

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

December 4, 2020

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, DECEMBER 4, 2020, BEGINNING AT 9:04 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Maui County Council regular Council meeting of December 4, please come to order.

Mr. Clerk, before you do roll call, I just want to greet our Members with Mwauka bwanji. That's good morning, in Zambia, East Africa.

Mr. Clerk.

ROLL CALL

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

EXCUSED: COUNCILMEMBER G. RIKI HOKAMA.

(Councilmember Hokama was not present when roll was called; however, he arrived at 9:14 a.m.)

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Chair, there are eight Members present, one Member excused. A quorum is present to conduct the business of the Council.

Also present for today's meeting is County Clerk Kathy Kaohu; as well as myself, James Krueger, Deputy County Clerk. And assisting from the Legislative Division of the Office of the County Clerk is Joyce Murashige, Lauren Saldana, and Dell Yoshida.

Also, joining us today from the Department of the Corporation Counsel is Moana Lutey, who is the Corporation Counsel.

CHAIR LEE: Thank you very much. So, the opening remarks today will be a little bit unusual. It's more like a preview, preview of what's to come in a couple of weeks, hopefully December 18.

OPENING REMARKS

The opening remarks were offered by Council Chair Alice Lee.

CHAIR LEE: So, with that, I would like to ask you to join me in reciting the Pledge of Allegiance. Please stand. Ready?

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Alright, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on agenda items. Members of the public may testify by connecting to the Council's online meeting by phone or video conference through the information posted on today's agenda.

Individuals connected by phone are currently on mute and will be unmuted when it is their time to testify. Individuals connected by videoconference should keep both their video and microphones muted and should unmute them when it is their time to testify.

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

After your testimony has concluded, please disconnect from BlueJeans. Once the testimony period is closed, only the Councilmembers, staff, and designated resource persons will be connected to the meeting. All other individuals will be disconnected. The remainder of the meeting can be viewed on Akaku Channel 53 or on

mauicounty.legistar.com. Individuals may also be disconnected from the meeting at any time for breaking decorum.

Chair, the first person signed up to testify is Mike Morris. To be followed by Jo Gascon.

PRESENTATION OF WRITTEN TESTIMONY

MR. MIKE MORRIS, YMCA (testifying on Committee Report 20-155):

Aloha, Chair.

CHAIR LEE: Good morning.

MR. MORRIS: And aloha, Councilmembers. It's a beautiful day at the YMCA. By the way, Mr. Rogers was a big "Y" supporter. I got to hear him at a "Y" conference some years ago, and he was absolutely brilliant. He's really good.

So, I'm here to testify on 20-155, the lease for the YMCA, and I'll keep this brief. I'm in full support of it and hope that you guys will be too. So, I appreciate your time. We're going to do some really good work with this new lease and the property. So, we hope that it'll pass through Council today. And I appreciate your time. Have a good meeting.

CHAIR LEE: Thank you, Mr. Morris. Are there any questions, Members, for clarification? If not, thank you.

MR. MORRIS: Thank you.

CHAIR LEE: Good luck.

Mr. Clerk, next testifier.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Jo Gascon. To be followed by Mike Warsinske.

MS. JO GASCON (testifying on Committee Report 20-153):

Hi. Aloha. Can everybody hear me?

CHAIR LEE: Yes. Yes. Good morning.

MS. GASCON: Okay. Good morning, Council. It's me again, Jo Gascon, regarding the removal of Don Guzman as Prosecutor. Since my testimony, Mr. Guzman has publicly called my testimony "a blatant lie", and "she was not at the November 20 meeting". Hawaii News Now, November 15, 2020, Rick Daysog reporting, essentially calling me a blatant liar.

I emailed each of the Councilmembers a report dated May 8, 2015 of my complaint investigated by Linden Joesting. I'm not sure if you guys all got that. Deputy Corporation Counsel and Frank Krau, Investigator, Corporation Counsel. The conclusion was, "that this was an act of violence that meets the definition in the violence in the workplace . . . The other witnesses were not afraid for their physical or mental safety but perceived the situation as threatening".

How dare you, Mr. Guzman, call my testimony a blatant lie when I have this report, and defaming my name that way. Obviously, you are so out of touch and have mistreated so many people that you don't even know to who and when your violent outbursts occurred. You, as an attorney, should know that this kind of inaccurate statements would make you lose a case. So, am I a blatant liar? I don't think so. You are still denying everything. And the pattern of violence we have established dates back to 2016. Clearly, you need help. I hope you have recognized your problem with anger and seek help, not only for you, but more importantly for your family.

I would like to mahalo the Committee on your time and consideration on this very important matter regarding the removal of Mr. Guzman as Prosecutor for the County of Maui, voting to remove him. Thank you.

CHAIR LEE: Thank you very much for your testimony. Members, do you have any questions? If not, thank you again.

MS. GASCON: Thank you. Mahalo.

CHAIR LEE: Mahalo.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Mike Warsinske. To be followed by Charlie Keller.

MR. MIKE WARSINSKE [testifying on Bill No. 114 (2020), Draft 1]:

I'd like to thank the Maui County Council for allowing my testimony today. My name is Michael Warsinske and I'm specifically here to address the ordinance and second and final reading section, Bill 114 of this year, 2020, Draft 1, regarding the 6.943 acres located on South Kihei Road near Kilohana.

While you are locating this section, specifically page 9, which is Exhibit "B", Conditions of Zoning, and paragraph number 9, concerning the Wela-Kilohana access extension, of the agenda. I'll give you a little brief history of 3035 South Kihei Road, and what we call Kula Estate, located on the corner of South Kihei Road and Kilohana, directly across the street from the Keawekapu Beach walkway and across the street from the Keawekapu Beach parking lot; home of dozens of noisy roosters which were not part of the deal back in the late 1960's. I'll save that for another Council meeting.

Back in 1969, the property was acquired as a mango grove by four Seattle families led by Dr. Bob Coe, whose cousin owned one of the coveted houses on Keawekapu, Keawekapu Beach dating back to the 1940's, and made Dr. Coe aware of the availability of the acre lot across the street. Construction commenced later that year, and four nearly identical three-bedroom, two bath houses were built on the property surrounding a tennis court to create what is called Kula Estate; a small tennis compound. This was back at a time when there were cattle guards running across South Kihei Road leading to Wailea. Traffic and noise were not an issue. Cows, on the other hand, were occasionally an issue.

In the years following, we have progressively built substantial traffic sound mitigation, including a massive rock wall on South Kihei Road to account for the increased traffic noise on both South Kihei Road and Kilohana. Our homes border the new proposed extension of Wela Road to Kilohana. So, now, I can only anticipate the 100-plus cars a day traveling within several feet of our front door, racing to Kilohana to make it to the Piilani Highway for work, school, and shopping.

As you can imagine, I'm not pleased by this late addition requirement to this development. We are specifically concerned about the new development as a significant traffic and noise nuisance to our quiet enjoyment of our homes.

CHAIR LEE: Okay, could you please conclude your testimony.

MR. WARSINSKE: I will. I've got just our recommendations. It, do I have time for that, or should I submit that in writing?

CHAIR LEE: Well, you, you have a minute to conclude. But you can also sub--

MR. WARSINSKE: Great.

CHAIR LEE: --submit your information in writing.

MR. WARSINSKE: Great. So, here are our specific request on paragraph 9; and allow for the peaceful co-existence of this intrusive development. The construction fencing on the north and east borders from the inception to reduce the dust, dirt, and disruption. No construction traffic on the Wela-Kilohana extension, none. No earthmovers, no dump trucks, no construction trucks, and so on. The developer to provide a rock wall utilizing the same construction or better construction values as our existing rock wall along South Kihei Road, and professional landscaping. So, I'll submit the rest of these recommendations in writing to the Council. And I'm happy to answer any questions. Yes?

CHAIR LEE: Members, do you have any clarifying questions?

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Warsinske. So, I just wanted to, you, you gave us three recommendations and you said, we recommend. So, can you just explain who, who's doing the recom, who you're representing as the recommend?

MR. WARSINSKE: Yes. There, yes, there are four homeowners of Kula Estate. There are four homes that surround a tennis court on the property. So, I represent actually all four of the, the homeowners. It would be the, both the Walsh Family, the Kitchell Family, and the Coe Family, along with my family.

COUNCILMEMBER KING: Okay. And then were, were you able to meet with the developer before this point?

MR. WARSINSKE: Yes. Actually, I had a phone call with the developer's representative, and they informed me that there was no access road that was going to be punched through to Kilohana. And that was approximately two months ago. So, to my surprise, when I saw that the access road was now a requirement, it must have been added by the Planning Department rather than the developer, unless of course the developer didn't tell me the truth.

COUNCILMEMBER KING: No, I think it was added by other testifiers in that area who, who wanted that additional access road. So, there were other homeowners in that area who came out and testified in subsequent meetings.

MR. WARSINSKE: Well, the, there are two owners directly, that are bordering the road; the Valley's is their last name. They are in support of, of the road only if it comes with the, the noise mitigation. And we're in support of it also if there's noise mitigation. One of the other problems too is the potential of cut-through traffic, which we're really concerned about.

COUNCILMEMBER KING: Okay.

MR. WARSINSKE: From Kilohana over to the Mana Kai and to Kamaole III, so.

COUNCILMEMBER KING: Okay. Thanks for the clarification; appreciate it.

Chair, you're muted. We didn't hear that.

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

Mr. Clerk, next testifier.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Charlie Keller. To be followed by Jason Economou.

MR. CHARLIE KELLER: I haven't prepared any testimony. I'm sorry. I was just observing the meeting.

CHAIR LEE: Alright. Thank you.

Let's go to the next testifier.

DEPUTY COUNTY CLERK: Okay. Then the next testifier is Jason Economou. To be followed by Susan Clements.

MR. JASON ECONOMOU, REALTORS ASSOCIATION OF MAUI [testifying on Bill Nos. 129 (2020) and 130 (2020):

Good morning, Chair Lee, and Members of the County Council. Thank you for the opportunity to testify.

CHAIR LEE: Good morning.

MR. ECONOMOU: My name is Jason Economou. I am the Government Affairs Director for the Realtors Association of Maui and I am testifying on their behalf. I am testifying regarding Bills 129 and 130, the real property tax bills.

Let me start with the positive. I love the long-term renter tax classification. I think it's long overdue. I love the exemption. I think that's long overdue as well.

My, my big concerns as I've shared with you before; the unintended consequences of repealing the condo declarations. I, I do worry that that, that will cause a rush for properties in condominiums that are not short-term rentable, which are the most affordable housing options for our local residents. And I'm afraid that they'll be boxed out of the market by offshore investors that don't want to pay the short-term rental classification when the condo declarations are repealed or when the Finance Director's bill goes into effect.

I will be honest, of the two bills, I think Bill 130 is far worse; far, far worse than Bill 129. I, I'm a little bit disappointed that you guys are passing two bills; one of which would sunset the other automatically within a year. That indicates that, that really Bill 130 its sole purpose is a short-term money grab to basically take money from the folks that don't vote here. I could respect that. I vote here, so I prefer that you don't take my money; take it from somebody else that makes more money than me, that's okay. However, it sort of goes against the general principles of what legislation is supposed to do as far as being equitable.

Those are my main concerns. However, I am no fool. You passed this bill on first reading nine to zero, and I doubt that you will change your votes now based on my numerous times coming before you and whining about these two bills. So, thank you for your consideration. I trust that you've all read my testimony and heard my concerns. I'm happy to answer any questions.

CHAIR LEE: Are there any questions for Mr. Economou?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: I just was wondering, your, did you send in new testimony this, for this item today?

MR. ECONOMOU: No, no. This is the, the previous testimony that I'm relying upon.

COUNCILMEMBER PALTIN: Oh, okay. Never mind then. Thank you.

CHAIR LEE: Alright, seeing no more questions, thank you, Jason. Appreciate you coming.

MR. ECONOMOU: Thank you very much.

CHAIR LEE: Okay. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Susan Clements. To be followed by Leslee Matthews.

MS. SUSAN CLEMENTS (testifying on Committee Report 20-153):

Good morning, Council Chair Lee, Vice-Chair Rawlins-Fernandez, and Members of the Council.

CHAIR LEE: Good morning.

MS. CLEMENTS: My name is Susan Clements and I am the Administrative Officer for the Department of the Prosecuting Attorney. I am speaking on behalf of myself. I am in support of the removal of the Prosecuting Attorney. I want to thank you for voting unanimously at the Committee level in support of the resolution to remove the Prosecuting Attorney and for hearing the item today.

At the Committee meeting, several of us came forward out of fear, but we spoke our truths and were heard. A lot has happened in the last month. There have been mixed emotions, tears, therapy, but a lot of support. And this situation has taught me a lot about my strength, the strength of others, and what behavior we cannot tolerate. I have been surrounded by strong women and men who stand together.

During this time, people have been supportive and have been thankful that we collectively spoke up about this situation. Others have approached me and told me they had similar experiences that got so bad that they had to leave their workplace. Others remain neutral, made excuses, or chose to look past the minimized abusive behavior; and this will allow the behavior to continue.

We have a choice to do our part to stop any type of abuse from happening. The issue is prevalent in our workplaces and in our community. And I think most of us can relate, because the story is the same. When we hear about, see, or experience unacceptable behavior, it is easy to tell someone to speak up or to stand up for others and ourselves, but in reality, people are afraid. No one wants to make that formal complaint because

they fear retaliation. They fear losing their jobs, or worse, if no action is taken for the person who filed the complaint, going back to work will be a nightmare.

The Mayor has begun to create a task force to address this issue and it is a start. I hope this will allow anyone who's being bullied, harassed, threatened, that they can feel that they're able to report this behavior without living in fear, and that something is done to stop the behavior from continuing.

Your decision on November 6, confirmed the zero-tolerance policy against violence in the workplace. And your decision and message today will resonate with all County departments, employees, and the community, and this can be a catalyst for positive change. So, I want to thank you for your time.

CHAIR LEE: Thank you very much, Ms. Clements. Are there any questions for the testifier? If not, thank you again for coming.

MS. CLEMENTS: Thank you.

CHAIR LEE: Clerk.

DEPUTY COUNTY CLERK: The next person signed up to testify is Leslee Matthews. To be followed by the individual connected to the meeting under the name Christopher.

MS. LESLEE MATTHEWS (testifying on Committee Report 20-153):

Aloha. Can you all hear me?

CHAIR LEE: Yes.

MS. MATTHEWS: Okay, good. Okay, aloha, good morning, and happy Friday.

CHAIR LEE: Good morning.

MS. MATTHEWS: I come to you with a lot more joy than what I came to you all this last time. December 1, 1955, Rosa Parks was arrested for taking her seat in the front of the bus, which was against the norm. When I filed my complaint for violence in the workplace, it was against the norm. But as Rosa Parks said, "I have learned that over the years that one's mind, when one's mind is made up, this diminishes fear. Knowing what must be done does away with fear". So, as we celebrate her 65 years later, we honor her legacy.

And I just want to say thank you to Mayor Michael Victorino for standing with us and making the hard decision to conducting an investigation for someone on his Administration. I want to thank him for conducting a fair investigation. And I want to thank him for already taking the necessary steps to form a working group to address violence and harassment in the workplace, and for giving me the honor of helping serve on that task force.

I want to thank you, the Maui County Council, for doing what many of you said was a gut-wrenching, hard, hard decision that you made. That by voting unanimously, you've made a clear message to this community, to our employees, that violence in the workplace has no place in our workplace.

So, with those thank you's out of the way, I want to talk directly to the women that are watching, and those that are survivors of violence, whether it be in your home, your workplace, or where you go to school. Your life matters. You will get through this. You are loved and you are cared for. And you are here for a purpose. God designed you, and when he did, he said that you are fearfully and wonderfully made. There will be those who will question your integrity.

I had to leave work early after I got the report and read the words that Don Guzman said about me; questioning my race, talking about my work ethic, talking about the, my hiring. The attorney in me wanted to get the evidence to show you all. I wanted to show you and prove to you that I am a good employee, that my life does matter, and I am valuable. But, nothing that I say can change his mind about me.

So, to my women, dear sister-girl; you're loved. Dear sister-girl, there will be those who take out full pages in the Maui News to talk about what you did to provoke this type of behavior, even though you stood with them at events that celebrated who they were. Stand anyways. There will be those who think that what happened to you is not enough. You don't deserve that type of treatment. Stand anyways. There will be those that stand with you, pray for you, love you, and support you. Remember those people. They're the ones that you want to have in your corner. They're the ones that will help you get through this time. And so, I say, stand anyway. And to remind you that you are loved, you will get through this, and brighter days have to come. They're coming for me; they will come for you. Thank you again for your time.

CHAIR LEE: Thank you, Ms. Matthews. Are there any questions? If not, thank you once again for coming, Ms. Matthews.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is the individual connected to the meeting under the name Christopher. To be followed by Clint

Hansen. Chair, that person who was connected under the name Christopher, I do not see them in the meeting anymore.

CHAIR LEE: Okay. Move onto the next.

DEPUTY COUNTY CLERK: The next person signed up to testify is Clint Hansen. To be followed by Elle Cochran. Clint Hansen, it is your time to testify. You are muted on your end. I cannot unmute you.

MR. CLINT HANSEN [testifying on Bill Nos. 129 (2020) and 130 (2020)]:

Thank you. I found the unmute button. I apologize. So, I'm here today, thank you, Members of the County Council. I appreciate the opportunity to testify. I am here to testify on Bills 129 and 130.

Yea, I'd like to mirror similar to what Jason Economou said. I, I really feel that you should listen to the testifying and use, should be based on use. I would think that it is a bit of a money grab and I don't like how the bills are laid out. I think that we should be more clear with our intentions and shouldn't try to muddy the waters with this kind of tactic.

I appreciate the opportunity to testify, but I think this goes to hurt the representation that we have all longed and loved on Maui. And I think you guys do a wonderful job to listen to us, but I feel that often you smash things through. I would appreciate a reconsideration and not such a heavy-handed approach. Thank you so much. Aloha.

CHAIR LEE: Thank you, Mr. Hansen. Are there any questions, Members?

If not, may we have the next testifier, Mr. Clerk?

DEPUTY COUNTY CLERK: The next person signed up to testify is Elle Cochran. To be followed by Leslie Smith.

MS. ELLE COCHRAN (testifying on Committee Report 20-153):

Aloha, Members. Can you hear me?

CHAIR LEE: Yes.

MS. COCHRAN: Can you hear me? Am I on? Okay.

CHAIR LEE: Welcome. Yes, you are.

MS. COCHRAN: Aloha.

CHAIR LEE: Aloha.

MS. COCHRAN: Sorry. I just have to have a moment. I was hearing all the other testimonies and it got me very emotional. But, so, one second please. Okay. Aloha, my name is Elle Cochran. I'm testifying on my own behalf on agenda item GET CR 20-153. Members, I really debated hard on whether to testify or not. But after seeing how courageous previous testifiers have been by coming forward to share their experiences, I knew then that I had to show my support and testify.

It has to be said that these recent incidences with Mr. Guzman, rage and anger are not new or isolated events. I was shocked when I heard his response to, I believe it was Member Keani Rawlins' question who asked him, when did he realize he had anger issues? His response was, "only this year, when a violence in the workplace complaint was filed against him". He then went on to say he had never been disciplined in the past as a Councilmember, which my story will show otherwise.

My incident happened during Mr. Guzman's Parks, Recreation, Energy, and Legal Affairs, PRL Committee, on December 12, 2017. PRL-20(6), agenda item, during a presentation on energy cogeneration. The Council chambers had a full house. Present were nine Committee Members, three Council Services staff, five from Administration, two resource people, seven presenters, and numerous testifiers and spectators in the gallery, and Akaku was on. So, the incident didn't happen in a private setting in an office. He was aggressive towards me on the chamber floor in front of all these witnesses.

The gist is, I was speaking to the presenter, Mr. Brogan, when Don interjected with a snide remark. And I responded with an equally snide remark, which apparently set him off. Don's outburst took everybody by surprise. He slammed the gavel extremely hard with aggression, force, and anger. The Akaku video at 2:44 p.m. shows this and shows Don forcibly shoving his chair back, standing up, while waving his hands around. And I heard him say we're going to settle this right now.

He angrily stormed down from the podium, passed the panelists, all the while staring me down, coming towards me at my desk. I was terrified not knowing what he was going to do with such a temper. He approached my desk with raised arms, saying "what, what". I pushed myself in my chair as far back as I could away from him. I turned to Chair White on my left and said, "Chair White, please calm him down". Chair

White stood up and got between Guzman and myself, holding him back and said "Don", in a deep commanding voice. I saw Don shake his head, wave his hands around and went back to the Chair's podium and carried on with the meeting.

I finished my discussion with the presenter, and feeling unsettled, returned to my office where my executive assistant Sarah Pajimola was shaking from head to toe, as was I. She informed me that when Don slammed the gavel, it was so loud that it was a, that she thought it was a gunshot. She ran and panicked to the chamber side door thinking there was an active shooter situation going on in the chambers and had to open the door to let us out. We hugged and we were both crying. We went to Chair White's office to file a violence in the workplace complaint. Chair White told me later he spoke to Don about the complaint that I filed, and that Don admitted--

CHAIR LEE: Ms. Cochran. Ms. Cochran, can, can you take a minute to conclude please? Could you?

MS. COCHRAN: Yes, I will. Yea.

CHAIR LEE: Thank you.

MS. COCHRAN: Thank you. At the time, and Mike, and Don said at the time, then Mike sternly said, "Don", it reminded him of his father, and it made him snap out of it. I also filed a police report with Officer Dagulo, who concluded that Mr. Guzman didn't break any criminal laws at the time, but his actions were clearly in violation of County's Violence in the Workplace Policy. So, take note, that I filed violence in the workplace complaint and a police report. Until today, nothing has been done.

Today, I am very saddened by what has transpired, not just for myself, but to all the others who have experienced this kind of abuse in the workplace or anyplace. I know the constant feeling of walking on eggshells, fear of retaliation. Being threatened and scared at work is very taxing. It spills into your personal homelife. It's traumatic mentally and physically.

What I'm praying for is that Don will take this to heart, learn what, what his triggers are and get the tools needed to help him deal with things in a positive, productive way. Like the others, I once . . . Don while on the Council. We were best buds. I wish him and his family well. Mahalo, Members for this opportunity. Please stay safe. Be healthy. And aloha for, thank you for this time.

CHAIR LEE: Thank you for your testimony. Members, do you have any questions? If not, appreciate your testimony. It took a lot of courage.

MS. COCHRAN: Thank you, Chair Lee.

CHAIR LEE: You take care also.

MS. COCHRAN: Thank you very much. Ms., comment.

CHAIR LEE: Oh. Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, mahalo, Chair. I just, I just wanted to thank Ms. Cochran for her testimony.

MS. COCHRAN: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: It's obvious that it took a lot of courage. And I appreciate you coming forward.

MS. COCHRAN: Yea, you're welcome.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

MS. COCHRAN: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Donna Hansen. To be followed by Adam Radford.

MS. DONNA HANSEN [testifying on Bill Nos. 129 (2020) and 130 (2020)]:

Hi. I'm Donna Hansen. Thank you very much for the opportunity to speak with you regarding Bills 129 and 130. I am a real estate agent. I have been for over four decades. I'm very dedicated to the island, and to my career, and to those people I serve.

Many of those people are homeowners that are people that come over and live in communities that are vacation rental, but do not rent them out. They approve, love the culture, and they take good care of the island and the beauty of the island. By your doubling their, their taxes, you'll be forcing many of those people to sell. What will happen when they sell is, they will, the person who buys will be someone who is going to rent it out, to make up for the taxes that you've imposed. Those people will rent it out to tourists who are going to come over, they're going to come over for a week or

two. They're going to have a great time. They're going to use and abuse. And they will not respect and love the culture like the people who have been here for many years. And it saddens me to think that our, our town, our, our island will be hurt by your decisions.

It's also important for me to tell you that I feel very strongly with some of the actions that you've taken, that you need to consult with someone who is non-political, who is a professional economist to guide you so that you can no longer make some of the mistakes that you're making that are hurting the people of this island. For instance, right now, there are 900 cars that have been lined up at Hope Chapel to get food once a week. That's horrible. Christmas will be ruined by many, for many of the children whose parents are unable to buy them presents and food, having food on their table, all the things that are important.

By your taking away the vacation rental status for only those that are renting and by forcing people who live and love this island part-time, but, and don't use it all the time so they don't, you know, drive the streets and do things that will be detrimental, because they love it and they respect it.

So, I really am hoping that you will vote against this. I know it's been nine to zero, and the chances are, and the rumors are you're going to push it through because of money and that you want money from these people. But it will cost you in the long run. So, I'm asking you to really consider that. And also, hiring someone like Paul Brewbaker, who is non-political and . . . the information that you need to guide you to make more appropriate decisions on some of the rules that you've been passing. Thank you.

CHAIR LEE: Thank you. Are there any questions, Members? If not, thank you, Ms. Hansen.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Adam Radford. To be followed by Deren Ash.

MR. ADAM RADFORD, MAUI INVASIVE SPECIES COMMITTEE (testifying on County Communication No. 20-592):

Good morning, Chair and Members.

CHAIR LEE: Good morning.

MR. RADFORD: Good to see you all again.

CHAIR LEE: Hi.

MR. RADFORD: I'm testifying on behalf of CC 20-592. And I really feel like it's a pretty manini request based on the previous testimony and other things you're considering. But essentially, I just support the amendment to the budget that now says it's Miconia for \$500,000. We would like to change that to say, "Miconia and other invasive species for the Maui Invasive Species Committee", or MISC if that's more appropriate. That's really what I believe the funding was intended for.

One of the reasons for that, though, is that, just a little background quickly, is that, you know, we've been doing this work for two decades. And a lot of new things come up, right? Like, we have snakes, we have lizards, we have all kind of things that happen. And when we're sort of pigeonholed into very specific species in, with that funding, I mean, the focus is Miconia, but it does allow us flexibility to respond to new introductions. And so, I just ask for your support in that.

And then, also, because of the way that language was put into the budget, it's, it's actually held up our grants. So, as you know, we have several grants with the County and none of them have moved forward. They've all been sort of lumped together. And so, if, if we can't get the language changed, we'll have to redo the budgets, redo the request, and also lose that flexibility. So, I just ask that you support that amendment. And also, in the future, if, if you want the money to go to MISC, because not a lot of other people want to or do, do this work, just put for Maui Invasive Species Committee or MISC, or, in, into the language that goes into the budget.

And yea, anyway, just the timing of it is troublesome for us. Like, we're, we're running up against a budget shortfall here pretty soon. And we actually had a meeting with the Mayor yesterday where he was supportive of, of trying to move things forward. But I know you had this on your agenda for today, so wanted to get your support as well. So, thank you for your time and I'm happy to entertain any questions.

CHAIR LEE: Thank you, Mr. Radford. Yes, we have a, several questions.

Member Paltin, and then Member Sinenci.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Radford, for your testimony and being here for today. I just was wondering when you were saying about the timing, is this something that you wanted us to pass today?

MR. RADFORD: If you can. I don't know. I honestly don't know how your process works. But, I mean, we put these proposals in in June.

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

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And Mahalo, Mr. Radford, for your testimony today. So, just for clarification, can you go ahead and clarify the other invasive species that you want added to and as, and just I know the intention was for Miconia eradication. So, we just wanted to make sure that Miconia had proper funding for, for Miconia eradication.

MR. RADFORD: Yes, it would. So, the proposal that's in with the County now includes 15 different invasive plant species, but Miconia is the focus. And so, yes, it would. Combined with State funding support, our program in East Maui, so in Hana, which we have staff there, and our baseyard, and all the infrastructure to conduct this work. But also, it supports work on Molokai. And they do annual surveys for Miconia and other invasive species as well. So, it allows for them to continue to do that work. But, so in, in short, yes, it would support the continuation of the program in Hana, if not, expansion.

COUNCILMEMBER SINENCI: Okay, great. Thank you, Mr. Radford. Thank you, Chair.

MR. RADFORD: Thank you for the question.

CHAIR LEE: Alright. Now we have Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Radford. Mahalo for your testimony. So, your testimony is supporting the amendments that we have before us, or are, were you adding more amendments.

MR. RADFORD: I'm supportive of what you have in front of you. The only question there is if other people would want to tap into that funding source. So, meaning, like if it just says, Miconia and other invasive species, like, so, I guess if somebody came to the table and said, I can do Miconia and I want to do axis deer, then they would be eligible, I assume, for that funding. And so, my suggestion is adding into that language, "Maui Invasive Species Committee", which I believe was particularly Member Sinenci's intention, was for that funding to go to MISC.

And also, for perspective, that dollar amount is significantly lower than what we've gotten in years past. So, I think last year, we, for that grant, we got like 400,000. But years past, for many years, we actually got 895,000. And so, we had a big cut that we've had to adapt to. And so, anyway, I'd love to see it, if you wanted to add more money next year, that would be great, because it, again, allows for the flexibility to

respond to new species, to do all the different things that we do that you're all very familiar with, so.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Radford. Did you get any portion of the little fire ants funding for 700,000?

MR. RADFORD: We got the whole 700 for fire ants.

VICE-CHAIR RAWLINS-FERNANDEZ: Alright. Mahalo, Mr. Radford.

MR. RADFORD: And then we--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

MR. RADFORD: Just one quick comment. Also, just so you guys are aware. We did get a million for Coqui frog control which has been very helpful. But keep in mind, that that's down from 2.5 million the year before.

CHAIR LEE: Okay. Mr. Radford, those other items are not on the agenda. So, we thank you for your--

MR. RADFORD: I know. I'm just providing background. Sorry.

CHAIR LEE: Okay. Thanks.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Adam. Good to see you. So, I just wanted to follow up on, you know, you're talking about the funding being reduced, but have you been able to spend all the funding that's in this current budget, including this one that we're talking about? Will you be, will you have, because I think one of the issues last time was that not all the money was expended and that might be one of the reasons why the budget was reduced.

MR. RADFORD: Right. So, this year we'll basically be done spending by the end of this month. We have one extension request for the Coqui frog account that's current. And that's not because we're not spending the money. It's because we can't get certain things here by the end of the month. So, that's our vendors. For example, like trucks that we're buying. They can't ship them. And we initiated these requests in like June. And we just recently learned that they can't, they haven't been able to get them here in time. And so, yea, we're on track to spend. And that's, what I was saying is that like we will basically be out of money by the end of the month.

COUNCILMEMBER KING: Okay. Alright. Thank you. Thanks for the, for being here for the testimony.

MR. RADFORD: Thank you for the question.

CHAIR LEE: Alright. I see no more questions. Thank you, Mr. Radford.

MR. RADFORD: Thank you all for your consideration and time.

CHAIR LEE: Mr. Clerk, where are you? Oh.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Deren Ash. To be followed by Kim Willenbrink.

MR. DEREN ASH (testifying on Committee Report 20-153):

Hi. Good morning, Chair. Good morning, Members.

CHAIR LEE: Good morning.

MR. ASH: So, I'm here to testify on the removal of Mr. Guzman as Prosecutor. I think it became pretty clear during the Committee meeting over the days and evenings that there's no choice but to remove him. He can't stay in that position, and I hope he gets the help he needs to take onto his next career.

But that also leaves a big hole in that the victims of crimes on Maui, past, present, and future are terrified about what's going to happen next. Without Mr. Guzman, they're terrified that Mr. Rivera will be in the position. And without Mr. Guzman, they're also terrified that JD Kim might end up back in the Prosecutors Office. And so, you know, despite your vote to remove Mr. Guzman, I have an ask from you, which is to assure the victims of Maui that Mr. Rivera will not be confirmed as Prosecutor.

And I know it's the Mayor's role to fill that position because Mr. Rivera will be Acting Prosecutor until it's filled. And so, doing whatever you can to fill the position as quickly as you can. And that whoever does get appointed, that you have a litmus test that they'll say they won't hire JD Kim back into the office in any role, because I know there's concern that he'll end up back in the office as a deputy, even if he's not appointed as head again.

And so, obviously, you're going to vote to remove Mr. Guzman. And so, I hope that you'll help assure the victims of Maui that things will still get better in the future. Thank you.

CHAIR LEE: Thank you, Mr. Ash. Are there any questions, Members?

Yes, Ms. King.

COUNCILMEMBER KING: Thank you, Chair. Mahalo for being here, Mr. Ash. Are you, do you actually, I can't remember cause we've had so many testifiers today, but do you actually work in the Prosecuting Attorney's Office as well?

MR. ASH: No. No, I don't.

COUNCILMEMBER KING: Okay.

MR. ASH: But my, I, I know some of the victims like Kim Scott. And I know you heard testimony from her. And so, that's kind of my network and links to the issue.

COUNCILMEMBER KING: Oh, okay. So, you've been involved with some of the victims. And I don't know, the, can you give us, without going into any personnel issues, the, why the fear of, about Mr. Rivera? I did, I did ask the Mayor, when he was before us, if he had any intention putting JD Kim back into the Prosecutor's Office in any leadership position, and he said no. But I'm not really fully understanding what the concern is about Mr. Rivera.

CHAIR LEE: Ms. King, I think that may be another discussion. We're only focused on the resolution from the Mayor regarding Mr. Guzman, and not a replacement at this point.

COUNCILMEMBER KING: Right. I just was trying to verify. But you can, you can maybe send in written testimony to clarify that part of your testimony.

CHAIR LEE: Yea.

COUNCILMEMBER KING: Thank you.

MR. ASH: Sure.

CHAIR LEE: Alright. Thank you, Mr. Ash.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Kim Willenbrink. To be followed by Robert Hansen.

MS. KIM WILLENBRINK (testifying on Committee Report 20-153):

Good morning. Good morning, Chair Lee, Members of the Council. Thank you for allowing me this opportunity to testify again before the full Council. I'm here to testify on Committee Report 20-153, recommending adoption of resolution to approve the removal of Prosecuting Attorney Donald S. Guzman.

I previously gave my testimony at the Committee level. I won't repeat that here at the Council. I think you were all present at that. And Chair Lee, I know that I'm supposed to address the Council, but may I just publicly thank the other women that have come forward?

CHAIR LEE: Yes, I think that's appropriate.

MS. WILLENBRINK: I could not have done it without them. This is hard. I didn't realize how hard this was going to be. You don't realize until you start to speak. Thank you for allowing me this public opportunity to speak. Thank you so much, Councilmember Elle Cochran. I appreciate your testimony and you, as a person.

I won't take up much more time. I also thank the Mayor for bringing this forward. I just heard that he may be starting a task force. If any, anything wonderful and good can come from this, let's make that happen, as the government here and the community. And if, if my testimony can help give strength to one other woman, then it's been worth it. Thank you so much. Mahalo.

CHAIR LEE: Thank you, Kim. Are there any questions, Members? If not, thank you again for coming.

DEPUTY COUNTY CLERK: The next person signed up to testify is Robert Hansen. To be followed by Jackie Reimers.

MR. ROBERT HANSEN [testifying on Bill Nos. 129 (2020) and 130 (2020)]:

Hi. I'm using my wife's computer, because I don't know what's wrong with mine; too slow. Anyway, hello, Councilmembers. I know most of you. I know Alice and Mike have been on the Council for a long time.

Having said that, we, you know, appreciate the Council, you know, needs money. But I am so opposed to the Bills 129 and 130. I mean, I thought years ago that we had really figured out that it's really great to have \$5 million properties in Makena, in Wailea, and have people come and spend two or three months there and they pay taxes all year. And it would, that's not the kind of properties that you rent out to people.

I mean, I know that, you know, Mike and Alice were very aware we started, John Andersen and myself, started Na Hale O Maui. But John has been the mouthpiece. I was the first person to, you know, put the seed money in there for \$20,000 to get that thing going. That's how you get, you know, affordable housing for people. Not by raising taxes.

And I think that, I mean, as my wife, Donna said earlier, have, you know, some really good nonpartisan economist get in there and talk about it. I think you're achieving the absolute wrong thing by using the highest and best use idea. It's just, it's not right.

And then, you know, last year you did the tiered taxes. I mean, to me, that was horrible. I worked my whole life and I purchased a lot of property. And now it's, it's just, it's killing me. People, you're killing me. And this, 129 and 130 is not going to hurt me, personally. But I just think it will hurt everybody else. The tiered taxes killed me. Anyway, I appreciate you thinking about this. And I know, as Jason Economou said, you know, it's nine to zero and I probably won't get anything. But at least I got it off my chest. So, thank you very much.

CHAIR LEE: Thank you, Mr. Hansen. Are there any questions, Members? If not, good to see you again.

MR. HANSEN: Okay. Thanks.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Jackie Reimers. To be followed by Lori Buchanan. Lori Buchanan is the last person we have signed up to testify. If there's anyone else in the meeting who wishes to testify, please notify us in the meeting chat now. It would seem Jackie Reimers might have disconnected.

Then, the last person signed up to testify is Lori Buchanan. Lori Buchanan, I see that you are connected to the meeting. It is your time to testify. You are muted on your end. We cannot unmute you.

MS. LORI BUCHANAN (testifying on County Communication No. 20-592):

Aloha, Council. Can you guy, everybody can hear me.

CHAIR LEE: Aloha. Yes, we can see you.

MS. BUCHANAN: Thank you, Chair Lee. I want to take my precious one minute of three minutes to just thank all my County Council. I'm so happy that all of you are still here. I'm so happy. I rest better at night knowing that you guys are all here. And in this season, I wish all of you a very Mele Kalikimaka and a Happy New Year. And I love you all. And I want to thank you guys for your hard work, because I think my County Council is the hardest working people in government hands down. And I know that.

So, I'm here today to support earlier testimony by Adam Radford on CC 20-529 *[sic]*. We definitely, on Molokai, have four full-time and a half worker that is affected by this fundings through Maui County. I'd like to think that we do awesome work. My staff is awesome. They work really hard. And overall, MISC and MoMISC is really working to do more to expand the work we do, even given the budget that we have. And what I mean by that is by hiring more people. You know, you just cannot find enough people to do all of this great work that we do, because it's really hard work. It's really hard work that we do. And so, I wanted to just mahalo all you folks and tell you guys again that I love you all. And I really respect what you guys do, and the time you guys spend on Zoom and out of Zoom. And again, in support of 20-529 *[sic]*. Thank you so much. Mahalo to all.

CHAIR LEE: Thank you so much, Lori. Are there any questions, Members?

Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. You know, this is one of the rare times; I don't think I've ever asked Ms. Buchanan a question. But it's more a compliment. Kudos to you too, because you've been a very strong voice and advocate for the needs of Molokai. And you've participated in our County boards and commissions and volunteering a lot of your time. So, I wanted to express to you our mahalo to you for your service. Thank you. Thank you, Madam Chair.

CHAIR LEE: Well said. Well said. Are there any other comments or questions? Okay, apparently not, so thank you again for joining our meeting. And hope to see you soon.

MS. BUCHANAN: Mahalo, Chair Lee. Love all community. Thank you. Love you guys. Aloha.

CHAIR LEE: Aloha.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, one additional person signed up to testify. The next person to testify is Roman Amaguin.

MR. ROMAN AMAGUIN (testifying on Committee Report 20-153):

Council Chair Lee and Members of the Council, my name is Roman Amaguin. I'm testifying regarding CR 20-153. I'm an attorney that focuses on employment labor law, and I've been retained to represent Don Guzman.

We are asking that the Mayor immediately withdraw his resolution, or that this Council votes no on the resolution to remove Mr. Guzman as Prosecuting Attorney. Voting no will allow this matter to be sent back to the Mayor so that the parties can then enter into proper mediation to resolve a single complaint, and whether . . . should remain as per my written correspondence to the Corporation Counsel, dated November 17, 2020. In the letter to Corporation Counsel, I've set forth Mr. Guzman's legal claims under United States Constitution and Federal Statutory Law, which I assume Corporation Counsel will discuss in executive session under HRS 92-5(a)(4). Thank you.

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

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Mr. Amaguin, for your testimony. I just was unclear. Appointed officials can be removed at any time for any reason. And there was no reason stated on the resolution, so I'm not sure what your lawsuit is about.

MR. AMAGUIN: Well, we haven't filed anything, Councilmember. I have to decline speaking to that issue. I believe that the letter that we sent to Corporation Counsel on November 17, speaks comprehensively to all the legal and factual issues which potentially support Mr. Guzman's claims.

COUNCILMEMBER PALTIN: Okay. Thank you for your clarification. Thank you, Chair.

CHAIR LEE: Okay. Any more questions? If not, thank you, Mr. Amaguin.

MR. AMAGUIN: Yes. Thank you.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there is no one else signed up to testify. We, if there is anyone else in the meeting who has not testified, but would like to do so now, please make yourself known. You can notify us in the meeting chat, or you can unmute yourself and, and state your name and your desire to testify. This is the last call for testifiers. If you have not testified, but wish to do so, please make yourself known now.

Chair, no one else has indicated that they wish to testify, and we have received written testimony.

CHAIR LEE: Members, are there any objections to receiving written testimony and, into the record, and to closing public testimony? Any objections?

MEMBERS VOICED NO OBJECTION.

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

1. Marion Haller;
2. David Mumma;
3. "Blue" Robinson; and
4. Julie Strong.

CHAIR LEE: Okay. So ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, can staff request a brief one-minute recess.

CHAIR LEE: Alright. One-minute recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:12 A.M., AND WAS RECONVENED AT 10:15 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER HOKAMA, EXCUSED.)

CHAIR LEE: Will the Council meeting of December 4, please reconvene. Okay. Public testimony is now closed.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 20-577 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated November 16, 2020)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation, for the MPD Traffic Services grant in the amount of \$288,568.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the Clerk also call up County Communications 20-578 through 20-583?

CHAIR LEE: Mr. Clerk.

NO. 20-578 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated November 16, 2020)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation, for the MPD Seat Belt Enforcement grant in the amount of \$102,510.02.

NO. 20-579 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated November 16, 2020)

Transmitting a grant agreement with the State of Hawaii, Department of Transportation, for the MPD Child Restraint grant in the amount of \$55,416.17.

NO. 20-580 - ROBERT D. RIVERA, ACTING PROSECUTING ATTORNEY,
(dated November 19, 2020)

Transmitting a grant agreement from the State of Hawaii, Department of the Attorney General, Crime Prevention and Justice Assistance Division for the Special Needs Advocacy Project totaling \$809,160, which includes \$1,000 in administrative costs and \$161,632 in matching funds.

NO. 20-581 - ROBERT D. RIVERA, ACTING PROSECUTING ATTORNEY,
(dated November 20, 2020)

Transmitting a grant agreement from the State of Hawaii, Department of the Attorney General, Crime Prevention and Justice Assistance Division for the STOP Violence Against Women Formula Grant totaling \$110,452, which includes \$27,613 in matching funds.

NO. 20-582 - DAVID C. THYNE, FIRE CHIEF,
(dated November 24, 2020)

Informing of a donation of \$3,000, to be used to purchase equipment for the Department's Fitness and Wellness Program.

NO. 20-583 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated November 24, 2020)

Reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the 2021 Proposed General Obligation Bond Fund as of October 31, 2020.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-577
THROUGH 20-583.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Kelly King, to file County Communications 20-577 through 583.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. These communications are informational, and no further action is required by the Council. Mahalo.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Clerk.

NO. 20-584 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated November 23, 2020)

Transmitting the State of Hawaii's Commission on Water Resource Management water use reports for September 2020 for all registered well reporters in the County of Maui.

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Madam Chair. If there are no objections, I would also ask the Clerk to call up County Communications 20-585 through 20-588?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, Mr. Clerk, call up the others as requested.

NO. 20-585 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated November 24, 2020)

Informing of the acceptance of Waterline Easement A, Kehalani Modules 12 & 13,
TMK: (2) 3-5-001:108 POR & 109 POR.

NO. 20-586 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated November 24, 2020)

Informing of the acceptance of Waterline Easement B, Kehalani Modules 12 & 13,
TMK: (2) 3-5-001:108 & 109 POR.

NO. 20-587 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated November 24, 2020)

Informing of the acceptance of Waterline Easement M, Kehalani Modules 12 & 13,
Lot 167, TMK: (2) 3-5-001:108 POR & 109 POR.

NO. 20-588 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated November 24, 2020)

Informing of the acceptance of Waterline Easement W-1 through W-6, Kehalani
Modules 12 & 13, Lots 168 – 173, TMK: (2) 3-5-001:108 POR & 109 POR.

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 20-584
THROUGH 20-588.

I need a second.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Been moved by Councilmember Sugimura, seconded by Vice-Chair Rawlins-Fernandez, to file County Communications 20-584 through 20-588.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. These communications are informational, and no further action is required by the Council. Thank you, Keani, for the second.

CHAIR LEE: Any more questions or comments, discussion? If not, all those in favor of filing these communications as stated by Ms. Sugimura, please raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Look, eight "ayes", one "excused"; motion carries.

Mr. Clerk.

NO. 20-589 - KEANI N.W. RAWLINS-FERNANDEZ, CHAIR, ECONOMIC
DEVELOPMENT AND BUDGET COMMITTEE,
(dated November 24, 2020)

Transmitting County Communication 20-556, transmitting a proposed resolution entitled "AUTHORIZING THE PURCHASE OF LOT 2-A-1-A, CENTRAL MAUI SANITARY LANDFILL SUBDIVISION, ISLAND AND COUNTY OF MAUI, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO DISCHARGE THE ECONOMIC DEVELOPMENT
AND BUDGET COMMITTEE FROM FURTHER
CONSIDERATION OF THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 20-589.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to discharge County Communication 20-589.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, as we discussed in our Economic Development and Budget Committee meeting of December 2, 2020, this is a time sensitive matter. Discharge is needed to enable the Council to consider action today on the proposed resolution. Mahalo, Chair.

CHAIR LEE: Any discussion? If not, all those in favor of the motion, signify by saying "aye", and raising your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Okay. Motion carries with eight "ayes", one "excused", no "noes".

Okay, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Okay, Vice-Chair Rawlins-Fernandez moved, and Member Sugimura seconded to waive the Rules of the Council.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Same reason; it's a time sensitive matter that we. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
INCORPORATING ANY NONSUBSTANTIVE REVISIONS, AND
TO FILE COUNTY COMMUNICATION 20-556 AND 20-589.

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Kelly King, to adopt the resolution in County Communication 20-589.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, as discussed in the Economic Development and Budget Committee meeting of December 2, 2020, the

proposed resolution would authorize the County to acquire 59.307 acres identified for real property tax purposes, as tax map key (2) 3-8-003:025, located at Puunene, Maui, Hawaii, from Alexander & Baldwin, LLC for \$1,695,000.

The property will be used for the expansion of the Central Maui Landfill and ancillary uses such as waste diversion and recycling. I ask for the Members continued support. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-167.

NO. 20-590 - KEANI N.W. RAWLINS-FERNANDEZ, CHAIR, ECONOMIC
DEVELOPMENT AND BUDGET COMMITTEE,
(dated November 25, 2020)

Transmitting County Communication 20-576, transmitting a proposed resolution entitled "AUTHORIZING THE PURCHASE OF LAND LOCATED AT HONOKOWAI RESERVOIR, ISLAND AND COUNTY OF MAUI, PURSUANT TO CHAPTER 3.44, MAUI COUNTY CODE".

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO DISCHARGE THE ECONOMIC, FROM THE
ECONOMIC DEVELOPMENT AND BUDGET COMMITTEE
FROM FURTHER CONSIDERATION OF THE PROPOSED

RESOLUTION ATTACHED TO COUNTY COMMUNICATION
20-590.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second? Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember Sugimura, to discharge this item.

Any further discussion? Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, as we discussed in the Economic Development and Budget Committee meeting on December 2, 2020, this is a time sensitive matter. Discharge is needed to enable the Council to consider action today on the proposed resolution. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Council Vice-Chair Rawlins-Fernandez, seconded by Councilmember Sugimura, to waive, waive the, for the Rule 7, Rule 7 waiver.

Okay, discussion? Councilmember Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For the same reason, this item is time sensitive. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Okay. Item's waived. Motion carries; eight "ayes", one "excused", zero. Motion carries.

Oh, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION,
INCORPORATING ANY NONSUBSTANTIVE REVISIONS, AND
TO FILE COUNTY COMMUNICATIONS 20-576 AND 20-590.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to adopt the resolution in County Communication 20-590.

And we have discussion by Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. As discussed in your Economic Development and Budget Committee meeting of December 2, 2020, the proposed

resolution would authorize the County to acquire approximately 5.1 acres, identified for real property tax purposes as tax map key (2) 4-4-002:019, located at Honokowai, Lahaina, Maui, from Maui Land & Pineapple Company, Inc., for \$599,999, plus customary expenses.

The department of, Department of Environmental Management intends to use the property for elevated storage of recycled water necessary for the expansion and pressurization of the recycled water system in West Maui.

Your Committee discussed concerns regarding the history of the ownership of the land. They also discussed the importance of the work of the Department in maintaining the land and environment in the County.

Members, the Clerk's Office sent out the revised resolution received from the Department of the Corporation Counsel. This resolution incorporates the correct map, as discussed in the Committee meeting on December 2. This is nonsubstantive revision, as it is correcting a clerical error. But I am mentioning here for the record. And I ask for the Members continued support. Mahalo, Chair.

CHAIR LEE: Any further discussion?

Yes, Ms. Paltin. Cannot hear you.

COUNCILMEMBER SUGIMURA: Can't hear you.

COUNCILMEMBER PALTIN: Thank you, Chair. I was wondering, I, I had a chance to review the documents with the free time Member Rawlins-Fernandez gave us. And I was wondering if Corp. Counsel could address in the preliminary title report Schedule B, number 8 and 10, how we're not going to be on the hook for the \$48,481 with the IRS and the ADA lawsuit? I looked back over the minute, or the video, and I think Richelle Thomson mentioned that those were like some outstanding issues and exclusions of Schedule B. I just was wondering the process, like, we're not going to be on the hook for that, like the lawsuit and the IRS stuff?

CHAIR LEE: Corporation Counsel.

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Thank you, Chair. And thank you, Member Paltin. And so, those two issues, we will make sure that that's incorporated into the purchase and sale agreement and that those items, those encumbrances are removed prior to closing. So, that's already been discussed, and I believe is well on its way to being resolved.

COUNCILMEMBER PALTIN: Okay. So, we pass this today, but nothing gets done until those two items are taken off the Schedule B?

FIRST DEPUTY CORPORATION COUNSEL: Yes, that's correct.

COUNCILMEMBER PALTIN: Okay. Thank you.

FIRST DEPUTY CORPORATION COUNSEL: As well . . . prior to closing.

COUNCILMEMBER PALTIN: Okay. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: So, I see eight "ayes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-168.

NO. 20-591 - DAVID C. THYNE, FIRE CHIEF,
(dated November 24, 2020)

Transmitting a proposed resolution entitled "AUTHORIZING THE COUNTY TO ENTER INTO AN AMENDMENT AND RESTATEMENT OF THE AGREEMENT REGARDING THE PLACEMENT AND MAINTENANCE OF RESCUE TUBES AT MAUI COUNTY BEACH PARKS".

CHAIR LEE: Councilmember Molina. Oh.

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

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT IN ACCORDANCE WITH RULE 7.G.
OF THE RULES OF THE COUNCIL, RELATED TO COUNTY
COMMUNICATION 20-591.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER PALTIN: Second.

CHAIR LEE: Moved by Member Molina, seconded by Member Rawlins-Fernandez, to, on
the waiver motion.

Any discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yes. Thank you, Madam Chair. Approval of this motion by a
two-thirds vote of the entire membership of the Council will enable the Council to
consider the proposed resolution today. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION AND TO
FILE COUNTY COMMUNICATION 20-591.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Councilmember Molina, seconded by Councilmember King, to adopt the resolution in the communication.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The proposed resolution would amend the agreement with the Rotary Club of Wailea, which is set to expire on December 31 of this year, regarding the placement and maintenance of rescue tubes at Maui County beach parks.

This agreement affects 11 County beach parks in the Kihei, Wailea, Maalaea, and Hana area. The Rotary Club of Wailea is responsible for all cost and expenses, which includes the construction, placement and maintenance of the rescue tube stations. And the locations of the rescue tube stations will be determined after consultation with the Department of Parks and Recreation and the Department of Fire and Public Safety, providing safe and reasonable access for beachgoers.

And if approved, the agreement will expire on December 31, 2025.

And I've been informed Assistant Fire Chief, Mr. Michael Werner is on call should the Members have any questions. And I ask for the Members full support of this motion. Thank you, Madam Chair.

CHAIR LEE: Any further discussion?

Ms., Ms. Paltin, and then Ms. King.

COUNCILMEMBER PALTIN: Oh, thank you, Chair. I'm, I'm speaking in support of the motion. And I just wanted to clarify for anyone on the west side that thought that our beaches that had rescue tubes weren't included in this reso, the Battalion Chief had clarified for me that those beaches aren't up till next year. So, don't worry about Fleming's and Hanakao`o being left off this reso. So, thank you.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to thank the Rotary Club again. This was passed originally last term, and we were so thrilled to be able to get this

assistance from the Rotary Club and with their ongoing support for maintenance of these rescue tubes. So, in full support.

CHAIR LEE: Alright. Any more discussion? If not, all those in favor of the motion, signify by saying "aye", and raising your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Okay. So, we have eight "ayes", one "excused"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-169.

NO. 20-592 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated November 27, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO THE OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM (ENVIRONMENTAL PROTECTION) ECONOMIC DEVELOPMENT PROGRAM (EAST MAUI ECONOMIC DEVELOPMENT, ENVIRONMENTAL AND CULTURAL PROGRAMS)".

CHAIR LEE: So, we have Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to invoke the Rules of the Council, for the waiver.

Any discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Action on this item today would allow for the use of this funds more expeditiously. Mahalo, Chair. So, it's--

CHAIR LEE: Oh, is it one of those time-sensitive matters?

Okay. Any more discussion? All those in favor of the waiver, signify by saying "aye", and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Okay, unanimous. So, eight "ayes", one "excused"; motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING,
INCORPORATING ANY SUBSTANTIVE REVISIONS, AND TO
FILE COUNTY COMMUNICATION 20-592.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember King, to, to pass this item on first reading and filing of the communication.

Any further discussion, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend the Fiscal Year 2021 Budget by adding, "and other invasive species" to the Eradicate Miconia provi, proviso, under the Office of the Mayor, Administration Program, Environmental Protection.

It would also amend the Office of the Mayor, Economic Develop Program, Grants and disbursements for business development and technology, East Maui Economic Development, Environmental, and Cultural Programs, by correcting "Holani Hale" to "Holani Hana". Budget Director Yoshimura, oh shucks, sorry, provided that information to me.

And if we have any questions, we have Director JoAnn Inamasu on the line. But also, this amendment was initiated by East, East Maui Councilmember Sinenci. So, if he would like to add anything further. Mahalo, Chair.

CHAIR LEE: Okay. Any further discussion?

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair. And mahalo, Member Rawlins-Fernandez. Yes, and also mahalo to Ms. Inamasu and Budget Director for transmitting the bill. We did, we did hear from Mr. Adam Radford.

AND I WAS WONDERING IF WE COULD MAYBE AMEND TO,
TO INCLUDE MAUI INVASIVE SPECIES AND MOLOKAI INVA,
AND MOMISC, IF THAT IS A FRIENDLY AMENDMENT THAT,
THAT I COULD PROBABLY PROPOSE, SO THAT IT'S
SPECIFIC TO THOSE AGENCIES.

CHAIR LEE: Is there a second?

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: May, may we get the Corporation Counsel to weigh in on the appropriateness of the motion?

CHAIR LEE: Alright. Is Corporation Counsel there?

CORPORATION COUNSEL MOANA LUTEY: Chair, thank you. I'm sorry, but at this point, I think that with that amendment, Member Sinenci, that you would, you could make the amendment today, but I think you would need to bring it back for another reading, just

to give enough notice to anyone else who may be interested in testifying or being considered for what you are suggesting here.

COUNCILMEMBER SINENCI: Okay. Thank you, Ms. Lutey. Yea, okay, just for the expediency, I'll go ahead and retract my, my motion, so that we can get this through and then I can go ahead and send a letter. Thank you, Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Since this will be going for first reading and it requires a second reading, for Corporation Counsel, would the Administration be able to send that amendment, so that this could pass second reading at the next Council?

CORPORATION COUNSEL: Yes, Chair. Thank you, Member Rawlins.

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

CHAIR LEE: Alright. So, what are you suggesting, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Passing first reading today and getting Budget Director to send that amendment for second reading at the next Council.

CHAIR LEE: Okay. Well, what if other people come and testify and want to be included on that list, then it wouldn't pass second reading. It would go back to first reading. You know that? Okay. Alright.

Any more discussion? Okay, all those in favor of the motion to pass this matter on first reading, signify by saying "aye", and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: So, looks like we have eight "ayes", zero "noes", one "excused"; motion carries.

And then, Mr., Mr. Sinenci, did you have a question? You had your hand up kind of long. No?

COUNCILMEMBER SINENCI: I'm sorry, I've got internet lag. No. Mahalo. Mahalo, Members. Thank you.

CHAIR LEE: Oh, okay. Oh, okay. Alright.

COUNCILMEMBER KING: So, Chair.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: Just a question for, for second reading on this item. If it comes to second reading with that amendment, then that's not considered substantive, a substantive change? Maybe Ms. Lutey. Wanted to get clarification on that.

CHAIR LEE: Ms. Lutey. Corporation Counsel. Oh, okay.

COUNCILMEMBER KING: Oh, Ms. Thomson.

CHAIR LEE: Ms. Thomson.

FIRST DEPUTY CORPORATION COUNSEL: Hi. I understand the conundrum. So, it's up for, if I'm understanding correctly, up for first reading today. So, the choices are either amend it on the floor and then bring it back for second reading, or we have the Budget Office transmit a revised reso *[sic]*. I think either way is correct. But Chair Lee, you're, you're right, that if others came out and testified that they would like to be considered for this proviso funds, and if the Council wanted to consider that, it would have to come back for a second, a second-second reading. It's, it's a little awkward. But, you know, I think either way is, is an okay path. Either amend, amend it verbally today and then bring it back, or have Budget transmit a revised.

COUNCILMEMBER KING: Okay. So, we could, we could amend it today, and then thus the amended version would be heard in second reading, and that would give enough time for people to come out and say they do or don't like it? I was just worried because I know that when things get to second reading, if we make changes, a lot of times they're considered substantive and then they have, it has to go back to Committee, so.

CHAIR LEE: You're, you realize we passed this already, right?

COUNCILMEMBER KING: Right. But I'm just, I'm, that's why I'm asking about this process, because I thought I heard that it was going to come to second reading and then we were going to make that amendment then. But I guess you have to post the amendment, so that we can let people know in case they want to come and testify. So,

the, the intention is, cause I just wanted to make sure that if we were posting that amendment that that doesn't constitute a substantive change that causes it to go back to Committee. That's what I was asking Corp. Counsel.

CHAIR LEE: Ms., Ms. Thomson. You want any, add anything?

FIRST DEPUTY CORPORATION COUNSEL: No. I think that you could do what you did today, as well as, you know, for the record, waive the re-referral and adopt the amendment at that time.

COUNCILMEMBER KING: Okay. Alright. Thank you.

CHAIR LEE: Alright. That takes care of that item.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is BILL 131 (2020).

NO. 20-593 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated November 27, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR, (WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) RAPID RESPONSE PROGRAM)".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

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

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Vice-Chair Rawlins-Fernandez moved, and seconded by Member King, to waive the Rules of the Council.

So, we go back to Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This item is just recognizing a grant that we received. Mahalo, Chair.

CHAIR LEE: Okay. Alright. Any more questions or comments? All those in favor of the waiver, signify by saying "aye", and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILL ON FIRST READING,
AND INCORPORATING ANY NONSUBSTANTIVE REVISIONS,
AND TO FILE COUNTY COMMUNICATION 20-593.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Councilmember King, to pass this item on first reading.

Vice-Chair Rawlins-Fernandez, discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bill would amend Appendix A, Part I, of the Fiscal Year 2021 Budget by adding a new appropriation for the Office of the Mayor, entitled "Workforce Innovation and Opportunity Act Rapid Response, Rapid Response Program", in the amount of \$64,172.

These funds will be used for rapid response activities, including layoff aversions and business services activities to assist dislocated workers and employers in Maui County.

OED Director JoAnn Inamasu is available to answer any questions Members may have. I ask for the Members support of this motion. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Ms., Ms. Rawlins-Fernandez, since the CARES Act is expiring, are we going to have a rash of time sensitive items for our last meeting?

VICE-CHAIR RAWLINS-FERNANDEZ: I'm not sure.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I, we can ask OED Director if she knows. But I think, yea, everyone's--

CHAIR LEE: Okay. No, I was just curious if they informed you that it was, this would be coming down.

Alright. Mr. Clerk.

COUNTY CLERK: Chair, for the record, that is BILL 132 (2020).

Chair, proceeding with County Communications for referral. The following County Communications are recommended for referral to the Council Chair for the term beginning January 2, 2021:

NO. 20-594 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated November 13, 2020)

Transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2020 to June 30, 2021, and the Capital Improvement Project report as of September 30, 2020.

The recommended action is that County Communication No. 20-594 be referred to the Council Chair for the 2021 – 2023 term.

NO. 20-595 - TAMARA PALTIN, COUNCILMEMBER,
(dated November 17, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 3.17, MAUI COUNTY CODE, RELATING TO THE REDUCTION OF ADMINISTRATIVE FINES".

The recommended action is that County Communication No. 20-595 be referred to the Council Chair for the 2021 – 2023 term.

NO. 20-596 - MICHAEL WILLIAMS, CHAIR, COST OF GOVERNMENT
COMMISSION, (dated November 17, 2020)

Transmitting the Cost of Government Commission Report on Financing of the Wailuku Parking Structure.

The recommended action is that County Communication No. 20-596 be referred to the Council Chair for the 2021 – 2023 term.

NO. 20-597 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated November 27, 2020)

Transmitting the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF POLICE, WAILUKU-KAHULUI COMMUNITY PLAN AREA, GOVERNMENT FACILITIES, BOND FUND, WAILUKU POLICE STATION FUEL TANK REPLACEMENT; TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS; TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)";
2. "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF POLICE, WAILUKU-KAHULUI COMMUNITY PLAN AREA (WAILUKU POLICE STATION FUEL TANK REPLACEMENT)"; and
3. "A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101, BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI ISSUANCE, SALE AND DELIVERY OF SAID BONDS (DEPARTMENT OF POLICE – WAILUKU STATION FUEL TANK REPLACEMENT)".

The recommended action is that County Communication No. 20-597 be referred to the Council Chair for the 2021 – 2023 term.

THE PROPOSED BILLS ATTACHED TO COUNTY COMMUNICATION NO. 20-597 WAS PASSED ON FIRST READING LATER IN THE MEETING AND ASSIGNED BILL NOS. 133 (2020), 134 (2020), AND 135 (2020). COUNTY COMMUNICATION NO. 20-597 WAS THEN FILED. See pages 51 through 54 for discussion and action.

NO. 20-598 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated November 4, 2020)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE COMMUNITY PLAN DESIGNATION FROM PARK AND MULTI-FAMILY TO

PUBLIC/QUASI PUBLIC FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEY (2) 3-8-007:097;

2. A proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-2 RESIDENTIAL DISTRICT TO P-2 PUBLIC-QUASI PUBLIC DISTRICT FOR PROPERTY SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEY (2) 3-8-007:097"; and
3. Related documents.

The recommended action is that County Communication No. 20-598 be referred to the Council Chair for the 2021 – 2023 term.

NO. 20-599 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated November 4, 2020)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM R-3 RESIDENTIAL DISTRICT AND R-2 RESIDENTIAL DISTRICT TO A-2 APARTMENT DISTRICT FOR PROPERTIES SITUATED AT KAHULUI, MAUI, HAWAII, TAX MAP KEYS (2) 3-8-007:050, (2) 3-8-007:095 AND (2) 3-8-007:096"; and related documents.

The recommended action is that County Communication No. 20-599 be referred to the Council Chair for the 2021 – 2023 term.

CHAIR LEE: Members, did you have any questions on any of these items, which are scheduled to be referred to the Council Chair for the next term?

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 20-597

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Consideration on County Communication 20-5, 57, 597.

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

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Alright. Vice-Chair Rawlins-Fernandez moved, and Councilmember Yuki Sugimura seconded, to waive the Rules of the Council for this item.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, this item has gone out to bid. And the bid went higher. If we don't take action today, then the Department will have to go back to bid. And there's no certainty what will happen at the next bid, if it could go up again. So, that's, that's the consideration for today. If Members want to--

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --have that discussion.

CHAIR LEE: Any more discussion or comments? Okay, all those in favor of waiver, signify by saying "aye", and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Okay, I see eight "ayes", zero "noes", one "excused"; motion carries.

Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS THE PROPOSED BILLS ON FIRST
READING, INCORPORATING ANY NONSUBSTANTIVE
REVISIONS AND TO FILE COUNTY COMMUNICATION
20-597.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass the item in County Communication 20-597 on first reading.

Discussion? Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed bills would amend: 1) the Fiscal Year 2021 Budget, Estimated Revenues, Department of Police, Wailuku-Kahului Community Plan area; 2) Government Facilities, Bond Fund, "Wailuku Police Station Fuel Tank Replacement"; 3) total Capital Improvement Projects Appropriation; 4) Total Appropriations (Operating and Capital Improvement Projects); 5) Appendix C, Department of Police, Wailuku-Kahului Community Plan Area, "Wailuku Police Fuel Tank Replacement"; and 6) Ordinance No. 5101, Bill 66 (2020), relating to the issuance of the General Obligation Bonds of the County of Maui issuance by adding a new appropriation under Department of Police, entitled "Wailuku Police Station Fuel Tank Replacement" in the amount of \$501,000.

Funds for this project were included in the Fiscal Year 2020 Budget in the amount of \$450,500. But the lowest bid received by the Department exceeded this amount, so they were not able to execute the contract at that time.

We have Ms. Melissa Magonigle on the line, from the Department of Police, if Members have questions.

CHAIR LEE: Members, do you have questions about this? It appears not, so--

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

CHAIR LEE: You have more, okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. Magonigle.

MS. MELISSA MAGONIGLE: Hi. Yes. Good morning.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Mahalo for being with us this morning. Is there a reason that the Department didn't act in a timely manner to execute the contract?

MS. MAGONIGLE: When the bid opening had originally come out, we didn't have enough funds. We submitted a budget amendment in January of 2020 and that was approved in May. So, by the time we went back out to bid, the lowest bidder did not bid again, and that's why we're back in front of Council asking for another increase. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Magonigle. Okay, so if this amendment is passed today, will the Department act quickly to secure the contract?

MS. MAGONIGLE: Yes. We have the bids in place. The lowest bidder is holding the price, so if this gets approved, we will be able to move forward right away with this project.

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

CHAIR LEE: Any more questions? Okay, proceeding with the vote, all those in favor of passing this item on first reading, please signify by saying "aye", and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Okay, looks like eight "ayes", zero "noes"; motion carries; one "excused".

Okay. Mr. Clerk, next.

DEPUTY COUNTY CLERK: Chair, for the record, these are BILLS 133 (2020), 134 (2020), and 135 (2020), respectively.

Staff would just like to confirm with the body that there are no other objections to the referrals as read by the Clerk.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No, objections. Okay.

DEPUTY COUNTY CLERK: Then, Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 20-151 - CLIMATE ACTION AND RESILIENCE COMMITTEE:

Recommending the following:

1. That Resolution 20-170, entitled "REFERRING TO THE PLANNING COMMISSIONS A PROPOSED BILL AMENDING SECTION 2.80B, MAUI COUNTY CODE, TO ADD 'MITIGATE CLIMATE CHANGE AND WORK TOWARD RESILIENCE' AS A GOAL OF THE COUNTYWIDE POLICY PLAN," be ADOPTED; and
2. That the Miscellaneous Communication, relating to adding sustainable agriculture and climate change solutions to the Maui County General Plan objectives, be FILED.

CHAIR LEE: Councilmember King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN THE
COMMITTEE REPORT.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Councilmember King, seconded by Member Sinenci, to approve Committee, the recommendations in Committee Report 20-151.

Councilmember King.

COUNCILMEMBER KING: Thank you, Chair. The proposed resolution refers to the Maui, Molokai, and Lanai Planning Commissions a, a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B, MAUI COUNTY CODE, TO ADD

'MITIGATE CLIMATE CHANGE AND WORK TOWARDS RESILIENCE' AS A GOAL OF THE COUNTYWIDE POLICY PLAN".

The purpose of the proposed bill is to amend the Countywide Policy Plan to incorporate the amended Section IV by adding "Mitigate Climate Change and Work Towards Resilience" as a goal.

In its deliberations, your Committee noted that there are climate change policies throughout the Countywide Policy Plan, but it is essential to focus on the importance of minimizing the cause and, causes and negative effects of climate change by grouping the policies under a single theme and goal.

The Countywide Policy Plan hasn't been amended in this way, and this is a step forward in updating this living document.

Over the course of three meetings, your Committee received presentations from climate change experts and feedback from the Office of the Mayor, Planning Department, MEMA, and University of Hawaii Sea Grant Program. Your Committee also worked with UH's Sea Grant Program to incorporate additional policy actions relating to sea level rise.

The Department supported emphasizing climate change in the Countywide Policy Plan. The Planning Department expressed the Countywide Policy Plan should avoid duplication. And these changes are reflected in the most recent draft of the proposed legislation.

To assist the public and members of the Planning Commissions in seeing differences between the existing and proposed versions of the Countywide Policy Plan, your Committee has prepared a Ramseyered version of the amended Section IV, a copy of which is attached to the end of this report as Exhibit "1".

Your Committee voted 6-0 to recommend adoption of the proposed resolution and filing of the communication. I ask for the Members support of your Committee's recommendations.

CHAIR LEE: Anymore discussion?

Yes, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. And thank you, Kelly. I have an amendment from Mr. Hokama. And he asked me to present it in his absence, because he's with the NACo board meeting. May I proceed?

CHAIR LEE: Please make your amendment proposal.

COUNCILMEMBER SUGIMURA: Thank you.

SO, I MOVE TO AMEND EXHIBIT "1" OF THE ORDINANCE ATTACHED TO THE RESOLUTION, ON PAGE 80 AND 81 OF THE COUNTYWIDE POLICY PLAN, AS IT RELATES TO THEME L, OBJECTIVE 1, IMPLEMENTING ACTIONS E AND F, TO READ AS FOLLOW, FOLLOWS:

E. INCORPORATE, AND THIS IS WHAT HE'S ADDING, "PLANTING OF NATIVE AND INDIGENOUS TREES" AS A MAJOR COMPONENT TO THE URBAN DESIGN OF BOTH COOL NEIGHBORHOODS AND REDUCE CARBON DIOXIDE.

F. COORDINATE WITH STATE, COUNTY, AND PRIVATE LANDOWNERS IN THE DEVELOPMENT OF FORESTRY AND, ADDING "PLANTING OF NATIVE AND INDIGENOUS TREES" TO REDUCE CARBON DIOXIDE.

That is his motion. And--

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

Ms. King.

COUNCILMEMBER SUGIMURA: . . . discussion. Oh.

COUNCILMEMBER KING: Yea, I just want to, wondered if we could, in, in the second statement you made, change the word "planting" to "prioritizing", because it may be that we, you know, in looking at the available tree stock. But I think we've discussed this in Committee too, about prioritizing indigenous trees.

CHAIR LEE: Are you amenable to that, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: It sounds, it sounds like it makes sense. It's from Mr. Hokama.

CHAIR LEE: Okay, so we need a second.

COUNCILMEMBER SUGIMURA: So, you're changing the word "planting"?

CHAIR LEE: Yea, to "prioritizing".

COUNCILMEMBER SUGIMURA: To prioritize. Okay.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, are you seconding the motion? Okay.

Okay. Now, everybody understands by substituting the word "prioritizing" instead of "planting"? Okay.

COUNCILMEMBER SUGIMURA: For the item under "f.", right? For the second one only.

CHAIR LEE: Okay. Do you have anymore? Do you have any more discussion?

COUNCILMEMBER SUGIMURA: That's it.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: This is his, if, and if any, that's it.

CHAIR LEE: Yea, I recall it coming up.

COUNCILMEMBER KING: Yea, he brought this up in Committee. And he, he had emailed back and forth. But we did discuss the idea of prioritizing.

CHAIR LEE: Okay. Alright.

COUNCILMEMBER SUGIMURA: And he said his reason is, if I could read his reason, is to ensure that native and indigenous trees are prioritized in any planting efforts. And I think he also said that this discussion was also supported by Dick Mayer from Upcountry in, in the community.

COUNCILMEMBER KING: It was, yea, it was, yea, it was Dick Mayer was the one that brought the amendments about tree planting. So, Councilmember Hokama was, was pointing out the fact that we should prioritize indigenous plants and we're doing that.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Yes, Mr. Sinenci. Oh, are you, you voting?

COUNCILMEMBER SINENCI: No. I just wanted to add, as the seconder, as we anticipate our Maui County community plans moving forward, it's important that we address important infrastructure and, and our thoroughfares along our coastlines. So, happy to support. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

CHAIR LEE: Motion carries; eight, zero, one "excused".

COUNCILMEMBER SUGIMURA: Thank you on behalf of Mr. Hokama.

CHAIR LEE: Okay. Now, the motion, the main motion as amended. Any more discussion? If not, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER HOKAMA.

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

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes, Ms. King.

COUNCILMEMBER KING: I just notice, I'm just looking at the time and I thought Members wanted to take a break at 11, so we could, we could check in on that NACo presentation by the President, the incoming President. I don't know if we're, something that, I remember Mr. Hokama saying, he sent us a link and he said this would, they would come on at 11.

CHAIR LEE: Okay. Let's, let's just get through the next two items. We get two votes and then, and then we'll go to, cause the second and final reading is almost exclusively Vice-Chair Rawlins-Fernandez with one for Ms. Paltin. So, can we just take care of the next two, which shouldn't take long? Okay. Alright.

Mr. Clerk, next committee report.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-170.

CHAIR LEE: Okay.

COMMITTEE REPORT

NO. 20-152 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 20-171, entitled "RELATING TO THE APPOINTMENT OF JOHANNA AMORIN TO THE BOARD OF WATER SUPPLY FOR THE COUNTY OF MAUI," be ADOPTED.

CHAIR LEE: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 20-152.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez, to adopt the resolution in Committee Report 20-152.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee met on this matter on November 17, 2020. Your Committee interviewed Ms. Amarin, and Ms. Amarin said she would strive to maintain good communication and be willing to understand and listen to both sides of the issues before making decisions.

Ms. Amarin is president of a staffing and payroll service company on Maui, and she's also involved in various community organizations, and was the previous Chair and board member of the Maui Planning Commission from 2003 to 2008.

Your Committee voted 8-1 to recommend adoption of the resolution approving the nomination. I ask for the Members full support. Thank you.

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

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

NOES: COUNCILMEMBER PALTIN.

EXCUSED: COUNCILMEMBER HOKAMA.

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

Next committee report, Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order, Chair.

COUNCILMEMBER KING: Chair, I think Ms. Paltin has a--

CHAIR LEE: Oh, I'm sorry. Yes, Ms. Paltin. You're, you're muted.

COUNCILMEMBER PALTIN: I didn't vote affirmative.

CHAIR LEE: Oh okay. Let me correct the record; it was seven "ayes", one ex, one "no", and one "excused". The one "excused", of course, is Mr. Hokama. The "no" is Ms. Paltin. Motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-171.

CHAIR LEE: Okay.

COMMITTEE REPORT

NO. 20-153 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Resolution 20-172, entitled "APPROVING THE REMOVAL OF PROSECUTING ATTORNEY DONALD S. GUZMAN," be ADOPTED; and
2. That the proposed resolution, entitled "DISAPPROVING THE REMOVAL OF PROSECUTING ATTORNEY DONALD S. GUZMAN," be FILED.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT NO. 20-153.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Oh, I see, I see. Okay. Moved by Mr. Molina, seconded by Ms. Sugimura, to adopt the recommendation in Committee Report 20-153.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee met on this matter on both November 5 and November 6 of 2020. Your Committee received oral and written testimony both in support and in opposition to the removal. Your Committee also received oral testimony in support of the removal, specifically from five County employees, four of whom are employed in the Department of the Prosecuting Attorney's office and one of which was identified as the complainant.

Your Committee met with the Prosecuting Attorney, the complainant, the Mayor, and an attorney from the law firm Marr Jones & Wang, who was hired by the Administration to investigate the complaint. The Committee learned the investigation resulted in a report that concluded the Prosecuting Attorney engaged in "threats of intimidation, to

inflict mental harm or injury" in violation of the County's Violence in the Workplace Action Plan.

Your Committee met with the Director of Personnel Services who explained that Mr. Guzman is an appointed employee, not subject to collective-bargaining agreement or civil-service laws. Further, at-will employees may be terminated for any or no reason, provided an individuals' protected classes are not violated.

At the request of the Deputy Corporation Counsel, your Committee held an executive meeting to discuss confidential information related to the complaint. And following the executive session meeting, your Committee reconvened in regular session.

Your Committee acknowledged the accomplishments of the Prosecuting Attorney while head of the department; but could not overlook a pattern of behavior involving angry outbursts and verbal threats in violation of the County's Violence in the Workplace Action Plan.

Your Committee agreed that all forms of violence in the workplace are not acceptable and stressed the safety of all County employees as a priority.

Your Committee voted 9-0 to unanimously recommend adoption of the revised proposed resolution approving the removal of Prosecuting Attorney Donald S. Guzman and filing of the proposed resolution to disapprove the removal. I ask the Members for the full support of this motion. Thank you.

(Councilmember Hokama arrived at the meeting at 11:06 a.m.)

CHAIR LEE: Thank you, Mr. Molina. Any more discussion? If not, I believe Mr. Hokama is joining us for this vote. Mr. Hokama?

COUNCILMEMBER HOKAMA: Yes, thank you very much, Madam Chairman. Yea, I'll be happy to participate before the President-Elect speaks to us shortly. So, yea, happy to participate. Thank you.

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

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

NOES: NONE.

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

Mr. Hokama, should we take a recess now, so we can all join and watch, following that link that you sent us?

COUNCILMEMBER HOKAMA: The, yeah, the executive director is finishing up his report to the board, and then we expect President-Elect Biden and Vice-President Harris elect in about 10 minutes, Chair. So, maybe if you still want to do some of the businesses, I'm happy to do the Healthy Families Committee's committee reports, if the Members would allow that. Thank you.

CHAIR LEE: Any objections to moving around?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, Mr. Clerk, do you want to call up the happy, the Healthy Families report, committee report?

DEPUTY COUNTY CLERK: Yea. Yes, Chair. For the record, that resolution that was just adopted, that's RESOLUTION 20-172.

COMMITTEE REPORT

NO. 20-154 - HEALTHY FAMILIES AND COMMUNITIES COMMITTEE:

Recommending the following:

1. That Resolution 20-173, entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO KAUPAKALUA ROPING CLUB & YOUTH RODEO, INC.," be ADOPTED; and
2. That County Communication 20-334, from the Director of Parks and Recreation, be FILED.

CHAIR LEE: Member Hokama.

COUNCILMEMBER HOKAMA: Chair, thank you.

I MOVE THAT COMMITTEE REPORT 154, ALONG WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Okay, moved by Member Hokama, seconded by Member Kama, that the recommendations in Committee Report 20-154 be approved.

Any more discussion, Mr. Hokama?

COUNCILMEMBER HOKAMA: Chair, the Council is being requested to approve a 20-year lease with the Kaupakalua Roping Club & Youth Rodeo program. There was questions about membership that was addressed by the officers of the club. It's open to anyone to become a member and utilize the facility.

Part of the agreement has been that they do their own fundraising, so they haven't asked the County for any grants or supporting appropriations from the past, this very community-oriented activity for our Upcountry and those interested in equestrian and rodeo activities. And Committee is recommending approval of the lease proposal as presented to the Committee for approval. Thank you.

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

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

NOES: NONE.

CHAIR LEE: I see, Ms. Paltin, are you voting? Okay. Nine "ayes", zero "noes"; motion carries.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is--

CHAIR LEE: Chop, chop. Chop, chop.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-173.

CHAIR LEE: Okay.

COMMITTEE REPORT

NO. 20-155 - HEALTHY FAMILIES AND COMMUNITIES COMMITTEE:

Recommending the following:

1. That Resolution 20-174, entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY REAL PROPERTY TO MAUI FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION," be ADOPTED; and
2. That County Communication 20-558, from the Director of Parks and Recreation, be FILED.

CHAIR LEE: Member Hokama.

COUNCILMEMBER HOKAMA: Thank you, Madam Chairman.

I MOVE THAT COMMITTEE REPORT 20-155, ALONG WITH ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Hokama, seconded by Member Kama, to adopt the recommendations in Committee Report 20-155.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you very much, Madam Chairman. Your Committee's recommending adoption of this proposed grant lease document that is also expanding the area of service under the Maui Family Young Men's Christian Association.

As presented to the Committee, your Committee this morning is recommending approval, as the lease was proposed to the Committee for its actual use and expansion areas. Your Committee questioned the executive director regarding various components of the expansion. And we are satisfied this morning to be able to recommend adoption of the proposed resolution. Thank you.

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

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

NOES: NONE.

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

Last one, Ms. Sugimura. Councilmember Sugimura. Oh, I'm sorry. I'm getting ahead of the Clerk.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 20-174.

COMMITTEE REPORT

NO. 20-156 - WATER, INFRASTRUCTURE, AND TRANSPORTATION
COMMITTEE:

Recommending that Resolution 20-175, entitled "APPROVING A TIME EXTENSION FOR THE COUNCIL TO ADOPT THE MAUI ISLAND WATER USE AND DEVELOPMENT PLAN," be ADOPTED.

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 20-156.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay. Moved by Member Sugimura, seconded by Member Kama, to adopt the recommendations in Committee Report 20-156.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Your Water, Infrastructure, Transportation Committee met jointly with the Environmental, Agricultural, and Cultural Preservation Committee on November 16 to discuss the Maui Island Water Use Development Plan. At this meeting, the Committee discussed the need to engage in more public outreach and discussion before adopting the plan.

The initial deadline to pass the adoption was September 18, 2019, which was extended by Resolution 19-153 to December 31, 2020. The purpose of this proposed resolution is to extend the deadline from December 31, 2020 to June 30, 2021 to provide additional time for the Council to review and adopt the plan.

Your Committee voted 7-0 to recommend adoption of the proposed resolution. I respectfully ask the Members support of my motion. Thank you.

CHAIR LEE: Any more discussion? All those in--

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Really quickly. Happy to support. The extension would help to address additional community concerns, as Member Sugimura had mentioned, and also, a chance to meet with kalo farmers and Aha Moku representatives, as well as update any new information that we already have. So, mahalo, Chair, for the opportunity.

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

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

NOES: NONE.

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

Oh, we're at second and final.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Second and final reading. We have only one for Ms. Paltin, and the rest for Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: Oh, we're going for it, huh?

CHAIR LEE: Oh yea.

DEPUTY COUNTY CLERK: Chair, for the record, that resolution was RESOLUTION 20-175.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: Proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 114 (2020)
Draft 1

A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM OPEN ZONE
TO R-1 RESIDENTIAL DISTRICT (CONDITIONAL ZONING) FOR 6.943 ACRES
IN KIHEI, MAUI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 3-9-004:141

CHAIR LEE: Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I only have one, but it's a long time coming.

Mr. Clerk, may I request that you confirm if the unilateral agreement has been recorded?

DEPUTY COUNTY CLERK: Yes, Member Paltin, the unilateral agreement for this item has been recorded.

COUNCILMEMBER PALTIN: Thank you, Mr. Clerk.

I MOVE TO PASS BILL 114 (2020) ON SECOND AND FINAL
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER KAMA: Second.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Okay. Moved by Member Paltin, seconded by Member Sugimura to pass Bill 114 on second and final reading.

Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Bill 114 would approve a conditional change in zoning from Open Zone to R-1 Residential District for approximately seven acres of land located near Kilohana Drive and South Kihei Road, mauka of Keawekapu Beach.

The R-1 Residential District Zoning would allow construction of 28 single-family dwellings that must be sold as workforce housing.

If the bill is enacted, development will require a Special Management Area permit, so there will be further opportunity for public review.

This project will contribute to alleviating the need for workforce housing in the Kihei-Makena Community Plan area near job centers.

I respectfully ask the Council's support for my motion. Thank you.

CHAIR LEE: Any more discussion?

Yes, Ms. King, and then Ms. Sugimura.

COUNCILMEMBER KING: Thank, thank you, Chair. I didn't know if Ms. Sugimura wanted to go first as the seconder as the motion.

COUNCILMEMBER SUGIMURA: No, that's fine. I'll go second.

COUNCILMEMBER KING: Okay. So, I just wanted to thank Member Paltin for being very thoughtful as we went through the conditions. There still seems to be a little bit of conflicts among neighbor, the neighboring areas. And I just want to encourage the developer to continue to meet with the neighborhood associations around there to address some of their issues, ongoing issues with traffic and with, I think we heard today that they wanted assurance that there would be, you know, those, those construction dust guards or whatever, be, before it even gets to the SMA permit area.

So, that, you know, that, those, those kinds of issues can be alleviated, I think, by having good communication among the neighbors.

And so, I'd like to see that ongoing. It, this has been a difficult one, because it didn't come from our district. It came from outside our district and it, and it, and it was sort of out of the blue. So, I want to thank the, those neighbors who, who worked to make this an acceptable project in the interest of bringing affordable housing to this area. And, and I think it's a good area. I just, I do have, I think we do have ongoing traffic concerns. And so, this is another indication of needing to prioritize the North-South Collector Road, so that we can, we can take some of that traffic off of South Kihei Road. But, other than that, you know, I support going forward. And I also will be attending, if like, if it works out, the SMA hearings on this, just to follow it through. Thank you.

CHAIR LEE: Okay. Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea, thank you. Thank you very much, Ms. Paltin, Ms. King. And I just wanted to thank the Kihune Family, who put this project together and supported, you know, our affordable housing shortages that we have in our community. I also want to give special thanks to Joyce Murashige, Clerk's Office, for making sure that this unilateral agreement went through. Mr. Hopper, Moana, and David Raatz is always extra helpful. So, thank you very much for making this happen. I look forward to seeing this built. Thank you.

CHAIR LEE: Anymore--

Yes, Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to correct the record. It's not affordable housing. It's workforce. So, it's not affordable. I just wanted to reiterate that it's not affordable. It's pretty pricey. But it's workforce. So, mahalo, Chair.

CHAIR LEE: Anymore discussion?

Yes, Ms. King.

COUNCILMEMBER KING: I just wanted to say, I stand corrected. Thank you, Keani, for reminding us that this is workforce housing. It doesn't qualify for the under 100 percent AMI or under 80 percent.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion to pass this bill on second and final reading, say "aye", and raise your hand.

AYES: COUNCILMEMBERS HOKAMA, 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.

ORDINANCE NO. _____
BILL NO. 122 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
OFFICE OF THE COUNTY CLERK,
(CENTER FOR TECH AND CIVIC LIFE GRANT)

CHAIR LEE: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the Clerk also call up Bills 123 through 130.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Wow. The whole ball of wax. Okay, yes, no objections.

Mr. Clerk, bring them all up.

ORDINANCE NO. _____
BILL NO. 123 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF FINANCE, GOVERNMENT FACILITIES,
BOND FUND, ACQUISITION OF 60 SOUTH CHURCH STREET BUILDING AND PROPERTY;
TOTAL CAPITAL IMPROVEMENTS PROJECT APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 124 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF FINANCE,
ACQUISITION OF 60 SOUTH CHURCH STREET BUILDING AND PROPERTY

ORDINANCE NO. _____
BILL NO. 125 (2020)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 5101,
BILL NO. 66 (2020), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF FINANCE – ACQUISITION OF 60 SOUTH
CHURCH STREET BUILDING AND PROPERTY)

ORDINANCE NO. _____
BILL NO. 126 (2020)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48,
MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX EXEMPTIONS
FOR VERY LOW INCOME, LOW INCOME, BELOW MODERATE INCOME
AND MODERATE INCOME RENTAL UNIT PROJECTS

ORDINANCE NO. _____
BILL NO. 127 (2020)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE OFFICE OF THE AUDITOR, STATE OF HAWAII, TO AUDIT THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND TO MEET THE REPORTING REQUIREMENTS UNDER GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NUMBER 75

ORDINANCE NO. _____
BILL NO. 128 (2020)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2021 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF POLICE
(HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA))

ORDINANCE NO. _____
BILL NO. 129 (2020)

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAX

ORDINANCE NO. _____
BILL NO. 130 (2020)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48.305,
MAUI COUNTY CODE, RELATING TO CLASSIFICATION OF REAL PROPERTY

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 122 THROUGH BILL 130 ON SECOND
AND FINAL READING.

CHAIR LEE: Second?

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR LEE: Okay. Vice-Chair Rawlins-Fernandez moved, and Member Hokama seconded, to pass the Bills 122 through 130 on second and final reading.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm doing my part in getting us through this meeting as quickly as possible, since these bills were supported unanimously by the Council on first reading.

Bill 122 amend, amends Appendix A, Part I, of Fiscal Year 2021 Budget by adding a new appropriation of the Office of the County Clerk, entitled "Center for Tech and Civic Life Grant" in the amount of \$130,456.

Bill 123 through Bill 125 amends Fiscal Year 2021 Budget by allocating Bond Funds for the purchase of 60 Church Street for the use of Maui Emergency Management Agency and other departments.

Bill 126 amends Chapters 3.48, Maui County Code, to allow previously eligible projects that are operating under a regulatory agreement with the State and Federal governments continue to qualify for the real property tax exemption.

Bill 127 authorizes the Mayor to enter into a, an agreement to fund the audit of the Hawaii Employer-Union Health Benefit Trust Fund for Fiscal Years 2020, 2021, and 2022. The cost for these services would be \$3,500; \$3,700; and \$3,800 for the respective fiscal years.

Bill 128 amends Appendix A, Part I, of the Fiscal Year 2021 Budget to add an additional \$65,450 to appropriation for the Department of Police, High Intensity Drug Trafficking Areas for use on overtime costs.

Bill 129 establishes a long-term rental real property tax classification in Chapter 3.48 of the Maui County Code.

Bill 130 amends Chapter 3.48.305, Maui County Code, to provide parity in real property tax classification. Under this bill, if a property is allowed to be used as short-term rental, the unit will be taxed as short-term rental unless it qualifies for an exemption.

I ask for the Members continued support of this motion. Mahalo, Chair.

CHAIR LEE: Very good.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chair, I am happy to support my Budget Chair, Ms. Rawlins-Fernandez. I'd just like to ask that I be able to be cast a "no" vote on one bill only and that's Bill 126, as I did on first reading. All others, I support and vote "aye". Thank you, Chair.

CHAIR LEE: Okay. Any other comments or questions, because the President is, elect, is coming on any, momentarily. I think he came on already. So, any other comments?

So, the, I'm going to take Bills 114, 1, sorry, 122 through 130, except Bill 126. All those in favor to pass these bills on second and final reading, please raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Okay, motion carries 9-0.

And then, Bill 126, all those in favor say "aye".

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

NOES: COUNCILMEMBER HOKAMA.

CHAIR LEE: Okay. We have eight "ayes", and one "no"; motion carries on Bill 126.

That brings us to the end of the calendar, everybody. Have a wonderful weekend. And now, let's go watch Mr. Hokama on national TV. Okay, we're going to follow the link that you sent to us, okay, Mr. Hokama?

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

CHAIR LEE: Okay. Take care everybody. Good job today. Very good job. Thank you. Great job. Meeting is adjourned.

ADJOURNMENT

The regular meeting of December 4, 2020 was adjourned by the Chair at 11:28 a.m.



KATHY KAOHU, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

County Clerk

From: Marion Haller <marion.haller@gmail.com>
Sent: Thursday, December 03, 2020 2:45 PM
To: County Clerk; county.clerk@mauicounty.gov
Subject: Ref. Bill 130 Testimony

RECEIVED
2020 DEC -3 PM 3:07

OFFICE OF THE
COUNTY CLERK

Dear Council members.

I am writing as a private citizen who is also a landlord and provides affordable housing in the up-country area, so your bill does not impact me personally.

However, I am strongly in favor of the County's support of affordable rental housing and this Bill does not seem to support that.

My understanding is that

many condominium owners that are currently classified in the "Non-owner-occupied" class will suddenly be recategorized as "Short-term rental" for property taxes.

Wouldn't you want to know which condo owners are renting long term and encourage them to do that? If so, why would you put all condo owners in one category? Highest and best use for our community is Long Term Rental.

Please reconsider this bill so we support those offering long term rental housing on Maui with a lower tax rate.

Aloha,
Marion

Marion Haller, R(B)
Broker In Charge & Productivity Coach
Keller Williams Realty Maui
285 W. Kaahumanu Ave.,
Kahului, HI 96732
Cell: 808-250-8553
marionhaller.kw.com

To Schedule a Coaching appointment with me [Click Here](#)



RECEIVED

From: David Mumma <dmumma1683@gmail.com>
Sent: Thursday, December 3, 2020 4:30 PM
To: County Clerk
Subject: NO NO NO to property tax increase!!! We and all our clients are opposed to any property tax increase at this time. Your constituents are hurting!!! Cut costs instead.

2020 DEC -4 AM 7:38

OFFICE OF THE
COUNTY CLERK

--

David J Mumma, Realtor RB-14788
Sunburst Properties Sales & Property Management
P O Box 367
Kihei HI 96753-0367
808-879-0922
808-879-6280

County Clerk

From: alohablu@maui.net
Sent: Thursday, December 03, 2020 2:42 PM
To: County Clerk
Subject: Bill 129 & 130

RECEIVED

2020 DEC -3 PM 3:07

OFFICE OF THE
COUNTY CLERK

I oppose this bill due to the fact that I bought a second condo for rental income to use in my retirement. It is a long term rental and I do NOT want to pay short term rental taxes. Thank you for your consideration.

"Blue" Robinson 1-800-822-7368 (808) 669-8208
Vacation Rental Manager, nohonanicondos.com
Equity One Real Estate Inc.
License RS #43058

RECEIVED

From: Tamara A. Paltin
Sent: Thursday, December 3, 2020 5:31 PM
To: County Clerk
Subject: Fwd: Testimony for Bill 130 for 12/4/2020

2020 DEC -4 AM 7:38

OFFICE OF THE
COUNTY CLERK

Sent from my iPad

Begin forwarded message:

From: Julie Strong <juliestrong@hawaiilife.com>
Date: December 3, 2020 at 3:29:08 PM HST
To: "Planning@mauicounty.gov" <Planning@mauicounty.gov>
Cc: "Shane M. Sinenci" <Shane.Sinenci@mauicounty.us>, "Tamara A. Paltin" <Tamara.Paltin@mauicounty.us>, "Alice L. Lee" <Alice.Lee@mauicounty.us>
Subject: Testimony for Bill 130 for 12/4/2020

Aloha Kakou,

I would like to present written testimony for tomorrow on Bill 130.

Highest and best use is the best way to preserve the rights of the homeowners, and motivate a reduction (vs an increase) in short term vacation rentals amongst those classified as such, yet not used in this way.

Classifications for 1.a.ii and 1.a.vii are unreasonably punitive to homeowners who purchased them under a classification that carried lower tax responsibilities. How can highest and best use be a germane factor, or even warrant being included as a factor at all, if zoning supersedes it regardless? If the county wants more long term rentals how will this help motivate that given home owners who are not renting their units in this way, would need extra income to cover the tax increase; especially during a tourist restricted time of a pandemic. How is penalizing 2nd home owners with with short term tax rates reasonable or appropriate?

I would very much like to see the research and studies done to QUANTIFY how much income this would generate for the county. Other county planning efforts towards vacation rentals have been put into motion w/o due investigation into the actual outcomes should they succeed, to validate the efforts and investment in the 1st place (e.g. removing legalized STRH rights, as a means to significantly reduce residential vacation rentals. this while 90% of the illegal vacation rentals were actually being reduced effectively.)

Mahalo nui loa no ko okou kokua apau.

Please feel free to reach out for any reason.

Me ke aloha,
Julie



Julie Strong

808-829-8289

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