to develop workforce housing if they are going to take a loss on the project. I want the building of affordable houses to be sustainable but after doing the numbers with current cost of land and construction versus proposed new sales prices, I do not see this working. I hope that the state and county can help reduce land and development costs because I do not see a way to reduce construction costs by 20-25% while still providing a safe and well built house. I live in waikapu gardens built by Spencer Homes and have seen and experienced first hand what a difference being able to buy a affordably priced house can make on families. I want more people to experience the blessing of buying a home but am worried that developers and builders will pull out of the workforce market if the numbers don't make sense. I ask you all to consider the long term effects that this bill could have.
Thank you for your time reading this and for your service to the Maui people.

Chris Laidlaw
47 west makahakaha loop
Wailuku HI 96793

Sent from my iPhone

County Clerk

From: Debra Larson <mauioceanblue@gmail.com>
Sent: Sunday, July 17, 2022 2:32 PM
To: County Clerk
Subject: OPPOSE the Hale Waipuilani housing development at 16 E. Waipuilani Road item # CR 22-61

You don't often get email from mauioceanblue@gmail.com. Learn why this is important

Hello,
My father & I are both residents in the area near the proposed Hale Waipuilani housing development project item # CR22-61.
We are opposed to this development for many safety & environmental reasons.
Please consider our following concerns as this project would put my father & HI wildlife in danger.

- An ingress/egress road to Kauha'a will create more traffic on the already busy road.
- The area has an aging infrastructure, no sidewalks, and this development will create more traffic and put home owners walking in the area at risk, especially the elderly population, like my 83 year old father whom is hearing impaired. Also more dangerous for children in the area that are more focused on playing than looking for cars. This oversized development is poorly placed in a flood plain and notorious flood zone.
- This high-density project will increase traffic problems for local residents and South Maui.
- Traffic problems would decrease the area safety, by increasing the number of residents needing evacuation during natural hazards, tsunamis, etc.
- Increased Traffic reduces the ability of EMS to access these areas and reduces their ability to provide timely responses. This could be life threatening for my 83 year old father with a heart condition.
- exemptions should not be allowed to Zoning laws and SMA requirements.
- The project does not solve housing problems for local people (50 percent or more could be sold to new residents from the mainland etc).
- Local residents have informed the Builder about the potential harm to Archeological Sites (including nearshore fishponds) etc. Residents have repeatedly informed Builders about flooding issues, traffic problems, and pedestrian safety issues.
- This project should be moved to another area - land swap, 16 E. Waipuilani Road can become a conservation area

Mahalo for your consideration.
Debra Larson

County Clerk

From: lisa.levang1@gmail.com
Sent: Thursday, July 14, 2022 9:53 PM
To: County Clerk
Subject: CR22-61 Testimony

[You don't often get email from lisa.levang1@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha,

I was born and raised in Kihei and have seen the devastating impact of flooding in south maui. I am testifying against and in opposition to the Hale Waipuilani Housing Development.

The impact of flooding in a residential area, as well as the environmental wetland that would be destroyed is far worse than building "affordable homes" in a undesirable flood zone. There are much better areas to build affordable homes.

Mahalo,
Lisa

RECEIVED
2022 JUL 15 AM 8:03
OFFICE OF THE
COUNTY CLERK

County Clerk

From: aviva libitsky <avivawouldgo@gmail.com>
Sent: Thursday, July 14, 2022 9:35 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from avivawouldgo@gmail.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

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2022 JUL 15 AM 8:03
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Aubrey Long <kekauilani808@yahoo.com>
Sent: Thursday, July 14, 2022 8:37 PM
To: County Clerk
Subject: Opposing project on Waipuilani

[You don't often get email from kekauilani808@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha I'm a maui and Kihei resident all my life. I oppose to this project on Waipuilani. I live on Waipuilani for 15 plus years and there's already to much traffic. Also this is a flooding zone. Every time there's rain up mauka or in Kihei this area floods. All the kids know this area to be the flood zone and look forward to drive into the biggest puddle in Kīhei. Building in areas that's shouldn't be built needs to stop. Listen to the people and long term residents of this area.

Mahalo,
Aubrey

RECEIVED
2022 JUL 15 AM 8:02
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Amanda MacDowell <anmacdowell@gmail.com>
Sent: Thursday, July 14, 2022 2:58 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from anmacdowell@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

RECEIVED
2022 JUL 14 PM 3:13
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Scott MacDowell <smac008@yahoo.com>
Sent: Thursday, July 14, 2022 6:07 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from smac008@yahoo.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

RECEIVED
2022 JUL 15 AM 8:00
OFFICE OF THE
COUNTY CLERK

County Clerk

From: oncgirls@gmail.com
Sent: Thursday, July 14, 2022 6:22 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from oncgirls@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.
With Aloha
Mahina
Mahalo!

Sent from my iPhone

RECEIVED
2022 JUL 15 AM 8:00
OFFICE OF THE
COUNTY CLERK

County Clerk

From: M <marlapet0312@gmail.com>
Sent: Thursday, July 14, 2022 6:36 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from marlapet0312@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

...

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COUNTY CLERK

County Clerk

RECEIVED
2022 JUL 14 AM 11:10
OFFICE OF THE
COUNTY CLERK

From: Martha E. Martin <mauimartha@gmail.com>
Sent: Thursday, July 14, 2022 10:54 AM
To: County Clerk
Subject: RESO 22-130

You don't often get email from mauimartha@gmail.com. Learn why this is important

Please oppose the Hale Waipuilani project because it is planned in a location that floods and at risk of tsunami damage. Kihei needs more affordable housing, but only built in far less risky locations.

Since I moved to Maui in 1963, Kihei has suffered severe flood damage and safety problems. Evacuation is difficult when flooding occurs. Future floods are likely.

Better planning for the risks from floods and tsunamis is critical for Kihei.

Please oppose RESO 22-130.

Mahalo,
Martha E. Martin
40 Kunihi Lane #226
Kahului , HI 96732

County Clerk

From: Michelle Martinek <444.michelle@gmail.com>
Sent: Saturday, July 16, 2022 5:59 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from 444.michelle@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

County Clerk

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2022 JUL 14 PM 4:25
OFFICE OF THE
COUNTY CLERK

From: M N <maryse0704@hotmail.com>
Sent: Thursday, July 14, 2022 4:16 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from maryse0704@hotmail.com. Learn why this is important <https://aka.ms/LearnAboutSenderIdentification>

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from Outlook <http://aka.ms/weboutlook>

County Clerk

From: Rev. Mario Masias <mariomasias425@gmail.com>
Sent: Thursday, July 14, 2022 3:53 AM
To: County Clerk

You don't often get email from mariomasias425@gmail.com. Learn why this is important

Kehei needs affordable housing for locals its amazing that we are forced out of our beautiful city because of turists or greedy landlords picing the average families out of housing this "flooding" has a solution and that solution is known just make it a part of the building process to go forward

Mahalo
Reverend Mario Masias
141 Uwapo Rd
Kihei Hawai'i 96753

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2022 JUL 14 AM 8:08
OFFICE OF THE
COUNTY CLERK

County Clerk

RECEIVED
2022 JUL 14 PM 3:53
OFFICE OF THE
COUNTY CLERK

From: Mark Matsuda <m-matsuda@hawaii.rr.com>
Sent: Thursday, July 14, 2022 3:50 PM
To: County Clerk
Subject: FW: CC22-62 Affordable Housing Bill 107

You don't often get email from m-matsuda@hawaii.rr.com. Learn why this is important

Committee Report No. 22-62; Bill 107, CD1 (2022)

Chair Lee and Members,

I do not support Bill 107, CD1 (2022), in its current form. The lack of affordable housing for sale is the biggest problem when trying to purchase a home on Maui . From permitting delays to increases in material and labor cost, it's not easy to build homes on Maui. Builders have shown that they can build affordable housing at the current sales prices, but lowering the prices that the builders can sell houses for will not encourage them to build more affordable housing and will likely reduce the number of homes built. To be productive, regulations should be providing incentives and not deterrents. Please consider leaving the affordable housing sales prices alone and make housing more attainable by providing financial assistance to individual buyers.

Thank you,

Mark Matsuda

County Clerk

From: Noelle McClure <noellemcclure@uofnkona.edu>
Sent: Thursday, July 14, 2022 5:20 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from noellemcclure@uofnkona.edu. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

--

M. Noelle McClure, School Director
The Learning Center
noellemcclure@uofnkona.edu
lccy@uofnkona.edu
510-502-4419 (cell); 808-345-5882 (school phone)

"Education is only the most fully conscious of the channels whereby each generation influences the next" -C. S. Lewis

RECEIVED
2022 JUL 15 AM 7:59
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Bruce McDonald <bruce@bruceonmaui.com>
Sent: Friday, July 15, 2022 7:02 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from bruce@bruceonmaui.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!
Sent from Mail for Windows

RECEIVED
2022 JUL 15 AM 8:05
OFFICE OF THE
COUNTY CLERK

County Clerk

From: LMc <macca20015@gmail.com>
Sent: Wednesday, July 13, 2022 4:52 PM
To: County Clerk
Subject: Testimony opposing Kale Waipuilani (CR22-61)
Attachments: TESTIMONY OPPOSING HALE WAIPUILANI.docx

You don't often get email from macca20015@gmail.com. Learn why this is important

Attached, please find my testimony in opposition to this egregious development proposal. I am also copying and pasting below in case you can't open the word doc.

Mahalo,

--
Lara McGlashan

TESTIMONY OPPOSING HALE WAIPUILANI

I am writing this testimony to vehemently oppose the Hale Waipuilani housing development proposed at 16 E. Waipuilani Rd. (CR22-61).

I was not able to sign the petition against this development since I was out of town, but very much wish to add my testimony to the docket. This project will be horrible for the community, the environment and the infrastructure of Central Kīhei. Here is why:

Flooding
Since moving to this area, I have experienced several floods, the latest which happened as a result of the storm in the winter of 2021. This storm brought massive amounts of rain which led to severe flooding and runoff, and huge piles of heavy mud and debris – some of which still remain, almost a year later, piled up like dirt-snow-drifts along ditches and in gullies. Entire streets *makua* of S. Kīhei Rd. were covered with mud 1 to 2 feet high. This mud, standing water and debris sat untended for nearly a week before emergency services could come in and remove it with plows and heavy construction equipment. Roads were damaged, people were stranded and landscaping was destroyed.

At our home on Kaikane Place (*makua* of the proposed development site), the entire yard was under water for a week. I can only imagine how much longer it would take the water to recede if all that open land was made unavailable to absorb and filter all that rainfall.

Inadequate sewer/water systems

There was also a recent incident where inadequate, old sewer and water systems broke and flooded the entirety of Waipuliani Rd. *makai,* large parts of S. Kīhei Rd. and some of Waipuliani *makua.* This flooding happened on and off for more than two weeks, and caused traffic issues, a glut of mosquitoes and dangerously muddy driving conditions. Whether or not it has been remediated is unclear; workers did stop the flooding, but to my knowledge, no new pipes or systems were installed under the street to prevent this from happening again.

Which also leads to the concern of that many more people adding hundreds of gallons of water and sewer waste to the already stressed systems. These systems are clearly in need of updating, and it seems foolish to think that adding 28 more homes, 28 more kitchens and possibly 50 more bathrooms will not cause major problems underground. Burst sewer pipes will be a health hazard for people on land and in the ocean, and a death sentence for adjacent reefs and sea life.

Traffic/Congestion

Currently, the traffic at the intersection of S. Kīhei and Waipuilani is very dangerous and very fast. There is a constant line of cars trying to turn from Waipuilani onto S. Kihei Rd., with no break in either direction for up to 5 minutes. This causes a backup of cars onto Waipuilani, which is highly disruptive to the neighborhood.

What's more, my 9-year-old son and I walk our dog at the park by the ocean in the evenings, and at least twice a week, we are almost hit by a car whose driver is not paying attention to us, even if we are directly in the middle of the street in the crosswalk and other cars are stopped to let us pass. In the past year at this intersection, I have personally witnessed a girl being hit on a bicycle, a tourist in a rental car hitting a pickup truck, a dog jumping out of a car into traffic and causing several collisions, and a car hitting a homeless man's shopping cart as he crossed the road. This then also caused a traffic jam as people tried to help him collect all his belongings and get them out of the street.

Adding dozens more people to an already over-saturated area will make this traffic and transit problem a hundred times worse. Backups on Waipuilani will go all the way up the street to Līpoa, and local pedestrians trying to cross the road will be in even more danger with this increase in traffic and people.

Parking

Even though the project has a number of proposed parking spaces, there will obviously be many times when there will be more cars than there is space, especially when it comes to transients and tourists.

There will be nowhere for these people to park, and they will likely create problems traffic-wise and parking-wise on both Kauhaʻa and Waipuilani.

Local Neighborhood

We bought our home in this local, residential neighborhood for a reason. The people who live here are the workforce of Maui. We are the police officers, construction workers, gardeners, writers, painters, trainers, grocery checkers – the infrastructure and the taxpayers that make Maui work. This neighborhood consists of single and multi-family homes with multiple generations of Mauians living and working on our island.

There are no transient accommodations or condos *makua* of S. Kīhei Rd. in our area for dozens of blocks, and we like it that way. We can raise our families in a safe, quiet area, and can get to know our neighbors on a first-name basis. We can easily look out for one another and keep the neighborhood free of crime and trash.

This development of (obvious) vacation rentals, none of which are meant (or priced) for local people to purchase, will stress our beloved neighborhood with noise, trash and traffic, and will change it from a quiet, safe area to a place of parties, transients and filth.

Of very great concern is the possibility that the county will change the zoning laws or will give these builders exemptions to accommodate their project. If that sort of waiver is passed it will set a very dangerous precedent, and could very well give the green light to other such horrible projects, eventually burying this entire residential area of Kīhei beneath commercial, consumeristic rentals.

Other options, questionable motives

It is my understanding that these builders have been given the option for a "land swap," so they can build their project in another area with fewer issues and no opposition – and that they have refused this option. But why? A land trade will be of benefit to all parties – we will maintain our local, quiet neighborhood and the builders will get to construct their for-profit rentals.

Their motives are clearly questionable, given their refusal to even consider an alternative location, and thiswarrants further investigation.

It is also my understanding that the builders filed a 'counter-petition' to counteract the one drawn up by the local residents. What exactly is this petition, and who on earth would sign it – except the builders, their bankers and their lawyers? This seems like a bunch of legal fluff thrown at the issue to bury it in red tape, and whatever counter petition they conjured up should be discarded and disregarded completely.

Please see the logic, not the $

Maui is overcrowded with transient accommodations. More than 120 flights come in PER DAY, and unload tens of thousands of visitors every week. New housing such as this project is not intended to benefit the people who live and work here; it is intended for tourism.

This area is a well-known flood zone, and hardscaping several more acres would exacerbate this issue by leaps and bounds.

This development will exacerbate and already bad traffic situation. It also will likely cause a breakdown of our already-fragile water and sewer systems.

The only people this project will benefit are the developers who are blinded with greed. And the only people who will be harmed are residents.

All they see are dollar signs.
We are trusting that you will see the logic.
Please do not allow this development to continue.

TESTIMONY OPPOSING HALE WAIPUILANI

RECEIVED
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COUNTY CLERK

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Please see the logic, not the $

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All they see are dollar signs.
We are trusting that you will see the logic.
Please do not allow this development to continue.

County Clerk

From: Jeramia <mcmullin12@gmail.com>
Sent: Thursday, July 14, 2022 10:31 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from mcmullin12@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

RECEIVED
2022 JUL 15 AM 8:03
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Abbey McPike <oceanolson@gmail.com>
Sent: Thursday, July 14, 2022 8:56 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from oceanolson@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

~ Abbey McPike

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2022 JUL 15 AM 8:02
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COUNTY CLERK

RECEIVED
2022 JUL 14 AM 9:44
OFFICE OF THE
COUNTY CLERK

Chair Alice Lee
County Council
200 South High Street
Wailuku, Hawaii 96793

RE: Committee Report No. 22-62; Bill 107, CD1 (2022)

Dear Chair Lee,

On behalf of my adult children living at home who can't afford any other housing, I am writing to ask this Council to please consider deferring Bill 107, CD1 (2022), which in its current form is sure to be the "nail in the coffin" of any new efforts by the private sector to build affordable housing for Maui's working families.

Maui clearly has a supply and demand imbalance of housing that the Council has not been able to move the needle on. Instead of artificially lowering the price the developer can sell a house for to well below the actual cost to build it, not including any profit, Council should be looking at ways to subsize the cost of land and infrastructure to actually lower the cost of the house. That is the only way to lower the price and still get housing built.

I know that you know this, having been a former Housing Department Director, but what I see Council doing is driving up the cost of infrastructure by legislating unnecessary regulation and concurrently reducing the inventory of land available for affordable housing by moving it into open space to the delight of those who don't want any growth and would just as soon export our children who can't afford to live here to the mainland.

The construction cost of the most modest new home barely pencils at the current sales guidelines. Reducing the price without reducing the cost, or without subsidizing the buyer, is a sure recipe for worsening the imbalance between market and affordable housing. built.

Please reconsider the unintended consequences of Bill 107, well intentioned as it may be, by taking more time to consider the alternatives proposed by the Department of Housing and Human Concerns and the advice and experience of those who are trying in earnest to build affordable housing for our children.

Sincerely.

Steve Miller

County Clerk

From: Tanja Kala Miller <alohalways@gmail.com>
Sent: Friday, July 15, 2022 9:41 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from alohalways@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

With Aloha Always,

Tanja Miller, Realtor (S)
Maui's Home Match Maker Connecting Hearts and Homes
Mobile: (808) 633-3214
http://mauirealestateohana.com/
RS-78256



RECEIVED
2022 JUL 15 PM 12:34
OFFICE OF THE
COUNTY CLERK

Maui Ohana Real Estate, LLC
30 East Lipoa Street, Suite 4-106
Kihei, HI 96753

County Clerk

From: Tanja Kala Miller <alohalways@gmail.com>
Sent: Friday, July 15, 2022 10:06 AM
To: County Clerk
Subject: Re: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from alohalways@gmail.com. Learn why this is important

Cancel my support, I just found out it is on wetlands.

With Aloha Always,

Tanja Miller, Realtor (S)
Maui's Home Match Maker Connecting Hearts and Homes
Mobile: (808) 633-3214
http://mauirealestateohana.com/
RS-78256



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Maui Ohana Real Estate, LLC
30 East Lipoa Street, Suite 4-106
Kihei, HI 96753

On Jul 15, 2022, at 9:40 AM, Tanja Kala Miller <alohalways@gmail.com> wrote:

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

With Aloha Always,

Tanja Miller, Realtor (S)
Maui's Home Match Maker Connecting Hearts and Homes
Mobile: (808) 633-3214
http://mauirealestateohana.com/
RS-78256

<5F14D3D6-64DF-4E8D-9D63-6BED4D77B5F9.jpeg>

Maui Ohana Real Estate, LLC
30 East Lipoa Street, Suite 4-106
Kihei, HI 96753

County Clerk

From: Marion Moe <marioncmoe@gmail.com>
Sent: Friday, July 15, 2022 6:24 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from marioncmoe@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!
NORMAN AND MARION MOE

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County Clerk

From: Nancy Montoya <nmontoya@hawaii.rr.com>
Sent: Thursday, July 14, 2022 8:15 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from nmontoya@hawaii.rr.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!
Nancy Montoya

Sent from my iPhone

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County Clerk

From: D Moreno <dollypmoreno@gmail.com>
Sent: Thursday, July 14, 2022 10:03 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from dollypmoreno@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!
Dolly Moreno

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County Clerk

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From: arshakn@gmail.com
Sent: Thursday, July 14, 2022 8:33 AM
To: County Clerk
Subject: Testimony regarding Bill 21, outdoor lighting

You don't often get email from arshakn@gmail.com. Learn why this is important

Esteemed Members of the County Council,

I would like to testify in strong support of the Bill 21 to restrict the use of outdoor lighting. According to Dr Scott Fisher of Hawaii Land Trust, Hawaii has the dubious honors of being the place on earth where species are going extinct the fastest, so we must act now.

There are numerous research studies that link light pollution to the demise of birds and insects. This is an issue recognized by the United Nations, "Light pollution can cause birds to change their migration patterns, foraging behaviours and vocal communication, resulting in disorientation and collisions" states the UN "Dim the Lights for Birds at Night" publication.

One of the objections to this bill is that lights provide a feeling of safety in residential communities. This concern can be easily mitigated by the installation of a night vision outdoor home security camera that typically retails for $100. This is a small price to pay in comparison to the permanent damage we are doing to our ecosystem with light pollution.

I relocated to Hawaii three years ago as a tech entrepreneur and moved my company here because I appreciate the natural beauty of Hawaii and would like to see it preserved. My company donates data science resources to the Hawaii Land Trust to help create artificial intelligence models that can mitigate tsunami damage to sensitive wetland areas. This is an issue I care deeply about and hope that the council will approve this bill to improve the plight of our native species.

Best,

Arshak Navruzyan
1108 Kupulau Dr
Kihei, HI 96753
Ph: 808-481-8777

County Clerk

From: cody nemet <kokoroots@gmail.com>
Sent: Monday, July 18, 2022 9:55 AM
To: County Clerk
Subject: Testimony for Hale Waipuilani CR 22-61

You don't often get email from kokoroots@gmail.com. Learn why this is important

Hale Waipuilani Testimony

Aloha mai kākou, my name is Cody Nemet Tuivaiti, and I am a life long resident of Kula Kai, a member of the Aha Moku council and a steward of hui o ʻĀinakūkoʻa o Waiohuli Kai, a restoration project in the vicinity of this proposed development.

There is a very famous ʻōlelo noʻeau that says, He Waʻa He Moku, He Moku He Waʻa, A canoe is an island, and an island is a canoe.

What is the difference between Quantity of life as to the Quality of life?

We can learn a lot from history and from the stewards of these lands because they survived for more than 2000 years completely sustainable, but yet, in a matter of one lifetime, I myself have seen our canoe, our Moku, fill up with water. Western Influence has brought a new mindset to the islands, expansion.

As a steward and advocate for restoration, it is vital that our impacts to our environment are held to the highest regard. This involves water quality, marine health, cultural awareness and mitigation measures in the terms of sea level rise, runoff and storm-surge.

As we have seen recently, storm surge is very real, and so is flooding and runoff. I worry because there is more emphasis on new growth and less on the existing well being of our community and ʻāina.

I would like to entertain the idea of this land being turned to conservation in a land swap as was mentioned to me as a possibility.

Being that this area is already surrounded with homes, conservation land is exactly what this area needs, not just for the environment, but for quality of life in the existing community.

As much as we need good homes we need a good quality of life. What is the sense that we cram everyone together if everyone is miserable, more traffic, more flooding, loss of environment, and loss of morality within our local communities.

- (Morality: when locals feel like strangers in their own town)

As a member of the Aha Moku council, we have made it a mission to represent core values when it comes to stewardship of such conservation areas, a place that is impactful to our running waterways, our endemic and native plants, the continuation of a healthy hydrology cycle that permeates through to our oceans. Overall, a better quality of life.

I ask that we revisit other options proposed, and remember that while we look to the future for our much needed affordable housing, that there are already thousands of homes here that also need to be acknowledged. It's Pono planning. And as someone who grew up his entire life in Kula Kai, I can tell you first hand that we are experiencing too many changes too quickly. We have been impacted, we are strangers in our own home, we have lost many of the core values we grew up with due to the heavy influx of misguided planning. Planning is more than just meeting requirements, it's setting standards.

- (According to county documents, the Hale Waipu'ilani project is seeking the county's fast-track affordable housing process to create 28 for-sale units on 1.53 acres. Under the county's 2.97 residential workforce housing policy, developers may request exemptions or modifications to county code in order to build 100% affordable projects quickly.)

County Clerk

From: Mike Neubauer <earthtrot@gmail.com>
Sent: Friday, July 15, 2022 7:14 AM
To: County Clerk
Subject: Testimony for Hale Waipuilani affordable housing project

You don't often get email from earthtrot@gmail.com. Learn why this is important

Aloha,

I'd like to throw my testimony in support of the Hale Waipu'ilani affordable housing project. As you know the residents of Maui county have been screaming for affordable housing faster than it can be built. As a former firefighter in Kihei, I know this location well, and think that it would be a good fit for a small affordable development such as that proposed.

Hearing the dissenting arguments, I don't agree with many of them. The flood zone factor is ridiculous in my opinion. Half of Kihei is a flood zone, and no one is forcing anyone to buy these places. If locals understand the risk of flooding, flood insurance is available. People pay millions of dollars for places along Halama Street, and Uluniu Road a stone's throw away. They don't seem to have a problem. If this were a viable factor, there shouldn't be any building at all anywhere makai of Kenolio Road.

To the council member that said something about 60% of the residences in this area are second homes or vacation homes: Really? I don't think so, not even close. UNLESS you're counting the units in Maui Sunset, Kauhale Makai, Waipuilani and all those vacation rental complexes on the makai side of South Kihei Road, but you can't factor those in. We know what those are. Those are the properties that pay 17.25% taxes on top of their property taxes to help pay the salaries of everyone in the county. We need those, if you want to get paid. The actual residences along Waipu'ilani, Eleu, and surrounding areas are almost all owner occupied. Counting vacation rentals into your argument is laughable and deceptive.

In the end, everyone seems to be in favor of affordable housing, just not in their backyards. Well, something has to give. This is a small footprint that would benefit the locals on Maui who have seen the average home price go to over $1.2m today. As you know the vast majority of our infrastructure is based on tourism. This will not change. Working from home has become much more commonplace, bringing demand from people who want to live here up and up. This isn't going to change. You can't stop progress. What you can do, is help locals who can't afford the $1.2m current price tag to be able to own their own place instead of having to relocate to the mainland.

Thank you for your time and consideration.

Mike Neubauer

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MIKE **NEUBAUER**

Photographer | Investor
Phone: (808) 758-3500
EarthTrot@gmail.com

Neubauer.net • MauiAway.com

Instagram | Facebook | LinkedIn | BiggerPockets

County Clerk

From: Irene Newhouse <einew@hotmail.com>
Sent: Tuesday, July 12, 2022 4:38 PM
To: County Clerk
Subject: Bill 21 CD1 FD1

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I am strongly in favor of Bill 21 CD1 FD1 , regulating artificial lighting to protect seabirds. The Big Island has been a pioneer in regulating artificial outdoor lighting due to the international telescopes there, and Maui could do worse than adopt similar regulations. By the way, after this Mayor's futile, wasteful & stupid insistence on taking injection wells to SCOTUS, I am now also inclined to oppose his other positions - his judgment is awful.

Irene Newhouse
129 Walua Pl.
Kihei HI 96753

County Clerk

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From: Irene Newhouse <einew@hotmail.com>
Sent: Wednesday, July 13, 2022 7:45 AM
To: County Clerk
Subject: CR22-61 Building on Kihei flood plains

You don't often get email from einew@hotmail.com. Learn why this is important

The Waipuilani area is an unholy mess already. In 2018, I was part of a papa oli & we were assigned to check out 4 waterways near where we lived. I selected Waipuilani Gulch as one. Just look at this aerial shot:



High water flows under the Pi'ilani Hwy & into the undeveloped gulch area from where I've placed the rightmost oval. Obviously provision's been made for a LOT of water. Then what? Look at the outlet in the left oval. What on EARTH? How is the flow from the right supposed to empty on the left w/out massive flooding? Just to drive the point home, below is a picture of outlet/muli wai I took in April 2018, after an extensive dry period:



There is near zero capacity for high water exit here. It's totally obvious to anyone with common sense. So you put the houses on stilts? How are people living in them supposed to get in & out for work, grocery shopping, school, during high water episodes? Who's going to pay to remove the mud from the streets, let alone the yards?

One of the worst ideas I've heard in a while!
Irene Newhouse
129 Walua Pl
Kihei HI 96753

County Clerk

From: Tina Nguyen <mauihomemanicures@gmail.com>
Sent: Thursday, July 14, 2022 4:34 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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[You don't often get email from mauihomemanicures@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

County Clerk

From: Lisa Nowacky <lnowacky@gmail.com>
Sent: Thursday, July 14, 2022 5:00 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from lnowacky@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. I'm a single mom and work as an ER nurse at Maui Memorial and I can't afford a home for me and my kids. I went to school here to get my nursing degree. My kids were born and raised here. We'd love to stay here but we can't do that if we can't afford our own home. We support affordable housing at Hale Waipuilani!

Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!
Lisa Nowacky

Sent from my iPhone

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County Clerk

From: George Nunes <keokimaui11@gmail.com>
Sent: Friday, July 15, 2022 3:24 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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You don't often get email from keokimaui11@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!
George Nunes

County Clerk

From: Dennis O'Donnell <dennis@romvari.net>
Sent: Friday, July 15, 2022 10:43 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from dennis@romvari.net. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Dennis O'Donnell
Realtor (S)-79113
Work Cell: 808-419-7640
Personal Cell: 808-280-6596



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County Clerk

From: Mavis Oliveira-Medeiros <mavisoliveira@gmail.com>
Sent: Friday, July 15, 2022 6:25 PM
To: County Clerk
Subject: cc 22-167, Reso 22-119, CD1, FD1 & 22-144

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You don't often get email from mavisoliveira@gmail.com. Learn why this is important

Aloha Chair Lee & Councilmembers:

This is Mavis Oliveira-Medeiros and I work at the Hana District Office, CM Shane Sinenci. Testifying personally.
I just want to go on record especially for our future generations & Descendants in support of the above mentioned items, specifically the amendment to the revised charter of the County of Maui to establish a Maui County Water Authorities AND to establish an East Maui Regional Community Board. We lost two generations of teaching our kids & theirs how to gather, cook and eat it due to the water diversions which happened when I was a young girl. Our parents took us to Nahiku & beyond to gather food opae, hihiwai, even o'opu, as my Dad was from Nahiku.
I also support having separate district Planning Commissions because so many things happen in Hana with no warning. Something is wrong with the system now.
Mahalo nui loa,
Mavis Oliveira-Medeiros
Council Aide
Hana District Office
(808)866-7409

County Clerk

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From: Paul Olson <pjo351@yahoo.com>
Sent: Thursday, July 14, 2022 4:27 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from pjo351@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families, but this project is not affordable. Just like the project in Kihei, they are charging a very high HOA fee, $600 per month, and the terms are for 20 years.

Mahalo!

Paul Olson
105 Manino Circle, Apt. 101
Kihei, HI 96753
1-808-868-8061

County Clerk

From: Melody-Lei Osinem <l0v3lei638@gmail.com>
Sent: Thursday, July 14, 2022 4:52 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from l0v3lei638@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

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From: ken ota <kenota11@gmail.com>
Sent: Thursday, July 14, 2022 4:52 AM
To: County Clerk
Subject: Testimony item CC22-62 Affordable housing Bill 107, CD1 2022

You don't often get email from kenota11@gmail.com. Learn why this is important

Dear Chair Lee and Members,

I am a partner in a 80 unit 100% affordable housing project (sale units) in Wailuku. I do not support Bill 107, CD1 (2022) in its current form. With interest rates rising, material costs increasing, and permitting delays, it is already extremely challenging to build affordable homes under the current sales prices. Reducing the sales prices, as proposed in the bill would make our project unfeasible to build, thus stopping any housing in its entirety. There is an existing lack of inventory, and cutting the sales price would likely further reduce inventory and potentially kill existing projects.

Please consider subsidizing the individual buyers and leaving the affordable housing sales prices in their current form. The County could best assist the builders' efforts to build affordable housing by providing the necessary public infrastructure for housing.

thank you

Ken Ota

808-870-7913

90 Pulehu Place Suite 100

Kahului HI 96732

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County Clerk

From: Leiane Paci <LPaci@mills-group.com>
Sent: Friday, July 15, 2022 7:42 AM
To: County Clerk
Subject: Testimony -Bill 21 Lighting Ordinance

[You don't often get email from lpaci@mills-group.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Council Members,

I am testifying against proposed Bill 21, because it conflicts with the goal of sustainability and adversely affects the people in this community. Imagine how many perfectly good, working light fixtures will need to be removed and dumped because of this proposed bill. Most sustainable concepts would allow existing lighting to remain in place for the life of the fixture.

For example, the driving range at the Dunes has new fixtures. If this bill is passed, the affects to the environment would be detrimental. To comply with this proposed bill, it would require ripping out entire light poles, concrete bases, and newly installed fixtures. Then a contractor will have to dig 6-8 feet deep along the length of both sides of the range to install new concrete light bases, poles, conduits, and fixtures.

This bill will require unnecessary ground disturbance and wasteful dumping of useable fixtures. Is the County landfill ready to accept excess construction waste created by this proposed bill? Please consider the unintended consequences of this bill which will hurt our island's sustainability and vote "No."

Sincerely,

Leiane Paci
General Manager
The Dunes at Maui Lani

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Testimony of
Pacific Resource Partnership

Council of the County of Maui
Regular Meeting
Friday, July 15, 2022

Re: 1) Amend Resolution 22-119, CD1, FD1 to establish a Maui Nui Community Water Systems and an East Maui Regional Community Board; and 2) Resolution 22-144, CD1, FD1 establish planning commissions for all community plan areas on Maui, and dissolve the Maui Planning Commission.

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the Council:

Pacific Resource Partnership strongly opposes 1) Resolution 22-119, CD1, FD1 and 2) Resolution 22-144, CD1, FD1.

We strongly oppose Resolution 22-119, CD1, FD1 (proposes a Charter Amendment authorizing the County to establish a Maui Nui Community Water Systems and East Maui Regional Community Board) for the following reasons:

- The Maui Island water use and development plan adopted by the Council specifically states under exhibit A of Ordinance 5335, on page 270: that a study should be conducted to study "water system ownership and management models, such as water authority..." There is no evidence that a formal study by a reputable research company has been completed to investigate and analyze the implementation and impacts of a countywide water authority for Maui County.

- Concerned that the ratepayer will be required to pay for a countywide water authority at a time when Maui residents are struggling with Maui's high cost of living and lack of affordable housing. The following includes some of the costs that the ratepayer or Maui resident may have to pay for:
  - Hiring of staff, salaries, and fringe benefits:
  - Office space and equipment.
  - Maintenance and operation of water systems.
  - Upgrades and the rebuild of water systems.
  - Potential acquisition or condemnation of lands to retain control of water systems

- It is premature to pass this charter amendment when the roles and responsibilities between the proposed water authority and Maui's Department of Water Supply are unclear.

PRP
PACIFIC RESOURCE PARTNERSHIP

THE POWER OF PARTNERSHIP
WWW.PRP-HAWAII.COM
PHONE → 808.528.5557
1100 ALAKEA STREET / 4TH FLOOR
HONOLULU / HI 96813
TWITTER: @PRPHAWAII
WWW.FACEBOOK.COM/PACIFICRESOURCEPARTNERSHIP

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(Continued From Page 1)

As such, we respectfully recommend that the Council defer this measure.

We strongly oppose Resolution 22-144, CD1, FD1 (proposes a Charter Amendment establishing planning commissions for all community plan areas on Maui, and dissolves the Maui Planning Commission) for the following reasons:

The Maui Charter Commission had previously included a similar proposal in their January 18, 2022 Draft Report to the Council, which would have eliminated the Maui Planning Commission and replaced it with six new Planning Commissions for each of the Community Plan areas on the island of Maui; no changes were proposed for Lanai and Molokai Planning Commissions.

- In a January 20, 2022 memo to the Charter Commission, the Corporation Counsel identified legal and practical issues to be addressed for the proposed new Planning Commissions (See page 5 of memo dated January 20, 2022 attachment)
- The Department of Planning submitted written testimony in opposition and recommended an alternative proposal that the Maui Planning Commission be comprised of at least one member of each of the Community Plan areas. (See Department of Planning Testimony dated January 24, 2022).
- The Charter Commission's Final Report dated February 18, 2022 included a version of the Department of Planning-recommended alternative, which would require the Maui Planning Commission to have representation from each Maui Community Plan district. (See attached).

As such, we respectfully recommend that the Council defer this measure.

Testimony of
Pacific Resource Partnership

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City Council
Council of the County of Maui
Councilmember Alice Lee, Chair
Councilmember Keani N.W. Rawlins-Fernandez, Vice Chair

Bill No. 107, CD1 (2022)—to establish a new method of determining the sales price of an affordable dwelling unit to include the total housing costs associated with home ownership such as principal, interest, taxes, homeowner's insurance, private mortgage insurance, and homeowner's association dues.

Friday, July 15, 2022
9:00 A.M.

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and Members of the Council.

Pacific Resource Partnership (PRP) is a non-profit market recovery trust fund which represents approximately 7,000 men and women union carpenters and 240 large and small contractors. With our expertise in research, compliance, marketing, and project advocacy, we are committed to building a stronger, more sustainable Hawaii in a way that promotes a vibrant economy, creates jobs, and enhances the quality of life for all residents of Hawaii.

PRP writes in **strong opposition** to Bill 107, CD1, establishing a new method of determining the sales price of an affordable housing dwelling unit.

We have witnessed and continue to see how Maui's overregulation of affordable housing projects have kept this county in its current housing crisis. Many industry experts have raised major concerns about this Council's tendency to rush legislation through the legislative process without looking at the financial and practical realities of what it takes to build affordable housing. If passed, Bill 107 will be another regulatory barrier to the construction of affordable housing.

We respectfully recommend that the Council defer this measure and continue the dialogue with stakeholders, including affordable housing developers, to establish policies that will incentivize the construction of more affordable housing before the problem gets worse.

Thank you for the opportunity to submit written testimony.

PRP
PACIFIC RESOURCE PARTNERSHIP

THE POWER OF PARTNERSHIP
WWW.PRP-HAWAII.COM
PHONE → 808.528.5557
1100 ALAKEA STREET / 4TH FLOOR
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County Clerk

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From: Elena Panigada RB-21671 <mauielena@gmail.com>
Sent: Thursday, July 14, 2022 4:17 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from mauielena@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Elena Panigada RB_21671
Broker-Agent
Island Sotheby's International Realty
CELL 808-269-0282

County Clerk

From: Gary Passon <gpasson@vectoraero.com>
Sent: Friday, July 15, 2022 7:24 AM
To: County Clerk
Subject: Council members --- please vote no on Hale Waipuilani

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Mahalo Gary Passon

Long time Kihei homeowner.

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Maui Hotel & Lodging
ASSOCIATION

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July 15, 2022

Maui County Council
Alice Lee, Chair
Committee Members

RE: Comments on Bill 21 (2022) Seabird and Biodiversity Protection

Aloha Chair Lee and committee members,

The Maui Hotel & Lodging Association (MHLA) is the legislative arm of the visitor industry for Maui County. We represent over 170 property and allied business members and over 12,000 employees.

MHLA would like to offer comments on the proposed Bill 21, relating to outdoor lighting for the protection of seabirds.

This Bill would impact all outdoor lighting — from outdoor restaurants, patios, seating, golf driving ranges, outdoor shopping centers like Maui Mall and Queen Ka'ahumanu Center, private swimming pools, private landscaping, county fairs, outdoor concerts, and all residential exterior lighting. By including all outdoor lighting, this Bill is affecting a broad range of anything outdoor and defined to be outdoor.

Hawaii County, which has a similar statute, has established a list of preapproved fixtures; we recommend that if this bill is approved that Maui County adopt a similar list to help simplify compliance with the County ordinance.

Additionally, MHLA is respectfully requesting a five-year grace period, rather than three years to be in compliance.

Thank you for the opportunity to provide testimony,

Lisa Paulson
Executive Director, Maui Hotel & Lodging Association

85 N. Church Street, Wailuku HI 96793 | P.808-244-8625 F. 808-244-3094 | info@mauihla.org | www.mauihla.org

County Clerk

From: F Pitzer <frances.pitzer@gmail.com>
Sent: Friday, July 15, 2022 11:49 AM
To: County Clerk
Subject: Pls no NOT pass Bill 21

You don't often get email from frances.pitzer@gmail.com. Learn why this is important

Aloha,

This bill is too far-reaching so please do not pass it. Its intent is good but it needs to be softened to balance the welfare of people, including kupuna and nighttime events, with the needs of the birds. Let's have another go at it, with a less drastic impact to humans.

Mahalo,
Frances Pitzer
Maui

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County Clerk

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2022 JUL 14 PM 3:13
OFFICE OF THE
COUNTY CLERK

From: pluta@maui.net
Sent: Thursday, July 14, 2022 2:56 PM
To: County Clerk
Cc: Alice L. Lee
Subject: Committee Report No. 22-62; Bill 107, CD1 (2022)



Via e-mail to county.clerk@mauicounty.us

Chair Alice Lee

County Council

200 South High Street

Wailuku, Hawaii 96793

Re: Committee Report No. 22-62; Bill 107, CD1 (2022)

Aloha Chair Lee:

The WMTA board of directors does not support Bill 107, CD1 (2022), in its current form.

The lack of housing for sale on Maui is already driving prices up. Our local workforce is not able to find a basic single-family home or rentals due to lack of inventory.

Artificially lowering the price that builders can sell the affordable housing will further reduce the supply of homes and increase the prices of existing homes. This will make things worse instead of better.

Instead of mandating lowering the affordable housing sales prices please consider infrastructure improvements and zoning changes that would encourage home builders.

The pre-construction infrastructure costs and requirements currently existing need to be examined. New homes contribute to property tax revenues and County investment into

Subsidizing infrastructure costs would allow lower priced homes in all categories, especially in the affordable price ranges.

Respectfully Submitted on behalf of the WMTA board.

Joseph D Pluta, President

This email has been checked for viruses by AVG antivirus software.
www.avg.com

County Clerk

From: Megan Powers <alohapowers@gmail.com>
Sent: Monday, July 18, 2022 8:52 AM
To: County Clerk
Subject: In support of a Water Authority

You don't often get email from alohapowers@gmail.com. Learn why this is important

Dear Mayor and Council,

Aloha, this is Megan Loomis Powers from the Huelo / Haiku area. I grew up on our family land that borders Ho'olawa stream.
My two children and my granddaughter were born there. I have witnessed the stream life ebb and flow as EMI would take most of the water most of the time, and then stormwater would clean out the stagnant pools, mosquitoes and allow for a small window of time when life would return along the stream (an exquisitely beautiful occurrence) - only to be dried out again and again and again over the last 50 years. This allowed for invasive species to get a strong-hold as they survived better along the dry stream-bed.

I am testifying to offer my resounding SUPPORT for the charter amendment to create a Water Authority for the County of Maui. No more research is required to give the citizens of Maui an opportunity to vote on the creation of the Water Authority. Once it is in place, like any living institution there will be opportunity to improve upon its structure and function, in necessary.

But we have no time to waste. It needs to be established sooner than later.

For too long the precious waters that sustain life for Maui County have been controlled by corporations whose bottom line is profit. Our watersheds, native flora and fauna and native cultural practices have nearly been snuffed out due to the selfish, extractive practices.

We are currently at the precipice of long-term leases going into the hands of foreign corporations who would then control our water supply. (Whose managing partners by the way, have a checkered history of water control and abuse in California.)
We cannot let our water resources be in those hands.

But even if we were not presently under eminent threat by such leases to such entities, it would simply be good management to have such an Authority in place.

This is not a new concept. Many places in the United States and around the world already have Water Authorities in place helping to protect the watershed and manage the many competing demands on the resource.

It is long over due that Maui County control it's own Public Trust water resources for present and future generations.

Sincerely,

Megan Loomis Powers

County Clerk

From: Zen Powers <zenkekoa@gmail.com>
Sent: Monday, July 18, 2022 11:01 AM
To: County Clerk
Subject: In support of the Charter Amendment to create a Water Authority

[You don't often get email from zenkekoa@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha County Council Members,

I believe that the citizens of Māui County need to be given the opportunity to vote on the creation of a Water Authority!

We need our water resources to be managed properly for present and future generations!

Me Ka Ha'aha'a,

Z. Kekoa Powers

County Clerk

From: Jason Purcell <dwellhi@gmail.com>
Sent: Friday, July 15, 2022 8:32 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from dwellhi@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani.

Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Jason Purcell and Erika Thomason

Sent from my iPhone

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Aloha Kakahiaka County Council,
My name is Lindsey Rex, Hawaii resident since '82

I am in favor of EMI water authority being managed at the county level. I am against the privatization of water by a foreign corporation or any corporation for that matter. This is Maui and Maui's precious resources need to be stuarded and manged here, county level.

In February of 2019 Mauians met with a Senator Panel regarding rights to water between Maui Farmers & PSP investments of Canada aka Mahi Pono.

A quote from the Maui New coverage of that meeting
"Urging the protection of East Maui's water for Native Hawaiian use, Joyclynn Costa of Haiku said the fight over East Maui water is nothing new and that she's saddened area families must continually battle for rights. 'This has been going on since I was born,' said Costa, whose 83-year-old father from Nahiku also testified. "And yet we still come here to the same table with the same songs. It's what they would equate to insanity."

This is is not a new fight.

Historically we see Hawaii fighting for its language, land, culture, and water. It does not need to be a fight. Represent the people well, elected council members.

Checks and balances are needed or Maui ... Hawaii as we know it will not be what it has been so famously known for. It is noted that Mahi Pono has invested 600 million its farming operation here. It has ~~established diversified crops here on Maui,~~ improved EMI infrastructure, and currently is not using nearly the amount of water A&B used with sugar cane. We can recognize and honor this but by no means is this a reason for Maui to be accountable to them for water. It needs to be the other way around. This is Maui's terf, not a foreign corporation's. A cohesive symbiotic relationship can be maintained while still allowing the water authority to remain in the control of an elected Maui water authority

Other noteworthy information is the Purchase & Sale Agreement & Escrow instructions between A&B and Mahi Pono. In reference to the Rebate section 2.7 If the seller (A&B) is unable to legally deliver irrigation water sufficient for buyer (Mahi Pono) to fully implement it's farming plan, then rebates in the amount of $62 million are owed from the seller to the buyer.

We are discussing the legality of water rights right now. I hope the purchase and escrow agreement just referenced is a coincidence other wise it looks like A&B is going to have to pay back Mahi Pono $62 million.

Mahai Pono is not the only farm in town. There are Native and Local farmers who have been on island long before Mahi Pono. Maui Farmers are part of cultivating sustainability and are synergistics to what making our island what it is. Money can not buy that kind of atmosphere. Do not allow money to influence your decision council.

Mahalo for your Time & Energy

County Clerk

From: Grant Rice <grice@bishopgorman.org>
Sent: Friday, July 15, 2022 3:14 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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Aloha Council Member:

Maui needs homes for local families. We support affordable housing. Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Grant Rice
Athletic Director
Head Men's Basketball Coach
Bishop Gorman High School

County Clerk

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2022 JUL 14 AM 9:10
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COUNTY CLERK

From: Anthony Riecke-Gonzales <anthony@rskarchitects.com>
Sent: Thursday, July 14, 2022 9:08 AM
To: County Clerk
Subject: Committee Report No. 22-62

You don't often get email from anthony@rskarchitects.com. Learn why this is important

Alice Lee
Chair, Council of the County of Maui
200 South High Street
Wailuku, Hawaii 96793

Re: Committee Report No. 22-62
First Reading of Bill 107, CD1 (2022)

Aloha Chair Lee,

I am an architect and do not support Bill 107, CD1 (2022) as proposed. I have participated in several affordable housing projects as an architect and see the struggle to make the projects affordable. It is a struggle to build affordable housing on Maui under the current price guidelines, with the current upfront cost. Today builders are facing the highest increased costs for materials, financing and permitting time, as well as infrastructure requirements that drive up the cost of the homes. Lowering the sales prices doesn't lower the building cost, or provide any path to builders to balance the cost of a project with it's sales price. By lowering the sales prices, very few or no homes will be built with current requirements and construction costs. Please leave the sales prices in their current form or consider trading any sales price reduction with the county or home buyers funding the infrastructure with a special bond/sales tax just for that project. The County could best assist efforts to build affordable housing by providing the necessary public infrastructure for housing or by providing subsidies to the Buyers.

Both my daughter moved to Oregon in part due to the cost of living on Maui. That opened my understanding of how other places fund housing development. They were able to by used homes as young adults. The sales price is very low compared to Maui, but the sales tax is very high. The end cost is not that far apart, but what is different is that the loan amount they need to qualify for is within reach, and the taxes they pay fund what many in Maui have to include in their home price upfront. Their tax bills vary from neighborhood to neighborhood, and detail in a breakdown of the bonds that paid for the water, sewer, road, school, or other public parts associated with their project. The advantage of that is also that the public parts were funded by a bond with a good interest rate not available to individuals, and fully designed and integrated into the overall town's system.

Passing a bill that mandates a lower sales price without a way to make up the difference from actual cost will just result in another stop to housing being built. Like when Tavares passed a mandated a 40% affordable component to projects. After that very little got built.

Aloha, Anthony Riecke-Gonzales

Riecke Sunnland Kono Architects, Ltd.
Mailing Address: P.O.Box 1627, Kahului HI 96733-1627
Street Address: 2145 Wells St., Suite 302, Wailuku HI 96793
Cell: (808) 281-1934 Desk: (808) 872-3602 Main: (808) 877-7688

County Clerk

From: jodi riley <joder8@yahoo.com>
Sent: Thursday, July 14, 2022 6:55 PM
To: County Clerk
Subject: Opposing Hale Waipuilani housing development!

You don't often get email from joder8@yahoo.com. Learn why this is important

To whom it may concern,
I am gravely concerned regarding this development in Kihei. People in our community have been against this from the beginning.
Please, listen and consider these issues:

~Traffic is already difficult to exit Kauha'a onto South kihei Rd., especially in morning traffic going to work.

~Already existing is a densely populated area with no sidewalks here and there, with multiple cars/trucks/trailers on the road. (Waipuilani St. in particular.)

~ The wetlands green belt bird sanctuary needs its space to not be encroached upon; the Kiawe woods there is a natural space surrounding and protecting the fragile wetlands. To have it all cut down and humans/buildings taking its place is NOT an effective way to preserve our aina.

I have a million more reasons, and if you care to hear me elaborate, don't hesitate to contact me.
I have been a home owner on Laumaewa Loop for 14 years. I am a public school teacher ans am dedicated to our island.

Aloha,
Jodi Riley
808-264-9092

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COUNTY CLERK

County Clerk

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2022 JUL 14 PM 4:25
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From: juss rodi <jussrodi@yahoo.com>
Sent: Thursday, July 14, 2022 4:19 PM
To: County Clerk
Subject: Hale Waipuilani Housing Development Testimony

You don't often get email from jussrodi@yahoo.com. Learn why this is important

Dear Council,

I own a home that is paid for (and expect to live in for the rest of my life) in the Medowlands HOA, directly across from the proposed Hale Waipuilani housing development. I don't believe that this is a good idea for our community. Any new road entering Kauha'a that close to South Kihei Road will compound the danger I face when trying to make my way from Laumaewa Loop to Kauha'a then on to South Kihei Road. There have been accidents at this location. One driver hit the resident on the corner's mailbox and nearby electric pole. Another driver took out a palm tree in the front yard of a homeowner directly across from the proposed ingress/regress road at the corner of Laumaewa Loop and Kauha'a. The danger is even worse when I am walking or riding my bike as there is no sidewalk or bike lane. Plenty of people walk their dogs along this route and it is only a matter of time before some tragic accident occurs. In addition to this, the area floods whenever we have real rain in Kihei. I can't tell you how many times this intersection has been closed down due to rain, but I've come to expect it after a good rain. This is usually accompanied by a traffic jam on Kauha'a as people try to make their way around Kihei's flooded streets.

I am in favor of low cost housing, but this project could benefit buyers from the mainland and would only increase the population of our island in an area that is already densely populated and difficult to get around safely and in a timely manner. Finally, given that the project needs exemptions to SMA requirements and zoning laws, it clearly needs to be relocated where these exemptions do not need to be granted.

Please keep this area of Maui, where my home is, safe and free from overcrowding by voting to not approve the Hale Waipuilani housing development. It's simply a bad idea at this location.

Thank you,
Russell Riley
42 Laumaewa Loop, Kihei

County Clerk

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2022 JUL 14 PM 4:29
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From: yaqueline rodriguez <rodriguez_yaqueline@yahoo.com>
Sent: Thursday, July 14, 2022 4:27 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from rodriguez_yaqueline@yahoo.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

A local resident whose been struggling to find housing, Yaquelin Rodriguez
808 298 9531

County Clerk

From: Quézia Rogers <queziarogers@gmail.com>
Sent: Thursday, July 14, 2022 3:44 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

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[You don't often get email from queziarogers@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

County Clerk

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From: Fred Romvari <fredromvari@gmail.com>
Sent: Thursday, July 14, 2022 3:23 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from fredromvari@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Fred Romvari P(B)
Work Cell 808 419-3061
Personal 808 280-8879



County Clerk

From: Regina Sagun <ginaleix03@gmail.com>
Sent: Friday, July 15, 2022 8:07 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from ginaleix03@gmail.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Please feel free to contact me for a more detailed testimony.

Regina
#808-856-9596
Mrschasecorniel@gmail.com
Mahalo!

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COUNTY CLERK

County Clerk

From: Gary Savage <kanalusavage@gmail.com>
Sent: Friday, July 15, 2022 8:39 AM
To: County Clerk; Gary Savage
Subject: Fwd: Updated testimony: Hale Waipuilani site should remain as is, and be designated as "conservation".

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COUNTY CLERK

You don't often get email from kanalusavage@gmail.com. Learn why this is important

I am adding my testimony and am very grateful for your assistance.
David Dorn says it perfectly and I am in full agreement.

---------- Forwarded message ---------
From: **David Dorn** <daviddorn808@gmail.com>
Date: Thu, Jul 14, 2022, 7:14 AM
Subject: Updated testimony: Hale Waipuilani site should remain as is, and be designated as "conservation".
To: <county.clerk@mauicounty.us>

Update 7/14/2022:

The Hale Waipuilani project should not be approved: We should not allow new housing to be built in the flood zone. This area has multiple risk factors and there are many better locations to build affordable homes.

There are 2500 Affordable homes in the pipeline: Maui currently has 36 Affordable Housing projects in the works and according to Mayor Victorino (editorial re Affordable Housing Maui News 4/30/22), there are 2,500 affordable homes in the pipeline.

Disapproving will have a negligible impact on Affordable Housing: Disapproving this 28-unit project will have a negligible impact on Maui's affordable housing and represents only about 1 percent of affordable housing in the pipeline.

A land swap deal is the best option: Maui County currently doesn't have the 133 million dollar budget to fix drainage Infrastructure to make Kihei safe from flooding. But the County does have land. The County has land available at the Kihei Police Station, at Maui Lani, and in the central valley near Pu'unene. Any of these areas are far better suited for housing, and are free from the flooding, and coastal hazards of tsunami, sea level rise, and climate change.

The Developer has been offered a Land Swap: The Maui County has offered the developer the opportunity to discuss a land swap for county-owned land, in a more suitable location. Although the developer initially agreed, they are now saying it would take too long for that to happen.

The County needs to protect Kihei: Kihei cannot accommodate more traffic, or more housing in flood zones, so we need to reduce development on the flood plain, and encourage a retreat from the shoreline. Urban growth areas and new housing should be located on higher ground, and far from known flood zones. Only the County has the power to make the decisions necessary to make this happen.

The best use of 16 E Waipuilani Road is Conservation:

- This site should be placed into conservation. This is one of the area's last remaining open spaces. And it is part of the local watershed and wetland nexus.

- Keeping this lot as conservation helps the County to meet its goals of Open Space preservation, from the MIP, and KMCP Community Plan, as well as achieve the goals of shoreline retreat as recommended in the CARE Committee and Multiple studies.
- Also, this action helps us to depopulate and relocate the Kihei flood zone, as was recommended by former planning director David Goode.
- Conserving this lot at 16 E Waipuilani Road will help to stabilize the degraded watershed, and will help preserve the site's beneficial function as the area's de facto drainage basin.
- This also helps the County towards its goal of designating and acquiring land for "green drainage infrastructure", as recommended in the SMWP, and the KDMP.

Keep the property as is: Preserving this lot as is, has many benefits and will not overburden the local community or its aging infrastructure. The site's original historic house can remain, and continue to provide housing. The open space and undeveloped land, can continue to provide beneficial services. The site's uncompacted Jaucus and Loamy sand soils can continue to function as a settling area for neighborhood floodwaters, and the site's native vegetation can be encouraged to provide ground cover and habitat for native species. Other possible uses could include becoming an urban nature park or a community garden.

regards,

David Dorn

schatz collaborative

Mobile: 808.428.8717
Email: lindaschatz@schatzcollaborative.com
Schatzcollaborative.com

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2022 JUL 15 AM 8:00
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COUNTY CLERK

July 14, 2022

Affordable Housing Committee Chair Gabe Johnson
Maui County Council
200 South High Street, 8th Floor
Wailuku, HI 96793

SUBJECT: Bill 107, CD1 (2022) – Suggested Amendment

Dear Chair Johnson and Committee Members,

I am submitting written testimony to express my concerns over Bill 107, CD1 (2022)

Please amend Bill 107 to create the mortgage subsidy component contemplated in the Maui County Comprehensive Affordable Housing Plan.

Artificially lowering sales prices to make housing more accessible to Maui residents does not produce more homes. Council should establish more tools to bridge the gap between cost to build and accessible pricing. One tool would be a mortgage subsidy to the buyers so that they can buy the homes.

Builders cannot build homes if the sales prices are lowered to the Bill 107 levels. There are many variables to the cost of building a home, one-size does not fit all when it comes to construction costs. Construction costs, labor costs, interest rates, supply chain delays are not controlled by the County or Builders. **Today, we received news that cement alone will increase 65-85% beginning next year. That means the price for concrete slabs for homes will increase. My Wailuku Apartment project alone has increased pricing by 30% since 2019. Costs have not historically gone down in Hawaii, only up.**

If Bill 107 passes, it will in effect stop projects from feasibility and no homes will be built because there is no subsidy program attached to it. Rents will then continue to rise. The Maui County Comprehensive Affordable Housing Plan, Policy Priority 8, Recommended Action 3, makes clear that adjusting the Sales Price Guidelines was intended to be **done concurrently with a mortgage subsidy**.

We feel that the mortgage subsidy should be given directly to the homebuyer. If Council wants to incentivize builders, they should assist builders with separate subsidies for public infrastructure and comprehensive zoning changes to encourage building.

schatz collaborative
Mobile: 808.428.8717
Email: lindaschatz@schatzcollaborative.com
Schatzcollaborative.com

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Thank you again for the opportunity to submit this proposal. If there are any questions, or if additional information is needed, please do not hesitate to contact me at (808)428-8717.

Warmest Regards,

Linda Schatz
Principal

County Clerk

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2022 JUL 14 AM 8:09
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COUNTY CLERK

From: kohler@maui.net
Sent: Thursday, July 14, 2022 8:03 AM
To: County Clerk
Subject: Bill 21

You don't often get email from kohler@maui.net. Learn why this is important

I am writing in favor of bill 21. Each year our light pollution becomes more and more invasive. I can see it spreading from my home in Haiku. Where once there were stars in the sky there is now light pollution. We need to pass this law to give the other species we share this island with a chance at survival. I am sure we as humans can survive without more lighting. The birds however will not be so lucky.
Mahalo, Lisa Schlichting

Aloha Council Members, VOTE NO for Hale Waipuilani development 7/14/22

I am speaking ONLY for myself, as an advocate for the wetlands, and a Kihei girl.

My question for the developers is with this market and with interest rates so high, can you identify for low AMI people to what lending product is available here on Maui for them to apply? I've been looking and I haven't found one. Even though this is presented to be an affordable housing project, what assurances can you give to those low AMI folks that there are lending products out there for them? If there are low-income people who have signed up for your project but who cannot qualify for a loan/mortgage, then it seems as if you get an advantage by getting to sell at market rate quickly in this sellers' climate.

If a product for lending cannot be demonstrated, then this will turn out not to be an affordable, and the project should not qualify for exemptions.

Also, could the developers address the possibility of having had an offer from the Maui County of a land swap and that the developers turned it down?

This low-lying area will be a problem for anyone living there because of the amount of flooding. Since the community has already experienced extreme flooding at this exact spot and the surrounding area multiple times, an aggregate amount of water dispersion that includes measuring the impacts in and around the areas of this property, should, be taken as a whole, not just dispersion for the proposed project's hardscape/rooftop area.

I am NOT in favor of this project where it is being proposed.

I am in favor of this project elsewhere if the County could do a land swap or another similar solution that is not in the S. Maui wetlands or floodplain.

Mahalo,

Charlene Schulenburg

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County Clerk

From: Christa Seals <admin@sealsswimwear.com>
Sent: Thursday, July 14, 2022 11:10 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani.

You don't often get email from admin@sealsswimwear.com. Learn why this is important <https://aka.ms/LearnAboutSenderIdentification>

Aloha Council member,

Maui needs homes for local families. We support affordable housing. Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo,

Christa Seals
Founder, CEO
Seals Swimwear

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County Clerk

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2022 JUL 14 AM 8:09
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From: sese.cdb@gmail.com
Sent: Thursday, July 14, 2022 7:56 AM
To: County Clerk
Subject: Item CC22-62 Affordable Housing Bill 107, CD1 2022

You don't often get email from sese.cdb@gmail.com. Learn why this is important

Alice Lee, Chair
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Re: Committee Report No. 22-62; Bill 107, CD1 (2022)

Aloha Chair Lee,

I do not support Bill 107, CD1 (2022), in its current form. I own a workforce home, and have participated in several workforce housing projects as a draftsman. I understand that Bill 107 lowers the sales prices, and recognize that is it difficult to qualify for a home – both in winning the lottery and getting a loan. Being in the building industry, I know that there are not a lot of homes available under the current price guidelines. By lowering the affordable housing sales prices, I believe there will be even fewer homes available. I am working on a 100% affordable project that will not be built if the new sales prices go into effect. Please leave the sales prices in their current form. Instead of lowering the affordable housing sales prices please consider subsidizing the individual buyers who need the help.

Mahalo,
Sese

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2022 JUL 12 PM 4:21
OFFICE OF THE
COUNTY CLERK

July 12, 2022

Council of the County of Maui

Re: Hale Waipu'ilani Workforce Housing Project (Kihei) (AH-17)

Dear Councilmembers:

The severe flooding in South Maui in December of last year demonstrated the problems of poor planning decisions in the past. South Maui is the drainage basin for the southwest slopes of Haleakala, but its function to absorb flood waters has been drastically impaired by impermeable surfaces.

Homeowners and businesses elsewhere have sued local regulatory agencies for permitting construction in vulnerable locations, that were then damaged by storm and flood activity. Given what we know of climate change and more severe weather events, it is risky, if not criminal, to build in the path of stormwaters. Even if measures are taken to limit flooding in subject areas, the waters will be shunted to adjacent properties. Anyone building in wetlands and on shorelines is working on the "greater fool" principle that they can sell before the next disaster.

Do not put the County in jeopardy of lawsuits from outraged homeowners and businesses that have been impacted by unsound planning decisions.

I urge you to pursue a land swap solution to this issue and leave the lot under discussion as drainage.

Thank you,

Diane E Shepherd DVM

3329 Kehala Dr., Kihei, HI 96753

County Clerk

From: robin sibley <robin7winds@gmail.com>
Sent: Thursday, July 14, 2022 9:18 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from robin7winds@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Robin Sibley

Please help us to get a home!

Sent from my iPad

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County Clerk

From: Megan <megslorena@gmail.com>
Sent: Thursday, July 14, 2022 5:48 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from megslorena@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Cheers,
Megan

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County Clerk

From: Julayna Smith <julaynasmith@gmail.com>
Sent: Thursday, July 14, 2022 4:48 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from julaynasmith@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Sent from my iPhone

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2022 JUL 14 PM 4:13
OFFICE OF THE
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Aloha Mike:

Subject: Bill 107 (2022)

Reviewing the contents of Bill 107 (2022), I find it hard to believe that the County Council would support such provisions that would be detrimental to the affordable housing program.

The guidelines provided by HUD is used to determine the feasibility of any affordable housing project. Altering the guidelines would cause an imbalance of the affordability, which will result in eliminating those who need homeownership the most.

We have experienced a series of events and inequities, particularly in the past three years. These events have created huge adversities, most notably in the housing industry. Rising costs for every commodity, together with inflation and other factors (i.e. rising interest rates) that have deterred developers from creating new projects. The most challenging obstacle is uncertainty of avoiding bankruptcy.

I strongly suggest the following:

1) The County should provide the infrastructure for any affordable housing projects. Water, sewer, roads, fire protection, curbs, gutters, sidewalks utilities, etc., then, create a special assessment district through the real property tax system to pay for these improvements over a period of time. This can be calculated equitably for each new home owner.
2) Defer Bill 107 as it reads currently.
3) Amend the Bill so that developers and contractors will have an opportunity and an incentive to avoid losses. This normally results in a significant contribution to our community by providing bona fide affordable housing projects.
4) Another option is providing subsidies to qualified buyers who meet the established criteria by the Department of Housing and Human Concerns.

Mahalo for your successful passage of the real property tax bill to benefit veterans. If you would like to join our Maui Korean War Veterans general membership meeting on Wednesday, July 20, 9:00 AM at Hale Nanea, please let me know.

Respectfully,

Lloyd K. Sodetani

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Aloha Chairperson Johnson, and members of the Affordable Housing Committee:

RE: Bill 107 (2022)

My name is Lloyd Sodetani, life-long resident of Wailuku, Maui. I have served on many state and county boards and commissions for the last five decades. I have also served and continue to serve my community focusing on the needs of our seniors through AARP and particularly our veterans and servicemembers who have been denied benefits they have earned. I have actively been involved as a developer, a real estate broker, and coordinator for affordable housing projects, the largest and most successful being Waiehu Terrace developed in 1985 through 1990, developed by HFDC (Hawaii Finance & Development Corporation), a division of Hawaii Housing Authority.

Reviewing the contents of Bill 107 (2022), I find it hard to believe that the County Council would support such provisions that would be detrimental to the affordable housing program.

The guidelines provided by HUD is used to determine the feasibility of any affordable housing project. Altering the guidelines would cause an imbalance of the affordability, which will result in eliminating those who need homeownership the most.

We have experienced a series of events and inequities, particularly in the past three years. These events have created huge adversities, most notably in the housing industry. Rising costs for every commodity, together with inflation and other factors (i.e. rising interest rates) that have deterred developers from creating new projects. The most challenging obstacle is uncertainty of avoiding bankruptcy.

I strongly suggest the following:

1) The County should provide the infrastructure for any affordable housing projects. Water, sewer, roads, fire protection, curbs, gutters, sidewalks utilities, etc., then, create a special assessment district through the real

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property tax system to pay for these improvements over a period of time. This can be calculated equitably for each new home owner.

2) Defer Bill 107 as it reads currently.
3) Amend the Bill so that developers and contractors will have an opportunity and an incentive to avoid losses. This normally results in a affordable housing projects.
4) Another option is providing subsidies to qualified buyers who meet the established criteria by the Department of Housing and Human Concerns.
5)

Bill 107 as reads, will not be a solution to our affordable housing crisis. It will create a problem.

Respectfully,
Lloyd K. Sodetani

County Clerk

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From: Chuck Spence <Chuck@mauisunseeker.com>
Sent: Thursday, July 14, 2022 9:16 AM
To: County Clerk
Subject: FW: Testimony against Bill 21

You don't often get email from chuck@mauisunseeker.com. Learn why this is important

Aloha Honorable County Council Members

My husband and I are strongly opposed to Bill 21 regarding the restriction and regulation of outdoor lighting in Maui County.

Our first reason for opposition is the inconsistency of enforcement. Maui already has dark skies laws that regulate light pollution buy major hotels and resorts and restaurants go unpunished for continually flouting the law. One only needs to go to the large resorts in Wailea and Kaanapali to see massive up lights that shine continuously in flagrant violation of the laws. Because of the financial might of the resorts and hotels, the County will have little ability to enforce the laws regulating outdoor lighting. That will result in second class citizens bearing the burden of enforcement of this inane law that you look to pass.

Secondly, who and how will the County enforce these laws and who will pay for the enforcement? The very taxpayers that are being cited? You certainly cannot send MPD out to enforce as they are stretched thin already. Please consider the after effect of passage seriously.

Thirdly, Maui is a dark island already. With the economy in difficult straits and crime on the rise, this will only result in higher crime and, God forbid, more deaths on the road and on properties. Accidents will increase and the law will endanger the residents and visitors to the islands.

Fourth and finally, restricting outdoor lighting will open the County of Maui to lawsuits of residents and visitors injured because of inadequate nighttime lighting. So in addition to adding costs for enforcement, the taxpayers whom you all represent will also be burdened with costs of a very litigious society looking for a reason to sue.

Mahalo for your consideration and your vote AGAINST Bill 21!

Sincerely,

Charles Spence & James Batchelder
Haiku, HI 96708

County Clerk

From: Hugh Starr <starr@maui.net>
Sent: Thursday, July 14, 2022 8:27 PM
To: County Clerk
Subject: Bill 107, CD1 (2022)

You don't often get email from starr@maui.net. Learn why this is important

Dear Chair Lee and Committee Members,

Maui is at a difficult & problematic inflection point regarding cost of housing, affordable or otherwise. Inflation is volatile and down right frightening...including for housing development; mortgage rates are rising and absolutely unpredictable.

We're experiencing a literal Perfect Storm in Housing Costs in Maui County. Intentions are laudable, however market conditions are too problematic to support a downward affordable housing sales pricing mandate. I am unable to support the Bill as offered; I hope you'll agree. Please reconsider Bill 107, CD1 (2022), in its current form.

Thank you for doing your darndest for seeking real solutions for our less privileged.

And Mahalo for your service!!

aloha, Hugh Starr, Makawao

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From: Stillys <stillys@hawaii.rr.com>
Sent: Wednesday, July 13, 2022 3:53 PM
To: County Clerk
Subject: In support of Bill 21 CD1 FD1

You don't often get email from stillys@hawaii.rr.com. Learn why this is important

Aloha Councilors,
When options are readily available and being used successfully on Hawaii Island, there is no excuse not to do what we can on Maui, and statewide for that matter, to protect our native wildlife from distracting and harmful bright outdoor lighting. I encourage you to support Bill 21.
Respectfully,
Patricia Stillwell
Kihei

Virus-free. www.avast.com

County Clerk

From: Terry Stratton <terry2772@gmail.com>
Sent: Friday, July 15, 2022 8:58 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from terry2772@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Terry Stratton

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County Clerk

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From: Roderick Sumagit <rsumagit@gmail.com>
Sent: Thursday, July 14, 2022 3:47 PM
To: County Clerk; Gabe Johnson
Subject: testimony against bill 21

Some people who received this message don't often get email from rsumagit@gmail.com. Learn why this is important

Aloha

My name is Roderick Sumagit. I am the Athletic Director at Lana'i High and Elementary School. I am testifying against the Lighting Bill 21. I have concerns if this bill is implemented. My major concerns will be the safety and security of our students and kupunas. Dark areas can cause unnecessary falls and accidents. We all know full lighted areas can be a deterrent for illegal activities. As for athletics, it could also pose a health and safety concern for Football for heat illness and fielding punts and kickoffs (poor vision). In Softball and Baseball it could impact fielding a line drive or catching a pop up or long fly ball. Please consider the multiple safety and security issues if this bill gets passed.

County Clerk

From: Takahashi, Rie (KEA) <Rie.Takahashi@Fairmont.com>
Sent: Thursday, July 14, 2022 7:31 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from rie.takahashi@fairmont.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Rie Takahashi

This e-mail, any attachments and the information contained therein ("this message") are confidential and intended solely for the use of the addressee(s). If you have received this message in error please send it back to the sender and delete it. Unauthorized publication, use, dissemination or disclosure of this message, either in whole or in part is strictly prohibited.

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From: Rie Takahashi <minoriechan@gmail.com>
Sent: Thursday, July 14, 2022 7:32 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from minoriechan@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

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From: Lori Tanaka <tanakainmaui@gmail.com>
Sent: Thursday, July 14, 2022 1:09 PM
To: County Clerk
Subject: Testimony to Oppose Bill 21 on Outdoor Lighting

You don't often get email from tanakainmaui@gmail.com. Learn why this is important

Dear Council Members:

Please vote no on Bill 21. I understand Ms. King wants to save the shearwaters, but this bill will impact Maui County both economically, culturally and socially.

From a cursory glance at the bill and from hearing Ms. King's interview on last night's news here are my reasons to be against the bill:

1. The cost to Maui's people to change all outdoor lighting will be prohibitive. Businesses and Non-Profits and regular people will be impacted. The cost of living on Maui is high enough without adding more of a financial burden on the people--the cost outweighs the benefit.
2. According to Wedge-tailed Shearwater - Maui Nui Seabird Recovery Project (mauinuiseabirds.org) the shearwaters are not endangered. And cats do more harm to nesting sites and can take out a whole colony--maybe Ms. King should target feral cats instead of lighting?
3. If this bill passes, say goodbye to Obon (which is a Japanese religious tradition); MIL football, track, and baseball; nightlighting for tennis courts and stadiums for nighttime users (tennis players, pickle ballers, people who utilize the stadium for walking); lighting at beach parks will be gone leaving them dark and dangerous for us regular people.
4. Outside path lighting will have to be changed or eliminated if businesses or nonprofits don't have the funds to change them.
5. Road construction which is done at night will need to be done during the day if they can't get the lights required by this bill.

Thank you for your time. I hope my testimony is not too late--I was just made aware of this from last night's news.
Thank you,
Lori Tanaka

Lori M. Tanaka

871 Kolu St. #201
Wailuku, HI 96793
Ph: 808-242-6861
FAX: 808-244-7287

County Clerk

From: Will Tang <will.s.tang@gmail.com>
Sent: Thursday, July 14, 2022 9:49 PM
To: County Clerk
Subject: Written feedback regarding light fixtures rule Bill 21

You don't often get email from will.s.tang@gmail.com. Learn why this is important

Hi,

I hope you're doing well! I realize I'm a little late (about 12 hours before the meeting instead of 24), but I wanted to provide some feedback about the proposal to ban all outdoor light fixtures that have any blue light.

With the uptick in recent crime, I don't think the timing is correct for this bill. I live in a quiet part of Haiku that has seen an increase in burglaries, and making things darker around here is definitely not going to help.

I think the bill is written in good spirits, but there are no reasonable alternatives for residential lighting at the moment. The rule should not come before any alternatives are available. Even then, inflation is really hurting us now, and replacing my outdoor solar lights would be a cost that's difficult to bear for many of us. Please consider the timing of this bill - it should only come after reasonable alternatives are available to regular consumers, and after the economy settles down so that those alternatives are more reasonably priced.

At the very least, I think it should only affect corporations like hotels and resorts that have the ability to replace their lights with lights that have no blue color. I'm not against this color - as it is, my lights are a warm white - but corporations have better access to these lights than we have. I don't know of any outlet that sells light completely lacking in blue. Residential compliance could be phased in over a longer time, only after alternatives are even available and inflation isn't hitting us all quite so hard.

Thank you so much!
will

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From: Cassandra Tengan <tenganca@gmail.com>
Sent: Thursday, July 14, 2022 12:31 PM
To: County Clerk
Subject: outdoor light ordinances

You don't often get email from tenganca@gmail.com. Learn why this is important

Hello,

I don't live on Maui but I heard about the ordinance on the news this morning. They did not seem in favor of the move and I've read online comments about how people were opposed to it. I am not really familiar with what is going on over on Maui but have you talked about the "International Dark Sky Community"? There is an actual association with cities that have achieved this label all over the world. If you use this model you might have a better chance of getting your constituents to buy into it. I've read all sorts of comments about government and private property but no concern over nature that we are negatively impacting. The fact that there is a certification might motivate more people to buy into this idea that small changes can make a big difference. I was alerted to this shift from a BBC article. You should also talk to these different communities to see how they achieved it and how they got their communities to buy into. I was born and raised on Oahu and am really terrified of all of the incomers to our islands who are making decisions for a place that they are not connected to. You are doing this for native seabirds who deserve our protection just as much as a private property owner who thinks you shouldn't be able to make impacts on their homes. I wish you all the best and hope you are able to pull it off.

Sincerely,
Cassandra Tengan

County Clerk

From: kovalevchik <kovalevchik@gmail.com>
Sent: Friday, July 15, 2022 6:10 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from kovalevchik@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

Yana Torgan, RDH, BS
Local houseless workforce, aka the working poor.

808-276-8700

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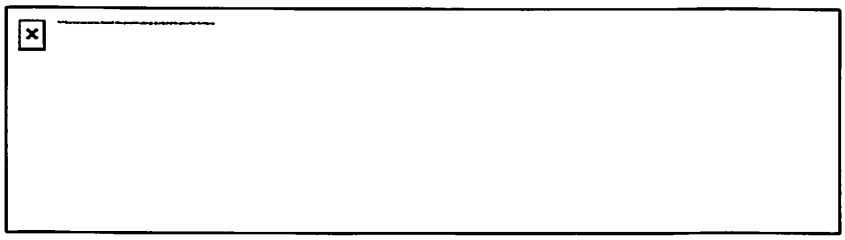
County Clerk

From: Yoko Toyama <coco.yoko@kw.com>
Sent: Friday, July 15, 2022 8:34 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from coco.yoko@kw.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

--



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CHAMBER OF COMMERCE
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Resolution 22-119
Establishing a Maui Nui Community Water Systems and
An East Maui Regional Community Board
Friday, July 15 2022

Dear Chair Lee, Vice-Chair Rawlins-Fernandez,
And Members of the Maui County Council,

The Maui Chamber of Commerce would like to request that this resolution be deferred to the next Council term. We are already dealing with a big election year with more candidates due to redistricting as well as many Charter Amendment questions that had significant community input through the Charter Commission. This is a very complicated issue that needs *significant* vetting, exploration, and community input. We realize the Board of Water Supply spent a long time on this item, but we feel more discussion from experts on all sides is needed.

This amendment has the potential to be very expense in creating yet another new county agency and a full fiscal and management (as this is a tremendous amount of water system management that needs to be well understood) impact analysis is important. While we appreciate that a resolution to do a feasibility study is on today's agenda, as we note in our testimony on that item, this analysis should be completed, with results released to the public well before the election so they can understand all aspects of this proposal before considering the amendment. We understand this could also potentially result in expensive legal and eminent domain challenges and these possible issue should be explored before considering this further.

Additionally, while we are not water systems experts, we understand there is a lot to water system management and we feel you should hear from each of the current water system managers to better understand the annual expenses, upkeep, personnel requirements, experience needed, etc. via a public forum.

62 North Market Street, Suite 302, Wailuku, Hawaii 96793 | 808-244-0081 legislation@MauiChamber.com MauiChamber.com

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CHAMBER OF COMMERCE
VOICE OF BUSINESS

Lastly, while we understand the Council can always put forth Charter Amendments via resolution, on years where there is a Charter Commission, we strongly feel that any proposed amendments should run through the commission. This is a more transparent system where broader community vetting can occur by the public and commissioners and items are reviewed over a longer period of time, which is important given the significance of charter amendments and that community education should be conducted.

For these reasons, we respectfully ask that Resolution 22-119 CD1 FD1 be deferred to the next Council term and a feasibility study be conducted in the meantime.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap

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.

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Resolution 22-144, CD1, FD1
Community Plan Area Planning Commissions
Friday, July 15, 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 **strong opposition to Resolution 22-144**which proposes to amend the Maui County Charter to establish planning commissions for all community plan areas on Maui, and dissolve the Maui Planning Commission.

The Chamber urges the Council to file this resolution since this issue was carefully discussed and thoroughly vetted in the current Maui County Charter Commission. We feel the Charter Commission amendment accepted by the Council to require more geographic representation is a much better idea versus creating additional commissions. Creating additional commissions for each area would be very costly and greatly increase the number of volunteers needed to serve, according to the reports submitted to the Charter Commission. Right now, we need to focus on priority projects and do not understand the rationale for proposing big changes to this major commission structure and what issues need to be solved by this proposal.

Additionally, we are already dealing with a big election year with more candidates due to redistricting as well as many Charter Amendment questions that already had significant community input through the Charter Commission. We do not think there is enough time for in-depth public discussion and voter education on this topic, given the current timeline. We believe we should see what the voters decide on the current Charter Commission proposal on the planning commissions before adding another amendment.

For these reasons we respectfully request that this resolution be filed. Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap

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.

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Resolution 22-158/No. 22-67
Authorizing Proceedings in Eminent Domain for the Acquisition
Of Real Property Located at 5384 Lower Honoapiilani Road
Friday, July 15, 2022

Dear Chair Lee, Vice-Chair Rawlins-Fernandez,
And Members of the Maui County Council,

This is a challenging situation. While the Maui Chamber of Commerce generally doesn't support eminent domain because we feel there are other solutions, this is a unique situation as mistakes were made on both sides and the owner of this particular property has been before the Council on other occasions with land use issues. Therefore, we believe this case warrants a different review.

While eminent domain is an option, we are concerned about the overall costs as the process and resulting court case could take years and be a significant expense to our community. As a result, we think additional data and evidence should be shared and more public education should be done on what is entailed in the process of eminent domain and what the court will and won't consider when making a determination on the fair market value of the property. This is important for the community as we vet this option since the we will be paying the price for the mistakes made on all sides.

As this authorizes the start of the process of potentially obtaining the property by eminent domain and surveys and evaluations have not yet been completed, we and others noted it is premature to specify a proposed structure use. We understand that if this property is taken for eminent domain, it would need to be for a public purpose, but we have many top priorities and think the proposed use should have broader community input before a decision is made. In the past, there has been precedence set where a building was dismantled and if that occurs with this structure, then broader property use options could be considered.

Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap

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.

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Resolution 22-171
Water Feasibility Study
Friday, July 15, 2022

Dear Chair Lee, Vice-Chair Rawlins-Fernandez,
And Members of the Maui County Council,

We understand that water infrastructure is critical and we all want efficiently managed water systems that best support our county overall in an equitable way. It is imperative that we examine the costs to best manage these systems, as well as conduct an analysis on managing, repairing/maintaining, and expanding such systems. Expert opinions on this work, the cost, who is best suited to manage these systems (public/ private), and the cost for alternatives is extremely important to have before making any decisions on this matter. While we truly appreciate this resolution to start the process of the feasibility study and feel this is a necessary step based on how critical water management is to our overall sustainability, this should not be rushed. It does not seem feasible to properly conduct this study and release the results to the public prior to the election, especially since voting occurs earlier with mail in voting.

Therefore, we strongly request that this feasibility study be conducted first and the appropriate time be taken to complete the study before a charter amendment be put forward so the public can get a full analysis and have a chance to ring in at the Council level.

Mahalo for the opportunity to provide testimony on this bill.

Sincerely,

Pamela Tumpap

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.

62 North Market Street, Suite 302, Wailuku, Hawaii 96793 | 808-244-0081 legislation@MauiChamber.com MauiChamber.com

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CR 22-61 / Resolution 22-131
Approving Development of the Hale Waipu'ilani Housing Project
Friday, July 15, 2022

Dear Chair Lee, Vice-Chair Rawlins-Fernandez,
And Members of the Maui County Council,

We are in a housing crisis and it is often very challenging to build 100% affordable housing projects. While we understand concerns about this project being in a major flood plain and the risks associated with that, we also understand the developer is looking at ways to mitigate the risks and flood insurance would be available. While it may not be the most desirable location, it is affordable housing that is so desperately needed and there would be disclosure to potential homebuyers so they understand the risk and can make a choice. It may not be the choice some would make, but we think about the example on the Big Island where people bought land and built homes on volcanic rock in a known volcano danger zone and they understood no insurance was available. However, they still chose to buy the land and build there and their families had many wonderful years before they saw issues/devastation. We don't wish such devastation on anyone, but it is important to give people the option because they are also struggling by not having housing now and the availability of flood insurance provides a layer of security. For these reasons, we support the resolution to approve this project and appreciate the Council's consideration and support.

Mahalo for the opportunity to provide testimony on this bill.

Sincerely,

Pamela Tumpap

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.

County Clerk

From: Estelita Ulibas <ulibasestelita@gmail.com>
Sent: Thursday, July 14, 2022 9:10 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from ulibasestelita@gmail.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

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From: April Valdez <aprilmay8086@gmail.com>
Sent: Friday, July 15, 2022 8:36 AM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from aprilmay8086@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

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From: Suparna Vashisht <suparnavashisht@yahoo.com>
Sent: Wednesday, July 13, 2022 6:52 PM
To: County Clerk
Subject: I support Bill 21 (CD1 FD1)!

You don't often get email from suparnavashisht@yahoo.com. Learn why this is important

Aloha County Council Members! My name is Suparna Vashisht, and I fully support Bill 21 (CD1 FD1) that addresses harmful outdoor lighting in order to protect our dark night skies for our human health, astronomy and our native wildlife. We truly appreciate your work on this and look forward to your vote of support. Mahalo nui loa!

Suparna Vashisht
4850 Makena Alanui Rd, B202,
Kihei, HI 96753

County Clerk

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From: Christine Veazey <ceveazey@yahoo.com>
Sent: Saturday, July 9, 2022 8:29 PM
To: County Clerk
Subject: Subject: Maui Water

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Please support the creation of the Maui Community Water Authority.

From
Christine Veazey
2266 Lilikoi Rd.
Haiku, HI 96708

Sent from Yahoo Mail on Android

County Clerk

From: Mark Virgino <mvirgino@hawaii.edu>
Sent: Thursday, July 14, 2022 9:23 AM
To: County Clerk
Subject: Testimony for Kelly Kings bill on night time lighting

[You don't often get email from mvirgino@hawaii.edu. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Hi,

Please don't let this bill pass. I feel that having this bill pass will make people feel less safe. There are people that walk/run in the early morning and night where the lights are needed. Without this I believe that crime rates would increase with the decrease of visibility. There are people that work during the day and the only time they can exercise is after work which might be dark and not having lights at night would prevent them from being able to go out and exercise or do their hobbies like sports.

Thank you,
Mark Virgino

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From: Laura Vo <lauravo@hawaii.edu>
Sent: Wednesday, July 13, 2022 7:00 PM
To: County Clerk
Subject: Support for new outdoor lighting ordinance vote on 7/15/22

You don't often get email from lauravo@hawaii.edu. Learn why this is important

July 13, 2022

Dear Maui County Council,

Hello and thank you for taking the time to review my strong, unequivocal support of the updates and improvements to the lighting ordinance in Maui County. I moved to Maui several years ago and have been amazed at how much the light pollution has increased in the just the short time I've been here. I encourage all of you to look up tonight at the night sky, ideally before the still almost full moon is out (ha!). Can any of you even see the Milky Way in your backyard?

Light pollution is just that- pollution. And it is the most amazingly simple one to solve out of all of our current pollution problems. One simply turns off the lights.

I'm seeing 2 primary complaints on social media or in the comments on local news outlets against this proposed ordinance. First are folks who think that putting any kind of lighting ordinance into play is some kind of violation of their rights and too much government involvement. To that I say, wow! you clearly have no idea that we already do have a lighting ordinance in place. Also, what a skewed and selfish view of who has rights and who doesn't. I could easily counter argue that my rights at home of being able to enjoy my space are violated every time someone has a bright, unshielded light that shines on my property and creates glare. How am I supposed to measure the arcseconds between a binary star system out of my telescope if all I can see is a neighbor's light that is illuminating the underside of a tree at 2am when they aren't even outside to enjoy looking up that tree? That argument doesn't hold because it is solidly one sided on both sides. So, toss complaints of that first variety away, they have no weight.

The second common complaint is regarding security issues if one can't have bright, blue spectrum LED lights glaring all over, all night because it makes them feel safe. News flash: bright outdoor lights don't prevent crime. https://www.darksky.org/light-pollution/lighting-crime-and-safety/ It was even from a study in the Journal of Epidemology and Community Health, not some FaceBook post that has no data. So your lights don't make you safer. Nice try, bird haters.

Now on to the environmental aspects. Yes, I am all in for these birds who never asked any human to be here on this island with them. Yet here we all are, making it harder for them to simply stay alive. In addition to bettering our natural environment for birds and turtles and probably a lot of bugs, too, it's also helpful for anyone who enjoys a great view of our collective heritage as humans- the night sky! Factually, we are stardust. Culturally we all have ties to the stories and wonder that is the night sky. As an amaetur astronomer, yeah I want to see the night sky, but I want everyone to see it. It's amazing! I can't see it, you can't see it, your grandkids can't see it if this light pollution gets any worse than it already is. And if the birds, turtles, and stellar views aren't enough to pull at your heart strings perhaps consider the science.

Are you familiar with Pan-STARRS telescopes on the summit of Haleakala? I really encourage you to do a quick little search if you are not familiar. It is nothing short of incredible. It's technology is used to search the sky for objects that might make impact with our planet. If we can't locate something that will kill all of us faster than an nuclear weapon then tell me, what value is there in lighting the outside of your house or glaring unnecessary lights at a resort. What is anything for in such a case? I'd like for the astronomers who operate and sort the data from Pan-STARRS to be able to

continue their jobs. Too much light pollution is going to make it harder and harder to detect faint objects until they are too close.

I've definitely waxed a bit more poetic than I intended. However, this comes from the heart. I really, really hope that you all, or at least a majority of you, pass this ordinance to decrease the current light pollution on Maui and prevent it from getting even worse.

Many kind and sincere thanks for taking the time to read this.

May we all have dark skies,
Laura Vo
Kula, HI 96790

Testimony in support of Bill 21 CD1 FD1 (as proposed by the CARE committee)

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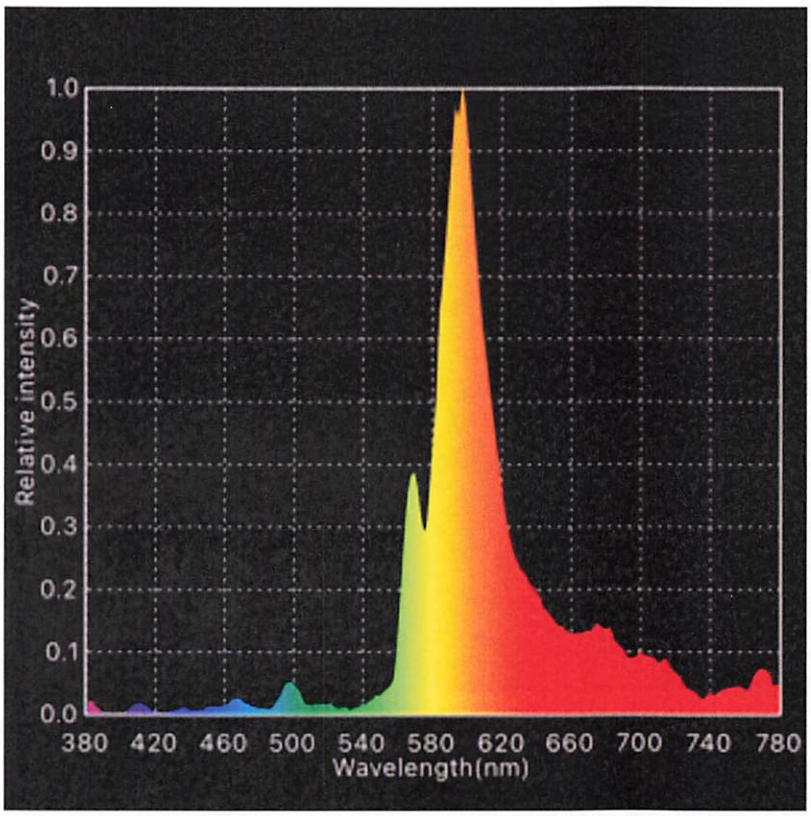
Richard J Wainscoat

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 CD1 FD1. 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.

Maui's lighting for many years has been mostly high-pressure sodium (HPS) lighting. A spectrum of an HPS lamp is shown below:



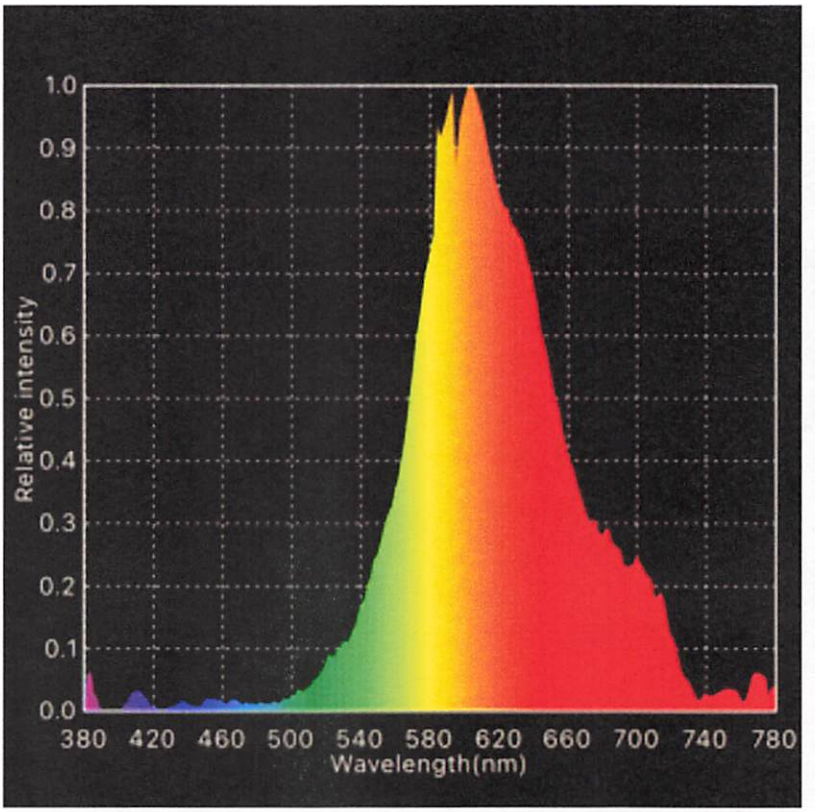
This spectrum shows that HPS lamps are deficient in blue and green light. Blue light, and to a lesser degree, green light (because of Rayleigh scattering) are very damaging to astronomy. Furthermore, the natural dark night sky is very dark in the blue and green wavelengths shorter than 555 nm (yellow-green color). This makes the blue-green part of the spectrum particularly valuable for astronomy.

Astronomers recognize the need for light at night, but strongly favor use of yellow, amber, orange and red light. In addition proper shielding — full shielding — is critically important.

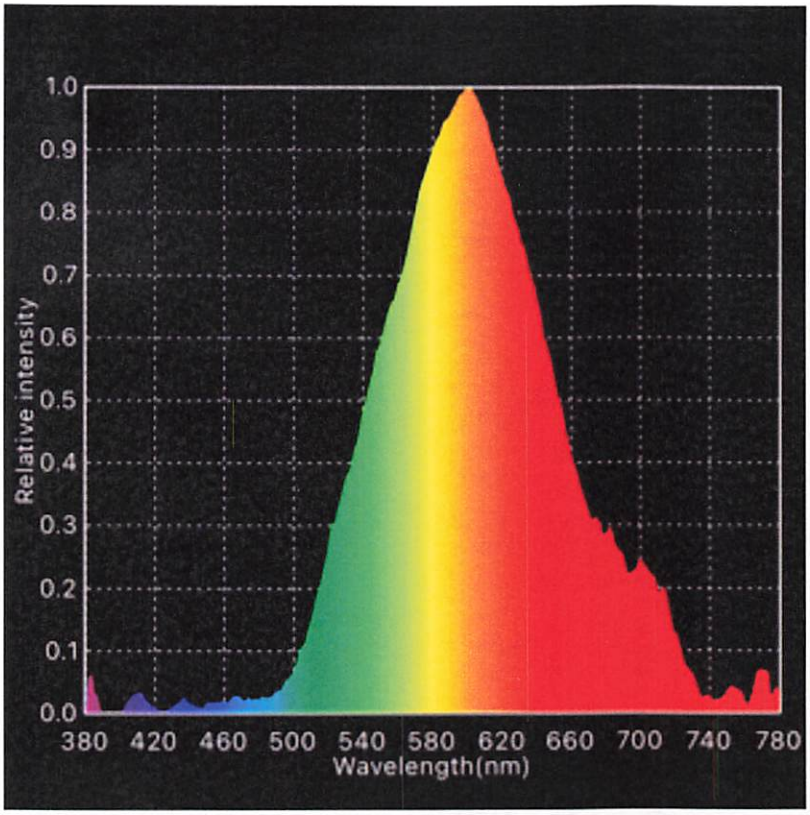
Endangered species such as birds and turtles are also affected by light at night. The wavelengths of light that have the strongest affect on most species are blue light, and to a lesser degree, green light. Therefore, the preferred lighting to protect endangered species is also fully shielded yellow, amber, orange and red light. The spectral requirements for protecting these species are similar to what is needed to protect the dark night sky over Haleakala observatory for astronomy.

Light emitting diodes (LEDs) have come into widespread use. Nearly every LED light is based upon an InGaN blue LED, and a phosphor that converts some (or all) of the blue light to longer (redder) wavelengths. Many LED lights have much more blue light than HPS, so a switchover in Maui County from HPS to LED must be done very carefully, with great care not to increase the amount of blue light.

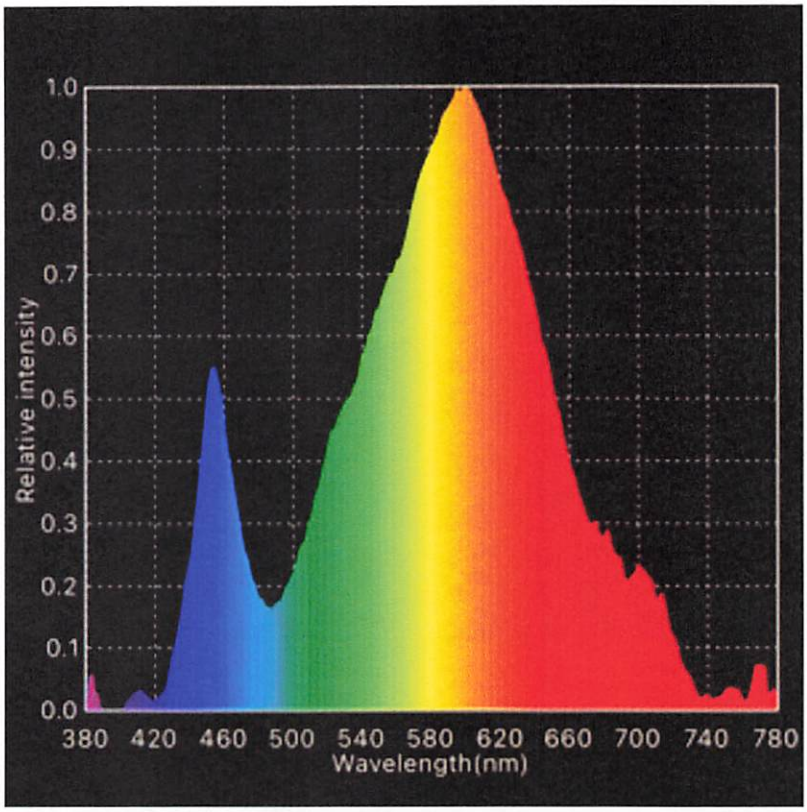
Some sample LED spectra are shown below:



Phosphor Converted amber – this is widely available, and consistent with the Bill 21 CD1 FD1 blue light limitations. This light is acceptable to astronomy and is likely acceptable for protection of birds and turtles. It has an amber appearance. In Florida, amber light with an even narrower spectrum is preferred for protection of turtles, but narrow amber LEDs are less energy efficient than phosphor converted amber LEDs.

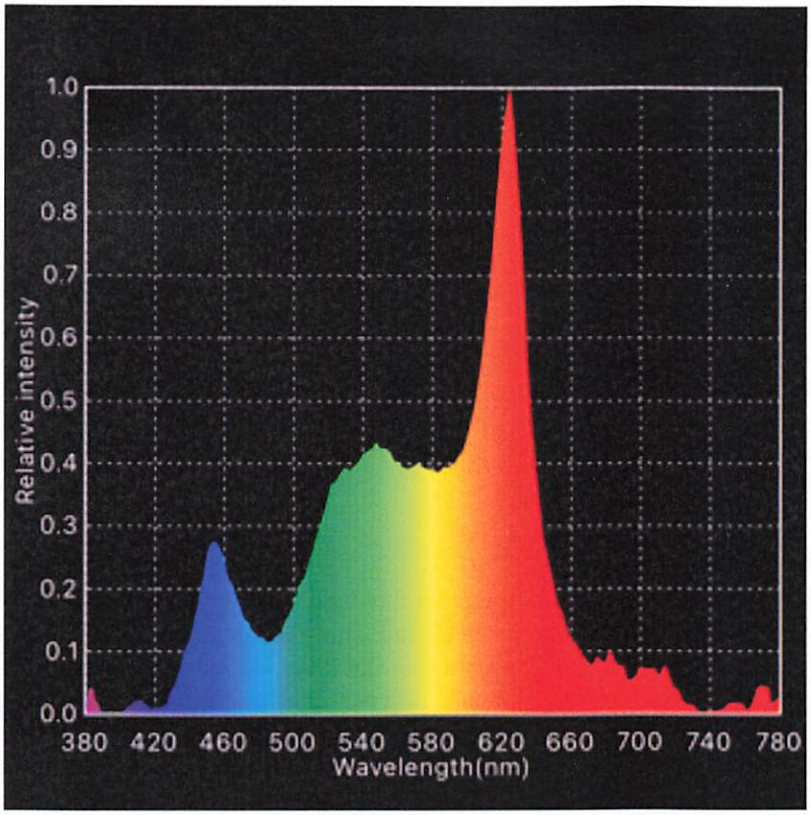


Filtered warm (3000 K) LED — this is in wide usage on the Island of Hawaii. It has very little blue light, but better color rendition than HPS. This is acceptable to astronomy, but could be improved for bird and night sky protection by adjusting the base LED and the filter to reduce the amount of green light. This light is slightly more energy efficient than PC amber. It has a yellow appearance. The energy efficiency of the filtered warm LED might make this an attractive light source for Maui. Astronomy and wildlife would benefit from use of a warmer base LED (e.g., 2500 K) behind a blue cut filter, which would reduce the amount of green light. Such a light would have a color similar to a candle.



3000 K LED - this has a much larger amount of blue light, and also more green light. Use of 3000 K LEDs will cause degradation of the night sky for astronomy, and harm birds and turtles. Use of even higher color temperature LEDs is even worse due to higher blue content.

I am a coauthor of a publication entitled "Modelling the effects of phosphor converted LED lighting to the night sky of the Haleakala Observatory, Hawaii" published in 2018 in the journal Monthly Notices of the Royal Astronomical Society. That publication concludes that use of 3000 K LEDs would result in the scotopic sky brightness (sky brightness in the blue and green) being 3 times higher than if phosphor converted amber is used. This publication is included with this testimony.



Cree 3000 K LED - this is a very poor choice for outdoor lighting. It is effectively a ~4000 K white LED to which a large amount of red light has been added to pull down the color temperature. The spectrum of this light shows why use of Correlated Color Temperature is an inadequate way to limit the spectrum of a light source. The human eye is insensitive to the blue and red light, but the light from this lamp would be very damaging to astronomy and harmful to species affected by blue and red light.

Full shielding of lighting is critically important. Unshielded light travels great distances, and interferes with astronomy and wildlife. Spectral control is also critically important. Bill 21 CD1 FD1 takes good steps to control the spectral content of light by limiting blue light. Extensive use of 2700 K, 3000 K (or higher) LED light, such as is presently occurring on Maui is very harmful to astronomy (and wildlife).

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Modelling the effects of phosphor converted LED lighting to the night sky of the Haleakala Observatory, Hawaii

M. Aubé,[1]★ A. Simoneau,[2] R. Wainscoat[3] and L. Nelson[2]

[1] *Cégep de Sherbrooke, 475, rue du Cégep, Sherbrooke, Québec J1E 4K1, Canada*
[2] *Bishop's University, 2600 rue College, Sherbrooke, Québec J1M 1Z7, Canada*
[3] *Institute for Astronomy, University of Hawaii, 2680 Woodlawn Dr, Honolulu, HI 96822, USA*

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ABSTRACT

The goal of this study is to evaluate the current level of light pollution in the night sky at the Haleakala Observatory on the island of Maui in Hawaii. This is accomplished with a numerical model that was tested in the first International Dark Sky Reserve located in Mont-Mégantic National Park in Canada. The model uses ground data on the artificial light sources present in the region of study, geographical data, and remotely sensed data for (1) The nightly upward radiance, (2) The terrain elevation, and 3) The ground spectral reflectance of the region. The results of the model give a measure of the current state of the sky spectral radiance at the Haleakala Observatory. Then, using the current state as a reference point, multiple light conversion plans are elaborated and evaluated using the model. We can thus estimate the expected impact of each conversion plan on the night sky radiance spectrum. A complete conversion to white light emitting diodes (LEDs) with correlated colour temperature of 4000 and 3000 K are contrasted with a conversion using phosphore-convertred amber LEDs. We include recommendations concerning the street lamps to be used in sensitive areas like the cities of Kahului and Kihei, and suggest best lighting practices related to the colour of lamps used at night.

Key words: radiative transfer – light polution.

1 INTRODUCTION

The evaluation of the night sky spectral radiance under clear conditions is a complex task given the large number of dependant variables. Indeed, Aubé (2015) showed that the sky radiance is a non-trivial function of the aerosol and molecular atmospheric content along with the geographical distribution of anthropogenic light sources on the ground and their relationship with the nearby optical and geometrical properties like the underlying ground spectral reflectance, the topography, and the presence of small to medium size blocking obstacles (e.g. trees and buildings). Many factors are variable with time like ground reflectance, tree foliage, aerosol concentration and composition profiles, sports lighting, ornamental lights, and car headlights. The large variance in some of the key variables has been noted by many authors (Dobler et al. 2015; Meier 2018), and this results in a large variance in the inferred sky brightness data (Aubé 2007; Patat 2008; Falchi 2011; Pun & So 2012; Aubé et al. 2014; Puschnig, Posch & Uttenthaler 2014; Pun et al. 2014; Kyba et al. 2015; Sánchez de Miguel 2015; Sánchez de Miguel et al. 2017). This variation in the driving variables makes it difficult to identify the origin of the sky radiance fluctuations because one should record at the same time many other quantities such as the aerosol optical depth (AOD) and Angstrom coefficient α (or the concentration, chemical composition, and size distribution of aerosols). Another factor affecting observations is that low-altitude clouds below the observer sometimes block and suppress artificial light from ground based sources (Pedani 2004; Ribas et al. 2016). Our analysis assumes the more common case of clear sky without low-altitude clouds.

One other way to evaluate the evolution of the sky radiance is the use of a radiative transfer model that allows the selection of diverse values of the key variables identified above, hence allowing them to be maintained at some predefined fixed values. Many night sky brightness models have been constructed since the 1980s. Some are based on homogeneous or simplistic geographical descriptions of the key variables like the Garstang model (Garstang 1986). According to this paper, a city can be modelled as a perfect circle of constant ground level light flux, ground reflectance, and angular emission function. Moreover, the topography is flat and the second-order of scattering is not explicitly calculated. Some improvements of the Garstang model have been proposed (Luginbuhl et al. 2009; Cinzano & Falchi 2012) to minimize these limitations. Recent models take account of the complexity of the environment and hence

★ E-mail: martin.aube@cegepsherbrooke.qc.ca

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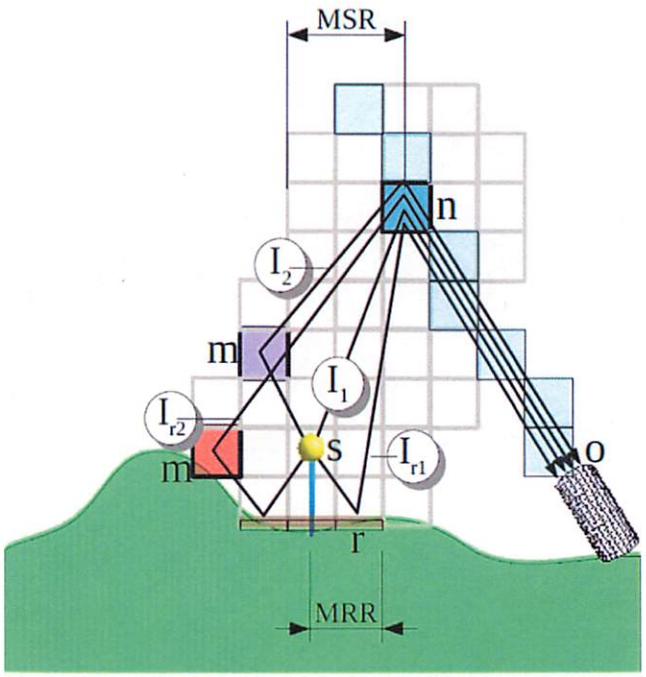


Figure 1. Optical path considered in the calculation of the artificial sky radiance in the Illumina model. 'o' is the virtual observer, 'n' a voxel in the line of sight, 's' a cell containing a light source, 'm' are voxels where second-order scattering occurs, and 'r' is a voxel where light reflects off the ground. 'MRR' is the maximal reflection radius, the distance within which light can reflect off the ground, and 'MSR' is the maximal scattering radius, the distance within which second-order scattering is being considered (Aubé 2007).

are more realistic with regards to real situations (Baddiley 2007; Kocifaj 2007; Luginbuhl et al. 2009; Cinzano & Falchi 2012; Aubé 2015; Falchi et al. 2016; Aubé & Simoneau 2018).

2 DATA

The model used in this study is called Illumina (Aubé et al. 2005; Aubé 2015; Aubé & Simoneau 2018). The model simulates the reading of a virtual spectrometer by using ray-tracing techniques along with statistical selection of tracing photons. A virtual instrument or observer is located on the voxel based simulation domain characterized by a radiant flux map of the light sources on the territory, by the angular photometry and spectral power distribution (SPD) of these light sources, and by a description of the environment's physical properties. The position and direction of observation of the observer defines a line of sight along which any scattered light can propagate towards the virtual instrument and hence be detected. The model calculates a statistically selected set of possible optical paths from the light sources in the domain to every point on the line of sight, taking into account multiple scatterings and reflections along the way *(See Fig. 1)*. By adding the contribution of every optical path, the total artificial sky brightness is obtained.

Some assumptions are made to facilitate the calculations. Due to the fact that a cell covers an area of one square kilometre, the variations in the angular light output pattern (LOP) with the azimuthal angle are neglected since an area of this size is expected to contain many light sources and that their orientation can vary greatly depending on the way the streets are designed. To the best

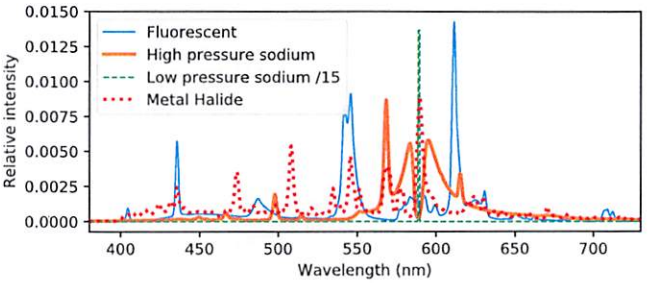


Figure 2. Photopic normalized spectra of high-intensity discharge lamps. The LPS spectrum has been reduced by a factor 15 for scale.

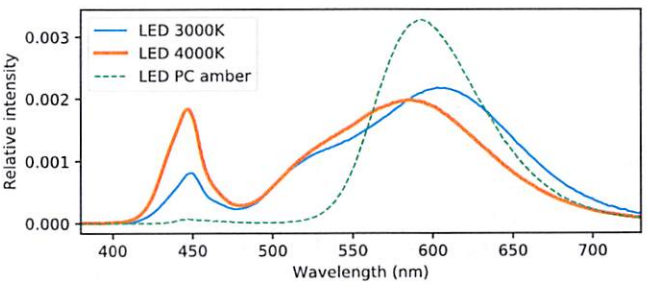


Figure 3. Photopic normalized spectra of LED lamps.

of our knowledge, an in-dept analysis of the validity of that assumption has not yet been made. Based on some estimates made prior to the model design, only four kinds of optical paths are worth considering when trying to attain a ≈1 per cent precision. Actually, Aubé (2015) showed that for low aerosol loadings (AOD ≈ 0.1), the contribution of the second-order of scattering is generally lower inside the city perimeter (≈7 per cent), but this percentage increases rapidly when exiting the city. The maximum contribution of the second-order of scattering is obtained near the city limit, where it can reach 38 per cent without the blocking effect generated by obstacles. Previous modelling experiments we conducted showed that for moderate distance to the source (<30 km) the contribution of the third order of scattering is lower than 1 per cent of the total. This result is confirmed by Kocifaj (2018a) who stated that higher order of scattering are negligible up to 30 km from the source for blue light and up to 60 km for red light. Since our main light sources are located within 30 km of the observatory, we can neglect higher scattering orders. For that reason, only first and second-order scattering with and without a reflection from the ground underneath the light source are computed.

The basic SPDs used in this study are presented in Figs 2 and 3. The base LOPs are presented in Fig. 4.

2.1 Modelling domain characteristics

The domain is a 500 x 400 km rectangle centred on (20.306N, 156.442W) in the spatial reference system NAD83(HARN)/UTM zone 04N (EPSG:3750). This envelopes most of the Hawaii archipelago, with the exclusion of Kauai island. The virtual observer is located at the Haleakala observatory on the Island of Maui (20.708N, 156.257W) looking at 20° of elevation and with an azimuthal angle of 292°. This is actually pointing towards Honolulu.

Fig. 5 shows the terrain visible by an observer located 20 ft above the Haleakala observatory in direct line of sight, meaning that it is not blocked by the topography. To produce the maps we took into

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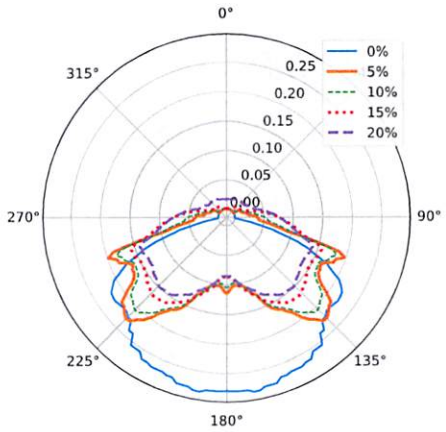


Figure 4. LOPs used by the model. The percentage represents the ULOR of the lamp.

account the Earth's curvature. One can see that most of Honolulu is in the shadow. The main cities on Big Island are also completely in the shadow. However, closer to the observatory on Maui island, both the cities of Kihei and Kahului are in the direct line of sight, with Kahului being the most illuminated. Both cities are near the observatory within a distance of 30 km.

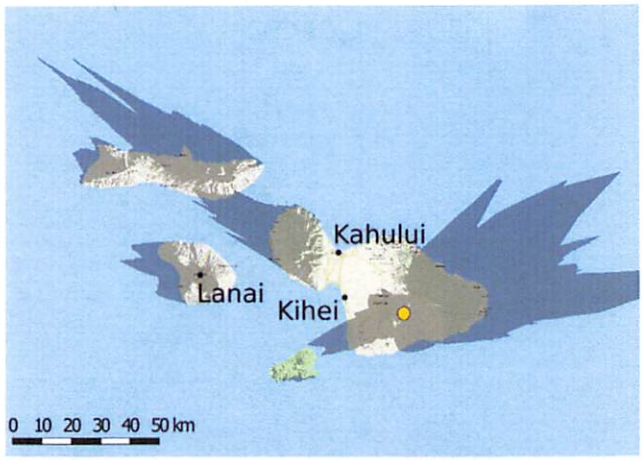
In those cities, most buildings are single story structures with few trees. All of this makes it so that the public light sources are typically above everything else, with very few obstacles blocking the light from directly escaping the city.

The average obstacle height, distance, and filling factor as well as the average height of the light sources were estimated by random sampling and are shown in Table 1. We mostly focused on the brightest city, Honolulu, and the closest one, Kahului. The sampling was done using Google Earth to estimate the obstacles separation and Google StreetView for the rest. These parameters were chosen to be uniform throughout the territory due to the small variation observed in the city of Kahului and the fact that this city is the main source of light pollution, as can be inferred from Fig. 5.

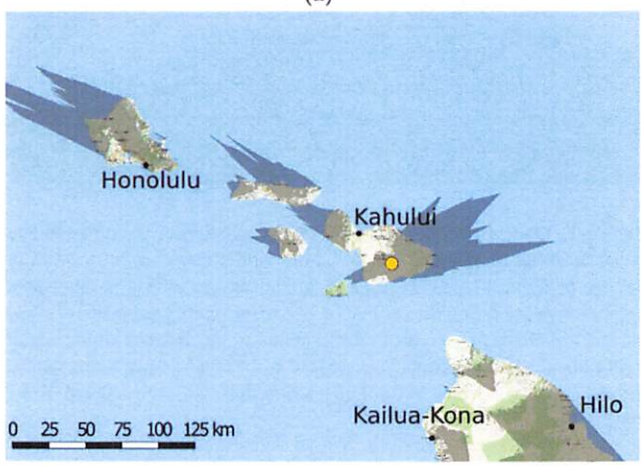
The filling factor of the obstacles is the opacity of the obstacles to light, that is to say the ratio of the light rays that can pass through or between the obstacles. A better approach would be the one described by Kocifaj (2018b), where one takes into account multiple rows of buildings instead of a single one in addition to various other improvements. This may be included in our model in the future. The value 0.5 was estimated using Google StreetView, while considering mainly Kahului for the reasons mentioned above. Second-order scattering was calculated whitin 4 km of the main optical path (MSR in Fig. 1).

2.2 Estimation of the Hawaii lighting infrastructure

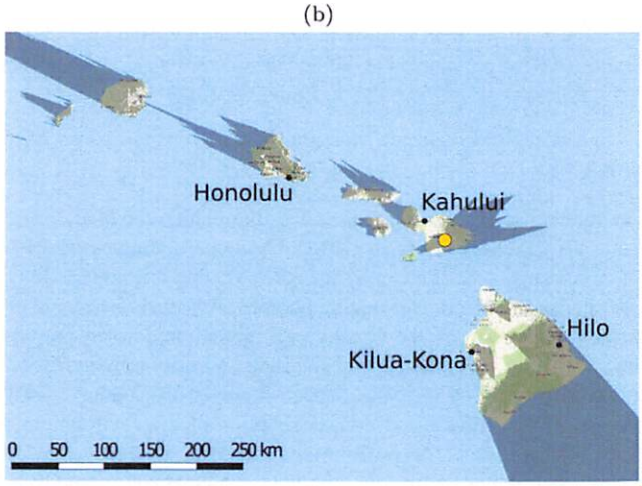
Many parameters were estimated for different circular regions of the modelling domain (see Fig. 6). When two or more regions overlap, the one with the higher index takes precedence. Each region was defined assuming a relative uniformity of their lamps and obstacles characteristics. Table 1 contains the lamps and obstacle characteristics for each region. To estimate the mean lamp and obstacle heights, we used the 3D model available on Google Earth as well as the views from Google StreetView. We estimated the lamps upward light output ratio (ULOR) and SPD according to our knowledge of the islands' lighting infrastructure.



(a)



(b)



(c)

Figure 5. Viewshed from the Haleakala Observatory. The shaded regions correspond to regions that are not visible in the direct line of sight from 20 ft (approx. 6.1 m) above the observatory (yellow dot). *Determined using data from heywhatsthat.com.*

2.3 Other input data and modelling parameters

The ground reflectance is obtained from the Moderate Resolution Imaging Spectroradiometer (MODIS) MYD09A1 data set (Kaufman & Tanré 1998) for the period ranging from 2014 May 17 to

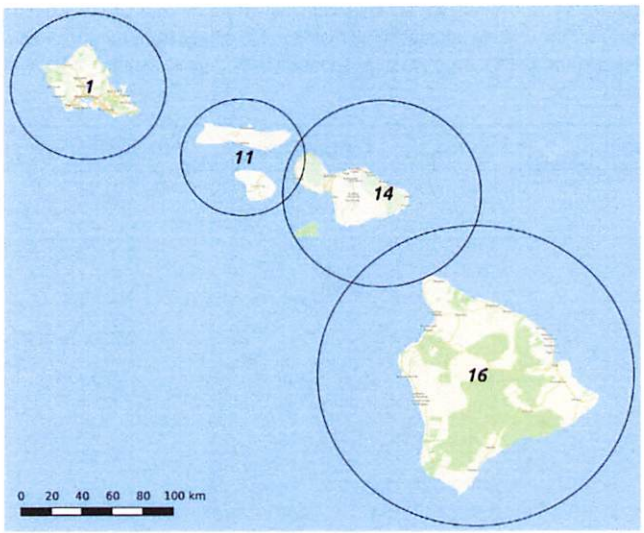
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Table 1. Lighting infrastructure and obstacle characteristics estimated with Google StreetView. Cobraheads are characterized with 5 per cent ULOR, athletic facilities to 10 per cent ULOR, and full shielding to 0 per cent ULOR. 'Per cent' represent the relative amount (in per cents) of the light from the region that is coming from the associated characteristics. The technology used are low-pressure sodium (LPS), high-pressure sodium (HPS), metal hallide (MH), and compact uorescent lamps (CFLs).

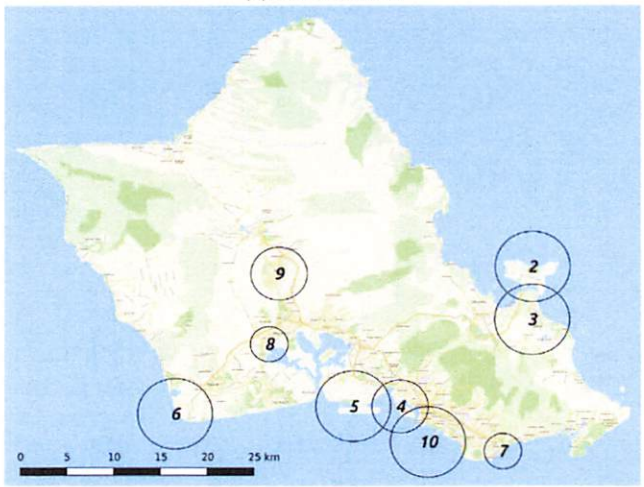
#	Zone	Per cent	Technology	Shielding	Lamp height	Obstacle height	Obstacle distance	Obstacle filling factor
1.	Oahu	90%	HPS	Cobrahead	7 m	5 m	25 m	0.5
		10%	MH	Athletic facilities				
2.	MCBH	35%	CFL	5% ULOR	7 m	5 m	25 m	0.5
		65%	HPS	20% ULOR				
3.	Kailua	50%	LPS	10% ULOR	7 m	5 m	25 m	0.5
		40%	HPS	Cobrahead				
		10%	MH	Athletic facilities				
4.	Honolulu port	100%	HPS	10% ULOR	7 m	5 m	25 m	0.5
5.	Airport /	70%	HPS	10% ULOR	7 m	5 m	25 m	0.5
	Hickam AFB	30%	MH	10% ULOR				
6.	Industrial area	80%	HPS	20% ULOR	7 m	5 m	25 m	0.5
		20%	MH	20% ULOR				
7.	Kahala	50%	LPS	10% ULOR	7 m	5 m	25 m	0.5
		40%	HPS	Cobrahead				
		10%	MH	Athletic facilities				
8.	Waipahu	50%	LPS	10% ULOR	7 m	5 m	25 m	0.5
		40%	HPS	Cobrahead				
		10%	MH	Athletic facilities				
9.	Mililani	50%	LPS	10% ULOR	7 m	5 m	25 m	0.5
		40%	HPS	Cobrahead				
		10%	MH	Athletic facilities				
10.	Waikiki	40%	HPS	Fully shielded	7 m	5 m	25 m	0.5
		40%	HPS	10% ULOR				
		20%	MH	20% ULOR				
11.	Molokai	90%	HPS	Cobrahead	7 m	5 m	25 m	0.5
	and Lanai	10%	MH	10% ULOR				
12.	Molokai airport	100%	HPS	15% ULOR	7 m	5 m	25 m	0.5
13.	Lanai airport	100%	HPS	15% ULOR	7 m	5 m	25 m	0.5
14.	Maui	72%	HPS	Fully shielded	7 m	5 m	25 m	0.5
		18%	HPS	10% ULOR				
		10%	MH	10% ULOR				
15.	Kahului airport	95%	HPS	10% ULOR	7 m	5 m	25 m	0.5
	and port	5%	MH	10% ULOR				
16.	Big Island	87%	LPS	10% ULOR	7 m	5 m	25 m	0.5
		8%	HPS	10% ULOR				
		5%	MH	5% ULOR				
17.	Lava lakes	– %	—	Volcano lava	– m	– m	– m	—
18.	Hilo	70%	LPS	10% ULOR	7 m	5 m	25 m	0.5
		30%	HPS	15% ULOR				
19.	Kona airport	85%	HPS	10% ULOR	7 m	5 m	25 m	0.5
		10%	LPS	10% ULOR				
		5%	MH	20% ULOR				
20.	Kona	70%	LPS	10% ULOR	7 m	5 m	25 m	0.5
		20%	HPS	15% ULOR				
		10%	MH	15% ULOR				

May 24, which has a resolution of 500 m but was resampled to 1 km, and is presented at Fig. 7. The digital elevation model used comes from the Shuttle Radar Topography Mission (SRTM) data (Farr et al. 2007) and is presented in Fig. 8 which has a native horizontal resolution of 3 arcsec (about 90 m) but is also being resampled to 1 km. The radiant flux map is derived using steps presented in Aubé & Simoneau (2017) using satellite imagery at night from the visible infrared imaging radiometer suite day/night band (VIIRS-DNB) VCMSLCFG data set (Elvidge et al. 2017) for the month of 2014 May resampled to 1 km from the original 15 arcsec presented in Fig. 9. Our estimate of the lighting infrastructure consider all light detected with VIIRS being emitted either by sport fields or by streetlights but we know that a substantial part of it is coming from other sources like outdoor private lighting, buildings windows, and car headlights. A number of studies aimed to estimate the relative contribution of the streetlight to the total artificial light at night. Streetlights contribution was estimated to lie between 30 per cent and 50 per cent of the total artificial light at night (Lockwood, Thompson & Floyd 1990; Hiscocks & Gudmundsson 2010; Kuechly et al. 2012). The absolute values that we obtain with the model are certainly overestimated but we do not know the actual percentage of light coming exclusively from streetlights in Hawaii. This should not be an important issue when we are looking to ratios between scenarios but it is certainly a problem for the absolute values (e.g. Fig. 10). In the latter case, one must consider the values as more or less proportional to what would be observed with

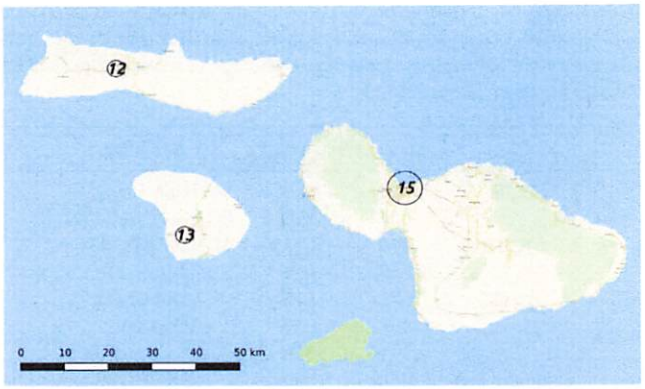
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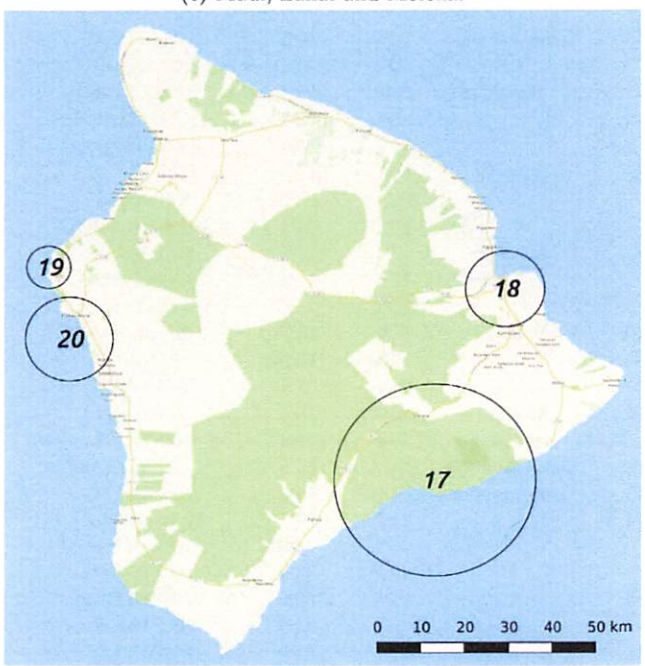
(a) Main islands



(b) Oahu



(c) Maui, Lanai and Molokai



(d) Big Island

Figure 6. Approximative zones used for the simulation. In case of overlap, the zone with the higher index takes precedence.

Table 2. Atmospheric parameter used, based on data from Holben et al. (2001). τ_a is for a reference wavelength of 500 nm while α is derived from AERONET bands 440, 500, 675, and 870 nm.

P_0	α	τ_α	R_H	Aerosol type
101.3 kPa	0.70	0.11	70	Maritime

P_0 : ground air pressure.
α : Angstrom exponent.
τ_α : aerosol optical depth.
R_H : relative humidity.

only streetlights and sports fields on. Another caveat is that we do not know anything about the spectral and angular characteristics of other lighting but streetlights.

Eventually, the model will be able to make use of data from VIIRS-DNB for the intensity of the light sources but also use data from the International Space Station to evaluate the SPD of the sources (Sánchez de Miguel 2015) and the approach developed by Kocifaj (2018b) to find the net emission function. In that way we will be able to fully take into account all the

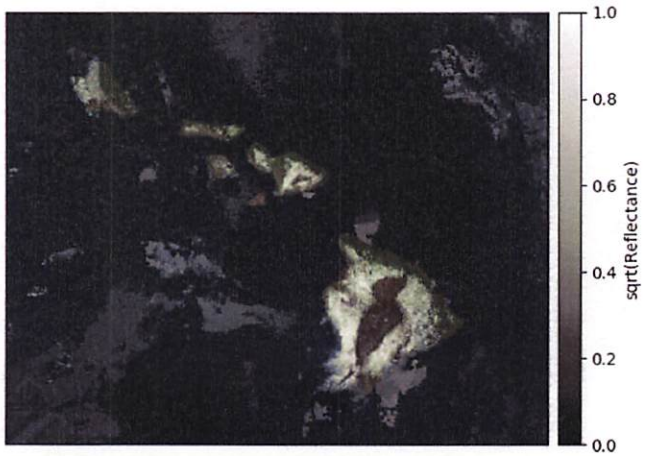


Figure 7. MODIS MYD09A1 RGB composite imagery for the month of 2014 May. [*R = band 1 (645 nm), G = band 4 (555 nm) and B = band 3 (469 nm)]* Each band fluctuates between 0 and 1.

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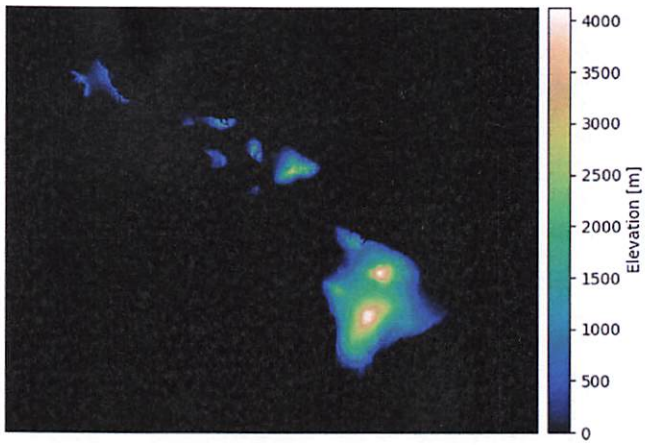
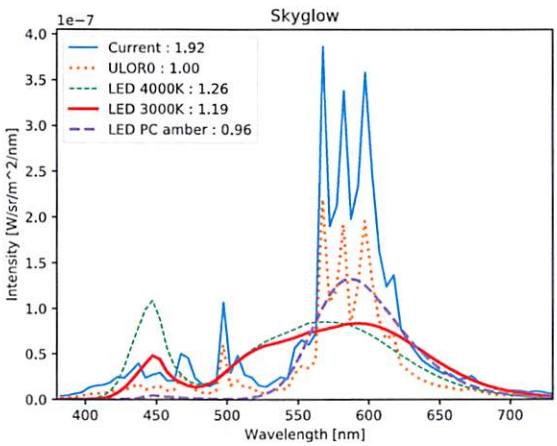
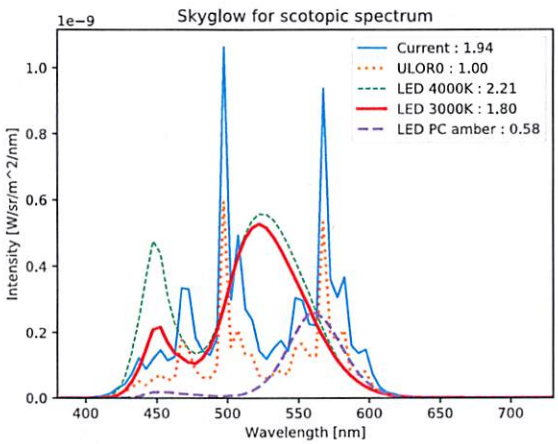


Figure 8. SRTM data.



(a) Raw skyglow

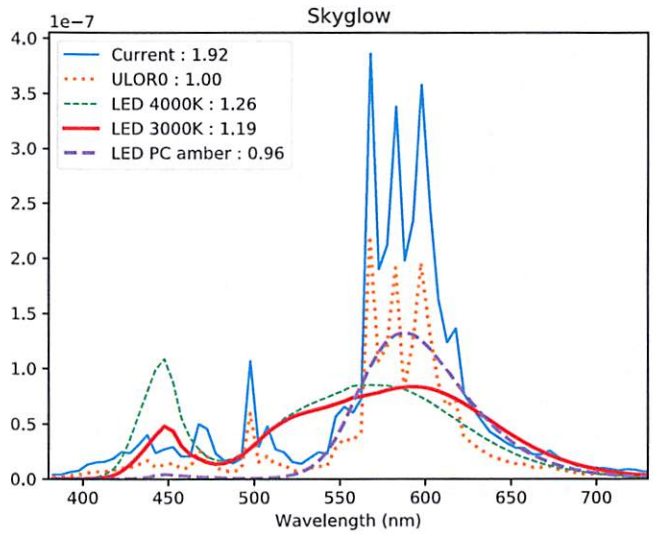


(b) Scotopic skyglow

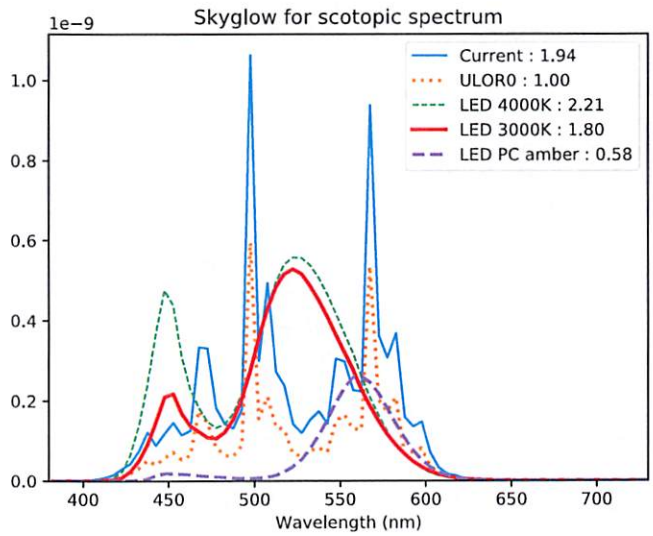
Figure 9. VIIRS-DNB data (logscale).

light sources present in the domain and not restrict ourselves to streetlights.

The AOD or τ_a and Angstrom exponent α shown in Table 2 come from Holben et al. (2001), whose climatology is based on the average of the Aerosol Robotic Network (AERONET) (Holben et al. 1998) data for 38 clear days in May between the years 1995



(a) Raw skyglow



(b) Scotopic skyglow

Figure 10. Sky radiance spectra (a) for different lighting scenarios and its skyglow impact on the scotopic vision (b). The numbers given in the legend of each panel are equal to the ratio of the integral of the associated curve to the integral of 'ULOR0'. Panel 10a is the raw spectra without any weighting and is the most useful one for professional astronomy.

and 1999 for the site of Lanai, HI. The AOD is for a reference wavelength $\lambda_0 = 500$nm while α is derived from AERONET bands 440, 500, 675, and 870 nm using a linear regression. The AOD values for other wavelengths are extrapolated from theses values and Mie's power law, where

$$\frac{\tau_\lambda}{\tau_{\lambda_0}} = \left(\frac{\lambda}{\lambda_0}\right)^{-\alpha} . \quad (1)$$

3 RESULTS AND DISCUSSION

The model was run for ninety 5 nm-wide spectral bands equally spaced between 380 and 830 nm. The model output for different lighting scenarios, namely 'Current', representing the most accurate

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estimate of the current situation on the archipelago, 'ULOR0' being the same spectral mix as the current scenario but with every lamp head replaced by a full cut-off (0 per cent ULOR). This allows us to isolate the effect of the uplight on the sky radiance spectrum. Then 'LED 4000 K', 'LED 3000 K', and 'LED PC amber' are estimated with a full conversion to these respective technologies with full cut-off heads while keeping the installed lamp's luminous flux constant. The reference spectra are shown in Figs 2 and 3, while the LOPs are shown in Fig. 4.

The model also outputs a map of the contribution of the lights sources to the sky radiance, which can be integrated over the zones described in Figure 6. We obtain a scotopic weighted contribution of 2.1 per cent for Ohau, 1.1 per cent for Molokai and Lanai, 96.3 per cent for Maui and 0.3 per cent for Big Island. This shows that Kahului, the main city of the island of Maui, is the main source of the light seen at the observatory and that Honolulu can be neglected when considering the impact of conversion plans.

Fig. 10 shows the spectral radiance data obtained for the different simulated scenarios. It also shows the spectra when weighted by the nighttime vision (scotopic) sensitivity curve (Wyszecki & Stiles 1982). Please note that any conclusion drawn from Fig. 10 is only valid for this particular site, where the most contributing source, Kahului, has obstacles that are lower than the light sources and is in direct line of sight of the observatory. Note also that obstacles characteristics where chosen to be uniform over the whole territory because other important light sources are relatively far away and have a negligible contribution. A more precise description should include a more detailed definition of the subgrid obstacles. Other configurations, especially when obstacles are higher than light fixtures for nearby sources, may lead to very different results and thus new modelling procedures should be implemented.

By looking at Fig. 10(a), which is the most interesting one for professional astronomy since it is not weighted by the scotopic sensitivity, the impact of reduced uplight is obvious. This is especially clear for the current and current w/o uplight curves, where we can see that removing the uplight while keeping the same luminous flux reduces the sky radiance by an average factor of $\approx$2. On that figure, the numbers indicated in the legends represent the spectral integration reported to the value of the current mix of lamps spectra but without uplight while keeping the same flux (ULOR0.) Both 3000 and 4000 K LEDs produce an averaged radiance greater than ULOR0 indicating that both 4000 and 3000 K LEDs produce a higher level of sky radiance when not considering the change in uplight and keeping the same luminous flux.

The scotopic brightness however, presented in Fig. 10(b), shows clearly the impact of the colour temperature of the LED on the perceived radiance as seen by the dark adapted human eye. Both 4000 and 3000 K LEDs have an average scotopic weighted impact relatively close to the current situation (inside 14 per cent of deviation). Meaning that the brightness reduction provided by the absence of upward light emission for the LEDs is compensated by scotopic brightness associated to the blue content of LEDs. On the other hand, the scotopic brightness generated by PC amber LEDs, is about one third of the scotopic brightness of the current situation. This is due to their low blue light content and their absence of upward light emission. 4000 and 3000 K LEDs have an average scotopic weighted impact about twice the ULOR0 scenario.

The night sky in the 400–550 nm region of the spectrum (blue-green) is naturally extremely dark when the moon is down, or only a thin crescent is illuminated. This is a precious region of the sky for astronomy, and is almost untouched by sodium light sources. At 555 nm, there is a bright yellow-green oxygen line, and astronomers have designed a filter system that avoids this line (with the *g* filter encompassing the blue-green colours short of this wavelength, and the *r* filter encompassing the yellow-red visible light to the red). To the red from 555 nm, are natural sodium and oxygen atmospheric emission lines. The night sky is naturally brighter in the yellow-red wavelengths than in the blue-green wavelengths. Conversion to white LED lighting inevitably moves artificial light into the blue-green part of the spectrum. Use of Amber LEDs greatly minimizes damage to the naturally dark blue-green region of the spectrum. Filtered LEDs, where a filter removes blue LED light emission (such as those in use on the Island of Hawaii), are another alternative to white LEDs that lessen damage to the blue-green part of the night sky spectrum.

4 CONCLUSIONS

The results of this study show that sky radiance for the site of Halaekala observatory in the particular observation direction of 20° of elevation and with an azimuthal angle of 292° (towards Honolulu) is highly sensitive to uplight, largely due to the direct line of sight between the observatory and some nearby cities. For the raw/astronomical impact as well as for the scotopic weighted skyglow, removing the uplight reduces the impact by a factor of approximately two. The county lighting ordinance already requires that all lights are fully shielded, but there remain many cases of unshielded lights. Sports lighting is exempted from this shielding requirements and is particularly damaging.

Because of the effect of the uplight, the current scenario (HPS and MH mix with uplight) produces an impact similar to 4000 and 3000 K LEDs, when looking at the averaged scotopic impact. It can also be seen that the colour temperature for LED lighting has a huge influence on the observed sky radiance, with 4000 K LEDs producing a scotopic brightness nearly four times greater than that for PC amber LEDs. Even 3000 K LEDs produce a scotopic brightness that is three times greater than the PC amber when the conversion is made at constant (installed) luminous flux. Any scenario of LED installation without complete elimination of unshielded lights will result in degradation of the sky brightness.

Although skyglow seems to be very sensitive to uplight, it is important to remember that this is due to the particular geography and cityscape of the region (no blocking by terrain towards nearby cities and obstacles lower than lamps). But when there is no upward light emission, both 4000 and 3000 K LEDs produce skyglow greater than the ULOR0 scenario, which is mainly high-pressure sodium and a few metal halide lamps. The PC amber LEDs, however, produce significatively less skyglow than every other technology tested. For that reason, PC amber LEDs should always be preferred over 3000 and 4000 K LEDs when considering light conversion plans which aim to restrict the sky brightness.

However, one needs to take into account that when such a conversion to LEDs occurs, the luminous flux is often reduced by 30–50 per cent because of the better concentration of the light on the street surface that can generally be achieved with LEDs (Kinzey et al. 2017). In such cases the impacts shown in the previous figures need to be multiplied by a factor 0.5–0.7. But since this reduction is only caused by better optics and not by a better luminous efficiency of LEDs, it would, in principle, be possible to develop HPS lamps with good optics that would produce the same flux reduction because of a better concentration of the light. This is due to the fact that lighting professionals generally want to keep the same illuminance level on the ground while reducing the total luminous flux. It is, however, true that the design of such optics is far easier with

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LEDs due to their relative size. LED can also be operated efficiently at low power. But these benefits are true for all LEDs, including PC amber LEDs. Therefore, this is not an argument to favour 4000 and 3000 K LEDs lights.

Lower CCT LEDs, such as 2700 K, are now becoming more common. These were not discussed in detail in this paper, but their impact on astronomy can be inferred by interpolation between the cases on 3000 K and PC amber. In cases where white light is necessary, 2700 K (or lower CCT) should always be chosen over higher CCT LEDs. In cases where white light is not necessary, PC amber LEDs should be used; LEDs that are filtered to remove blue light may also be considered.

ACKNOWLEDGEMENTS

We applied the sequence-determines-credit approach (Tscharntke et al. 2007) for the sequence of authors. Some computations were carried out on the Mammouth Serial II cluster managed by Calcul Québec and Compute Canada. The operation of these supercomputers is funded by the Canada Foundation for Innovation (CFI), NanoQuébec, Réseau de Médecine Génétique Appliquée, and the Fonds de recherche du Québec – Nature et technologies (FRQNT). MA thanks the FQRNT for financial support through the Research program for college researchers . AS thanks the Centre de Recherche d'Astrophysique du Quebec (CRAQ) and FRQNT for financial support. LN thanks the Natural Sciences and Engineering Research Council (Canada) for financial support through the Discovery Grants program.

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County Clerk

From: Andrea Walls <andrea.walls@me.com>
Sent: Monday, July 18, 2022 10:44 AM
To: County Clerk
Subject: In support of Water Authority

[You don't often get email from andrea.walls@me.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

I am testifying to offer my resounding SUPPORT for the charter amendment to create a Water Authority for the County of Maui. No more research is required to give the citizens of Maui an opportunity to vote on the creation of the Water Authority. Once it is in place, like any living institution there will be opportunity to improve upon its structure and function, if necessary.

But we have no time to waste. It needs to be established sooner than later.

For too long the precious waters that sustain life for Maui County have been controlled by corporations whose bottom line is profit. Our watersheds, native flora and fauna and native cultural practices have nearly been snuffed out due to the selfish, extractive practices.

We are currently at the precipice of long-term leases going into the hands of foreign corporations who would then control our water supply. (Whose managing partners by the way, have a checkered history of water control and abuse in California.) We cannot let our water resources be in those hands.

But even if we were not presently under eminent threat by such leases to such entities, it would simply be good management to have such an Authority in place.

This is not a new concept. Many places in the United States and around the world already have Water Authorities in place helping to protect the watershed and manage the many competing demands on the resource.

It is long over due that Maui County control it's own Public Trust water resources for present and future generations.

Sincerely,
Andrea Walls

Sent from my iPhone

County Clerk

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From: Evan Webb <evanwebb.net@gmail.com>
Sent: Thursday, July 14, 2022 4:17 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from evanwebb.net@gmail.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

I absolutely support housing for resident workers. Like so many residents I live with anxiety that I will be forced to leave off island because I cannot find affordable long term housing

Mahalo,
Evan

County Clerk

From: Rakai'el Webb <rakaiel@rakaiel.com>
Sent: Thursday, July 14, 2022 9:07 AM
To: County Clerk
Subject: I SUPPORT Resolution 22-119 and the establishment of the Community Water Authority

You don't often get email from rakaiel@rakaiel.com. Learn why this is important

Aloha friends,

I SUPPORT Resolution 22-119 and the establishment of the Community Water Authority.

It is important that the ability to control our own waters be returned to the people who actually live here - not managed by a foreign entity - Public Sector Pension Investment Board (PSP).

Mahi Pono is diverting 20M gallons per day from East Maui streams for their diversified Ag projects. They were diverting 25M gallons per day, but they could only show that they were actually using 5M GPD.

This is why it is important that we establish a Community Water Authority so that the water can be managed by our Kama ʻĀina Community and not Mahi Pono (PSP).

We don't have a water shortage issue, the issue is that the water we do have is being extremely mismanaged - and by a foreign investment firm at that.

Alexander & Baldwin and East Maui Irrigation (co-owned by Mahi Pono) which is owned and controlled by one of Canada's largest investment firms – Public Sector Pension Investment Board (PSP).

I SUPPORT Resolution 22-119 and the establishment of the Community Water Authority.

The ability to control our own waters is essential for our health & well-being as a community on this island!

Thank you so much for listening to the voices of the people.

Mahalo,

Rakai'el Webb

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County Clerk

From: Jane west <jlynggaardwest@gmail.com>
Sent: Thursday, July 14, 2022 4:26 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from jlynggaardwest@gmail.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!

~Jane

County Clerk

From: Claudia <claudiawethall@yahoo.com>
Sent: Thursday, July 14, 2022 8:32 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from claudiawethall@yahoo.com. Learn why this is important

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. I am a teacher who is living month to month in my rental. If anything were to happen to my home, I would be forced to move to the mainland. Please bring more affordable housing to Maui!!

Mahalo!
Claudia Wethall

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County Clerk

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COUNTY CLERK

From: Sam Wilhelm <samjwilhelm2@gmail.com>
Sent: Thursday, July 14, 2022 4:19 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

[You don't often get email from samjwilhelm2@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Councilmember,

Maui needs homes for local families. We support affordable housing at Hale Waipuilani!
Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers.

Mahalo!
Sam Wilhelm

Sent from my iPhone

County Clerk

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From: Anita Wintner <anitabanana@hawaiiantel.net>
Sent: Thursday, July 14, 2022 7:27 AM
To: County Clerk
Subject: Bill 21

[You don't often get email from anitabanana@hawaiiantel.net. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

I strongly support Bill 21 to change lighting ordinance to protect seabirds and nesting turtles. Mahalo, Anita Wintner. Kihei

Sent from my iPhone

County Clerk

From: Woodbury <woodbury@hawaii.rr.com>
Sent: Monday, July 18, 2022 12:20 PM
To: County Clerk
Subject: In support of the Charter Amendment to create a water Authority

[You don't often get email from woodbury@hawaii.rr.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

This is the most important resource we need to live, along with the land itself! There should most definitely be Water Authority. We need to do this now, and not wait until it's out of our control completely. It's almost too late already. Please get this up for a vote. Water is the life force. Look at the problems we have with outside money and power buying up all the property. Think what will happen if outside powers control the water! Please move towards this. Put it on the ballot. Give the people the opportunity to vote on being in control of our water.

Sincerely,

Martha Woodbury

County Clerk

From: Michael Zemrus <michaelzemrus@yahoo.com>
Sent: Thursday, July 14, 2022 4:53 PM
To: County Clerk
Subject: We support Resolution 22-61: workforce housing at Hale Waipuilani

You don't often get email from michaelzemrus@yahoo.com. Learn why this is important

Aloha Councilmember, Maui needs homes for local families. We support affordable housing at Hale Waipuilani! Please vote in favor of Resolution 22-61. Support housing for local families and not market housing for offshore buyers. Mahalo!

Sent from Yahoo Mail on Android

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OFFICE OF THE
COUNTY CLERK