

MINUTES

of the

REGULAR MEETING

and

PUBLIC HEARING

COUNCIL OF THE COUNTY OF MAUI

May 21, 2021

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, AND THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING TESTIMONY ON THE PROPOSED OPERATING BUDGET AND CAPITAL IMPROVEMENTS PROGRAM FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022, WERE HELD ONLINE ONLY VIA BLUEJEANS, ON FRIDAY, MAY 21, 2021, BEGINNING AT 9:00 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the regular Council meeting and public meeting of May 21, 2021, come to order.

Members, if you saw in the chat, the morning greeting is from Estonia, the second Baltic State. And it's pronounced "tay ray". Tere.

Mr. Clerk, roll call.

DEPUTY COUNTY CLERK JAMES G.M. KRUEGER: Chair proceeding with roll call.

ROLL CALL

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

EXCUSED: COUNCILMEMBERS NATALIE A. KAMA AND YUKI LEI K. SUGIMURA.

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

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

Joining the meeting from the Department of the Corporation Counsel is Corporation Counsel Moana Lutey and Deputy Corporation Counsel Kristina Toshikiyo.

This online meeting is being conducted in accordance with the Governor's most recent emergency proclamation on COVID-19.

If connectivity affecting quorum is lost, the Council will be in recess. If connectivity affecting quorum cannot be restored within 30 minutes, the meeting will automatically recess to Tuesday, May 25 at 9 a.m., using the same virtual connections, unless the Council announces a different date and time.

Chair, the notice of today's public hearing was published in the May 14 and May 19, 2021 editions of the Maui News.

CHAIR LEE: Thank you. And Members, it's my turn to provide the opening remarks, which will be a prayer today.

OPENING REMARKS

The opening remarks were offered by Council Chair Alice L. Lee.

CHAIR LEE: And now, Members, I ask you to join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: Okay. At this time, I want to say, before we proceed with today's agenda, may I please request that everyone keep their microphones muted unless it's your turn to speak. Decorum must be maintained at all times.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on the ceremonial resolutions. The first person we have signed up to testify is Scott Crawford. To be followed by Mike Moran.

PRESENTATION OF WRITTEN TESTIMONY

MR. SCOTT CRAWFORD:

Aloha. Good morning--

CHAIR LEE: Good morning.

MR. CRAWFORD: --Members of the Council and Madam Chair. I just wanted to briefly, well, first off, extend my aloha and condolences to Councilmember Kama.

And, and then, just wanted to briefly say, in support of the resolution recognizing the service of now former Senator English and my friend Kalani and all the service that he's provided over many years to our island and our East Maui community. From helping to improve the roads, and airports, and schools, and many other CIP projects, to emphasizing the importance of using Hawaiian language correctly as an official language in Hawaii, and official documents. And to his work on integrating the sustainable development goals of the UN into the priorities, excuse me, into the priorities of the Senate Majority and his leadership around climate change and resilience for our islands and in many other ways. We just appreciate you, Kalani, and appreciate the service, many years of service. And wish you the best in taking care of your health and whatever you choose to do next, success, and health, and good fortune. So, mahalo, Kalani.

CHAIR LEE: Thank you, Scott. Any questions for Scott?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: The last person we have signed up to testify on ceremonial resolutions is Mike Moran.

CHAIR LEE: Good morning, Mike.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION:

Aloha.

CHAIR LEE: Oh, Mike, we can't hear you. You're muted.

MR. MORAN: We will start again. Thank you, Chair. Mike Moran for the Kihei Community Association this morning. First, we too, express our condolences to Tasha Kama and her ohana on her day of sadness today.

Our testimony is on the other ceremonial resolution. And this is an upbeat matter, at least for our community, and we expect for the entire Maui County community. And this is about Mr. Doug Bigley. And unfortunately, I understand he is under the weather today, so there is a bit of a downer on that. But we'll say before we met Mr. Bigley or even heard of Ikaika Ohana, our community was hoping for someone like him. Maybe wishing, maybe even some were praying for someone like him to come along.

And I'll give you a relatively brief history of the situation we saw in South Maui. There were many attempts to do something with the land that became this marvelous project at the top of Kaiwahine before this. But we'll start in March of 2016 when KCA testified in the Council chambers to extend the then 201H process for fast-track affordable housing project for an additional two years as that landowner had financial challenges. But we felt the need for affordable housing was so great it was worthwhile to see if this challenge could be solved. That owner said he had an unnamed potential buyer, who did turn out to be Doug Bigley and Ikaika Ohana. And we see the outcome.

But before Doug and his group could proceed, he, too, needed a manini extension of 201H. And that was in February of 2018 at the Council's Land Use Committee to go forward to build these truly affordable rentals. KCA was the only testifier at that meeting. But our own meetings with Doug and his team had convinced us that this project was exactly what South Maui needed. We bet he was a winner, and he came through. And now we see his fourth project, the second in South Maui, is set to commence hopefully this summer.

So, we are here this morning to honor him and thank him by supporting this resolution proposed by our representative Kelly King. Mahalo for the opportunity to testify, Chair Lee. Aloha

CHAIR LEE: Thank you. Very good. Any questions, for Mr. Moran?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, there are no other individuals signed up to testify on ceremonial resolutions.

CHAIR LEE: Okay. Members, are, do you have any objections to closing public testimony on ceremonial resolutions at this time?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Thank you. So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 21-84

RECOGNIZING AFFORDABLE HOUSING
DEVELOPER DOUGLAS BIGLEY
AND IKAIKA OHANA

CHAIR LEE: Councilmember King. You're muted.

COUNCILMEMBER KING: I know. Thank you. I'm a little far away from my computer, so our Madam Clerk is helping me out here.

CHAIR LEE: Okay.

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

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ENTITLED "RECOGNIZING AFFORDABLE HOUSING
DEVELOPER DOUGLAS BIGLEY AND IKAIKA OHANA".

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Okay. It's been moved and seconded to adopt the ceremonial resolution recognizing the affordable housing developer Doug, Douglas Bigley and Ikaika Ohana.

Discussion? Member King.

COUNCILMEMBER KING: Thank you, Chair. May I request the Clerk read the, or the Deputy Clerk read the resolution in its entirety?

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Thank you.

Any more discussion? Member King.

COUNCILMEMBER KING: Thank you, Chair. And thank you, Deputy Clerk, for those, reading the entire resolution. Unfortunately, Mr. Bigley couldn't be with us, because he's ill today. But we have his right-hand man Tom Fischer joining us, who's on my right. And we all know him to be the workhorse who, who helps Doug do all his good work in the County.

We often talk about how critical it is to provide housing opportunities for our residents, especially those earning less than the area median income. What may not always get mentioned is that when you have a decent place you can afford, it frees up resources for other necessities in life. At least to other far-reaching benefits like better health outcomes, more educational and employment opportunities, . . . purchasing power in the local economy, and more stable households and communities. And, and the stable households, I want to really stress that because family, families need to be home raising their kids as much, as many hours as possible and not working two or three jobs.

When I first ran for the Council seat, there was little or no action, especially in South Maui, to address truly affordable housing for the lowest income residents. Folks were coming to community forums with signs calling for, in all caps, affordable rentals, to address this concern. So, the hundreds, and hopefully, thousands of affordable units from developers like Ikaika Ohana are not only helping us solve our housing problem by creating quality housing for the very low-income among us and setting the foundation for a stronger Maui County.

From the time I first met Mr. Bigley, I have been impressed with his passion for truly affordable housing, his knowledge of various funding opportunities, and his focus on quality construction. And I have heard since from residents of Kaiwahine Village that the development is "beautiful and does not feel like low-income housing". I'm grateful for my interaction with Mr. Bigley and Mr. Fischer, and so appreciative of the projects they continue to propose for Maui County. I ask for the Members full support of his resolution. Thank you, Madam Chair.

CHAIR LEE: Thank you. Members, are there any other questions or--

Yes, Mr. Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. I rise in strong support of the resolution. I also agree with Councilmember Kelly King with everything she's, she's mentioned. So, I just wanted to add a little bit to that, because homeownership is the gateway to the middle class, and with developers such as Doug Bigley, Ikaika Ohana, and Mr. Fischer over here, is a great way we help those folks who need it the most. The low-income, the 60 percent AMI folk, the dishwashers, the cashiers, these are the homes that are going to help our folks like that. We all have friends and family that we know personally that could help benefit from nonprofit developers *[sic]*, nonprofit developers such as the Ikaika Ohana.

I want to also add that we often, in this committee, we of, in this Council, we often have, we have to lean on developers to "do the right thing", whereas when we come into nonprofit developers such as Ikaika Ohana, we don't have to ask the leopard to change his spots. These guys are already doing the right thing. So, I rise in full support of this.

We also have, well I just want to add one last thing, is that we do have a lot of work to be done. Lanai is, specifically hasn't had affordable housing since the 1990's. So, we have a lot of work to do and we need, we're going to give them a big workload. So, I appreciate you guys being out here and aloha. Thank you so much.

CHAIR LEE: Thank you. Any more comments?

Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. I stand in full support of the resolution. I applaud Mr. Bigley and his associate's efforts to create more housing opportunities for our working families. And he certainly set a higher standard for developers to work collaboratively with both the community and government. So, all of our congratulations to Mr. Bigley and Ikaika Ohana for this well-deserved recognition. Mahalo, Madam Chair.

CHAIR LEE: Thank you. Any other comments? If not, I just want to add that, of course, Doug, you have our immense gratitude. We certainly appreciate and, and applaud you for your incredible amazing achievements in an area that is so needed in Maui County, and that is affordable housing.

So, Members, all those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: All "ayes"; two "excused"; motion carries. That's seven "ayes", two "excused"; Members Kama and Sugimura. And motion carries.

Congratulations, Mr. Fischer, and Doug, and everybody associated with Ikaika Ohana. Thank you very much.

Mr. Clerk.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: Can I, yes, can I ask Mr. Fischer if he would like to say a few words?

CHAIR LEE: Oh yes. Of course. Mr. Fischer.

COUNCILMEMBER KING: He'll move to the center after we give him a lei. So, thank you so much.

MR. TOM FISCHER: Thank you. Thank you very much.

COUNCILMEMBER KING: Here's a copy of the resolution with our words today. Thank you.

MR. FISCHER: Great. Thank you. Mahalo, Madam Chair and Councilmembers. We, we very much appreciate the opportunity to work with this Council and the County of Maui. We've had a great deal of success, just beginning. Just, I think I heard someone mention earlier, we're starting our next three projects. Kihei will be the second, another 120-unit development by the golf course, up Lipoa Parkway.

CHAIR LEE: Okay.

MR. FISCHER: They're under construction right now with Kupuohi, which is in Lahaina. And our, our third project, which we also intend to kickoff this year is the Keawe Street development, 200 units of affordable housing.

I think it's important to note we, we do talk about 60 percent or lower, but a lot of our tenants are in the 30 percent range. So, they're ultra-low from our perspective and the County's perspective, right? Our tenants are really are between 30 and 60 percent. So, very much needed in that area. We will be having a brief tour today at the Kaiwahine Village project.

So, again, don't want to take any more of your time. Just want to express our gratitude, our thanks. I had the privilege to work with Doug Bigley and have done so for the last, you know, 20 years. And everything I've heard today is, is spot on. So, congratulations, Doug. I know he's really upset by not being here. We actually moved the meeting so we could be here. And he just came down with an illness starting on Wednesday. So, not COVID, he will get over it. But he just needed to, to take this day off. So, again, mahalo, everyone, for the recognition. We really look forward to continuing our work on Maui. Thank you.

CHAIR LEE: Thank you. Thank you.

Any final comments, Member King?

COUNCILMEMBER KING: Well, I just wanted to say, again, how thankful I think all of us are for having the units that the Ikaika Ohana, Mr. Bigley, and Mr. Fischer had been developing. And I invite you all to continue my mantra to Doug Bigley of you're staying on Maui, don't go anywhere else. You know . . . develop, developing here cause you are . . . you know, creating truly affordable units. That's, that'll be my final words.

CHAIR LEE: Thank you.

COUNCILMEMBER KING: . . . with his hand up.

CHAIR LEE: Someone has his hand up?

COUNCILMEMBER KING: I thought I saw Mr. Sinenci. No.

COUNCILMEMBER SINENCI: No. With other Members, I also want to express my appreciation. And yea, hoping you can stay on Maui for little while. Thank you.

CHAIR LEE: Alright. Any other Members have comments? If not, thank you again.

And, Mr. Clerk, may we proceed with the next resolution?

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-84.

RESOLUTION
NO. 21-85

EXPRESSING APPRECIATION TO RETIRED
HAWAI'I STATE SENATE MAJORITY LEADER
AND FORMER MAUI COUNTY
COUNCILMEMBER J. KALANI ENGLISH FOR
HIS DISTINGUISHED PUBLIC SERVICE

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Madam Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION TITLED
"EXPRESSING APPRECIATION TO RETIRED HAWAI'I STATE
SENATE MAJORITY LEADER AND FORMER MAUI COUNTY
COUNCILMEMBER J. KALANI ENGLISH FOR HIS
DISTINGUISHED PUBLIC SERVICE".

CHAIR LEE: Second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay. It's been moved by Member Sinenci, seconded by Member Paltin, to adopt the resolution expressing appreciation to former Senator J. Kalani English.

Did you want the Clerk to read the resolution in its entirety, Mr. Sinenci?

COUNCILMEMBER SINENCI: Yes, Chair. Please.

CHAIR LEE: Okay. Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Thank you, Mr. Clerk.

Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And thank you, Mr. Deputy Clerk. Members, last month, Senator English announced his retirement from the Hawaii State Senate. A lifelong resident of Hana, he served on this Council from 1997 to 2000. Then served in numerous capacities in the Hawaii State Senate, most recently as the Senate Majority Leader.

Senator English secured over \$2 million in funding for Hana, East Maui, and Upcountry Maui, Molokai, Lanai, and Kahoolawe throughout the course of his legislative career. And he championed a number of bills relating to Hawaiian culture, the environment, transportation, and energy.

I've known Senator Kalani English since hanabata days, while growing up in rural East Maui. Senator English has continued to exhibit his Hawaiian values of hanai ohana, aloha aina, and malama honua during this tenure in public service. I distinctly remember him being raised by his Tutu's, . . . and Violet English in Hamoa and caretaking for them in their golden years. And also, being serenaded by his Aunty and songstress Myra English.

As a State Transportation Chair, Senator English upheld the public doctrine of Kānāwai Māmalahoe and kept travelers safe on State highways and all rural roads throughout Hawaii nei. He continued his work on the Hana Highway during the pandemic, while visitors were restricted to travel.

I'd like to say mahalo to Senator English for his 25 years of public service to the residents of Maui County and ka poe punahele o Hawaii nei. I wish him health,

happiness in his retirement. Mahalo piha ia oe . . . I humbly ask for the Members full support of this resolution. Thank you, Chair.

CHAIR LEE: Thank you. Are there any other comments? Any discussion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. And thank you, Member Sinenci. Thank you, Mr. English. I just wanted to make mention all he did for Hawaii lifeguards as well. Although we no longer have those protections in place, he pioneered the protection for Hawaii's lifeguards and, and I didn't hear that mentioned. So, I just wanted to include that as well. I mean, I'm sure there's so much more as well, but specifically, thank you so much for doing that.

CHAIR LEE: Thank you, Member Paltin.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Mahalo to you, Senator English, for all of your years of service to our County and to our State. You have certainly epitomized what great leadership is about by not being afraid to speak your mind along with introducing cutting edge legislation that has benefitted our County and our State and has helped our local economy, our environment, and of course, the Hawaiian culture. You know, I want to thank you on a personal basis for all of your words of advice that you gave me when I first entered the world of politics. So, best of luck to you, Senator, in your future endeavors. And, you know, we hope to see you around a lot. And thank you, thank you again for all of your service. Aloha. Thank you, Madam Chair.

CHAIR LEE: Thank you. Are there any other comments?

Member King.

COUNCILMEMBER KING: Thank you, Chair. And great to see you here, Senator English. I just wanted to add to, I agree with everything that has been said, but I go way back with Kalani to the early days when we started Pacific Biodiesel. And he was one of the very innovative legislators. He was on the Council at the time, and he supported it as a, you know, when, when other people didn't even know what renewable energy technology was.

And I have some really thrilling to me, video of the radio show he used to do when his hair was out to here, and you were, you were 25 years younger. I didn't want to show

it today without your permission, but I, if your, if I have your permission, I will send to the other Councilmembers, because I just think it's such a great, it's such a great video and it shows the start of your career, how passionate you are about the climate and the environment. And I go back to that every time I think about your, your many years of service to the County and the State. So, thank you for being an innovator, being, you know, stepping out there and supporting the good things, and having that vision.

CHAIR LEE: Thank you, Member King.

Are there any other comments, Members?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Can you hear me okay?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: I mean, projecting enough? Okay.

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Alright. Mahalo, Member Sinenci, for introducing this resolution. And mahalo, Senator English, for all of your years of service in representing Molokai at the State Capitol. I, I want to thank you for all your work in climate change and energy conservation, in uplifting and preserving our olelo Hawaii, and specifically for all the work that you've done for Molokai in supporting and providing funding for Kalaupapa, for supporting our Molokai General Hospital, for the Molokai Community Center, for Molokai dialysis, for helping to support the continued Air Ambulance service to Molokai. And speaking of highways, the important infrastructure from Kamalo to Halawa. So, congratulations on your retirement. Blessings and best wishes on all your future endeavors. And I hope it includes lots of adventure. Mahalo, Chair.

CHAIR LEE: Thank you, Vice-Chair. Anybody else?

If not, Senator English, on behalf of Member Sugimura and Kama, who aren't able to be here today, they wanted to extend to you their warmest congratulations and best wishes for your next ventures and adventures.

For myself, I would like to offer you the same congratulations. I was in this chair when you started on the Council. As you can see, I haven't moved. It's hard staying in the chair for 30 years. But anyway, we appreciate all you've done for Maui County and for the State of Hawaii. You and I have a connection, because my mother was a constant

visitor at your home, visiting your grandparents all the times. And sometimes, I used to think she should change her residency to Hana. But she loved your family. And so, I appreciate all you've done and what your family has contributed to our community.

So, with that, Members, shall we take the vote? Ready? All those in favor of the motion, say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. All "ayes". Seven "ayes", two "excused"; motion carries.

So, Senator English, would you like to say a few words? Okay, I think you're muted. Can't hear you.

SENATOR KALANI ENGLISH: Aloha, everybody. I think they just, just released me. Let me just say thank you to all the Members of the Council for this great honor. You know, it's bittersweet for me having to, to step down because of the long, long haul effects of COVID. And what I want to highlight is that, you know, these are, there are some really serious long-term effects. And we don't know what it entails in the future. But I can say that we have some really good practitioners on Maui that are doing some cutting-edge work in treatment. And so, I've been able to find them and work with them. And some of them are living right here in Hana, so we are truly blessed that we have some really great medical practitioners here.

You know, I was thinking back. I, I've had the really distinct honor of representing Senate District 5, 6, and 7. When I started, it was Senate District 5 and it was parts of Kahului, Upcountry, and Paia. And then, there was a reapportionment, and it became Senate District 6, which looks very similar to what it is today, we included Molokai, Lanai. And then, District 7.

It has been one of the most humbling experiences in my life to represent the wonderful people on all of these islands. As you all know from the Council, you are elected at large. You know, you represent everyone and that's where I started. And with that, I was able to get to know all of the people on Molokai, the people on Lanai, the people on different parts of our County.

I have to say, though, that Kalaupapa, of all the places, has been perhaps the most special. Because, when I started there were probably 35, 40 patients. Now, we're down to a mere handful. But they were the spunkiest, most outspoken opiniated. They, you know, they knew what they wanted, and they knew how to ask for it. I'll share a quick story. Olivia one day called me, and she was upset with Governor Lingle. And she said, I want to talk to her. So, I said don't tell anybody. I gave her Governor's cellphone number. Later, Governor Lingle called me and said, you know, most times I would be upset, but Olivia had a really good point and I'm going to take action on it, right? So, the people on Kalaupapa were just so special.

Hana, my home, you know, I'm sitting here today in my garage. I was going to sit outside, but it's raining. This place is, is magic. And, you know, we, all of you have a really heavy responsibility to protect it and to make sure that the essence of what we, the quality and essence of our lives here remains. So, you know, I trust all of you to do that. I know that you'll do a good job at it.

And I want to also say that, you know, I've been encouraging younger people to get involved. And I've been working with many young people along the way. Jacob Aki in my office in Honolulu is one example. You know, he started with me, I think 21 years old, and now he's 25. He's already ran for Council. He's now our semi-communications director. And there are others. And I encourage all of you to do the same, because, you know, I'm looking back and I started at, I think 28 or 29. Help the young guys to get involved. Bring them in, welcome them, and give them the room to test out their ideas.

So, with that, I want to say thank you, Shane, and thank you, Members of the Council for this great honor. You know, I'm retiring in Hana, my yard is going to look absolutely fabulous in about three months. And you know, I'll get all the plants going like, Alice, you remember my grandmother kept all of her plants. And your mom and my grandmother used to trade plants, so I'm going to get all that going again. So, I look forward to being home. I look forward to the treatment that's being, that I'm undergoing. And hopefully, I can beat this and recover well, and participate in the civic society of Maui County once again. Mahalo, everybody. Thank you. Thank you. Oh--

CHAIR LEE: Thank you so much.

SENATOR ENGLISH: One other point. I want to say that, thank you Dawn and Shane. I was, Dawn came to my house this morning to deliver these beautiful leis on behalf of the Council. And I can tell you that, you know, plumerias always one of my favorite. But what a wonderful way to wake up this morning. So, thank you so much for this beautiful lei. Mahalo.

CHAIR LEE: Thank you so much for all you've done for us. Best wishes to you.

SENATOR ENGLISH: Thank you.

CHAIR LEE: Members, anything else you'd like to say. If not, aloha. Take care.

SENATOR ENGLISH: Aloha.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, for the record, that is RESOLUTION 21-85. 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 videoconference, through the information posted on today's agenda and public hearing notice.

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 off and should turn them back on when it is their time to testify.

Testimony is limited to the items listed on the agenda and the public hearing notice. 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 we have signed up to testify is Noelani Ahia. To be followed by Keeaumoku Kapu.

CHAIR LEE: Thank you.

Good morning.

PRESENTATION OF WRITTEN TESTIMONY

MS. NOELANI AHIA, MALAMA KAKANILUA (testifying on County Communication No. 21 248):

Aloha kakahiaka. I think my, I just got muted again. Hang on.

CHAIR LEE: No, we can hear you.

MS. AHIA: Oh, you can? Okay, I'm just getting funny signals on my screen then. Okay, aloha kakahiaka, Chair and Councilmembers. Thank you so much for being here this morning to take testimony. I am here also as a member of Malama Kakanilua, and I am testifying on CC 21-248. So, I am testifying in support of this proposal to spend \$10 million that was originally slated for affordable housing to be moved to purchase the Waiale parcel for preservation, as the Mayor has announced in the news yesterday.

We have been, our community group has been working with Mayor Victorino for the last year and a half or so to talk about what should happen with this parcel and how, how, what is the best use for this parcel. And originally, he wanted to make it Dream City 2. And I understand, we all understand the need for affordable housing. But this particular parcel is so special because of the iwi kupuna that are there in the Puuone Sand Dune Complex. And we just could not imagine that this would be desecrated again like so many of the other places in the Puuone Sand Dune Complex.

So, I want to mahalo Mayor for making a pivot on this issue and listening to the voices of the poe kanaka. I also want to thank Dr. Janet Six. Her work was very instrumental in helping to show Mayor and the rest of the County the data of what is already there in that area, of the known burials that have already been identified in this very, very special Puuone Sand Dune Complex.

So, this \$10 million, you know, I really don't want A&B to get even \$1 of my taxpayer money. But in this instance, my aloha for the iwi kupuna is greater than my disdain for A&B. And I do want this land protected above and beyond, most importantly, for the iwi kupuna. This \$10 million may seem like a lot, but the, the Wailuku Community Civic Center parking lot that's going up was \$29 million of taxpayer money in bonds. And . . . already has disturbed two iwi kupuna. And it's incredibly upsetting for us as a community, to see these kupuna desecrated. So, I would rather spend \$10 million to protect 500 acres than the, you know, \$29 million that we spent that actually disturbed iwi kupuna, you know, in the County's name.

As all of you have heard us testify to before, the iwi kupuna connects us directly to our past and it provides continuity to us through the future. We kanu our kupuna. We plant them back in the ground. And that solidifies the interdependence between ourselves as kanaka and the aina, which is our makua. We don't have very many pure kanaka maoli left. And that, you know, that's okay. We all have mixed ethnicities, and we love every part of ourselves. It's all important to who we are. But these iwi kupuna are pure kanaka maoli. They are the measure of who we were before and who we can be, a beautiful, brilliant people connected intergenerationally through this time and space.

My ancestors don't just exist outside of me in spirit. They exist inside of me, in my bones, in my iwi, in my flesh, in my blood. And in order to malama myself and our other kanaka, we must malama our iwi kupuna, because we are them and they are us and there is no separation. Every single iwi kupuna, I look at as if it's my tutu--

CHAIR LEE: Okay. Thank you.

MS. AHIA: --or my mother. And I very much appreciate your time today. Thank you so much, Council. Mahalo.

CHAIR LEE: Thank you, Noelani. Any questions for Ms. Ahia?

Yes, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Ahia, for your testimony today. I just was wondering, should the property be purchased, are you planning to be part of a plan to malama the property?

MS. AHIA: Yes. The Mayor has been working with Malama Kakanilua as well as some other community members, some from Burial Council, some from the Waikapu Community Center. And we are forming a working group so that we can put together a land management plan, and a preservation plan, and a restoration plan for this Waiale parcel.

COUNCILMEMBER PALTIN: Thank you. Thank you so much for all your hard work.

MS. AHIA: Mahalo nui. Thank you.

CHAIR LEE: Any other questions, Members? If not, thank you, Ms. Ahia. Aloha.

MS. AHIA: . . . Mahalo.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Keeaumoku Kapu. To be followed by Clare Apana.

CHAIR LEE: Good morning.

MR. KEEAUMOKU KAPU (testifying on County Communication No. 21-248):

Aloha kakou. Good morning. Hi. My name is Keeaumoku Kapu. I am from Lahaina, Kaua'ula Valley. I am testifying . . . 21-248. I am full in support of this measure for the Waiale project. And I would like to request that this body, the County Council, really seriously look into the reasons as to why this area is really important to be preserved entirely. Not just for the benefit of the public trust doctrine, but also for the benefit of providing some kind of cultural overlay in an area that is really important, significant in many ways.

We always talk about providing affordable homes. But nonetheless, we have an opportunity to look at a long-term vision as pertaining to how everyone can benefit, not just in the affordable sector but in the preservation area as to why Waiale is really important. You know, spending a lot of money trying to . . . may . . . in a lot of inadvertent discoveries from iwi kupuna. This area is importantly known for that.

So, we feel that, you know, I mimic the words of what Ahia talks about pertaining to forming some kind of . . . group or some kind of ad hoc committee to put people together to really look at how we can benefit by protecting resources. We always talk about development, development, development, providing homes for, you know, all these kinds of things and we always try to intermingle the visitor industry that . . . monumental, monumentalizing a lot of things that is really important, especially for these kipuka areas that is a part of our history, a part of our tradition, a part of our . . . residents, to make Maui what it is.

Kakanilua, as well as Iao and the important thing that had been . . . areas historically, sometimes we miss those things. And I'd like to encourage that this Council really look at the long-term benefit of preserving and preserving and these areas and allowing the kanaka of these kipukas to resonate, to grow, to find their self-identity again. To encourage them that there is hope in future endeavors and the things that we need to apply to. To help us heal. Heal all those bad things that happened in the past. You know, a lot of presentation that the Council went through with the issue pertaining to the illegal overthrow and all those kinds of things. This is

And I really, really encourage the full support of this measure to go forward. And mahalo all of you and I wish you all well. And I also would like to condone the passing of Tasha Kama's ohana. So, mahalo . . . Aloha.

COUNCILMEMBER KING: Chair, you're muted. You're muted.

CHAIR LEE: Are there any questions for the testifier? A lot of feedback. If not, thank you, Keeaumoku. Mahalo for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Clare Apana. To be followed by Vicky Kaluna Palafox.

MS. CLARE APANA (testifying on County Communication No. 21-248):

Okay. I think I got it. Good morning, Councilmembers.

CHAIR LEE: Good morning.

MS. APANA: I'm testifying on 21-248. This is a bittersweet happy moment in receiving the Mayor's support to preserve the entire 546 some odd acres as burial preserve, because it is a burial preserve. It is a burial ground, as evidenced by the many burials that have been found there already without even building. So, it is with great concern that we move forward. And I, I am grateful for the support to allow Malama Kakanilua to take a leading position in forming the ideas and the plan that will serve to preserve this, these acres in perpetuity.

And since the Mayor tasked us with this looking for what is it you want, he said, after finally deciding that affordable housing was not appropriate over burial grounds. We have been looking at this, I have been looking at this very seriously. And first of all, I hope that the Council will make the appropriate and best call for a zoning change for the, for the different zoning that is on this parcel already, so that never will we be faced with having to go up against developers, or even the County, to preserve our burials again.

So, I hope someone will ask me, I think I'm going to run out of time, about what our thoughts have been. And I go with Kaniloa Kamaunu's thought when he was asked and he said, I really do not want just anybody going in there and traversing through this land, driving through this land. A lot of thought has to be given to this.

And I think the preservation of what was there before is what is the best plan, and that is a native dryland forest. The dryland forest is already an endangered entity, we have less than two percent of all dryland forest avai, that used to be in existence in Hawaii, but still stand. It would be a remarkable project to bring back our Hawaiian trees, our native trees that will honor the history of this place. I would like to see that, if it is appropriate, that this be sent to the National Register as a, as a historic place. Okay.

CHAIR LEE: Ms. Apana?

MS. APANA: Thank you. Yes.

CHAIR LEE: Okay, good, cause you're going to have a question, so you, you can--

MS. APANA: Okay. Thank you.

CHAIR LEE: --provide more clarification.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Apana, for your testimony. I just wanted to clarify, what zoning would you like it to become? Conservation, or was there a specific zoning you had in mind?

MS. APANA: No. This is an entirely different thought to have a burial preserve of this size. And I think that we should really take this designation seriously. It could be open space, but then, open space allows for parks, for the, for different things that may not be appropriate for a burial ground. We could look at it as a conservation easement. But then, we will have to decide who will be holding that easement and do we have an appropriate body to hold the easement.

And I think that, first and foremost, we must look at how do we protect the iwi kupuna, so it never happens again. And, and I'm hoping that the, these are the thoughts that I have had so far. And we will continue to explore this. And I think that any of the expertise from Planning, from your depart, from your Committee, would be very, very welcome, because this is, it's different. It's different and it's extremely special, and extremely in need of protection because--

CHAIR LEE: Okay.

MS. APANA: --other people look at it--

CHAIR LEE: Thank you. Thank you, Clare. I think you answered her question very well.

MS. APANA: Okay. Thank you, Alice.

CHAIR LEE: Plus, it's going to, it's going to be referred. So, we're going to, we can dive a lot deeper into this subject in Committee.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: But thank you for your suggestion.

MS. APANA: I just want to make one, one parting remarking. Just one.

CHAIR LEE: Sure.

MS. APANA: Okay. In the Battle of Kakanilua, the battle ends. The two sides are fighting, right? This, all of the royal families, all the maka'āinana are involved in it. And really, the losses are so great on both sides. But it ends in the son of Kalani'opu'u and Kalola going across the sand dunes, being carried across the sand dunes where the fighting stops, because the lineage of this young man is so high, that people must prostrate. The fighting stops as he goes across the sand dunes to his Uncle Kahekili's enclave, which is going to be possibly the parking lot. And, and his uncle receives him, and they talk, and they cry. And in the end, Kahekili allows them to leave. And so, this is such a great thing to, to look at for the future, that we can make, we can make peace. We can make things right. We can actually heal those wounds with the love and working together. So, thank you, Alice. Thank you very much for letting me say that.

CHAIR LEE: Thank you. Any other questions, Members? If not, we look forward to many discussions in Committee with you. Thank you again.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Vicky Kaluna Palafox. To be followed by Walter Ritte.

CHAIR LEE: Good morning.

MS. VICKY KALUNA PALAFOX, MALAMA KAKANILUI (testifying on County Communication No. 21-248):

Aloha. Good morning, Madam Chair, Councilmembers. Mahalo for your time in allowing us to spend this precious time in this great issue that has finally come upon

this table. I am referring to 21-248, that I am in full support. I have been a member of Malama Kakanilua from the beginning. So, to hear something like this to flourish in our neighborhood, in our moku on our aina, it's such a blessing for me.

But I have two, two questions to ask. And one of them is that, at one point and time, Ms. Tamara Paltin had hosted a presentation from Mr. Keanu Sai there in that space. I agree to those things that was shared with us. The point that I'm trying to get, get to is that that money that's going to be utilized to pay for this property, if we can look at things again, Tamara, maybe the County can save a whole lot of money. Because according from time past, the laws was that if the land was not used and not going to be used, the lands were to be transferred back to the Hawaiian people. I'd like to research that. And in saying that, it is to support our County into spending such monies to this corporation that has really done nothing to help support us in any way. And it makes our County Council work even harder.

And with this thought, I leave with you and I thank you, Councilmembers, again, especially our Mayor Victorino, for bringing this plan up to the table so that we can kūkā kūkā and share. And I believe that this will bring much growth and education for us today, and for our children and our grandchildren that are still on their way. Thank you, Councilmembers. Thank you, Madam Chair.

CHAIR LEE: Thank you. Are there any questions for the testifier? If not, aloha.

MS. PALAFOX: Aloha. Mahalo.

CHAIR LEE: Mr. Clerk.

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

CHAIR LEE: Hi, Walter.

MR. WALTER RITTE (testifying on County Communication No. 21-249):

Aloha, Councilmembers. I'm testifying from Keawanui Fishpond because fishpond cannot work without freshwater. And we have no rivers that bring freshwater into our fishpond. It's groundwater, water that we drink. And our reefs also need this groundwater. So, the County is coming to Molokai because they need to put in a well, because the well that they have right next to Hawaiian Homes is starting to draw salt. It's too close to the Hawaiian Home. Hawaiian Home has two wells, the County has one, Molokai Ranch has one. So, we got four straws in one glass sucking up our water.

So, if you guys don't know any of these things that I just said, it's because we don't have a representative on the Water Board from Molokai. And yet, the County in the very near future, in fact, they went before the Water Commission coming up with a water plan. And if Molokai doesn't have a representative, then maybe we should get out of Maui County and become our own County. Because we're part of Maui County, and yet, we have no representation on this board.

So, I'm, I'm here today to really support the idea of making sure after 10 years that Molokai has some kind of a representative voice on the Water Board. Thank you very much.

CHAIR LEE: Thank you. Are there any questions? If not, aloha, Walter. Thank you for coming by.

MR. RITTE: Okay.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Jordan Hocker. To be followed by the individual calling in from the phone number ending with these last four digits, 9385.

MS. JORDAN HOCKER (testifying on County Communication Nos. 21-248 and 21-249):

Hello, Councilmembers. Thank you for your time today. I'm testifying on agenda item CC 21-248 and CC 21-249. I strongly support the reallocation of funds in the use of the Waiale land acquisition. Truly, there's nothing I could say better than the people who have poured decades of their hard work into protecting their iwi kupuna, often completely acknowledged, unless it was by a police presence or heavy machinery. This is the least that Maui County could do with this acquisition, it, to validate the historical significance of the area and the depth of hard work and endless hours poured into protecting it. I look forward to this being an action that the County takes. And, and yea, that's, that's what I have to say on that.

So, moving onto my testimony for CC 21-249. First of all, I want to thank Councilmember Keani Rawlins-Fernandez for the introduction of this measure. As a sustainable science management major, water use is a deeply concerning issue, one of the most pressing issues. And I don't think that there is a, a clear perspective by many of the people in charge just how dire it is. So, I'll just have that little aside. But, and no doubt, proper management of our water resources is imperative to protect the

future. There's just no way around that. From a sustainable management perspective, the diversion system currently in use is already problematic. And then, when placed in the historical context in how and why it exists, it's even more so.

So, I support this resolution for mandatory representation of the Molokai and Hana communities. Not only because they deserve to be protected and represented, but it's a simple step towards water equity, which doesn't exist without community involvement. I currently live in Kula, and I know my water comes from EMI. It doesn't make sense to take water from East Maui to begin with, but even less so without that community or the Molokai community being represented. So, I thank you so much for your time today. Have a great day.

CHAIR LEE: Thank you. Any questions for, Ms. Hocker? If not, thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is the individual calling in from the phone number ending with these last four digits, 9385. To be followed by Sam Small. 9385, you're unmuted. It's now your time to testify.

MS. CAROL LEE KAMEKONA, MALAMA KAKANILUA (testifying on County Communication Nos. 21-242, 21-248 and 21-249):

(Spoke in Hawaiian.)

Madam Chair and Councilmembers.

CHAIR LEE: Hi.

MS. KAMEKONA: *(Spoke in Hawaiian.)*

Doug Bigley, . . . Senator Kalani English . . . My name is Carol Lee Kamekona. I am not a lobbyist. However, I am on Council staff, currently not on County property nor on County time.

I come before you this morning testifying on correspondence 21-242, regarding the Napili Greg Brown residence. And I do not believe that the transparency will exist with Director McLean asking to go into executive session. I believe everything that has been done with this project has not been transparent. Those that have participated on the County side need to be held accountable for what has been done. So, I ask that this come before the Council and for you to disapprove that project.

Also, I testify now on County Council 21-249, the Molokai water representative. I highly support this measure. I kakou what Uncle Walter says. And I mahalo you for bringing this forward, Councilmember Keani Rawlins-Fernandez.

The last and most important issue that I testify on before you now is CC 21-248, the Waiale project. E kala mai, Councilmember Johnson. I know very well that you want affordable housing as I do and as all of us do, because it's very much needed here in Maui County. However, I believe that there is so much more land that we could utilize to build our affordable housing.

There was only one Battle of Kakanilua, as was discussed by Clare Apana. Many of you know there are many kupuna that are coming forth and showing themselves, i.e. the Maui Lani projects, the Wailuku Civic Center parking lot, Hookipa Bay, Puamana Beach, Kaua'ula. They are coming forth for us to stand up for them and to say, no more, protect us, preserve us. I believe we should put that land in some kind of conservation. I do not think an open space would work. . . . Because later on, it can also be changed. I want this aina to go where it stands in perpetuity, to malama our kupuna.

I ask you, do you not treasure where your kupuna are buried, your parents, your grandparents? Do you not malama their graves? So, think, this is your kupuna's kupuna, and your kupuna's kupuna's kupuna. So, please help us. Help us to protect them. Purchase this aina and put it into some kind of preservation in perpetuity. Kala mai.

Before closing, I would like to say I must disclaim at this time that I am a member, also, of Malama Kakanilua. So, mahalo, Chair. And mahalo, Councilmembers, for allowing me this time to come forward.

CHAIR LEE: Thank you. Thank you for your testimony. Are there any questions? If not, thank you again.

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

DEPUTY COUNTY CLERK: Chair, there are currently 10 more testifiers.

CHAIR LEE: Okay. I plan to take a break at 10:30. Alright, please proceed.

DEPUTY COUNTY CLERK: Chair, our next testifier is Sam Small. To be followed by, to be followed by Pamela Tumpap.

CHAIR LEE: Okay. Mr. Small.

MR. SAM SMALL (testifying on County Communication No. 21-242):

Good morning. Thank you, Council Chair. Thank you, Councilmembers. My heart goes out to, to those family members that have suffered recent losses. It's always, always difficult. Our lives move on and hopefully we improve.

You saw a little bit of a clip, I tried to cue up my video that I presented to Elle Cochran's Infrastructure Committee over three years ago. And in that presentation, I identified specifically where in the County process the loopholes exist between Planning and Public Works. Where engineering drawings are not transmitted back and forth, so the departments do not know what a developer is supposed to be doing. And that loophole is, is very well known to certain licensed professionals and developers. And they use that loophole.

And that's what Greg Brown has done. The SMA minor exemption that he received for the property that is, you know, it, it sure looks like it's a hotel, not a single-family home. It was presented and labeled by the architect as a single-family home. But the, the drawings show otherwise. They were not reviewed, and this is an ongoing systemic problem. And it is actively being perpetuated. I made my presentation over three years ago. Others have been making a presentation on this matter and blowing the whistle on different projects for even longer.

Chris Salem, who is, is actively being blocked from resolving this issue. Public Works, Planning Department, Corporation Counsel, refused to meet with him. He is a member of the Mayor's staff. He was hired by the Mayor to resolve these issues. I was part of the negotiations that got him hired, specifically with that job description. And he is being blocked by the Administration from resolving these issues.

So, we have to turn to the Council. And it is the Council's purview to change the rules of how Planning and Public Works interact with each other and the vetting of professional stamped applications. Falsification, fraud, does happen. There's a tremendous amount of money at stake. There's a tremendous amount of value that drives a professional to violate their professional standards and submit a flawed and, and fraudulent application in order to get an SMA minor permit that would . . . exempts them from public oversight and it denies the community of our right to protect the environment.

So, it is on your shoulders, Councilmembers. Prior Councils did not have the political will to make these changes. And we beg you folks to have the will to make these changes. We need to fix these loopholes. Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Pamela Tumpap. To be followed by Sandy Baz.

CHAIR LEE: Ms. Tumpap?

DEPUTY COUNTY CLERK: Pamela Tumpap? Oh, looks like she's having issues--

CHAIR LEE: She joined, joined the call.

DEPUTY COUNTY CLERK: But she's . . . in the meeting. Yes, Chair. Chair, maybe she's having connectivity issues. Shall we just move on to the next testifier?

CHAIR LEE: Yes, please.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify then is Sandy Baz.

MR. SANDY BAZ, MANAGING DIRECTOR (testifying on County Communication No. 21-248):

Aloha, Chair. My name is Sandy Baz, I'm the Managing Director for the County of Maui. And I am testifying on behalf of Mayor Victorino, who is unable to testify today on County Communication 21-248.

In 2019, Mayor Victorino did commence negotiations with A&B to purchase approximately 545 acres of land in Waiale, known as Waiale South and Waiale North. Subject property was scheduled to be developed as a master planned residential community. And with the approved reclassification of lands and entitlements, he saw an opportunity for the County to acquire the land with the intent to build and develop, and develop attainable and affordable housing for Maui's families. As negotiations and plans with A&B were making notable progress, the Native Hawaiian groups for their protection and preservation of their ancestral burial grounds were critical of our plans to develop the Waiale lands for affordable housing.

Maui County's principle archaeologist Janet Six submitted her recommendations and comments based on her evidential findings. And after careful consideration with regard to proposed purchase of the Waiale parcels by the County, with the intention of building homes for Maui's families, Janet had, Dr. Six had strongly recommended reconsideration of the land for, for that purpose. So, after intense and due diligence and consulting with Maui's different Native Hawaiian groups, as you've heard this morning, and respecting the evidential report presented by the County's principle archaeologist, we did change course of the Waiale land.

So, we do ask for your support and consideration of the purchase of these lands for the protection of ancestral burial grounds and to preserve and perpetuate the, Waiale's historic and cultural significance. It is best that these lands be undisturbed. So, our direction and goal is to build affordable and attainable housing have not changed course. We do continue to establish partnerships in land acquisition to enable our efforts, just not on this property itself. So, thank you, Chair and Members for the opportunity to testify.

CHAIR LEE: Thank you, Mr. Baz. Any questions, Members? If not, thank you, Sandy.

Next testifier.

MANAGING DIRECTOR: Thank you, Chair.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Pamela Tumpap. To be followed by Janet Six.

MS. PAMELA TUMPAP, MAUI CHAMBER OF COMMERCE (testifying on Ceremonial Resolutions and Committee Report 21-29):

Aloha, Chair Lee. And I'm hoping everybody can hear me now. My apologies, I got dropped twice. I'd like to first start with resolutions, if I may, and then discuss CR 21-29?

CHAIR LEE: Sure.

MS. TUMPAP: Thank you. I'll be brief on the resolutions. First of all, we deeply appreciate the recognition of Doug Bigley and Ikaika Ohana for creating such needed affordable housing and look forward to their new projects, and hopefully continuing projects, given our great community need.

We also want to thank Senator Kalani English for his long-standing and distinguished public service, for all the accomplishments shared and more. And we want to wish Senator English great happiness and health in his retirement and journeys forward.

And we want to extend our aloha and condolences and prayers to Tasha Kama and her ohana during this time of tremendous loss.

And then, I'll move forward to CR 21-29. We deeply appreciate all of the work and dedication that the Council has put into this budget. It's a difficult process in normal times, and even more so this year. But we just wanted to continue to share our thoughts on, on three items.

First, with the taking away of the budget for the Maui Visitors Bureau and looking at a grant. You know, we continue to find that the work of the Visitors Bureau is deeply important to our community. And what many people don't realize is all of the calls come in that they field. Not only as people are planning their trips, but also while they're also here on island. Now, in many regions, the Chamber of Commerce is seen as the local Visitors Bureau, because they don't have an industry as large as ours. So, we get many calls. We're a three-person office, but we field those over to the Maui Visitors Bureau.

By eliminating their funding, we're concerned that we're impacting key events that we've built up over many years. And we wonder who's now going to take on all these visitor calls? We understand we can compete for some of that funding you might be setting aside with the \$500,000. But they are best able to handle those calls, because they've been doing it for decades and are far better trained than we or anyone else we foresee could be competing for those grants in the future.

On the OED funding, you know, I know that they've received some cuts in programs. And as somebody who is funded by that through the Made in Maui County Festivals and some other things, we understand how important that grant funding is to the nonprofits doing exemplary work and helping to benefit our economic development and diversification. We understand there is funding reduced for small business promotions, sports and events promotion, and technology business promotion, all of which are key things that we feel we should be supporting right now. So, with businesses still recovering from the devastation of 2020, we would like to see some of that funding restored.

And then, lastly, on the real property tax issue. Again, we are still concerned by the increase in the hotel and resort classification. You know, as we know, they were some of the businesses most hardest hit with many months of zero income and a few months

of little income. Yes, it's picking up but, you know, we are feeling that now is not the best time for such an increase and that could be pushed off to next year.

We just wanted to say, again, mahalo for your work and for the opportunity to testify on these budget issues.

CHAIR LEE: Alright. Thank you. Are there any ques--

Yes, Mr. Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And aloha, Ms. Tumpap. Mahalo for your testimony this morning. I just had a clarifying question about, you mentioned calls that they answer. I was just curious what kind of calls does the, the organization receive?

MS. TUMPAP: You know, it's all across the board. And thank you for that question. We get calls from people who want to plan their trip, where should they stay, what area of the island, what do properties cost, how to best plan and package it with other activities or things they'd like to do. We get calls from people on island that can range from which is the best ice cream or gelato place to visit, how do I get there, how long will it take. Calls about Hana. How long does it take to get there from this area or that area? What are the things I should do along the way? Sometimes we get calls of people who are lost. Sometimes we get calls of people who, you know, maybe they, they're concerned about bedbugs or, you know, things like, you know, things . . . property or they have issues with being bit by mosquitos or have concerns about bedbugs. It really ranges the gamut. But we get the calls in advance of their trip and after people are here.

And as, as the Chamber, our mission is here to support the businesses here in our community. We're not in this region because we have such a large visitor industry. Not just in Maui County, but I mean statewide. Every county has a Visitors Bureau office. The Chambers of Commerce do not do that work. In some counties they do, but they get grants to do it. We have never been funded, because MVB was funded.

COUNCILMEMBER SINENCI: Oh, okay. So, definitely part of the Chamber's mission statement, yea?

MS. TUMPAP: It could be part of our mission statement. We've never done it, because it would have been an overlap with what MVB did. And it could be part of our mission and we could apply. But we're not well-trained in the scope of the services they currently offer.

COUNCILMEMBER SINENCI: Oh, okay. Thank you. Thank you, Chair.

MS. TUMPAP: Thank you. Thank you for the question.

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

MS. TUMPAP: Thank you for the opportunity. Aloha.

CHAIR LEE: Aloha.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Janet Six. To be followed by Dane Maxell.

CHAIR LEE: Alright. After Ms. Six, we'll take our morning break.

Good morning, Ms. Six.

DR. JANET SIX (testifying on County Communication No. 21-248):

Aloha, Madam Chair and Councilmembers. And thanks for letting me testify. I am the principle archaeologist for the County of Maui and I'm going to be testifying on CC 21-248.

I want to thank the Council for creating my position, and in my capacity to be able to advise the Mayor as to make these kinds of decisions. I also want to thank the State Historic Preservation Division who provided me with sensitive data that allowed me to paint a better picture of what actually is going on in the Puuone Dune area. And so, I want to support putting this into preservation for perpetuity. Since the beginning of coming on with the County, I have called it a burial complex. If you are able to see the data displayed, it is indisputably a burial complex made up of lots of burial grounds. We see this in development, we see this in the inadvertent discovery of human remains.

So, I really want to commend the Mayor for listening to his Na Iwi Kupuna group and the legitimate concerns. People have been beating the drum for 30 years. I came along, and with dispassionate data, was able to show why these people had genuine concerns for this area. And I really want to commend the Mayor for listening to me and listening to the people who have the mana'o of this place. So, that said, if you have any questions for me regarding my role in this, yes.

CHAIR LEE: Yes, Ms. King. We have a question from Ms. King. Member King.

COUNCILMEMBER KING: Thank you, Chair. Sorry, Janet, I have to wait till the Chair calls on me. We're all friends here. So, my question to you is, so if we, whether we call this a preserve or a complex, do you have any ideas on what zoning would be appropriate for this area?

DR. SIX: I, I would like to see it preserved in perpetuity. I am not a zoning expert. But I do think, you know, putting it in a way that it can't later be rezoned and developed. Since I made my recommendation to the Mayor, 13 more iwi kupuna have been desecrated by developments that were ongoing. So, for me, it's very important that whatever zoning that they work with the, the lineal cultural descendants, people with the mana'o at Planning and the Zoning Department to come up with the best possible way to preserve it in perpetuity.

COUNCILMEMBER KING: Okay. And you'll be--

DR. SIX: And I understand access issues too that have to be worked out. Who has access?

COUNCILMEMBER KING: And you reported that conversation?

DR. SIX: I've been asked, I've been asked by Stephanie Crivello from the Mayor's Office to work with Na Iwi Kupuna, to listen to them and then come up and help formulate some kind of a, a phased approach to move, move ahead with this property.

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

CHAIR LEE: Thank you.

Member Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. Just for the sake of procedure, there is a chance, as far as what I've been told, that this County Communication could be acted on the floor today. So, instead of asking Ms. Six questions now, if she would be willing to stay as a resource, under your permission, Madam Chair, when we get to that item? And that way, we can also hear more testimony, so that we don't keep our testifiers waiting.

CHAIR LEE: Any objections to asking Ms. Six if she could be a resource for when this item comes up?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Secondly, Ms. Six, will you be available later on? I can't tell you exactly when.

DR. SIX: I, I kind of blocked out today for this, because I just found out about it and I'm very excited. So, yea, I can, I'll be here. I'm working from home.

CHAIR LEE: Alright.

DR. SIX: I can answer some emails and keep an ear on, so yea, no problem. I'll be glad to be a resource for this.

CHAIR LEE: Okay. Thank you. So, are there any more questions at this time, though, Members? If not, thank you. We'll be in touch, Ms. Six.

DR. SIX: I'll be here.

CHAIR LEE: Okay. Mr. Clerk, let's, okay, it's a little after, it's about 10:30 right now. Members, any objections to taking a 15-minute break to 10:45?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:31 A.M., AND WAS RECONVENED AT 10:47 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBERS KAMA AND SUGIMURA, EXCUSED.)

CHAIR LEE: Will the regular County Council meeting and public hearing of May 21, 2021 please reconvene.

Mr. Clerk, please proceed with testimony.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Dane Maxwell. To be followed by Kaniloa Kamaunu.

MR. DANE MAXWELL, MAUI/LANAI ISLAND BURIAL COUNCIL (testifying on County Communication No. 21-248):

Can you folks hear me?

CHAIR LEE: Yes, we can.

MR. MAXWELL: Okay. Aloha nui, Madam Chair and Councilmembers. My name is Dane Maxwell. And I'm, although I'm here in my personal capacity, I'm also the Chair of the Maui/Lanai Island Burial Council. Before I get started, I just wanted to mahalo, mahalo Senator Kalani English for his many years of service. And I also, send my deepest and sincerest condolences to the Ohana Kama.

I'm here to testify in support of bill 21-248 and would like to mahalo Mayor Victorino in taking this bold step in hopefully preserving and conserving these 500 plus acres located in the Central Maui Sand Dune complex. Serving on the MLIBC, Maui/Lanai Island Burial Council, for the past eight years and witnessing my grandfather's time serving on the Burial Council at the initial development of these sand dunes, we have seen countless times the presence of iwi kupuna. And not just sparse isolated findings, but large concentrations. And many instances, they are in close proximity or directly adjacent to the mentioned acreage.

And it is with certainty that I say there are many more kupuna resting in this space. With that being said, I understand the need for affordable housing. And some seeing this as a lost opportunity, but I believe the opportunity we have here is to preserve a direct link to the identity of kanaka maoli and a chance to share the significance of this space to those who call Maui their home. I mean, education is the best way to preserve anything in perpetuity.

This bill, for me, provides the Council with an opportunity to show how much we value our natural environment, our Hawaiian culture, and most importantly, our iwi kupuna. It's my hopes that this, if this is passed, that we, as Maui, can set a precedence for the rest of the State on how iwi kupuna should be cared for and how this is one of, this being one of the most precious Hawaiian resources should be managed.

A good example, I would like to offer a solution for, I know zoning has come up. A good example of protection and perpetuity is a conservation easement and memorandum of agreement for the Honokahua burial site. And that may hold some key components and use, useful in the conserving this place going forward, and this conversation going forward, kala mai.

I'll keep it very brief. I just want to mahalo nui, mahalo . . . Councilmembers. Mahalo to the many who have advocated in support of the preservation of these Puuone and iwi kupuna over the many 20 plus years. And then, a really big mahalo goes out to Mayor Victorino in initiating this effort. So, mahalo nui.

CHAIR LEE: Thank you, Mr. Maxwell.

Members, okay, we have one question from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Maxwell, for your testimony. And I just wanted to clarify. In your role as, on the Maui/Lanai Island Burial Council, as well as the Chair, just the presence of iwi kupuna is not enough to stop the development over it.

MR. MAXWELL: That's, as we've seen in adjacent properties, some with over 180 findings. Not, not necessarily full kupuna, but findings of, from burial pits to false burial pits to, and just many kupuna either identified within an AIS or inadvertently. That doesn't stop a project. And that's problematic, right? No matter what, what is our biggest problem is what is the threshold to stop development? And we don't want to stop development. But when you talk about over 180 different kupuna, do we still go forward? That, that's one thing.

And I think this is probably one of the most progressive ways to protect where we know, we know there's kupuna if you look everywhere around. In, in our, in our mo'olelo and our stories, we know that in the sand dune complex, ranging from Waihee and onward, that this place is highly, it's highly probable that there's many, many more here. So, I think this is the best way to preserve our identity as kanaka. And, and identity of Maui. But, yea, it doesn't, sorry, to answer your question, no, it doesn't. Kala mai.

COUNCILMEMBER PALTIN: Thank you. Thank you so much, Mr. Maxwell, for your answer and for all your hard work over the years.

MR. MAXWELL: Mahalo to you folks.

CHAIR LEE: Are there any more questions? If not, thank you. Thank you, Dane. Aloha.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Kaniloa Kamaunu. To be followed by Amber Afelin.

MR. KANILOA KAMAUNU, AHA MOKU O WAILUKU (testifying on County Communication Nos. 21-248 and 21-249):

Aloha kakou.

CHAIR LEE: Kaniloa?

MR. KAMAUNU: Kaniloa Kamaunu, Waihee. I would like to start with 49, instead of 248, if I, if you don't mind?

CHAIR LEE: Oh, Kaniloa. Kaniloa, can you speak a little bit louder, please? Okay.

MR. KAMAUNU: Okay.

CHAIR LEE: Thank you.

MR. KAMAUNU: Is that better?

CHAIR LEE: Yes, much better.

MR. KAMAUNU: Chair, is that better?

CHAIR LEE: Yes.

MR. KAMAUNU: Okay. Sorry. So, I would like to start off with 21-249 and then leave 248 for the last, if you don't mind?

CHAIR LEE: Okay.

MR. KAMAUNU: Alright. So, I support what Uncle Walter talked about earlier. And I believe it is important for them to have a representative. In fact, you know, they should have more than one representative. . . . But, you know, it is, I believe their right to, as, you know, kanaka, it is our right to water that is already in your HRS's, HRS 7, 174C-100. And it talks specifically about the rights. Also, if you want to go to Article 12, Section 7, that also talks about traditional customary practices, which as he was referring to, the ground stream water needed for the loko'ia or for the fishpond that needs to be taken care of.

And I, I think he has a very viable concern and I support him. Even though we from the island from Maui, I am a advocate for, you know, kanaka rights as far as water is concerned. So, I, I kakou him and his efforts to get a member from the island of Molokai. So, I mahalo to him for all the work that he and his ohana does over there. And also, Councilmember Fernandez, for bringing this forward.

And at this time, I'd like to move to 21-248. I am an, I was part of the, or I should say, I am part of the community that has come forward. I am a member of Malama Kakanilua. But I am also a representative of Aha Moku o Wailuku, which I have always brought forward to the Council and I've always advocated for, you know, Aha Moku, as I always said is, has been legislated. And some, a lot of times, even though we have cultural and lineal, because of the legislation, because of the act that was put into place, we still need to be in the discussion as far as when it comes to iwi kupuna.

So, I'm going to relay the story, almost 10 years ago, I started my advocacy, as far as in the Puuone with the area of Owa, which is where the Maui Lani Shopping Center is. And we went down there, we did an overnight vigil that we do regularly every year there, but this is our first one. And at this time, when we went there, we decided to move to an area that our kupuna could see us. Because at that time, they were constructing, so they had their dust covers. So, it was brought to us that we should move to an area where we could see into the property. So, we went in front where actually Kaiser Permanente is. And when we went there, it was a beautiful night. The stars were shining.

But as soon as we started the pule, I saw this picture in my head of our iwi. There was a kupuna that came forward with a calabash helmet. And his question was to me, or to us, who are you and why are you here? So, that floored me because they don't know us. They don't know who we are, and we are strangers. And with all this upheaval of other foreigners coming into this area and disturbing them, it was more upsetting to him. But the thing is, the picture that I beheld was this one man. And behind him were just a multitude of people. I mean . . . just like a triangle. And it just spread out to infinity.

So, that told me was, many of our kupuna are there and they all want to know who we are. And it is important for us to remember who they are and to kako'o them, to kokua them. And so, I made a promise when I saw that picture. I promised them that they would never be forgotten. And my advocacy has been for the continuous perpetual preservation of our iwi kupuna. In this political world, our kupuna has been looked at as problematic for economics. They no longer have no worth in this society. And I, I know in the western society, our elderly and our people that have passed on have no worth to this society cause they earn no income. But they deserve to be there. They are our culture. They are who we are. And without them, we lose everything. We lose our identity. We lose our right to exist.

So, I hold the Mayor and his staff to their promise that they will preserve what is there. Preserve means to leave it alone. We never went there, because it wasn't the thing to do. Us, we respect. It is their burial site. It's where they rest, and they find peace. So, I commend to you the responsibility that was given to me, that they are to be kept in preservation and that you take upon the responsibility to kako'o them, that they would never be forgotten. Because without them, then we are no one. And they need to be protected. Mahalo.

CHAIR LEE: Thank you, Kaniloa. Are there any questions?

Yes, Member Paltin. Kaniloa, we have a question for you.

MR. KAMAUNU: Okay.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Kamaunu, for your testimony today. I just was wondering, to clarify, the things that you were saying and the areas that have already been disturbed in relation to this area that we're seeking to proactively protect. Would, would it be appropriate to reinter those that were disturbed in the Maui Lani area or the other areas into this burial complex?

MR. KAMAUNU: It is up for discussion. You know, we know that things have, have changed, especially for the iwi that have been disturbed. And it is a possibility. It's a discussion that needs to be put up to those that have concerns, such as lineal and cultural descendants, as well as others in the community who may have generational and traditional ties to the area.

COUNCILMEMBER PALTIN: Thank you. Thank you for answering my question. Thank you, Chair Lee. Thank you, Mr. Kamaunu.

MR. KAMAUNU: Mahalo.

CHAIR LEE: Are there any other questions? If not, thank you very much, Kaniloa.

MR. KAMAUNU: Mahalo.

CHAIR LEE: Mahalo for your testimony.

MR. KAMAUNU: Aloha.

CHAIR LEE: Mr. Clerk. Mr. Clerk.

DEPUTY COUNTY CLERK: The next, the next person we have signed up to testify is Amber Afelin. To be followed by Lana Corpuz.

MS. AMBER AFELIN (testifying on County Communication No. 21-249):

Aloha. I want to say mahalo to Councilmember Fernandez for advocating for us over here on Molokai. I just want to say that I support Molokai having a voice with the Board of Water Supply. Thank you.

CHAIR LEE: Thank you. Are there any questions? If not, may we have the next testifier, please?

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Lana Corpuz. To be followed by Kahekili Pa Kala.

MS. LANA CORPUZ (testifying on County Communication No. 21-249):

Howzit.

CHAIR LEE: Hi.

MR. CORPUZ: I just wanted to second that, and support having a member on the Water Supply Board. Mahalo.

CHAIR LEE: Okay. Mahalo. Any questions, Members?

If not, may we have the next testifier?

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Kahekili Pa Kala. To be followed by Hanohano Naehu.

MR. KAHEKILI PA KALA (testifying on County Communication No. 21-249):

Aloha.

CHAIR LEE: Aloha.

MR. PA KALA: I would like to just testify and say that I support Molokai having a representative on the water commission board. And that's it. Thank you very much.

CHAIR LEE: Okay. Thank you. Are there any questions? No questions. Mahalo for your testimony.

MR. PA KALA: Thank you so much.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Hanohano Naehu. To be followed by the person connected to the meeting from the phone number ending with these last four digits, 6994.

MR. HANOHANO NAEHU (testifying on County Communication No. 21-249):

Aloha you guys. Mahalo all of you guys for hearing this. Mahalo, Keani, for putting this bill forward. I'm very happy that the last time I saw you guys, this whole situation is moving forward. So, I like mahalo all of you guys: Shane, Keani, Mike, Gabe, Tamara, Alice, Kelly.

This bill is super important. And my wife reminded me that if we go back into the wa kahiko of these islands, Hana was never run by Maui, managed by Maui. Hana was always managed by the Big Island of Hawaii. Molokai was always managed by Molokai. So, when you look back into our past and how well our kupuna, or how amazing our kupuna was at resource management and knowing that those places are much different than others, you know, this bill is perfect. This bill is perfect.

And it serves you guys. It would be best if you guys put this forward right now, because this is a legacy kind of thing. All of your names will be attached to something that was very important to the future of our place, to the fairness and the pono of our place. And again, like I said last time, I am not asking you guys to do this. I'm expecting you guys to do the right thing. You guys are smart, amazing human beings. And I believe you guys have the best interest of these islands, our, our keiki and our future. And that being said, I support the bill for a Hana and Molokai seat on the Board of Water Supply, yea.

CHAIR LEE: Okay. Thank you very much. Are there any questions, Members? If not, appreciate your testimony. Mahalo.

MR. NAEHU: Mahalo.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, our next testifier is the individual calling in from the phone number ending with these last four digits, 0147. To be followed by Junya Nakoa.

MS. LUCIENNE DE NAIE (testifying on County Communication No. 21-249):

Aloha. This is Lucienne de Naie calling. . . .

CHAIR LEE: Hi. Good morning.

MS. DE NAIE: Good morning to you all. We're out in Hamakua doing a cleanup today in the rain. But I would like to testify to bill 21-249. Just to be brief, Molokai and East Maui, Hana, really have a very unique communities and deserve to have a voice on the Board of Water Supply. I'm very grateful that this bill has been brought forward. There used to, pretty regularly, be an effort to find folks from East Maui and Molokai to serve on the board. I, I know when Michael Howden was Chair, there was a Molokai rep. And of course, in these days of Zoom, there's no expense to have someone from Molokai on the board, because it's like they don't need to fly over. So, please do the right thing. Please give a voice to the communities that have a lot of input to give on the water related things, and folks who are willing to serve by Zoom. And there's really no downside to having that representation. So, mahalo for doing the right thing.

CHAIR LEE: Thank you, Ms. de Naie. Are there any questions? If not, thank you for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next person that we have signed up to testify is Junya Nakoa. To be followed by Noe. Noe is the last person we have signed up to testify, currently. If there's anyone else in the meeting who has not testified but wishes to do so, please inform staff in the meeting chat now.

CHAIR LEE: Morning, Junya.

MR. JUNYA NAKOA (testifying on County Communication Nos. 21-242, 21-248, and 21-249):

Oh, morning. Yessah. I going talk about 21-248, yea. Go, yea, go protect the iwi's and other stuff that \$10 million can be used to, you know, good use to protect the iwi, and you know what I mean? That's, that's how we can use our tax money for good stuff. And everybody going be surprised, but I like say mahalo to Mike Victorino. You guys never going think, say me that. But mahalo for listening to the, to the Hawaiians, you know, for da kine. Mahalo, braddah. This part, you did good.

Okay. Then I going talk about the 21-249 now. I, I when testify earlier about this. And yea, Molokai need one rep, you know what I mean? You heard all the Hawaiians from Molokai. They need one rep. You know how them, they take care that island that, to me, I think is the number one island. So, yea, make sure they get one representative on the Water Board. Yea, shoots.

Okay, now, this the last one, 21-242. Okay, now I pau be nice to the Mayor. Okay, this is, this is big one. This one, Michele McLean, she like, you know, like, take um to one other Committee, one of you guys' Committee. I hope the buggah go to Shane one, or not Shane, Molina one. So, cause, you know, going get some legal stuff like that. You know, get some legal representation that going support the people of Napili Bay. And you know what, Junya Nakoa's name going be on capital letters, bold letters on top of that, you know, that lawsuit or whatever you wanna do it. I neva like do um, but I going do um, okay? I know Michele McLean going say try put um into executive session. I really against that, sorry, because the reason why we here is because I feel there's a lot of behind the door deals that was done to make this project to be where it is now.

Because I when hold one public meeting and I when invite Sandy Baz. Buggah no show, no call. Oh, I, no, he, he did call. He said he, he get, he might be positive for COVID. But, you know what, was jam up cause he when call from the, from the, the County Building, the Mayor's Office. I had the numba, Mayor Office. And he call and said, you know, he, he may be positive. Then I, I like what the hell you doing at that work? You know, you might affect the whole damn building now, you know, what I mean? So, that's wrong. And then that guy, what is the other one, Dagdag, Rowena Dagdag for come, she never come for one other reason. Okay, whatevers, so that buggah no show up.

And then Michele McLean from Planning Department, she when show up. Give big props to her for showing up. She took cracks that day, you know. She took it like a champ, cause had plenty people from the Napili Bay, you know, what I mean? Like yesterday, they, you know, I told you guys for listen to districts about all kine developments. This one, they never listen, they never give us one chance. But had public input in this, okay. And then, that's why I'm saying is like where was us? Where we can say something, yea? That's what I told you guys yesterday.

But one other thing is, you know the Public Works, you know, the guys, the guys, Sam Small dude, he said he know that get the communication gap whatever between Public Works and the Planning Department. I get evidence of that. You know what I mean? Dagdag say something. Oh, okay. And then oh, Michele McLean say something, okay. I have evidence that Michele McLean said if she seen this thing she would not have had passed it, okay. So, then who the hell, how the hell the damn thing get passed without the Director's da kine? Oh, maybe . . . investigators . . . So, if it's public, . . . and us the taxpayers again, this kine stuff for this lawsuit the \$10 million no good for this kine. We no like give this one, one rich developer that kine money, yea. So, please--

CHAIR LEE: Okay, Junya. Junya.

MR. NAKOA: Real short, real short. No make this go into executive session cause we got to be transparent. We like know how the thing got here and then why we, why we gotta wait on, what, what they, what she going tell you. . . . cry, oh, yea, we, we made a mistake. Oh, slap on the wrist. No. Somebody's head should, you know, what I mean. If I was at work and I when broke something that is like \$5 million, I get fired. I get suspended. So, somebody should be fired or suspended. They even go to the top, to the Mayor first, Sandy Baz . . . whatever. But if you going cost us taxpayer money, fire those buggahs. Mahalo.

CHAIR LEE: Okay. Junya, just want to say that this item is slated to go to the GREAT Committee.

MR. NAKOA: Mahalo.

CHAIR LEE: So, save some of that energy you have for when we have that meeting. And then you can--

MR. NAKOA: Alright. I no need save nothing, cause I get plenty energy for this, this topic--

CHAIR LEE: Okay. Very good. Very good. Are there any questions for Mr. Nakoa? If not, you take care. Have a great weekend.

MR. NAKOA: You guys too. Have a good weekend. Yessah.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last person we have signed up to testify is Noe.

MS. NOE LECKER (testifying on County Communication Nos. 21-248 and 21-249):

Aloha. Good morning. My name is Noe Lecker. I am from Hana, and I am speaking on bill 21-249. I am in support of representation for Hana and Molokai. Hana and Molokai, we are a small rural area. And sometimes, our voices are not being heard because we don't have that representative person to speak. So, I am in support of having a representative added to the board, to the water committee.

I also wanted to speak on bill no. 21-248. I agree with what Janet Six spoke about in the putting that property into convert, conversation *[sic]*, conversation *[sic]*. And I just

want to thank you guys for hearing the voices of the people. I, I also want to just encourage you all to really focus on what is going to be passed onto, to our generation, to our offspring's here on our islands. And I am speaking, you know, as a parent, and also as a grandparent living in Hana, and also having family on Molokai, that our water resources is so important for our, our, our land. And so, I am just praying that you folks will do the right thing. And that the voices of the people will be heard and that we will have a representative, you know, to speak for the people. So, I thank you again for listening and I pray that you all have a blessed day. God bless you all.

CHAIR LEE: Thank you and same to you. Are there any questions, Members?

If not, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, we do not have any other testifiers noted. If an individual connected to the meeting has not testified but would like to do so, please unmute yourself and identify yourself now. This is our last call for testifiers. Please indicate if you would like to testify.

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 into the record, and to closing public testimony?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. No objections. So, ordered.

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

1. Lynn Britton, Ma'alaea Village Association;
2. Kanoelani Davis;
3. David Dorn;
4. Mike Fogarty, Maui Nui Marine Resource Council;
5. Stan Franco;
6. Lora Harbo;
7. U'i Kalani;
8. Robin S. Knox;
9. Lu Ann Mahiki Lankford-Faborito;
10. Tanya Maile Naehu;

11. Diana Jill Riggs, Kaiser Permanente;
12. Carla Ritte-Hanchett and Michael Hanchett;
13. Leah Rothbaum, The Trust for Public Land;
14. Chris Salem; and
15. Sam Small.

CHAIR LEE: Members, if there are no further objections, I will now adjourn the public hearing, and we'll continue with the rest of the regular meeting agenda. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, the public hearing is now closed and adjourned.

ADJOURNMENT

The public hearing of May 21, 2021 was adjourned by the Chair at 11:16 a.m.

CHAIR LEE: Mr. Clerk, please proceed with the regular County meeting, County Council meeting agenda.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with the minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of March 19, 2021 was presented at this time.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO APPROVE THE MINUTES AS READ BY THE
CLERK.

CHAIR LEE: Second?

COUNCILMEMBER JOHNSON:

SECOND.

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

Any discussion? Seeing none, all those in favor of the motion to approve the minutes, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. I see seven "ayes", no "noes"; motion carries. Two "excused"; Members Kama and Sugimura.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 21-233 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated May 5, 2021)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending April 2021.

CHAIR LEE: Councilmember Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-233.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded, seconded by Vice-Chair Rawlins-Fernandez, to file the communication.

Any discussion, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. This communication is purely informational, and no further action is required by the Council. Mahalo.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. Seven "ayes", two, two "excused"; motion carries. Excused are Members Kama and Member Sugimura.

Mr. Clerk.

NO. 21-234 - ANDREW H. MARTIN, PROSECUTING ATTORNEY,
(dated April 29, 2021)

Informing of the expenditure of State Asset Forfeiture Funds for the third quarter of Fiscal Year 2021.

CHAIR LEE: 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 21-235 through 21-237?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, please proceed. Mr. Clerk.

NO. 21-235 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated May 6, 2021)

Transmitting Report No. 20-02, "Report on the Fiscal Sustainability and Financial Condition of the County of Maui".

NO. 21-236 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 6, 2021)

Transmitting 67 contracts/grants for the month of April 2021.

NO. 21-237 - DEAN M. RICKARD, ACTING CHIEF OF POLICE,
(dated May 11, 2021)

Transmitting a grant modification with the State of Hawaii, Department of Health for the Emergency Medical System grant to increase the budget by \$109,050.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 21-234, 21-236,
AND 21-237, EXCEPT FOR THE GRANTS AND CONTRACTS
THAT COUNCILMEMBERS REQUEST FOR COMMITTEE
REFERRAL, AND TO REFER COUNTY COMMUNICATION
21-235.

CHAIR LEE: Okay. Any second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Seconded by Member Johnson. Alright.

Discussion, Vice-Chair Rawlins-Fernandez.

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

Relating to County Communication 21-236, Councilmembers have the opportunity to request specific contracts and grants to be referred to a Committee for further review and discussion. Mahalo, Chair.

CHAIR LEE: Members, any contracts or grants you wish pulled out?

If not, then the motion is to file County Communications 21-234, 21-236, 21-37 *[sic]*, and to refer 21-35 *[sic]* to the BFED Committee. Okay. All, all those in favor, say "aye", raise your hand.

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

CHAIR LEE: Okay. All those opposed.

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. I, Mr. Molina, I see you a little bit frozen. Can you say something, Mr. Molina?

COUNCILMEMBER MOLINA: Yea. Can you hear me?

CHAIR LEE: Yea, now we can.

COUNCILMEMBER MOLINA: I voted "aye".

CHAIR LEE: Alright. Thank you. Seven "ayes", two excused".

COUNCILMEMBER JOHNSON: Chair, if I may?

CHAIR LEE: Yes, Mr. Johnson?

COUNCILMEMBER JOHNSON: I'm sorry. I was, I guess my hand was getting invisible. Can I pull a grant?

CHAIR LEE: Okay. Which one?

COUNCILMEMBER JOHNSON: Sure. C7347, Huliau Affordable Housing Project Case Management for \$150,000.

CHAIR LEE: Okay, anything, anything else? Okay.

COUNCILMEMBER JOHNSON: That's the only one.

CHAIR LEE: Okay. So, if you don't mind Vice-Chair, pull that one and the rest will be filed. Any objections?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. To what Committee?

CHAIR LEE: It's Affordable Housing, I believe. Referred to the Affordable Housing Committee.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Okay. You had your hand up, Mr. Clerk?

DEPUTY COUNTY CLERK: That just answered by question. Thank you, Chair.

CHAIR LEE: Okay. So, again, just to review, we just filed CC 21-234. We referred 21-235 to BFED. We filed 21-36 *[sic]*, except for the Contract C737 etc., and moving it to the, referring it to the Affordable Housing Committee. And then, filing 21-37 *[sic]*. Okay.

Alright. Please proceed, Mr. Clerk.

DEPUTY COUNTY CLERK: So, Chair, just to confirm, that vote did apply, the seven "ayes", two "excused"?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: It encompasses all that?

CHAIR LEE: Yea.

DEPUTY COUNTY CLERK: Okay.

CHAIR LEE: If, if there are no objections, because that was just a, sort of like an oversight. Unless you want to take the vote again?

DEPUTY COUNTY CLERK: No, Chair.

CHAIR LEE: Anybody want to take the vote again? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: If not, please proceed.

DEPUTY COUNTY CLERK: Okay.

NO. 21-238 - MICHAEL P. VICTORINO, MAYOR,
(dated May 5, 2021)

Informing of a vacancy on the Cost of Government Commission due to the resignation of Michelle Del Rosario, effective May 4, 2021.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO FILE COUNTY COMMUNICATION NO. 21-238

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. Moved by Member Molina, seconded by Member King, to file County Communication 21-238.

Any discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Yes. Thank you very much, Madam Chair. The Mayor received noticed of Ms. Del Rosario's resignation from the Cost of Government Commission, effective May 4, 2021. I'd like to thank her for her participation in local government and for volunteering her time to serve our community. Thank you, Madam Chair.

CHAIR LEE: Okay. Any more discussion?

If not, Ms., Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to add to Mr. Molina's mahalos to Ms. Del Rosario. And I think most folks know that she's also stepping down from my office to focus on her business and her personal life. She'll be, becoming a grandmother pretty soon. So, I really want to wish Michelle well. And thank you for all your invaluable service not just to my office, but to the Cost of Government Committee *[sic]*. Mahalo, Chair.

CHAIR LEE: Thank you. Thank you.

Any more discussion? If not, all those in favor of the motion to file this item, please say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. I see seven "ayes", zero "noes", two "excused"; motion carries. The excused are Members Kama and Sugimura.

Mr. Clerk.

NO. 21-239 - LAUREN ARMSTRONG, EXECUTIVE DIRECTOR, MAUI
METROPOLITAN PLANNING ORGANIZATION,
(dated May 3, 2021)

Transmitting the "Vision Zero Maui Action Plan".

The recommended action is that County Communication No. 21-239 be referred to the Infrastructure and Transportation Committee.

CHAIR LEE: Members, any objections to referring this matter to the IT Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Okay, Mr., Mr. Clerk.

NO. 21-240 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 6, 2021)

Informing of the acceptance of a Water Easement, Lot 3, Maui Preparatory Academy
Subdivision, TMK: (2) 4-3-001:087 POR.

CHAIR LEE: Um, Ms. Sugimura is not here.

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Yea, I'd just like to inform you, Member Sugimura asked me
to address these two items today on the Council agenda.

CHAIR LEE: Oh, okay. Very good. Member Molina.

COUNCILMEMBER MOLINA: So, with that, yea, thank you, Madam Chair. So, with that
said, can we also have the Clerk call up County Communication 21-141 *[sic]*, as well?

CHAIR LEE: Mr. Clerk.

COUNCILMEMBER KING: 241.

CHAIR LEE: 240, 241.

COUNCILMEMBER MOLINA: Yea. 240, 241, yea.

NO. 21-241 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 6, 2021)

Informing of the acceptance of a Water Easement 5, Lot 3 & Lot 7 – Napilihau Street,
Maui Preparatory Academy Subdivision, TMK: (2) 4-3-001:087 & 91.

CHAIR LEE: Mr. Molina.

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

ON BEHALF OF IT COMMITTEE CHAIR SUGIMURA, I MOVE
TO FILE COUNTY COMMUNICATIONS 21-240 AND 21-241.

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member King, to file County Communications 21-240 and 21-241.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. County Communications 21-240 and 21-241 are both informational and no further action is required by the Council. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: It's seven "ayes", zero "noes", two "excused". Excused are Members Kama and Sugimura. Motion carries.

Mr. Clerk.

NO. 21-242 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated May 6, 2021)

Relating to the ongoing construction at 5385 Lower Honoapiilani Road, Napili, Island of Maui, TMK: 4-3-002:057.

The recommended action is that County Communication No. 21-242 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

COUNCILMEMBER KING: No objections.

CHAIR LEE: That this matter be referred to the GREAT Committee.

Mr. Clerk, next.

NO. 21-243 - ALICE L. LEE, COUNCIL CHAIR,
(dated May 14, 2021)

Relating to a proposed amendment to the Fiscal Year 2022 Budget Bill for Wailuku Economic Development, Environmental, and Cultural Programs.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request County Communication 21-244 to be called up as well?

CHAIR LEE: Mr. Clerk.

NO. 21-244 - SHANE M. SINENCI, COUNCILMEMBER,
(dated May 14, 2021)

Relating to a proposed amendment to the Fiscal Year 2022 Budget Bill relating to funding for invasive species.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Chair, if there are no objections, I would like to ask that County Communication 21-243 and County Communication 21-244 be taken up at the same time as CR 21-29?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

(See pages 65 through 103 for discussion and action.)

NO. 21-245 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated April 30, 2021)

Transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL KATTEN MUCHIN ROSENMAN LLP, FOR THE COUNTY OF MAUI 2021 GENERAL OBLIGATION BOND ISSUANCE".

CHAIR LEE: Okay. 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 SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to waive the Rules of the Council.

Vice-Chair Rawlins-Fernandez. Oh, I'm, I'm sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Oh, go ahead. Yea, just on the Rule itself.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Yea, okay. So, the time sensitivity is explained that the Finance Department is planning to float bonds so, and the Finance Director is here as well to explain the urgency. Mahalo, Chair.

CHAIR LEE: Okay. It seems that your connectivity is getting weaker, so you may have to turn off your vide, your, yea, your video at some point. Okay?

Any more discussion, Members? If not, all those in favor of waiving the Rules of the Council, please say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. Seven "ayes", zero "noes", two "excused"; motion carries. The excused are Members Kama and Sugimura.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. It looks like I have full bars again, so hopefully it's okay.

I MOVE TO ADOPT THE PROPOSED RESOLUTION, AND TO
FILE COUNTY COMMUNICATION 21-245.

CHAIR LEE: Any second?

COUNCILMEMBER SINENCI:

SECOND.

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

Vice-Chair Rawlins-Fernandez, discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the proposed resolution would authorize the employment of Katten Mukin *[sic]*, Muchin Rosenman LLP, as Bond and Disclosure Counsel to represent the County of Maui during its 2021 General Obligation Bond issuance. This firm was selected in conformance with the County's established procurement process.

The Director of Finance Scott Teruya is available to answer questions the Members may have. . . . Members support of the motion. Mahalo, Chair.

CHAIR LEE: Thank you.

Members, do you have any questions or comments? If not, all those in favor of the motion, please say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. Seven "ayes", zero "noes", two "excused"; Members Kama and Sugimura. Motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. That's all I got.

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: Chair.

CHAIR LEE: Yes, Mr. Clerk?

DEPUTY COUNTY CLERK: Just for the record, that is RESOLUTION 21-86.

Proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted:

NO. 21-246 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 12, 2021)

Transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2020 to June 30, 2021 as of March 31, 2021 and the Capital Improvement Project report as of March 31, 2021.

The recommended action is that County Communication No. 21-246 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-247 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated May 13, 2021)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.04.020, MAUI COUNTY CODE, RELATING TO SUBMITTAL OF THE OPERATING BUDGET AND CAPITAL PROGRAM".

The recommended action is that County Communication No. 21-247 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-248 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated May 14, 2021)

Transmitting the following:

1. A proposed bill entitled "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 – WAIALE LAND ACQUISITION)";
2. 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 C – CAPITAL IMPROVEMENT PROJECTS, DEPARTMENT OF FINANCE, WAIALE LAND ACQUISITION"; and
3. An appraisal prepared by R.J. Kirchner SRA, Paradise Appraisals LLC, relating to the Waiale Land Acquisition.

The recommended action is that County Communication No. 21-248 be referred to the Budget, Finance, and Economic Development Committee.

NO. 21-249 - KEANI N.W. RAWLINS-FERNANDEZ, COUNCIL VICE-CHAIR,
(dated May 13, 2021)

Transmitting a proposed bill entitled "REQUIRING MOLOKAI AND EAST MAUI
MEMBERSHIP ON THE BOARD OF WATER SUPPLY".

The recommended action is that County Communication No. 21-249 be referred to the
Government Relations, Ethics, and Transparency Committee.

(THE PROPOSED BILL ATTACHED TO COUNTY
COMMUNICATION NO. 21-249 WAS PASSED ON FIRST
READING LATER IN THE MEETING AND ASSIGNED BILL
NO. 45 (2021). COUNTY COMMUNICATION NO. 21-249 WAS
THEN FILED. See pages 62 through 64 for discussion and action.)

NO. 21-250 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated May 7, 2021)

Relating to the status of all active conditional permits.

The recommended action is that County Communication No. 21-250 be referred to the
Planning and Sustainable Land Use Committee.

CHAIR LEE: Members, are there any objections to the referrals just read by the Clerk?

Okay, if not, so ordered.

Oh, Ms., Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Is my audio okay? It looks like I
have, I'm down to one bar again.

CHAIR LEE: You, you're okay for now. I'll let you know.

DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 21-249

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay. Consideration on CC 21-249. Bill entitled "REQUIRING MOLOKAI AND EAST MAUI MEMBERSHIP ON THE BOARD OF WATER SUPPLY". I move to waive--

Oh, I'm sorry?

CHAIR LEE: I didn't say anything.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

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 SINENCI:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to move to, to invoke the Rules of the Council to take up CC 21-249.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. As we all know that the urgency is that there's one seat left on the Board of Water Supply and there's no guarantee that it would go to a Molokai person. So, the, that's why I would like to take up this bill today. Mahalo, Chair.

CHAIR LEE: Okay. Any more discussion? Any more discussion? Okay. All those, okay, so that is the vote on the Rule? All those in favor, say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: I see seven "ayes", zero "noes"; motion carries. Two "excused"; Members Kama and Sugimura.

Vice-Chair Rawlins-Fernandez.

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

I MOVE TO ADOPT THE BILL ON FIRST READING AND TO
FILE COUNTY COMMUNICATION 21-249.

CHAIR LEE: Okay.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: So, you're breaking up a little bit. Okay, so just to repeat--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I can state it again.

CHAIR LEE: --the motion. Can you just repeat the motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. Is it okay now? My video is off.

CHAIR LEE: Yes. The, it's fine. It's fine.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

I MOVE TO ADOPT, SORRY, TO PASS THE BILL ON FIRST
READING AND TO FILE COUNTY COMMUNICATION 21-249.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to pass the attached bill in County Communication 21-249 on first reading, and the filing of the communication.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. Seven "ayes", zero "noes", two "excused"; motion carries. Excused are Members Kama and Sugimura.

Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo, Members.

CHAIR LEE: Mr. Clerk. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, just want to confirm that there--

CHAIR LEE: Vice-Chair, did you have another one? Vice-Chair, dd you have another one? No? No. Okay.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, just want to confirm that there are no other objections to the referrals as read by the Clerk.

CHAIR LEE: No other objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 21-29 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending the following:

1. That Bill 46 (2021), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2021 TO JUNE 30, 2022," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 47 (2021), entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2022," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 48 (2021), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF EIGHTY-FIVE MILLION, FIVE HUNDRED EIGHTY THOUSAND, NINE HUNDRED DOLLARS (\$85,580,900) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF PROVIDING FUNDS TO PAY ALL OR A PART OF THE COST OF APPROPRIATIONS FOR PUBLIC IMPROVEMENTS OF AND FOR THE COUNTY OF MAUI; FIXING THE FORM, DENOMINATIONS AND CERTAIN OTHER FEATURES OF SUCH BONDS AND PROVIDING FOR THEIR SALE; AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE ISSUANCE AND SALE OF A LIKE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE AND SALE OF SUCH BONDS; AUTHORIZING THE ISSUANCE OF REFUNDING GENERAL OBLIGATION BONDS OF THE COUNTY; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS", be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That Bill 49 (2021), entitled "A BILL FOR AN ORDINANCE DETERMINING THAT PART OF THE PROCEEDS OF GENERAL OBLIGATION BONDS OF THE COUNTY OF MAUI HERETOFORE ISSUED IS IN EXCESS OF THE AMOUNTS REQUIRED FOR THE PURPOSES FOR WHICH SUCH BONDS WERE INITIALLY ISSUED, OR MAY OR SHOULD NOT BE APPLIED TO THOSE PURPOSES, AND DIRECTING SUCH PROCEEDS TO OTHER

PUBLIC IMPROVEMENTS OR AUTHORIZED PURPOSES OF THE COUNTY OF MAUI," be PASSED ON FIRST READING and be ORDERED TO PRINT;

5. That Bill 50 (2021), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S WATER POLLUTION CONTROL REVOLVING FUND FOR VARIOUS WASTEWATER PROJECTS, FISCAL YEAR 2022 BUDGET ORDINANCE," be PASSED ON FIRST READING and be ORDERED TO PRINT;
6. That Bill 51 (2021), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR A LOAN FROM THE STATE OF HAWAII'S DRINKING WATER TREATMENT REVOLVING LOAN FUND FOR WEST MAUI SOURCE DEVELOPMENT, FISCAL YEAR 2022 BUDGET ORDINANCE," be PASSED ON FIRST READING and be ORDERED TO PRINT;
7. That Bill 52 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.81, MAUI COUNTY CODE, RELATING TO ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT;
8. That Bill 53 (2021), entitled "A BILL FOR AN ORDINANCE RELATING TO THE REAL PROPERTY TAX LONG-TERM RENTAL CLASSIFICATION", be PASSED ON FIRST READING and be ORDERED TO PRINT;
9. That Bill 54 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.34, MAUI COUNTY CODE, RELATING TO THE HOME ACQUISITION AND OWNERSHIP PROGRAMS REVOLVING FUND," be PASSED ON FIRST READING and be ORDERED TO PRINT;
10. That Bill 55 (2021), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.08, MAUI COUNTY CODE, TO ESTABLISH A DEPUTY DIRECTOR OF COUNCIL SERVICES AND REVISING PAY RANGES FOR COUNCIL SERVICES STAFF," be PASSED ON FIRST READING and be ORDERED TO PRINT;
11. That Resolution 21-87 , entitled "APPOINTING DAVID M. RAATZ, JR. THE DEPUTY DIRECTOR OF COUNCIL SERVICES AND SETTING THE SALARY," be ADOPTED;

12. That Resolution 21-88, entitled "AMENDING RESOLUTION 21-10 TO AUTHORIZE ANNUAL STEP INCREASES FOR EMPLOYEES IN THE OFFICE OF COUNCIL SERVICES," be ADOPTED;
13. That Resolution 21-89, entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2021," be ADOPTED;
14. That the proposed bill, entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.38.020, MAUI COUNTY CODE, RELATING TO THE HAWAIIAN CULTURAL RESTORATION AND REVOLVING FUND," be REFERRED to your Budget, Finance, and Economic Development Committee;
15. That the proposed resolution, entitled "AUTHORIZING THE ACQUISITION OF REAL PROPERTY IDENTIFIED AS TAX MAP KEY NOS. (2) 4-6-011:011 AND (2) 4-6-011:028, SITUATED IN LAHAINA, MAUI, HAWAII, FOR AN AMOUNT NOT TO EXCEED \$650,000," be REFERRED to your Budget, Finance, and Economic Development Committee;
16. That County Communication 21-30, from Council Vice-Chair Keani N.W. Rawlins-Fernandez, be FILED; and
17. That County Communication 21-173, from Mayor Michael P. Victorino, be FILED.

DEPUTY COUNTY CLERK: Chair, County Communications 21-243 and 21-244 are also before the body at this time.

CHAIR LEE: Council Vice-Chair Rawlins-Fernandez and Committee Chair, BFED Committee Chair Rawlins-Fernandez. Congratulations.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: I'm calling on you.

VICE-CHAIR RAWLINS-FERNANDEZ: Congratulations to us all.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 21-29.

CHAIR LEE: And second?

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Okay, moved by Vice, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci.

Mr. Clerk. Mr. Clerk.

COUNCILMEMBER KING: . . . Chair.

CHAIR LEE: Yes.

COUNCILMEMBER KING: Are we taking up the other two items at the same time as well, or--

CHAIR LEE: Yes. Mr. Clerk, did, didn't you just say that?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: We're taking up 243 and the other one at the same time?

DEPUTY COUNTY CLERK: They're also before the body right now. Thank you, Chair.

CHAIR LEE: Right, okay.

COUNCILMEMBER KING: Okay. So, is the motion to approve, to adopt the recommendations in those two as well?

CHAIR LEE: Vice-Chair Rawlins-Fernandez. Did you hear the question?

VICE-CHAIR RAWLINS-FERNANDEZ: I think we take that, yes, I did hear the question. So, my understanding is we would take up the, the content, the substance of it, and then we would . . .

CHAIR LEE: Okay, we're losing you again, your voice.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. How about now. Is that better?

CHAIR LEE: Okay. Better.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, my understanding is that we would take up the, the content of the two county communications, and then, we would, we would file those county communications.

CHAIR LEE: Okay.

Mr. Clerk, can you read the content of those two communications?

DEPUTY COUNTY CLERK: Yes, Chair.

NO. 21-243 - ALICE L. LEE, COUNCIL CHAIR,
(dated May 14, 2021)

Relating to a proposed amendment to the Fiscal Year 2022 Budget Bill for Wailuku Economic Development, Environmental, and Cultural Programs.

NO. 21-244 - SHANE M. SINENCI, COUNCILMEMBER,
(dated May 14, 2021)

Relating to a proposed amendment to the Fiscal Year 2022 Budget Bill relating to funding for invasive species.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I have several amendments to make and then we would take up those two as amendments to the main motion.

CHAIR LEE: Okay. Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Okay. Can you hear me okay?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Members, I will make additional remarks at second reading, but I wanted to thank you all again for the time and effort that you put

into the FY 2022 Budget session. We had some long days, but I believe that we were ultimately able to work together and compromise on a budget that will address the needs of the people of our County.

Chair, at this time, I'd like to proceed with the proposed amendments beginning with County Communications 21-243.

Members, the Clerk's have distributed a revised version of this Amendment Summary Form, labeled ASF-1, for my motion and discussion.

CHAIR LEE: Okay. Please proceed.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO AMEND PAGE 15 OF THE BUDGET BILL AS IT RELATES TO THE OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, GRANTS AND DISBURSEMENTS FOR BUSINESS DEVELOPMENT TECH, AND TECHNOLOGY, WAILUKU ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS; AND APPENDIX D, CONDITIONAL LANGUAGE, PAGE 15, CONDITION B.9.C(2): C.(2)(iii)(2) BY REPLACING "IAO VALLEY PROJECT" WITH "KE KULA 'O PI'ILANI"; AND TO AMEND APPENDIX E BY INSERTING THE RELATED EXECUTIVE SUMMARY AND BUDGET; AND FILING OF COUNTY COMMUNICATION 21-243.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to make this amendment.

This amendment, Members, is, is simply to correct the, the project name. The project name was given a general name like "lao Valley Project". But then, we, we got the correct name of the school: ke, ke kula something. I'm sorry, I didn't get it. I didn't quite get it all.

VICE-CHAIR RAWLINS-FERNANDEZ: Ke Kula 'o Pi'ilani.

CHAIR LEE: But it was just a correction of a name, that's all. That's all this is about, okay?

So, are we going to go through this one by one, Vice-Chair? We're going to vote on each one, one by one?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. So, that's the motion for the, the first.

CHAIR LEE: Yea. Okay, the correction to the name "Iao Valley Project".

VICE-CHAIR RAWLINS-FERNANDEZ: But if, if Members, would like to take them all up in one motion, I'm open to doing that too.

CHAIR LEE: Well, how many motions will there be?

VICE-CHAIR RAWLINS-FERNANDEZ: Five. But I can take up the three first from the Councilmembers. And I got five, oh, sorry, eight. I got five from the Administration.

CHAIR LEE: Okay. Why don't we take the three from the Councilmembers? And you just did mine.

So, all those in favor of the motion to, to amend the budget correcting the name of the project, please say "aye", raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. Seven "ayes", zero "noes", two "excused"; Members Kama and Sugimura. This is relative to the CC 21-243. Okay, so motion carries.

Vice-Chair Rawlins-Fernandez, next one.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I move to amend page 43 of the Budget Bill, Appendix A, Part I, as it relates to the Department of Finance, American Rescue Plan Act of 2021, by removing this condition--

CHAIR LEE: Okay. Okay, Vice-Chair. Vice-Chair, aren't, are we not on 21-244, CC 21--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay.

CHAIR LEE: Can we do that one?

VICE-CHAIR RAWLINS-FERNANDEZ: Sure. That would be Member Sinenci.

CHAIR LEE: Okay. Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

I MOVE TO AMEND PAGE 14 OF THE OPERATING BUDGET BILL, OFFICE OF THE MAYOR, ADMINISTRATION PROGRAM, ITEM 10, ENVIRONMENTAL PROTECTION, AND IN ANY OTHER AREAS THE LANGUAGE APPEARS IN THE BUDGET BILL OR ITS ATTACHMENTS, BY ADDING THE FOLLOWING LANGUAGE (B) ERADICATE MICONIA AND OTHER INVASIVE SPECIES FOR \$700,000: "(1) FUNDS MAY NOT BE USED FOR DEER MANAGEMENT"; AND TO FILE COUNTY COMMUNICATION 21-244.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Okay, moved by Member Sinenci, seconded by Vice-Chair Rawlins-Fernandez, to make that amendment.

Discussion? Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. Yea, as Members remember during budget proceedings, we increased funding for invasive species back to previous levels with the specific caveat that it does not include deer management. Thank you, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. Seven "ayes", zero "noes", two "excused"; Members Kama and Sugimura. Motion carries.

Okay. Vice-Chair, the next one.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO AMEND PAGE 43 OF THE BUDGET BILL, APPENDIX A, PART I, AS IT RELATES TO THE DEPARTMENT OF FINANCE, AMERICAN RESCUE PLAN ACT OF 2021, BY REMOVING THIS CONDITION: "COVID-19 RESPONSE AND AMERICAN RESCUE PLAN ACT OF 2021 FUNDS MUST NOT BE USED TO PAY FOR NON-RESIDENT 'SUBSEQUENT TEST' AFTER ARRIVAL INTO MAUI COUNTY".

CHAIR LEE: Second?

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay. Vice-Chair Rawlins-Fernandez moved, and Member King seconded, to make that amendment.

Okay, could you explain the amendment, please, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Absolutely. Mahalo, Chair. In reviewing the bill, the Corporation Counsel opined that the condition . . .

CHAIR LEE: Okay. Can you turn your video off please? Can you turn your video off, please?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. In reviewing the bill, the Corporation Counsel opined that the condition does not meet the requirements of State, State law or Federal law. State law grants relevant emergency authority to the Governor under Hawaii Revised Statutes Section 127A-13. Federal law prohibits discrimination against out-of-state residents in the use of Federal funds.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. Seven "ayes", zero "noes", two "excused"; motion carries. Excused are Members Kama and Sugimura.

Vice-Chair. Next. Next one.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry. Okay. Okay.

I MOVE TO AMEND PAGE 51 OF THE BUDGET BILL,
APPENDIX A, PART II, AS IT RELATES TO THE OPEN SPACE,
NATURAL RESOURCES, CULTURAL RESOURCES, AND
SCENIC VIEWS PRESERVATION FUND, BY REMOVING THE
FOLLOWING CONDITION: "UP TO \$400,000 MUST BE FOR
THE HAMAKUALOA OPEN SPACE PRESERVE MASTER
PLAN".

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to proposing another amendment to the budget.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. In reviewing the bill, the Corporation Counsel opined that the condition does not meet the requirements of the Revised Charter of the County of Maui (1983), as amended. Under Charter Section 9-19, the Fund may only be used for "acquiring lands or property entitlements" or performing

"safety and security improvements". A master plan does not appear to satisfy either criterion, according to the Corporation Counsel.

And again, our BFED Corporation Counsel Ms. Kristina Toshikiyo is on the line if any of the Members have questions. Mahalo, Chair.

CHAIR LEE: Mr. Molina, do you have any questions?

COUNCILMEMBER MOLINA: Well, yea, let's hear from Ms. Toshikiyo, then, if that's the case, if she had made that recommendation.

CHAIR LEE: Okay. Corp. Counsel. Ms. Toshikiyo.

DEPUTY CORPORATION COUNSEL KRISTINA TOSHIKIYO: Hi. Good morning. Yes, we discussed it before in the Budget Committee meetings. And based on what the Charter states, and it's pretty narrowly tailored to those two purposes, which is the purchase or otherwise acquiring land, and to fund safety or security improvements. So, based on my read, I don't believe that a master plan for the entire project, which is not specifically tailored to, perhaps safety and security, would not qualify as a use of the Open Space Funds.

COUNCILMEMBER MOLINA: Okay. Thank you.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: No, thank you, Madam Chair. Thank you, Ms. Toshikiyo.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. Looks like seven "ayes", two "excused"; motion carries. The excused are Members Kama and Sugimura.

Vice-Chair Rawlins-Fernandez, again. Next.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO AMEND PAGE 4 OF APPENDIX C, CAPITAL IMPROVEMENT PROJECTS, AS IT RELATES TO THE DEPARTMENT OF PARKS AND RECREATION, PAIA-HAIKU COMMUNITY PLAN AREA, LOWER PAIA INTERIM PARKING LOT, BY ADDING CONNECTING, BY ADDING THE, THE WORD "CONNECTING TO THE LOWER PAIA BEACH PARK PARKING LOT" TO THE DESCRIPTION; AND

FURTHER, TO AMEND PAGE 5 OF APPENDIX C, CAPITAL IMPROVEMENT PROJECTS, AS IT RELATES TO THE DEPARTMENT OF PARKS AND RECREATION, WAILUKU-KAHULUI COMMUNITY PLAN AREA, VELMA MCWAYNE SANTOS CENTER IMPROVEMENTS, BY ADDING ", AND CONSTRUCTION MANAGEMENT" TO THE PROJECT DESCRIPTION. THAT'S THE MOTION.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Oh, I believe you had a second. Member Sinenci. If you didn't have one, you have one now; Member Sinenci.

Any more discussion? Yes, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The proposed amendment to the Lower Paia Interim Parking Lot would allow the Department to amend the existing consultant, consultant contract and tie the design into the existing lot. The proposed amendment to the Velma McWayne Santos Center Improvements would allow the funds to also be used for construction management.

And we have Budget Director Michele Yoshimura on the line, if any of the Members have questions. Mahalo, Chair.

CHAIR LEE: Are there any questions, Members? Okay.

Mr. Molina, if you have a question let me know by voice, because I, your video is frozen on, on my end.

COUNCILMEMBER MOLINA: Madam Chair, is it still frozen?

CHAIR LEE: Yes.

COUNCILMEMBER KING: It doesn't look frozen to, to me. I can see you moving.

CHAIR LEE: Yea, that's why I said on my end. Just in case it's just mine.

COUNCILMEMBER MOLINA: Oh, just on yours. Okay, yea. I have no questions on this one.

CHAIR LEE: Okay. Alright. Alright, no questions. All those in favor of the motion of those amend, proposed amendments, please say "aye" and raise your hand.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: I see seven "ayes", zero "noes", two "excused"; motion carries. And excused are Members Kama and Sugimura.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO AMEND PAGE 42 OF THE BUDGET BILL, APPENDIX A, PART I, AS IT RELATES TO THE EMERGENCY MANAGEMENT AGENCY, BY ADDING A NEW GRANT ENTITLED "FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PUBLIC ASSISTANCE GRANT" IN THE AMOUNT OF \$8,000,000; AND

FURTHER, TO AMEND PAGE 45 OF THE BUDGET BILL, APPENDIX A, PART I, AS IT RELATES TO THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS, BY ADDING A NEW GRANT ENTITLED "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), EMERGENCY HOUSING VOUCHERS" IN THE AMOUNT OF \$1,156,620.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Second? Okay. Vice-Chair Rawlins-Fernandez, moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to make these additional amendments.

Dis, discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The proposed amendment to the Emergency Agency reflects Federal disaster assistance for Maui County resulting from the severe storms, flooding, and landslides that occurred from March 8 to 18, 2021. The Presidential Disaster Declaration will provide 75 percent Federal funding for the infrastructure damage sustained by the County.

The proposed amendment to the Department of Housing and Human Concerns is an allocation of 76 additional vouchers to public housing agencies. The vouchers are provided to help assist individuals and families who are (1) homeless, (2) at risk of homelessness, (3) fleeing, or attempting to flee, domestic violence, sexual assault, stalking, or human trafficking, or (4) recently homeless. The effective date of the award is July 1, 2021.

And again, if Members have questions, Budget Director Yoshimura is on the line to field those questions.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay. Seven "ayes", zero "noes"; motion carries. Two "excused"; Members Kama and Sugimura.

Vice-Chair, do you still have any more? You have more amendments?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yes. One more.

I MOVE TO AMEND PAGE 32 OF APPENDIX B, REVENUES - FEES, AND RATES, ASSESSMENTS, AND TAXES, AS IT RELATES TO THE DEPARTMENT OF POLICE, GENERAL FUND, BY ADDING A NEW PERMIT FEE ENTITLED "MOTION PICTURE FILMS AND TELEVISION PROGRAM PRODUCTION" IN THE AMOUNT OF \$50.

CHAIR LEE: Second? Second? This is \$842 million budget and we're making a motion on \$50. Do I have a second? Second, anybody?

COUNCILMEMBER KING:

I'LL SECOND. I'LL SECOND IT.

CHAIR LEE: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to make this final amendment.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair, for the opportunity to explain this \$50. Section 134-2.5, Hawaii Revised Statutes, allows the Chief of Police, upon finding that public safety is not endangered, to issue permits "for the possession, transportation, or use, with black cartridges, or firearms or explosives solely as props for motion picture films or television program production".

CHAIR LEE: Any discussion?

COUNCILMEMBER KING: I have a question.

CHAIR LEE: Yes. Member King.

COUNCILMEMBER KING: Okay. Thank you, Chair. Is this like one specific permit or is this just creating the permit so that they can charge the \$50 per? And is it per incident?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I will defer to Budget Director Michele Yoshimura to answer that question.

CHAIR LEE: Director Yoshimura?

BUDGET DIRECTOR MICHELE YOSHIMURA: Chair, thank you. Councilmember King, it's by film production. So, I guess recently, we have a film being made here on Maui County and there was a permit, or a fee that was charged for a permit. And so, we're asking for that to be put into Appendix B, so we can collect our \$50.

COUNCILMEMBER KING: Okay. But that's, going forward, you would be collecting that every time--

BUDGET DIRECTOR: Correct.

COUNCILMEMBER KING: --you have, okay. Yea, I know the one you're talking about because someone sent me a picture of a movie star holding a gun on the beach. So, assuming that wasn't real of course. Alright. Thank you. Thank you for the explanation.

CHAIR LEE: Anymore discussion, or shall we refer this to Committee?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to thank the Budget Director to ensure that we collect every cent that is owed to the County and to our taxpayers. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Seven "ayes", zero "noes"; motion carries. Two "excused"; Members Kama and Sugimura.

Vice-Chair Rawlins-Fernandez, are we at the main motion as amended, or do you have anything else?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. I believe we are at the motion as amended. Those are all the amendments that I, I have. So, if any of the other Members have proposed amendments, then now would be the appropriate time. Mahalo, Chair.

CHAIR LEE: Members?

Yes, Mr. Johnson.

COUNCILMEMBER JOHNSON: Chair, I don't know if you see Councilmember Molina, but his hand was up before mine.

COUNCILMEMBER MOLINA: Sorry, Chair, for not saying, speaking. I forget your camera is frozen.

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: But anyway, I don't have an amendment, but just a question. I'm sorry it's a little late. But this is regarding the Hamakualoa Master Plan and Corp. Counsel opining that we cannot take funding out of the Open Space Fund. Could that be possibly taken out of the SMA Revolving Fund. Because, under Section 3.49.020 allows for master planning. Because this will be a really bummer for the community if, you know, the Hamakualoa Master Plan is removed from the budget, because the community was really looking forward to this. So, can Corporation Counsel tell us if we can maybe get funds out of the SMA Revolving Fund? Cause according to this section, it allows for master planning.

CHAIR LEE: Corp. Counsel. Oh, maybe we should also ask, in addition to her, ask the Budget Director. Make sure there is money in there.

Okay. Ms. Toshikiyo.

DEPUTY CORPORATION COUNSEL TOSHIKIYO: Yes. If I could actually have a second to pull up the exact language for the SMA Revolving Fund? And maybe Michele can go first. I don't know how much money is in there right now, what the balance is. Thanks.

CHAIR LEE: Okay. Michele? Budget Director?

BUDGET DIRECTOR: Chair.

CHAIR LEE: Hi. Did you hear the question?

BUDGET DIRECTOR: I did.

CHAIR LEE: Okay.

BUDGET DIRECTOR: So, we anticipate at the, having \$641,000 available in the SMA Revolving Fund. The estimated balance as of June 30, 2021 is \$365,000. Anticipated revenues is \$275,000. You already have one appropriation for \$67,000. So, assuming we get the revenues we anticipate, we will have enough money. If we don't, then we can only fund a portion of the \$400,000. If the fund is available for use. If it fits the purpose. Thank you.

CHAIR LEE: Alright. Thank you. That's very hopeful

Ms. Toshikiyo.

COUNCILMEMBER MOLINA: Yea, Madam Chair?

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Yeah, so, I think it was for up to 400. So, it may not reach that, that amount. So, it could be a lot less than that. But as long as we get some, some funding for it, I think the community would really appreciate it, so.

CHAIR LEE: Yea. Ms. Toshikiyo.

COUNCILMEMBER MOLINA: And so, Madam Chair, then, can I make a motion? I, would it be appropriate to make a motion to use SMA Funds for the Master Plan. Is that permissible?

CHAIR LEE: Okay. We, we just, we just need confirmation from Corp. Counsel, and then you can make your motion, okay?

COUNCILMEMBER MOLINA: Okay. Go ahead. Sorry.

DEPUTY CORPORATION COUNSEL TOSHIKIYO: No, no. Thank you. So, under Chapter 3.49.020 of the Code, for the purpose of a Special Management Area Revolving Fund. I'm looking at specifically Subsection A.3., which is for master planning, studies, permitting, and implementation. But it has to pertain to coastal realignment, beach and shoreline management, beach or dune restoration, or managed retreat. So, so long as the Master Plan, that would be funded under this section meets those purposes, it would be appropriate.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea. Okay. Thank you for that response, Ms. Toshikiyo.

SO, THEREFORE, I MAKE A MOTION TO USE SMA FUNDS
FOR THE MASTER PLAN.

CHAIR LEE: Um, is there a second? Okay. Can somebody raise their hand or say something because, just in case I'm not able to see you. Is there a second?

COUNCILMEMBER KING:

CHAIR, I'LL SECOND IT FOR DISCUSSION.

I just have a question, if we could get confirmation that that particular project does qualify. Cause I know she gave us parameters of what qualifies. But, just to make sure that we're in the qualification.

CHAIR LEE: Okay. Alright. So, we have a motion and second.

Ms. Toshikiyo, did you hear the description of the proposed project in Paia?

DEPUTY CORPORATION COUNSEL TOSHIKIYO: I have to confess, I'm not too familiar with this project. And, I know where it's located, and that's about it. So, I don't know specifically what the Master Plan's purpose is.

CHAIR LEE: Oh. Maybe, Mr. Molina, you could give a short description to Corp. Counsel?

COUNCILMEMBER MOLINA: Yea, well, this all, it goes back to the County Council back a few years ago purchasing all this big property out in Peahi. And so, the community group out there, which is the Friends of Hamakualoa, Sierra Club, as part of an educational process for the community, they wanted to make sure to come up with a master plan on how these lands should be preserved and protected. But in order to do that, you gotta come up with a plan and it needs to be funded. So, that's what all this is about, is getting funding for, to develop this master plan so the community, the broader community understands what these lands were used for.

Now, I don't know what the intent of the previous, I guess, two Councils, what the rationale was for purchasing all of this land. I believe that was former Councilmember Guzman and Councilmember Cochran, I guess, were spearheading those, those, that, this big purchase. But the whole intent is to get a master plan, so you know what we want to do with these lands for the future. But you need money to get a plan first, so, that's, that's why we're here today.

CHAIR LEE: Mr. Molina.

COUNCILMEMBER KING: So, Chair. Chair, can I just follow up on my question?

CHAIR LEE: Yea, I'll call on you in one second.

COUNCILMEMBER KING: Okay. I thought I was in the middle of my question.

CHAIR LEE: Mr. Molina? Mr. Molina, so does that include shoreline management planning?

COUNCILMEMBER MOLINA: I believe it is. I believe it would.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: Cause, yea, that does, you know, it was Jaws, that whole area. So, I would, I would guess it would include shoreline, shoreline management as well--

COUNCILMEMBER KING: Mr. King. Ms. King. Member King.

COUNCILMEMBER KING: Mr. King is my husband. So, this whole, is the whole proper, cause I remember when this was all happening, and I think it is important to come up with a master plan. But is this whole area in the SMA, Mr. Molina?

COUNCILMEMBER MOLINA: I guess if there's shoreline, yea, it would, it, it would be.

COUNCILMEMBER KING: I'm assuming--

COUNCILMEMBER MOLINA: Cause along the property, I've cleaned up, I've gone down there and it's, yea, there is shoreline.

COUNCILMEMBER KING: Is it possible to, because is it possible to, to leave it as up to 400,000 even if the funds aren't there right now, because they anticipate?

COUNCILMEMBER MOLINA: Yea. All I recall is it was up to 400. Now maybe it will likely be less than that.

COUNCILMEMBER KING: Yea, I just want, I'm just asking, I guess the Director, is it okay to put that in the budget even though right now we don't know for sure that we're going to have the full amount? Or should we change it to up to 300,000 because we know we have that much?

CHAIR LEE: Michele, did you hear the question? Budget Director?

BUDGET DIRECTOR: Sorry, Chair. I was trying to confer with the Parks Director to get a better detail on what the project is all about and I missed the question. Sorry, could you repeat?

CHAIR LEE: Member King, could you repeat the question?

COUNCILMEMBER KING: Okay. Well, my first question was it in, completely in SMA? But I think they, we just sort of discussing it, it probably was. But is it, is it okay to put into the '22 Budget up to 400,000, even though we don't, we're, it's just we're anticipating it? We know we have 300,000, it sounds like, but we don't, we're just anticipating additional funds. Can we go ahead and describe the item as up to 400,000, or should we describe it as up to 300,000 and then come back for a budget amendment if it's going to cost more?

BUDGET DIRECTOR: You could, we could do a budget amendment. We could do it where it will be up to 300,000, if there's additional monies that is going to be needed. Then . . . So, we are still waiting on that cultural plan, right, that Director Peters had spoke of earlier? And she did mention that it is not all shoreline management. So, if we do a master plan, the whole parcel or the whole plan might not be able to be covered out of the SMA Fund.

So, that's something that we're going to have to consider as well. But you could put the appropriation in. We could take a look at it and determine how much of the funding can be used from the SMA Fund. The balance will have to come from somewhere else. And we would probably have to proceed then with a budget amendment once we do have funds available. Thank you?

CHAIR LEE: Okay. Member King?

COUNCILMEMBER KING: Yea, I just was wondering if, if Councilmember Molina would be amenable to just changing the amount to up to 300,000, which is what we would have available for sure? And then if it somehow becomes more, then we can, and we do have the funds available, we can do a budget amendment next year, next fiscal year?

COUNCILMEMBER MOLINA: Yea, that's fine, that's fine.

COUNCILMEMBER KING: . . . a friendly amendment to up to 300,000.

COUNCILMEMBER MOLINA: Yea.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER MOLINA: That's good.

COUNCILMEMBER KING: And I, I was the seconder, so I would support that.

CHAIR LEE: Alright.

Member Paltin, I saw your hand up.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm not sure my level of comfort on the SMA Revolving Fund. I, I would like to, you know, no offense to Ms. Toshikiyo or Ms. Yoshimura, but I would like to hear from someone in Coastal Zone Management or the Planning Department, because they really are the experts in that field. And it sounds kind of iffy to me on the Shoreline Management Revolving Fund. Because we have so much shoreline that is eroding and like that, and this is more of a, like a cliff situation. Are we going to be allowing shoreline access at Jaws? Do we want people to be climbing down that cliff, like if they're having contests, and what not? Like is that, are we?

Member King and I tapped the Shoreline Management Revolving Fund to increase shoreline access and I just wonder if that's appropriate in this case? And I just would like to hear from the experts rather than the, not, not experts, but in the field area. Because I greatly respect Ms. Toshikiyo and Ms. Yoshimura, but just the expertise in the shoreline management situation.

CHAIR LEE: Okay. Let me ask, Director Yoshimura, if there is another fund that's available or other funding that's available that fits, fits better with this request?

BUDGET DIRECTOR: Chair, as far as the revolving fund, I don't believe there is. It would have to be a reduction to an appropriation to get the funding for that project. And yes, to err on the side of caution, if there is questions about using the SMA Fund, I would prefer not to. But again, like I said, a portion of the fund could be used for a portion of the master plan, if that's how the Council wants to proceed. Thank you.

CHAIR LEE: Well, is there another appropriation you can think of that we could use? I mean we're talking \$400,000. So, you know, we could take cash from someplace, and replace it with Bond Funds, and we could move forward. We're about to pass this whole budget on first reading today. So, let's try and be creative right now.

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR LEE: Yes, Mr. Molina.

COUNCILMEMBER MOLINA: Just a quick point of information regarding Member Paltin's concern. The area, as far as shoreline access, people do fish. And I recall hearing, I believe it was Ms. de Naie, and I think maybe Ms. Costa from the group, the Hawaiian Cultural Group, that this area historically has been used for fishing, so shoreline access is definitely, you know, a must. And not necessarily from just the cliff areas, yea, and not just primarily only for Jaws. But, but, historically, locals have fished in the area. Thank you.

CHAIR LEE: Ms. King.

COUNCILMEMBER KING: So, Chair, just to try to think a little bit outside the box, is it possible to, and Director let me know what you think about this, to, to propose it in a way that up to 300,000 is used for shoreline management portion of the management plan for this area? And that way you can focus whatever portion of that, that's legally allowable on shoreline access and shoreline management. And then if there's other parts of the management plan that don't fall under that, there will need to be other funding for that. It sounds like that's what's going to happen anyway. But is it, is it possible to propose that as a, as a way to get this into the budget?

CHAIR LEE: I think it is. But we have another hand up.

COUNCILMEMBER KING: Okay. Could I get a maybe, Director Yoshimura to respond?

CHAIR LEE: Director Yoshimura, you have comments?

BUDGET DIRECTOR: Yes. You could write your condition specifically for the shoreline management portion of the master plan.

COUNCILMEMBER KING: Cause that's what you're telling us, that it needs to be anyway, right? So, if we put that in, you know, up to 300,000 to be used for that specific purpose, then, you know, they may only need 100,000 and then have to find some money for the other portions of the management . . . But that would be a way of going forward with the projects and addressing the portions that, you know, like Mr. Molina said that have to do with the direct access that people have already been using.

And I also think that management of the access that we don't want needs to be addressed too, because it is dangerous. And there are, there are probably rules that need to be put in place for who can access those, you know, these, those cliffs. And, and some parameters put on that, whether it's access or denying access, there still needs to be a plan for that. Now, would that work for you, Mr. Molina?

COUNCILMEMBER MOLINA: Yea, it should be fine.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER MOLINA: Yea, it is kind of a surprise that this came up today. So, you know, I just wouldn't want the community to feel blindsided, cause they were under the impression that we were going to get this master plan moving, so.

COUNCILMEMBER KING: Yea, so if we can just--

COUNCILMEMBER MOLINA: But whatever it takes.

COUNCILMEMBER KING: --the shoreline access, the shoreline management portion of the master plan then.

COUNCILMEMBER MOLINA: And this, this whole area is SMA too, yea.

COUNCILMEMBER KING: Right. The whole area needs some kind of management plan, I agree. It's been, they've been talking about that for years.

CHAIR LEE: Alright. And then, we have another question from Member Paltin.

COUNCILMEMBER PALTIN: Oh, I, I didn't have a question. I just wanted to assert my preference for using cash.

CHAIR LEE: Okay. Well, let's check in with the Budget Chair.

Vice-Chair Rawlins-Fernandez. Does anybody see her?

COUNCILMEMBER KING: I don't see her. We lost her a couple minutes ago.

COUNCILMEMBER JOHNSON: I saw her leave the call, Chair. She's coming back in right now.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry, Chair.

CHAIR LEE: No, no.

VICE-CHAIR RAWLINS-FERNANDEZ: Can you hear me?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: My internet has not been good. Sorry.

CHAIR LEE: Well, were you able to follow the previous discussion, or do you want us to repeat it?

VICE-CHAIR RAWLINS-FERNANDEZ: Would you mind summarizing?

CHAIR LEE: Okay. We have, there's a discussion to instead of using the, which fund was that? Well, anyway, the, the idea is to have the master plan funding come from the shoreline management fund. And, but Corp. Counsel is saying that it has to be used for shoreline management, you know, planning and not anything else. So, the idea right now, one idea is to, to provide, well, condition that fund up to \$300,000 for the management plan funding, that's one option. The other option is to consider using cash funding from someplace in the budget and replace that cash funding with bond funding.

COUNCILMEMBER KING: Chair, can I just correct the first statement?

CHAIR LEE: Oh, okay. Go ahead, Member King.

COUNCILMEMBER KING: So, the idea would be to propose, or condition, excuse me, up to 300,000 to be used for the shoreline management portion of the master plan. And that way, we would keep it within the direct purpose of the SMA Revolving Fund. And then, if it only took say 150,000, then they would have to find funding for the other parts of the plan that didn't qualify under the SMA Revolving Fund.

CHAIR LEE: Mr. Molina, it was in which fund, now, originally? Open space?

COUNCILMEMBER MOLINA: I believe it was in the Open Space Fund, and then Corp. Counsel opined that we cannot use--

CHAIR LEE: Right.

COUNCILMEMBER MOLINA: --funds from that, that fund, which is why I proposed the SMA Revolving Fund.

CHAIR LEE: So, since, Vice-Chair, you are the most familiar with the budget and all the details of the budget, would you happen to know where there is a, let's say a project that is using cash? A cash appropriation where we can replace that cash appropriation

with a bond appropriation and use that cash for this management plan? Is, is that a viable option to you? Oh. Member Rawlins-Fernandez?

DEPUTY COUNTY CLERK: Chair, I, I see that Vice-Chair Rawlins-Fernandez is connected to the meeting, but she's muted on her end.

CHAIR LEE: Okay. Let me ask Director Yoshimura. You're even more familiar with the details the budget. Is what I just suggested possible? To use cash.

BUDGET DIRECTOR: Chair, if you could find a project that we could move from cash to bond, yea, that's one option.

CHAIR LEE: Well, I was hoping you would find the project.

BUDGET DIRECTOR: The other option would be, at the, you might want to check with Committee staff. You know, after all adjustments were made, how they balanced the budget, if they had excess cash, they put it into a fund? That would be the other option to reduce that amount. So, I'm not sure if the balances went to the Emergency Fund or to the Affordable Housing Fund, but those were options--

CHAIR LEE: Oh, yea, that's right.

BUDGET DIRECTOR: --that could be--

CHAIR LEE: That's right.

BUDGET DIRECTOR: --adjusted.

CHAIR LEE: Yea, some of us put our extra money in different places. I, I put mine in, in self-insurance, I think.

BUDGET DIRECTOR: Correct.

CHAIR LEE: And then, Member Paltin, you put yours in Emergency Funds

COUNCILMEMBER PALTIN: Yea. I, I would be okay with moving my excess to the Hamakualoa Master Plan. But I believe it wasn't 400,000. It was maybe 100 something.

CHAIR LEE: And I had 100 something. And I think Sugimura had 100 something.

COUNCILMEMBER PALTIN: I think Sugimura had 500.

CHAIR LEE: Oh, she, that much? Well, let's use hers.

I wish the Vice-Chair could come back on.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes. Member King?

COUNCILMEMBER KING: So, regardless of whose, whose name is attached to whatever money, it went into the Emergency Fund, correct? So, wouldn't we just say, you know, just appropriate, reduce the Emergency Fund by whatever amount we want to appropriate for the management plan?

CHAIR LEE: Yea. Yea, that sounds like a good idea.

COUNCILMEMBER KING: We wouldn't have to address anybody's particular; you know.

CHAIR LEE: Yea. Right.

So, Member *[sic]* Yoshimura, I'm assuming we can make that final amendment today?

BUDGET DIRECTOR: Chair.

CHAIR LEE: Yes.

BUDGET DIRECTOR: Yea, you could make the amendment today, reducing one fund and increasing another, oh, an appropriation. That would be appropriating \$400,000, then, into the Department of Parks and Recreation, under Category B. I believe they already have an appro . . . of \$200,000. So, one, you could consider the delay of that project, and then add another 200,000. Or, you could just add the 400,000.

CHAIR LEE: I think we would rather add the 400,000 and then, and not, and not interfere with another project that's already planned.

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm supportive of that. I just was wondering if we don't go up to the full 400,000, can any excess go back into the Emergency Fund?

CHAIR LEE: Ms. Yoshimura?

BUDGET DIRECTOR: Chair, the excess would go back to the carry, would go back to Carryover/Savings if it doesn't get encumbered by June 30 of 2022. If you specifically want the excess to go back into the Emergency Fund, you would include that as a condition with the funding.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Chair.

CHAIR LEE: Well, I hope somebody's writing this down to make a motion.

Yes, Ms. King.

COUNCILMEMBER KING: So, I think the first thing is to withdraw the motion that's on the floor, which I can withdraw my second, if Mr. Molina wants to draw, withdraw his motion?

COUNCILMEMBER MOLINA:

WITHDRAW.

COUNCILMEMBER KING:

AND THEN, I WILL MAKE A MOTION TO REDUCE THE
EMERGENCY MANAGEMENT FUND FOR 400,000 AND FUND
THE HAMAKUALOA MASTER PLAN.

CHAIR LEE: Wait, excuse me. Excuse me. Excuse me one second. I don't know if it's the Emergency Management Fund or just the Emergency Fund.

COUNCILMEMBER KING: Emergency Fund.

CHAIR LEE: Director Yoshimura, what is the name of the fund exactly, so we don't tamper with the wrong fund? Is it the Emergency Fund that we're talking about?

BUDGET DIRECTOR: That's the Emergency Fund. So, on page 6 of the bill.

CHAIR LEE: Okay. No, we just need clarification on the, on the--

BUDGET DIRECTOR: Okay. Emergency Fund.

CHAIR LEE: Emergency Fund?

COUNCILMEMBER KING: So, Okay, so, the Emergency Fund.

SO, REDUCE THE EMERGENCY FUND BY 400,000 AND--

CHAIR LEE: Up to. Up to.

COUNCILMEMBER KING:

--UP TO \$400,000; AND TO FUND THE MANAGEMENT PLAN FOR, WAS IT HAMAKUALOA, IS THAT THE NAME OF THE MANAGEMENT PLAN, MASTER PLAN; RETURNING ANY UNUSED FUNDS TO THE MANAGEMENT, TO THE EMERGENCY FUND.

CHAIR LEE: Okay. Second?

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Paltin. And you all heard what, her motion, right? Reducing the Emergency Fund by up to \$400,000 to be allocated for the Hamakualoa Management Plan.

COUNCILMEMBER KING: Master plan.

CHAIR LEE: And then any excess funds from that, expenditure on that plan, would be returned to the Emergency Fund, right? Okay.

Now, we have the Budget Chair back with us. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. I see our Clerk raising his hand. I think he has a question. I can, I can go after him.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, thank you. Apologies. I, I just want to make sure that the amendment's very clear as to what's happening. I know what the body is intending, but we don't have the exact language of what's occurring. I, you know, I see on page 6

that there's this appropriation for transfer to the Emergency Fund. Is that what's being reduced? I don't know, if there could, if there could just be some formal way of communicating what appropriation specifically is being reduced and what appropriation is being added where in the budget bill.

CHAIR LEE: I think we just, I think we just said it. But we'll, we'll have the Vice-Chair give you more specific details.

Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Please let me know if my audio is not, if it gets spotty.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: So, what I was going to suggest before my, my connection got really bad, was that we . . . Member Sinenci and you did, Chair. Is it bad? Do you want me to turn off my video?

CHAIR LEE: Yes, please. Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. How about that? Is that better?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: So, what, what you, Chair, and Member Sinenci did was put your amendments into a county communication, so that it was agendized and then we could take action on it. So, that would be my proposal for Member Molina, is to do a county communication on second reading. And that way it's agendized and then we can have, we can address what our Deputy Clerk is asking of us. And that we would be able to, like, fully have, Member Molina can work with perhaps Budget Director to try to, to figure out where the, how to address this situation most appropriately.

And I also want to remind the Members that, you know, we, we, we agreed to a process this session which was five items that would require new funding. So, five priorities that required new funding. And then five priorities that was a condition of existing funds. And that was something that we all agreed to, so that we would all be fair, right? And so, even though we knew that there were issues during budget session about using open space and conditioning this 400,000 from the open space, that there, there was a chance that it may not satisfy the requirements.

And we, we did work with Member Molina's office on this, and we talked about this during budget session. And that was a condition, a conditional priority that Member Molina put into the budget. It wasn't a new fund. And we all had an opportunity to put new funding items, we had five funding items. And so, if, if this wasn't a new funding item, then it had to come from existing funds. And we agreed to this process.

And so, I, I just, I just, I don't think it's fair at this moment to try to figure out how we can take new funds from basically the other Members, who reduced budget items throughout the budget, so that they could put those funds where they wanted to increase it. And Chair, you and Member Paltin put that into the Emergency Fund. And that was where your priorities were. And so, I just, I just don't think it's fair that now, essentially, that it's going to go to Member Molina's conditional priority item.

So, if, so I just, you know, that, that, that's basically my comments. That would be my recommendation, to, you know, just do a county communication at second reading and we can add it during second reading, so that everything is very clear and that's, and that's what we're doing and then, we can vote on it. I, you know, I, I supported the 400,000 for this master planning. I agree with the, the reasons behind doing it, and I want to support that community in having it happen. But, you know, we followed a process, so that we're fair. And we all agreed to that process. So, that, that's, that, that's all I have to say. Mahalo, Chair.

CHAIR LEE: Well, then.

COUNCILMEMBER MOLINA: Chair?

CHAIR LEE: Any more comments?

COUNCILMEMBER MOLINA: Chair?

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Yea, thank you, Madam Chair. And I thank the Budget Chair for her comments as well. And we will certainly have an ASF ready for you on second reading. If we had known this early on, maybe we could have had something ready today. But it's all a moot point. And I'll thank all the Members; you, Member Paltin for, and Member King, for you folks making a real concerted effort to get this master plan funded. And I'm sure the community won't forget that.

And again, it just comes down to, no disrespect to Corp. Counsel, but again, you stated to us you're not familiar with the parameters of the plans, which is fine. But if you had maybe communicated with us early on, and we could put you in touch with the people,

the Friends of Hamakualoa, Haiku Community Association, they could give you more details. Because, again, looking at Section 3.88.020 of the Open Space Fund, I believe all of the purposes in the master plan meet the, you know, would qualify for funding from the Open Space Funds. So, we wouldn't have been here today, dragging this whole thing out. And I believe when we had the discussions in budget, there was some past precedent for using the Open Space Fund related to the Peahi lands. But I'd have to go back and look at that.

But the bottom line is, we need better communication between Corporation Counsel. If you're not sure about something, please don't hesitate to contact our office. And if we cannot answer the questions you have, we will find the people that have those answers to make it more clear cut. Because you did state that you weren't, you, you know, you weren't really familiar with the, this whole master plan history and so forth. So, I just extend that to you because if we had better communication, we wouldn't have spent the last half-hour discussing this and, you know, Members have to change their priorities with the Emergency Fund. Cause while I appreciate, I kind of feel a little bit bad that we had to go through this. And then, you know, and then at the same time, we weren't made aware of that this, you know, amendment was going to be made early on. So, but anyway, I just, I'm just venting, and I'll leave it at that. And I just thank everybody for their efforts with this. So, thank you, Madam Chair.

CHAIR LEE: Thank you, Member Molina.

Member King.

COUNCILMEMBER KING: Yea, I just wanted to, you know, thank Member Molina for pressing on this issue for his community. But I'm willing to also, I guess, you're going to, you're going to move forward with an ASF.

SO, I'LL WITHDRAW MY MOTION AT THIS POINT, THEN.

I'm assuming that's what you're asking, Mr. Molina? We would withdraw the motion on the floor, and then you're going to come back to the second reading with the, an ASF?

COUNCILMEMBER MOLINA: Um, whatever, whatever works, I guess. So, okay, the motion I believe you had made was what, for the up to, using Emergency Funds for up to 400,000? Well, I don't know which would be faster. So, I mean, I'm fine with leaving a motion. But I was just kind of making my statements on the floor as to how we got to this--

COUNCILMEMBER KING: Well, I, I'm, you know, I'm happy to, you know, if you want to call, if, if you want to press a vote on the motion--

COUNCILMEMBER MOLINA: Yea, we'll leave the motion on the floor. That's fine.

COUNCILMEMBER KING: Okay.

COUNCILMEMBER MOLINA: The Emergency Funds.

COUNCILMEMBER KING: Alright. We have the motion on the floor right now.

CHAIR LEE: Okay. More discussion? Anyone?

Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, I just was, we still need to address Mr. Krueger's question if that's the case.

CHAIR LEE: Mr. Krueger? Your question again?

DEPUTY COUNTY CLERK: Yes, Chair. If, if the body intends to leave the amendment for this transfer to the emergency, from the Emergency Fund, then, you know, then there's of course the, the chance that it'll go through. But before, if that were to happen, then we're not sure what exactly in the bill needs to be changed. So, we request, you know, more specificity as to what appropriations are being reduced. And then, where this new appropriation is being added to in the bill.

CHAIR LEE: Well, you know, I'm not sure what kind of specificity you needed. But, the Budget Chair said, the Budget Director said, we would be using, taking this funding from the Emergency Fund and allocate it in the Parks Department for up to \$400,000 and any excess funds not used, yea, any would be returned to the Emergency Fund. So, if you need more specificity than that, then the best thing to do is to either leave this matter on the Clerk's table, and then have the item, the item taken up at, voted on at second reading. Or we could just take it off the Clerk's table, just, just make a amendment at second reading. Okay?

Yes, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, yes, I, I understand, I think, what the body is intending to do. But I, right, I do think that we need more clarity as to how to actually apply it to the bill. Like, I understand that there's an appropriation that adds funds to the Emergency Fund that you're now reducing. But I don't understand where in the bill that goes, or

where that transfer happens. If the body wants to table this, I, I'm not sure they can, because it's an amendment to the main motion for the CR, for first reading for the entire set of bills and for the budget. So, I don't believe that tabling it is an option, unless the body wants to table--

CHAIR LEE: Okay.

DEPUTY COUNTY CLERK: --that whole entire motion.

CHAIR LEE: So, so I, I mentioned, yea, either tabling it or just dropping it, withdrawing the proposal, and handling the whole matter at second reading. So, you're saying that the better option is to, to have a new amendment at second reading with all the details that you need?

DEPUTY COUNTY CLERK: Right. If, if--

CHAIR LEE: Regarding the budget.

DEPUTY COUNTY CLERK: If the details, if they're not, if we're not able to have them today, then that would be our preference, yes.

CHAIR LEE: I'm not sure that we're going to have that time to go and get all those details today.

Yes, Ms. King.

COUNCILMEMBER KING: Yes, so, thank you, Chair. So, I just wanted to clarify that this can be done at second reading without being considered a significant change to the bill?

CHAIR LEE: Would this be considered a substantive change, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, it would be considered a change. And that would trigger Rule 19.C. But the body always has the option to waive that Rule, as it has done for previous bills in the past.

COUNCILMEMBER KING: Okay. I just didn't want Mr. Molina to get blindsided again and have this come up after, once we get to second reading, so.

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR LEE: Yes. Mr. Molina.

COUNCILMEMBER MOLINA: Then, you know, what? Maybe we should just go back to using a portion of the SMA, then? That might make things a lot easier. I mean, if the Members would consider that. I guess might be a little easier for everybody to digest; less complicated. I throw that out there for consideration. Just go back to using some, a portion of the funds.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA: Might be easiest.

CHAIR LEE: Let's hear from the Vice-Chair of the BFED, I mean, the Vice-Chair of the Council, Chair of the BFED Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, I, I would go back to the recommendation. I don't think we're going to solve this right here on the floor today, unfortunately. I'm sorry, Member Molina, that you didn't know before this morning about this proposed amendment. I assume that it was something that was being worked with your office on.

So, my recommendation would be to have the ASF posted, like you did Chair and Member Sinenci did, as a county communication, so that the exact details that the Clerk's and our office are, Office of Council Service *[sic]* staff need. Cause it's, as the Deputy Clerk is alluding to, it's not as easy as just changing a couple numbers here and there. Like, the budget, as we all know, is a little more complicated than that.

So, I would recommend that we give ourselves and give our staff the time required to have this laid out thoughtfully and have that proposal on our next Council agenda. And then, it'll be a county communication that we would take up simultaneously during second reading. And then, we can, you know, waive the Rule to pass it on second reading with this amendment. Mahalo, Chair.

CHAIR LEE: Okay. Is that satisfactory to you, to Members? Mr. Molina, everyone?

COUNCILMEMBER MOLINA: Whatever works, Madam Chair.

CHAIR LEE: Okay.

Mr. Clerk? You had your hand up. You're, you're muted.

DEPUTY COUNTY CLERK: Yes, Chair. I also just wanted to add, I may have oversimplified the Rule 19.C. earlier. That there is a, that there is an exception to it, where if the

amendments are posted on the agenda, then Rule 19.C. does not require a delay in passage of the bill. So, if the amendment is posted, then no waiver is necessary because 19.C. wouldn't be triggered.

CHAIR LEE: Okay. Sounds cleaner that way. Members, anymore discussion on this matter?

Yes, Ms. King.

COUNCILMEMBER KING:

I THINK I, I THINK THE ONLY THING THAT'S LEFT RIGHT
NOW IS FOR ME TO WITHDRAW MY MOTION.

COUNCILMEMBER MOLINA:

I WITHDRAW THE SECOND.

CHAIR LEE: Okay.

COUNCILMEMBER KING: --the second. And then Mr. Molina can work on the ASF. But I just wanted to state too, that if you do work on, when you do the ASF, if you do apply this to the SMA funds, then it still is a conditional budget item, which was what the original budget item was? So, it would be a condition of an existing fund. Just throw that out there for you. Thank you.

CHAIR LEE: Ms. Paltin.

COUNCILMEMBER PALTIN: And if that's the case, please consult with Planning and Coastal Zone Management. I kind of still feel that cash would be cleaner than the SMA Revolving Fund.

CHAIR LEE: Okay. Alright. Wow, now everybody feels so down. And we're supposed to be celebrating today, first reading. Come on, everybody, get your energy back together.

COUNCILMEMBER MOLINA: All good. All good.

CHAIR LEE: This is not the, it's all good, right? Yes, let's end this on a positive note. Okay, we, we came to the conclusion that we need to get the correct verbiage, etc.

Yes, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If no one else has any further amendments, I have one last amendment that was just distributed by the Clerk's Office.

CHAIR LEE: The Clerk's Office? Okay. Alright. Proceed.

VICE-CHAIR RAWLINS-FERNANDEZ: And, and maybe this will cheer everyone up. We'll talk about the farming micro grants, yay. Okay.

I MOVE TO AMEND PAGES 10 AND 11 OF APPENDIX D, CONDITIONAL LANGUAGE, AS IT RELATES TO THE CONDITION ON THE MAUI ECONOMIC OPPORTUNITY AGRICULTURAL MICRO GRANTS PROGRAM TO EDIT THE LANGUAGE TO PROVIDE CLARITY ON THE USE OF FUNDS, SO THAT IT WOULD READ, "MEO WILL RECEIVE A \$1.5 MILLION GRANT FROM THE COUNTY TO MANAGE AND DISTRIBUTE ADVANCED MICRO GRANT PAYMENTS OF \$25,000 OR LESS PER GRANTEE. UPON APPLICATION APPROVAL, MEO WILL ISSUE GRANTEE VENDOR PAYMENTS IN FULL AT THE FRONT END TO GRANTEE'S VENDORS, WITHOUT LIMITING THE NUMBER OF GRANTEE VENDORS." THAT'S THE MOTION.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay. Second and moved by Member, Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to approve this last amendment.

Discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And there's one last part, as Member Sinenci will agree as a seconder.

"MICROGRANT ALLOCATIONS MUST NOT EXCEED THE DOLLAR AMOUNT REQUESTED BY THE APPLICATION, APPLICANT AND WILL BE DISTRIBUTED ON A SLIDING SCALE WITH CONSIDERATIONS MADE TO THE FARM'S DISTRIBUTION OUTPUT TO THE COMMUNITY AND SCALE OF OPERATIONS."

Member Sinenci, any objections?

COUNCILMEMBER SINENCI: No objection.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Alright. And the rationale behind the language further clarifies the intended use and disbursements of the MEO Agricultural Micro Grants Program. We, I, I was contacted by MEO requesting clarification to avoid some of the, the hiccups that they encountered during the first round of micro grant funding. And so, this has been approved by MEO to clarify so that we can avoid those hiccups this time around. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Okay, looks like seven "ayes", zero "noes", two "excused"; Members Kama and Sugimura. Motion carries.

So, are we now ready for the main motion as amended? Okay. Main motion as amended. Any further discussion? Okay. You sure now? Okay. All those in favor of the motion, as the main motion as amended, raise your hand and say "aye". This is the big one.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS KAMA AND SUGIMURA.

CHAIR LEE: Seven "ayes", zero "noes", two "excused"; Members Sugimura and Member Kama.

Congratulations. Good job, everybody. This, you know, actually, this, this time--

COUNCILMEMBER KING: Budget Chair is frozen now with her hand up. Oh, there you go. Now, you're down.

CHAIR LEE: Okay. Because, actually, Budget Chair, it was less painful than the first one, which was less painful than the previous one. So, it's getting better each time.

Any last comments, everybody, before I adjourn the meeting?

Uh oh, Mr. Clerk?

DEPUTY COUNTY CLERK: Apologies, Chair. I just wanted to state for the record real quickly. The bill that was attached to County Communication 21-249, that's BILL 45 (2021).

And then, the bills that were just passed on first reading that were attached to the CR, those are BILLS 46 (2021) through BILL 55 (2021). And then, the resolutions that were attached, those are RESOLUTIONS 21-87, 21-88, and 21-89, respectively. Thank you, Chair.

CHAIR LEE: Thank you. Okay, no more comments? This meeting of May 31, Council meeting, is now adjourned.

ADJOURNMENT

The regular meeting of May 21, 2021 was adjourned by the Chair at 12:51 p.m.



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



RECEIVED

2021 MAY 21 AM 7:39

OFFICE OF THE
COUNTY CLERK

May 20, 2021

**RE: Supporting Ma'alaea Mauka Land Acquisition and Related Costs
Supporting funding for Feral Animal Control
Supporting Maui Nui Marine Resource Council**

Aloha Council Chair Lee and Members,

We thank Council for your FY 21 support of initiating the purchase of the Ma'alaea Mauka/Pohakea Watershed, increasing funding for Maui Nui Marine Resource Council (MNMRC), and the study of Coastal Erosion in Ma'alaea Bay. All initiatives are related, including efforts to seek alternatives to Ma'alaea's 24 injection wells. The Council's CARE Committee heard from experts on the 'impaired status' of Ma'alaea Bay, the economic engine for Maui's environmental tourism. Crucial to remediation efforts is to have control of the entire Pohakea watershed. The \$5.5 million is the final step in a very long journey to protect these lands.

We ask for your support of the funding for Feral Animal Control for all islands in Maui County. We understand the havoc caused on all islands and upcountry Maui. Here in Ma'alaea, deer and wild pigs are penetrating the Kealia Wildlife Refuge, threatening efforts to plant natives and preserve the precious 3 mile beach as well as causing traffic accidents along N. Kihei Road. Wild cat populations negatively impact Ma'alaea Bay and chickens and roosters are a public nuisance.

We appreciate your continued support of Maui Nui Marine Resource Council's efforts to restore Ma'alaea Bay and pursue other efforts to restore the entire Pohakea Watershed for Maui's future.

Mahalo for your commitment to Maui Nui and support of these Ma'alaea initiatives.

With Aloha,

Lynn Britton
Past President, Ma'alaea Village Association

From: Kanoelani Davis <molokainuihina@gmail.com>
Sent: Wednesday, May 19, 2021 8:33 PM
To: County Clerk
Subject: Testimonial support of bill CC 21-249

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2021 MAY 20 AM 7:39
OFFICE OF THE
COUNTY CLERK

Aloha,

My name is Kanoelani Davis, an 8+ generational, resident on the island of Molokai in Kamiloloa, in the Kawela Moku.

I am testifying in Support of CC 21-249; a bill REQUIRING MOLOKAI AND EAST MAUI MEMBERSHIP ON THE BOARD OF WATER SUPPLY.

It is both pertinent and responsible to have the voice, knowledge and living experience of water use and necessity from a member who resides, has generational ties and history, along with observation on Molokai to be a part of such a high resource, both for survival and for the native Hawaiian perspective of its sacredness.

I see this consideration as a way to build connection with Molokai and Water resources.

I thank you for this opportunity to share my voice. I foresee this island and it's natural resources to be a part of our lineage for another 8+ generations. We are here, for our future.

Mahalo.

Me ke aloha nui,
Kanoelani Davis
Creative Director / Owner
PoMahinaDesigns.com

•

Friend me 

FB : IG : Twitter @PoMahinaDesigns

County Clerk

From: David Dorn <daviddorn808@gmail.com>
Sent: Friday, May 21, 2021 7:15 AM
To: County Clerk
Subject: Testimony Re: CC 21-242, Council of the County of Maui: Regular Meeting of May 21, 2021 9:00 AM

Council of the County of Maui: Regular Meeting of May 21, 2021 9:00 AM

Testimony Re: CC 21-242

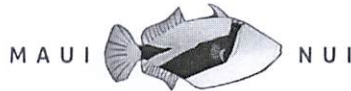
Dear Councilmembers,

I am against the approval and furtherance of this project. At SUBJECT: 5385 LOWER HONOAPIILANI ROAD, NAPILI, ISLAND OF MAUI, TMK 4-3-002: 057

The developer has created a hotel under the guise of a home. It should not have received an SMA exemption. Builders have already exceeded allowed height limits in building restrictions and have altogether acted disingenuously. I think that the SMA exemption should be withdrawn permanently, and all work ceased on the property forthwith. And any meeting's regarding this matter should be made public.

Regards,
David Dorn

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MARINE RESOURCE COUNCIL

*Working for clean ocean water, healthy coral reefs and abundant native fish
for the islands of Maui Nui*

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2021 MAY 21 AM 10: 44

OFFICE OF THE
COUNTY CLERK

**Testimony in support of Māʻalaea Mauka: Open Space Funding
"up to \$5.5 million for land acquisition and related costs"
in 2022 Maui County Budget
May 21, 2022**

Maui Nui Marine Resource Council extends our sincere gratitude to the Maui County Council Budget and Finance Committee for your countless hours of hard work in preparing the proposed 2022 Operating Budget for the County of Maui.

We are submitting this testimony to express our wholehearted support of the Māʻalaea Mauka open space funding of up to \$5.5 million for land acquisition and related costs which appears on page 54 of the proposed budget.

As an environmental nonprofit working for healthy coral reefs and clean ocean water for the islands of Maui County, we believe that this purchase will have a strong positive impact on the water quality and marine ecosystems of Māʻalaea Bay.

Specifically, this purchase will streamline and help fund important work to address sediment runoff that is occurring from these lands into Māʻalaea Bay. This runoff is one of the leading causes of the alarming declines in Māʻalaea's coral reefs in recent decades.

One of Maui Nui Marine Resource Council's priority projects for the next two years is to repair two severe erosional features (called head cuts) that are located just mauka of the Honoapiʻilani Highway across from Maui Ocean Center on land that would be part of the Māʻalaea Mauka purchase. MNMRC's monitoring programs at these head cuts has revealed that 32 tons of soil from just these two head cut locations was washed into the ocean during a single moderate rainstorm in January 2021. The lost soil contributed to a severe brown water sediment event in Māʻalaea Bay.

Moving the Māʻalaea Mauka land from private to public ownership will help secure State and other funding to make these repairs. It will also support ongoing management to prevent additional erosion and land-to-sea pollution. These steps will help protect the coral reefs of Māʻalaea Bay, and the waters enjoyed by many Maui residents for paddling, fishing, swimming, diving and surfing.

We thank you for your support of this budget line item.

Sincerely,
Mike Fogarty
Executive Director

County Clerk

From: Stan Franco <stanfranco9114@gmail.com>
Sent: Friday, May 21, 2021 9:02 AM
To: County Clerk
Subject: Today's Council Meeting

RECEIVED

2021 MAY 21 AM 9:04

OFFICE OF THE
COUNTY CLERK

I am having difficulties with my audio so I can testify today. But I wanted to send these comments.

1. On the Resolution honoring Doug Bigley and Ikaka Ohana, I totally agree and thank Doug for his projects which support affordable housing for local folks.
2. On CC 21-248, I questioned the valuation of \$10,000,000 because the highest and best use for the property is housing. If this will be purchased for open space, which is ok by me, then we should be paying way less for this property. I ask that you ask the appraiser if his comps for the 495 acres were based on open space property or urban property.

Those are my thoughts. I am sorry that I can not be with you, but will watch on Akaku 53.

Blessings on your great work for the people of Maui,

Stan Franco
214-3575

May 20, 2021

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2021 MAY 21 AM 7:39

Aloha Council Chair Lee and Councilmembers,

OFFICE OF THE
COUNTY CLERK

Thank you for your tireless work on the FY22 Budget! Many projects and programs are of utmost importance to the people of Maui County, and I advocate for and encourage your support of the following: Ma'alaea Mauka/Pohakea Land purchase, Feral animal control, and the Maui Ocean Center Marine Institute and Maui Nui Marine Resource Council.

Please continue supporting the purchase of the Ma'alaea Mauka lands. The \$5.5 million Open Space funding of this forward thinking land purchase, and its associated costs, is crucial in conserving and protecting the Pohakea watershed. Thank you for recognizing the positive impact this land purchase, and its subsequent ecosystem management, will have on the health of Ma'alaea Bay.

In addition, I wholeheartedly support full funding of feral animal control for all the islands of Maui County. On Hau'oli Street in Ma'alaea, there are often dozens of feral cats in and around the area of Haycraft Park. Feral cats can quickly decimate the native bird populations, and also carry toxoplasmosis which can be harmful and even fatal to our native marine life, including our monk seals and cherished honu. Feral chickens are, of course, also rampant in many areas, creating a public nuisance.

Finally, please continue supporting any projects or programs developed by two true ambassadors of marine education, the Maui Ocean Center Marine Institute and the Maui Nui Marine Resource Council. Both of these organizations deserve praise for their efforts in environmental and ocean education, and in the protection and rehabilitation of Ma'alaea Bay and advocacy for all of Maui County's valuable marine resources.

Thank you for your support and consideration of these projects, programs, and organizations. Your hard work on the County budget is greatly appreciated!

Mahalo,

Lora Harbo

Seasonal resident of Ma'alaea
150 Hau'oli St., #400
Wailuku, Hi 96793

RECEIVED

From: ui kalani <uikalani@hotmail.com>
Sent: Wednesday, May 19, 2021 11:42 AM
To: County Clerk
Subject: Bill CC 21-249

2021 MAY 19 PM 1:08

OFFICE OF THE
COUNTY CLERK

My name is U'i Kalani and I am from Molokai. I support Bill CC 21-249 which is requiring Molokai and East Maui membership on the Board of Water Supply. I support this bill because Molokai needs someone who resides here on Molokai and will be the ears and voice for us. Please consider this bill. Thank you.

County Clerk

From: robin.s.knox@gmail.com
Sent: Friday, May 21, 2021 6:47 AM
To: County Clerk
Subject: CC 21 248 - Support

I support change in language to delete "for affordable housing" in order to acquire Waiale Land for the purposes of cultural and archeological site preservation, conservation, and education.

Robin S. Knox
2796 Kauhale St
Kihei, HI 96753
(808)866-6659

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2021 MAY 21 AM 7:39
OFFICE OF THE
COUNTY CLERK

From: Lu Ann Mahiki Lankford-Faborito <kaluhiokalanik@aol.com>
Sent: Wednesday, May 19, 2021 3:30 PM
To: County Clerk
Subject: CC 21-249 a bill REQUIRING MOLOKAI AND EAST MAUI MEMBERSHIP ON THE BOARD OF WATER SUPPLY

I stand in agreement for the above matter.

Lu Ann Mahiki Lankford-Faborito
P O box 21
Hoolehua, HI 96729

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2021 MAY 19 PM 3:34
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Queen Maile <alohahaloa@gmail.com>
Sent: Friday, May 21, 2021 6:08 AM
To: County Clerk
Cc: Keani N. Rawlins; Zhantell K. Lindo

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2021 MAY 21 AM 7:39

OFFICE OF THE
COUNTY CLERK

Aloha,

My name is Tanya Maile Naehu a community educator and organizer from Moloka'i. I am Testifying in Support of CC 21-249 a bill REQUIRING MOLOKAI AND EAST MAUI MEMBERSHIP ON THE BOARD OF WATER SUPPLY

First, I'd like to mahalo you all for the actions taken to make this bill be heard and considered. It's surely long overdue and the possibility of having Moloka'i and Hana's unique water systems being represented by those who live and know it as a family member is very promising!

Second, I am strongly urging you to make this decision with our lives in mind. One of the main components of my lessons when I teach children grades K-12 is Wai, freshwater. I even made a whole educational video about it, complete curricula, composed mele and oli about it, and more. As a Kumu 'Ōlelo Hawai'i, cultural practitioner and Hawaiian cultural arts teacher, educating Keiki about bodies of Wai and their names, how water moves through our islands and the crucial understanding of an island's finite aquifer is one of the first things I teach when establishing a sense of Kuleana in the students. Please make this a priority as it should be. E Ola I ka wai! We live and thrive because of water!

Mahalo , Kumu Maile

--

Sent from Gmail Mobile



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2021 MAY 21 AM 8:10

OFFICE OF THE
COUNTY CLERK

April 28, 2021

Debbie Cabebe, Chief Executive Officer
Maui Economic Opportunity, Inc.
Harry & Jeanette Weinberg Family Center
99 Mahalani Street
Wailuku, HI 96793

VIA E-MAIL

Aloha Ms. Cabebe,

As the state's largest integrated health care provider, Kaiser Permanente Hawaii is deeply committed to the health and well-being of our members and the communities we serve. Like the rest of the U.S. health care system, we are currently engaged in multiple COVID-19 efforts across Hawaii. These include mass vaccination events, daily vaccine administration by appointment at our various medical offices across the state, and outreach events in underserved communities. Serving both Kaiser Permanente members and nonmembers, over 100,000 vaccinations have been administered to Hawaii residents.

Maui Economic Opportunity, Inc. (MEO) has been providing transportation services throughout Maui County since 1969. MEO provides specialized service throughout Maui County, including door-through-door service for those in need within vulnerable communities. We are grateful for MEO Transportation's support of Kaiser Permanente Hawaii's recent COVID-19 vaccination efforts on Maui. On Saturday, March 27, 2021, Kaiser Permanente initiated its first mass vaccination event at the Wailuku Medical Office. MEO Transportation provided complimentary shuttle service to the vaccination clinic staff and volunteers, which allowed us to vaccinate 986 individuals on Maui.

Please accept this formal letter of support for MEO and their endeavor to strengthen the community by helping people in need. On behalf of the staff of Kaiser Permanente Hawaii, we would like to express our sincere appreciation to MEO for their support of our community mass vaccination efforts.

Thank you for the opportunity to testify.

Sincerely,

Diana Jill Riggs, RN, MSN
Director, Clinic Operations - Maui

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From: Carla Ritte-Hanchett <carlaleolani@gmail.com>
Sent: Wednesday, May 19, 2021 7:23 PM
To: County Clerk
Subject: support CC 21-249

2021 MAY 20 AM 7:39

OFFICE OF THE
COUNTY CLERK

Aloha from Molokai, we would like to voice our strong support of CC 21-249 to invite Hana and Molokai to have a representative on the County Board of Water Supply. Sincerely.

Carla Ritte-Hanchett born and living on Molokai

Michael Hanchett born in Hana, living on Molokai



HAWAII

1164 Bishop St., Ste. 1512
Honolulu, HI 96813
tpl.org

ADVISORY BOARD

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Hawaiian Electric Co.

Race Randle, Vice Chair
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Dr. Noa Emmett Aluli
Molokai General Hospital

Stanford S. Carr
Stanford Carr Development

Kā'eo Duarte
Kamehameha Schools

Mahina Paishon-Duarte
The Waiwai Collective

Bob Hines
Mediator

Steve Kelly
James Campbell Company LLC

Mark Linscott
Conservationist

Kurt Matsumoto
Pūlama Lāna'i

John Meier
Conservationist

Mino McLean
Island Sotheby's International Realty

Catherine Ngo
Central Pacific Bank

Edmund C. Olson
Farmer, Rancher, Landowner

Blake Oshiro
Capitol Consultants of Hawaii

Gregory C. Pietsch
Pietsch Properties LLC

Brad Punu
BJP Consulting

Kirstin Punu
AES Distributed Energy

Tom Reeve
Conservationist

Gregg H. Takara
Morgan Stanley

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2021 MAY 21 AM 9:47

May 21, 2021

Maui County Council
Budget, Finance, and Economic Development Committee
Via Email and On-line

OFFICE OF THE
COUNTY CLERK

Subject: Proposed Fiscal Year 2022 Budget: Testimony in Support of Allocating up to \$5.5M in Funds for Land Acquisition at Ma'alaea Mauka, TMK (2) 3-6-001:018.

Dear Maui County Council Chair Alice Lee and Council Members:

The Trust for Public Land (TPL) strongly supports the Council's fully allocated budget proposal for the public acquisition of the Ma'alaea Mauka land.

TPL is working with the Ma'alaea Village Association, Maui Nui Marine Resource Council, Maui Ocean Center, Mauna Kahalawai Partnership and the State of Hawai'i, Department of Land and Natural Resources Division of Forestry and Wildlife (DOFAW) and others to protect these lands, which are known wildfire prone areas, from development and manage them to preserve natural resources, improve water quality, prioritize public safety and build resilient communities.

This is a unique opportunity for the County to protect a highly visible scenic area of Maui in an innovative partnership with the State that will enhance open space and preserve significant natural and cultural resources, including coral reefs. Although the County is providing the initial \$5.5M in funding to acquire the Ma'alaea Mauka land for ownership by the State, the State will actively fund its management. DOFAW will steward the land in perpetuity to minimize stormwater runoff and soil erosion into Ma'alaea Bay and to allow for wildfire controls. This ownership structure will enable the County to be relieved of significant ongoing management expenses and risks from natural hazards.

Thank you for your support thus far in allocating the existing open space funding resources to this priority acquisition. We are prepared to move forward with a property appraisal to secure Ma'alaea Mauka as open space in perpetuity.

Mahalo,

Leah Rothbaum

Leah Rothbaum, Project Manager
The Trust for Public Land
leah.rothbaum@tpl.org
808.470.2136



County Clerk

From: Chris Salem <chrissalem8@yahoo.com>
Sent: Thursday, May 20, 2021 9:11 PM
To: Mike J. Molina
Cc: County Clerk; Maui_County Council_mailbox
Subject: May 21 2021 - CC 21-242 Citizen Testimony - Director McLean
Attachments: SALEM 21.05.18 T. Revere ltr P. Hanano.pdf; Planning Director 7 16-20.pdf

RECEIVED
2021 MAY 21 AM 7:39
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COUNTY CLERK

May 20, 2021

Maui County Council

RE: Written Testimony: Council Meeting - May 21, 2021 - 9:00 am.
#CC 21-242 from Planning Director McLean

Good Day Council Members;

Per a letter dated May 6, 2021, Planning Director McLean has offered to answer questions on the SMA Permit Exemption issued Greg Brown **under her authority**.

Please consider the following;

1. Director McLean claims she **never reviewed the SMA application**, which raises the question of whether she has breached her Director duties under the SMA rules.

Do employees have the authority to sign SMA Permit Exemptions for private developers on behalf of the Planning Director?

2. Director McLean refuses to issue a SMA Permit Notice of Violation to Developer Lot 48A, LLC **as contractually promised and directed by Mayor Victorino**.

Does Planning Director McLean have power and authority over the Mayor?

In both cases, Director McLean is serving private developer's financial interests at the public expense, which is the direct cause of escalating legal actions against the County of Maui. For the Council's consideration, the attached **offer of mediation** on one of the lawsuits was rejected yesterday by Corporation Counsel Director Lutey.

Attorney Lutey states; " In regards to the issue of mediation, that decision rests with our office and not the Council."

Is it true our elected representatives have no power or authority to mitigate further costly litigation caused by Director McLean's breaches of her duties?

Respectfully;

Christopher Salem
Resident of Napili

Christopher Salem
5100 Lower Honoapiilani Road
Lahaina, Hawaii, 96761

July 16, 2020

County of Maui
Director of The Department of Planning
200 High Street
Wailuku, HI 96793

RE: SMA Permit Enforcement

Dear Planning Director Mclean,

Immediately after the election, Mayor Victorino agreed it was in the County's best interest to ensure the Director of Planning issued a SMA Permit notice of violation to Developer Lot 48A, LLC. Consequently, Mayor Victorino signed a contractual agreement to enforce the developer's unfulfilled oceanfront SMA Permit. (See attached)

In consideration of the signed agreement, I acted in good faith and terminated the ongoing litigation. Nine months later, Mayor Victorino wrote a follow up letter alleging under HRS § 205A-3, the Mayor doesn't have the authority to direct the Planning Director to issue a SMA Permit notice of violation or non-compliance. The Mayor stated the authority to enforce the SMA Permit laws lies "solely" within the Department of Planning. Reasonable minds would conclude Corporation Counsel authored the letter.

The County Code states;

"The appropriate enforcement agency as designated by the County Charter shall enforce these rules, except as provided herein." 12-202-23(a)

"The land owner or alleged violator, or both, shall be notified by the enforcement agency by certified or registered mail of the alleged violation of this rule, any permit issued pursuant thereto, or any condition of the Special Management Area permit approval." 12-202-23(d)(1)

The Maui County Charter states;

"The Mayor shall: Enforce the provisions of this Charter, the ordinances of the County and all applicable laws". (Article 7, Sec 7-5.17)

"The Planning Director shall: Perform such other duties and functions as shall be required by law or shall be assigned by the Mayor. (Article 8, Sec 8-8.3.8)

In good faith, I am providing you the opportunity to clear your name and personal role in the interference with Mayor Victorino's ethical decision. The purpose of this letter is to confirm whether you were aware of the agreement signed by Mayor Victorino and personally refused to support his directive to enforce the County laws and ordinances?

Please be advised, Corporation Counsel Director Moana Lutey has been noticed of my immediate intent to file a lawsuit against her for tortious interference with a contractual agreement signed by Mayor Victorino. (See Attached) Mayor Victorino's upright attempt to bring closure to this long standing dispute has been unethically extinguished by Director Lutey.

As stated, to clear your name as a party to this scheme to serve a private developer's financial interests, I ask you to please consider supporting the agreement signed by Mayor Victorino by issuing the written SMA Permit violation notice to Developer Lot 48A, LLC. Please respond by July 23, 2020.

Sincerely; Christopher Salem

RESOLUTION "A" - TERMS AND CONDITIONS:

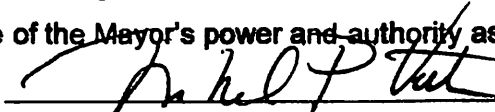
Christopher Salem shall release all claims against the County of Maui, Mayor Arakawa, and the named Defendants (except Defendant Milton Arakawa) in consideration of the following;

I. EXECUTIVE ACTS – MAYOR ELECT MICHAEL VICTORINO

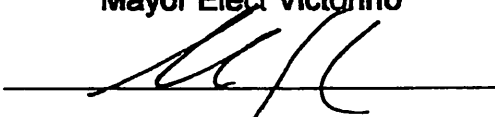
1. On or before January 10, 2019, Mayor elect Michael Victorino shall instruct the Director of Planning to issue a Notice of Non-Compliance to Developer Lot 48, LLC to insure Developer Lot 48A, LLC returns to their development to complete their unfulfilled roadway infrastructure and drainage improvements delineated in the signed and conditioned subdivision SMA Permit SM2 2000/0042. (Subdivision Condition #15 - Luca File #4.805)

- a) The action shall serve the public interest by preventing the citizens of Maui County from incurring Developer Lot 48A, LLC's subdivision roadway infrastructure improvement financial obligations.
- b) The action is consistent with the notices sent to Olawalu Elua Associates, LLC on February 10, 2010, nine years after final subdivision approval was issued by Public Works Director Goode.
- c) This action constitutes a good faith agreement between Mayor elect Michael Victorino and Christopher Salem to release Mayor elect Michael Victorino individually from personal liability for any past, present, or future acts involving Developer Lot 48A, LLC and the County of Maui relating to subdivision Luca File #4.805.

Mayor elect Michael Victorino hereby agrees to perform Condition #1 regardless of resolution or agreement of the additional Terms and Conditions set forth herein which are outside of the Mayor's power and authority as established in the Maui County Charter.

 12/5/18

Mayor Elect Victorino

 12/5/18

Christopher Salem



County of Maui
Office of Mayor

July 29, 2019

Mr. Hugh Farrington
Lot 48A, LLC
P.O. Box 1516
Kihei, Hawaii 96753

SUBJECT: Failure to comply with conditioned Special Management Area ("SMA")
Minor Permit SM2 2000/0042 and Related Subdivision Improvements
located at the Three Lot Subdivision of Lot 48A @ Hui Road E, Lahaina,
Island of Maui, Hawai'i.

DESCRIPTION: Mailepai Hui Partition Subdivision
TMK: 4-3-015:004
LUCA File No. 4.805

Dear Mr. Farrington;

Based on the evidence collected by my office, we find that SMA Minor Permit SM2 2000/0042, issued on June 6, 2000, which was a condition of subdivision approval for Lot 48A of the Mailepai Hui Partition Subdivision (LUCA File No. 4.805), is in non-compliance and in violation of Special Management Area Rules ("SMA") for the Maui County Planning Commission, Title 12, Chapter 202, as amended.

Evidence of the aforementioned non-conformity includes the failure to complete the roadway frontage and drainage improvements referenced on the conditioned Civil Engineering Order of Magnitude Estimate of Construction Costs for the subject improvements prepared by Warren S. Unemori Engineering, Inc. on March 4, 2000.

The Department of Planning records now show the Unemori Engineering, Inc valuation was submitted by Developer Lot 48A, LLC's authorized representative in a conditioned SMA project assessment report by Munekiyo, Arakawa, & Hiraga, Inc. in May of 2000. Based on these valuations, SMA Minor Permit SM2 2000/0042 was issued to Developer Lot 48A, LLC on June 6, 2000.

Attached is a copy of the signed and issued SMA Permit SM2 2000/0042 along with the referenced Unemori, Inc. Engineering Order of Magnitude Estimate. County records indicate The Department of Public Works issued Preliminary Subdivision approval on June 23, 2000, which includes compliance condition #15, the above referenced SMA Permit.

Our findings conclude the SMA Permit is now expired and unfulfilled. Please be advised that this notice is issued in part to prevent the citizens of Maui County from incurring the cost of Developer Lot 48A, LLC's subdivision infrastructure and roadway drainage obligations during a future Lower Honoapiilani Road County of Maui roadway Capital Improvement Project



County of Maui
Office of Mayor

A follow up investigation will be performed under my direction, and if compliance is not obtained in accordance with adopted SMA Permit Rules of the Maui County Planning Commission, Developer Lot 48A, LLC will be subject to the appropriate enforcement action.

Director of Planning - Michele Chouteau McLean

Mayor of Maui County - Michael P. Victorino

'cc: Department of Planning

Christopher Salem
5100 Lower Honoapiilani Road
Lahaina, HI 96761

June 4, 2020

County of Maui
Director of the Department of The Corporation Counsel
200 South High Street - 3rd Floor
Wailuku, HI 96793

RE: 2nd Request for Ho'oponopono¹ healing to avoid litigation

Dear Ms. Lutey;

As a taxpaying resident, employee and staff member of the Office of Mayor Victorino, and former executive assistant to the Maui County Council, I believe the records reveal you have exhibited a repeating pattern of abuse of power and deceptive legal practices which justifies a calling for professional attorney reconciliation or your resignation.

A recent decision by the staff attorneys with the State of Hawai'i Office of Information Practices ("OIP") on a case reopened from 2017,² once again raises serious questions about your commitment to ethically serve the citizens of Maui County.

The OIP case centers on your 2nd Circuit Court pleading³ where you falsely alleged that Developer Lot 48A, LLC's SMA Permit environmental studies were "*eventually produced*" in response to over "30 UIPA" requests for the County records. A parallel issue is your dubious representation to the 2nd Circuit Court of the County's duty to maintain public records.⁴

During your appointment hearings, you responded to Council Member Paltin's questions about this specific SMA Permit as follows;⁵

***"..do you know of any reason the County should not enforce a
SMA permit that the Mayor agreed to?"***

Council Member Tamara Paltin - May 28, 2019

"I'm not sure what that one's about. I have really no idea.

***if you gave me a specific, I could go figure that out but I haven't been involved in
any SMA's or being consulted on it so I'm just not sure what that issues about."***

Acting Corporation Counsel Moana Lutey - May 28, 2019

As the County of Maui attorney of record on multiple cases involving the SMA Permit in question, (See References Below) you made dishonest statements to Council Member Paltin to avoid exposing your inability "*to be completely neutral on cases you have had for years*"⁶. You also made a false representation of Judicial records to Council Member Sinenci⁷ stating "*There has been no appeal of that case*".⁸ The case is in fact under appeal. (See CAAP-18-0000105)

¹ Ho'oponopono is a practice that can occur within the Ohana,(family) Kaiaulu,(community) or Hui. (organization)

² State of Hawaii Office of Information Practices ("OIP") Case No. 18-07

³ 2nd Circuit Court Civil Case No. 17-1-0208(1) Page 2 / Paragraph 3

⁴ 2nd Circuit Court Civil Case No. 17-1-0208(1) Page 2 / Paragraph 2

⁵ Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 26

⁶ Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 26

⁷ Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 30

⁸ Intermediate Court of Appeals State of Hawai'i Case No. – CAAP-18-0000105

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In simple terms, you deceived the public and the Council members to avoid scrutiny of your decision making to pursue the most powerful position of influence in County government. Mayor Victorino, along with other creditable public officials such as County Clerk Kathy Kaohu, are fully aware that Developer Lot 48A, LLC's complete SMA Permit file was not "*eventually produced*" as you falsely alleged to the 2nd Circuit Court.

Therefore, under HRS §92F-42(1), the OIP has been noticed that a lawsuit shall be filed against you in the 2nd Circuit Court to obtain access to government records from Corporation Counsel. The records will reveal that your pleading to the 2nd Circuit Court regarding "*eventually produced*" government records was falsely made with the intent to be taken as genuine. ⁹

Acting Corporation Counsel Director Lutey withheld Mayor Victorino's settlement agreement.

As the records reveal, on May 2, 2019, you're dishonest "*no idea*" statement was made at the same time you were unethically withholding from the members of the Maui County Council a legal settlement agreement that Mayor Victorino negotiated and willingly signed.

Mayor Victorino's side of the contractual agreement would have ensured that Public Works Director Milton Arakawa's former developer client, Lot 48A, LLC, would return to their oceanfront subdivision to complete the unfulfilled infrastructure and drainage obligations as required and represented by their conditional SMA Permit and previously concealed environmental studies.

"Milton, when I look at what he did, took advantage of the situation to take care of his friends"

"There is a definite, I hate to use the word collusion, but there is."

"He deserves more than a slap on the wrist, far more than a slap on the hand"

Mayor Elect Michael P. Victorino - December 2018

As a former elected member of the Maui County Council during the times relevant, Mayor Victorino was a direct witness to the conspired scheme orchestrated by Director Arakawa to conceal the public records of his client's SMA Permit application and environmental studies.

On April 17, 2019, with Mayor Victorino's support and approval, the signed settlement agreement and resolution proposal was sent to your attention as Acting Director of Corporation Counsel. The communication included a cover letter which outlines the terms of the agreement and consideration being granted to the County of Maui.

On May 2, 2019, during your Director appointment hearings, you also stated; ¹⁰

".. when you work on something for years and years, you get so deeply invested at times that it's hard to contemplate settlement. "

As Mayor Victorino's appointed legal counsel, you are perpetuating a crime and wrongful act to protect and shield former Public Works Director Milton Arakawa. In violation of your professional and ethical duties, you have obstructed the members of the Maui County Council from acting upon a settlement agreement signed by Mayor Victorino.

⁹ See Hawai'i Penal Code - HRS Title 37 §710-1017 Tampering with Government Records

¹⁰ Minutes of Maui County Council Special Meeting – May 28, 2019 – Page 79

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Lahaina, Hi 96761

Therefore, in accordance with Hawai'i Penal Code - HRS Title 37 §710-1017 Tampering with Government Records, the evidence of your falsification of government records and knowingly false statements before the members of the Maui County Council, shall be presented to the County of Maui Prosecutors Office.

Mayor Victorino's Signed Agreement exposes Corporation Counsel's false representations.

Mayor Victorino's performance on the contractual agreement would have galvanized into government records the evidence of years of concealment and misrepresentations of the SMA Permit records by the Department of Corporation Counsel attorneys in multiple legal cases.

***"We worked long enough on this case.
I don't want you to drop the case, I believe you are right."***
Mayor Elect Michael P. Victorino - December 2018

The agreement with Mayor Victorino provides conclusive evidence to support a post-judgement Motion in the Court of the 2nd Circuit that will expose Developer Lot 48A, LLC's fraud and malicious conspiracy with Director Arakawa to intentionally harm my family.

***"I do recognize there's still one issue -- at least one issue under investigation,
and it's possible that something that could lead to a
post-judgement motion related to fraud."***
Honorable Judge Joseph Cardoza ¹¹

***"As I cannot help but feel that you and County of Maui have been defrauded,
the taxpayers have been cheated out of financial obligations the developer
should have been rightfully paid."***
Council Member JoAnne Johnson Winer¹²

As the Director of Corporation Counsel, you have obstructed justice and interfered with Mayor Victorino's performance upon the signed contract in violation of your official duties and the laws and ordinances of Maui County. Nevertheless, your dishonorable interference does not invalidate the contract signed by Mayor Victorino's nor his witnessing of Director Arakawa's collusion with Developer Lot 48A, LLC.

Therefore, as a direct result of interference with Mayor Victorino's duties and promises, a Rule 60(b) Motion shall be filed in the 2nd Circuit Court, supported by a cause of action for interference and claim for specific performance by Mayor Victorino on the signed contractual agreement. I believe a recent statement by 2nd Circuit Court Judge Peter Cahill will bring to justice for your obstruction of the Mayor's duty to uphold the environmental laws;

***"The irreparable harm here is the people of the County of Maui
having a right to have their laws enforced."***
Judge Peter Cahill – January 22, 2020¹³

¹¹ Civil No. 09-1-0040(3) – Transcript Page 35

¹² Notarized Affidavit of JoAnne Johnson Winer – August 11, 2015

¹³ Civil No. 17-1-0393(2)

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Corporation Counsel's direct role in concealment of the requested SMA Permit records.

The financial expenses incurred by the County of Maui through unjustified legal defense, along with the prolonged monetary and emotional injuries to my family, are a direct result of Corporation Counsel's role in the concealment of the Developer Lot 48A, LLC's complete SMA Permit file and the manipulation of the unaccounted-for "3 Lots or Less" developer infrastructure "deferral" agreements.

In 2014, in the United States Bankruptcy Court, a Rule 2004 Subpoena was issued to the Department of Planning and the Department of Corporation Counsel requesting government records relating to Developer Lot 48A, LLC's SMA Permit file. Corporation Counsel immediately filed a Motion to Quash my access to the SMA Permit government records.¹⁴

"Use of a Rule 2004 Subpoena constitutes abuse and harassment of the County. Planning has nothing whatsoever to do with the acts, conduct, or property or liabilities and financial condition of the Debtor. (Salem)"¹⁵

Corporation Counsel Director Patrick Wong

As the County records represent, On August 3, 2009, the Planning Department responded to my request for access to Public Records relating to Developer Lot 48A, LLC's SMA Permit file SM2 2000/0042, as follows;

".. The SM2 file cannot be found at the County. Without the file I could only locate documents on the computer and was only able to find the following."

Department of Planning – August 3, 2009

As late as 2014 Corporation Counsel was aggressively conspiring to conceal and obstruct my access to the "***eventually produced***" Developer Lot 48A, LLC's SMA Permit File. As the records reveal, Director Arakawa fraudulently clouded my family's real property title with an illegitimate subdivision lien for "deferred" roadway infrastructure improvements which were the financial obligations of his private client, as discovered in Developer Lot 48A, LLC "***cannot be found***" Planning Department SMA Permit file.

Developer Lot 48A, LLC's concealed Planning Department SMA Permit records are the "***smoking gun***" government records referenced by attorney Matson Kelley in pleadings presented to Honorable Judge Cardoza.¹⁶ Contrary to Corporation Counsel's falsified representations to the United States Bankruptcy Court, the concealed Planning Department records strike to the heart of the Debtor's liabilities to the unpaid Creditors, and the financial condition of the Debtor. (Salem)

¹⁴ United States Bankruptcy Court Case No. 14-00878 Dkt #61 – 8/13/14

¹⁵ Rule 3.4. FAIRNESS TO OPPOSING PARTY AND COUNSEL. A lawyer shall not: (a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value.

¹⁶ Civil No. 09-1-0040(3)

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Therefore, the agreement signed by Mayor Victorino provides conclusive evidence to support a Motion to the Federal Bankruptcy Court under the United States Bankruptcy Code, 18 U.S. Code § 157: Bankruptcy Fraud.

Mayor Victorino's Signed Agreement exposes Corporation Counsel to Bankruptcy Fraud.

As the Director of Corporation Counsel, your interference with Mayor Victorino's signed agreement shall be the direct cause for a Motion to Reopen Debtor's Chapter 11 Petition. (Case No.: 14-00878) The Bankruptcy Court has broad discretionary authority to reopen a case "to administer assets, to accord relief to the debtor, or for other cause." 11 U.S.C. § 350(b).

For the record, my wages as an employee with the Office of the Mayor have been garnished by one of the unpaid creditors who lost their security when my family home was foreclosed upon. The illegitimate County induced liens were the direct cause of the foreclosure, and to this day have an ongoing financial stranglehold on my family.

Therefore, to remove the ongoing harm to my family, and to allow the damaged Creditors to recover their financial injuries, an Adversary Proceeding shall be filed under Federal Rule of Bankruptcy (FRBP) §7701 to expose Creditor County of Maui and Creditor Developer Lot 48A, LLC's scheme to create fraudulent liens on my family's real property title.

Please be advised, there is further conclusive evidence involving professional consultants and Corporation Counsel attorneys who played a conspiring role in Director Arakawa's concealment scheme which will be filed with the Bankruptcy Judge and the Prosecutor's Office under seal to protect my family.

Director Lutey has a duty under the Maui County Code to correct the violations.

In accordance with Title 18.44 – VIOLATION - PENALTY, as Director of Corporation Counsel, you have a PRESENT-DAY duty to defend Mayor Victorino's signed agreement by instituting an action against Director Arakawa's client Developer Lot 48A, LLC to correct, fine, and abate their violations of the Maui County Code as follows;

In accordance with Maui County Code Title 18.44.010 – Violation & Penalty;

- A. Any person, firm, or Corporation which knowingly violates this title shall be fined not more than one thousand dollars. The continuance of any such violation shall be deemed a new violation for each day of such continuance.

In addition, the County attorney may institute an action to prevent, restrain, correct, or abate any violation of this title and seek such relief by way of injunction or otherwise, as may be proper under the facts and circumstances of the case, in order to effectuate the purposes of this title.

- B. In any illegal subdivision, the Director may require such improvements as would reasonably comply with the provisions of this title. Such remedial improvements shall be applicable to the sub divider, if he may be found, or the owners of the lots in the illegal subdivision at the time of discovery, or both.

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In accordance with Title 18 of the Maui County Code, the Developer's consultants, including Director Arakawa's land planning firm, had a professional duty to ensure the infrastructure improvements as represented in the conditioned SMA Permit environmental studies were included in the roadway improvement civil engineering drawings. They knowingly failed to do so. The consultants continue to be granted County contracts.

Believing the "cannot be found" SMA Permit records would never be found, Director Arakawa's scheme was to shift his client's roadway infrastructure financial obligations into the County of Maui's Phase IV of Lower Honoapiilani Road Capital Improvement Program ("CIP") project. At the very same time, Director Arakawa's land planning firm was the County's paid consultant for the Phase IV CIP project.

Therefore, as the "County attorney", you have a duty to notice, or seek injunctive relief, to require Developer Lot 48A, LLC to return to their subdivision to complete their environmental and financial obligations as represented in their conditioned SMA Permit.

Director Lutey's failure to perform her duties under the Charter will be cause for removal.

The Department of Corporation Counsel had a PAST duty to remove the one-time County of Maui "3 Lot or Less" subdivision deferral agreement clouds from the underlying subdivision property titles immediately upon issuance of the Developer Lot 48A, LLC's conditioned SMA Permit in 2001. Corporation Counsel's failure to keep track of the potentially thousands of developer deferral agreements executed by their staff attorneys was a contributing cause to their negligence.

The Phase IV Lower Honoapiilani Road CIP project is now listed as a priority project in the Maui Metropolitan Planning Organizations ("MPO") Final Report with funding projected in 2020 -2023. Consequently, you have a PRESENT duty to institute an action to ensure that Developer Lot 48A, LLC corrects their violations to safeguard the citizens and taxpayers from incurring Developer Lot 48A, LLC's roadway infrastructure financial obligations.

The Maui County Charter - Article 9: FINANCIAL PROCEDURES Section 9-12, states as follows;

- C. If any County officer or employee ... incurs any obligation in violation of the provisions of the Charter, or in violation of the procedures and polices established by ordinance, or takes part therein, that action shall be cause for removal from office.

To avoid even further litigation from the five (5) affected property owners, Corporation Counsel has a PRESENT duty to expunge the illegitimate "3 Lots or Less" County lien that currently slanders the five (5) real property titles. Despite multiple written notices from me as an employee of the Office of the Mayor,¹⁷ you have failed and refused to take the appropriate action to protect the County of Maui from incurring further expense and legal liability.

The prior notices to Corporation Counsel shall be sent to Mayor Victorino with a copy to the County Auditor, the Cost of Government Commission, and the Council Chair of the

¹⁷ See Office of the Mayor transmittal and letter issued to Director Moana Lutey dated December 2019.

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Governance, Ethics, and Transparency Committee. (“GET”) I believe a comprehensive Performance Review of the Department of Corporation Counsel by the Auditor or independent auditing firm, is long overdue.

Therefore, I hereby assert my rights to employee whistleblower protection under the Maui County Charter Article 10, Section 10-4.4., Hawaii Revised Statutes (“HRS”) Chapter 378-62-378-65, §378-70, and HRS §661-21.

Corporation Counsel Director Moana Lutey’s conduct is a calling for change in leadership.

As a self-proclaimed “Dinosaur” litigator employed by the Department of Corporation Counsel since 1999, you have exposed through multiple recent actions your inability to remain neutral, or accept your “client” Mayor Victorino’s decision to settle a case your Department has battled for years.

Your unethical conduct has dishonored Mayor Victorino’s promises to transform Corporation Counsel into a Department which represents community-based leadership. I share Council member Rawlins-Fernandez’s outcry for change.

“Our community has lost faith in Corporation Counsel and I do not see the change in leadership since Ms. Lutey has become Director.

I believe I was voted onto the Council for change and I promised that I would fight for that change.”

Council Member Keani Rawlins-Fernandez – May 28, 2019

Under ARTICLE 10 - CODE OF ETHICS Section 10-1. Declaration of Policy. Elected and appointed (County) officers and employees shall demonstrate by their example the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government.

Under the Maui County Charter - Article 13, Section 13-13. **Impeachment of Officers:** Appointed or elected officers may be impeached for malfeasance, misfeasance, or nonfeasance in office or violation of the provisions of Article 10.

Therefore, a comprehensive Board of Ethics complaint and charges for a verified Petition for Impeachment shall be filed against you in Circuit Court for the 2nd Circuit for violating your duties to serve the public interest.

Director Lutey’s interference with a contractual relationship will cause further litigation.

I agreed to Mayor Victorino’s offer of employment as an executive assistant of the Office of the Mayor with the stated purpose of establishing a fair and equitable system of assessment and collection of the millions of dollars of developer debts owed through unaccounted for “3 Lots or Less” developer agreements. Also, to apply my extensive professional resume towards streamlining roadway infrastructure Capital Improvement Projects.

My delayed employment in 2019 was intended to allow for the enforcement of Developer Lot 48A, LLL’s unfulfilled conditioned SMA Permit and immediate dispute resolution. Both

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contractually and verbally, Mayor Victorino promised to provide a clear path towards my peaceful and productive employment.

"I asked for mediation and mediation is going to happen."

Mayor Elect Michael P. Victorino – December 2019

Mediation has not happened because in May of 2019, you took it upon yourself to go against Mayor Victorino's directive and refused to present the signed settlement agreement and resolution proposals to the members of the Maui County Council. In a letter to the Chair of the Maui County Council, you alleged there was no consideration provided for settlement and no further litigation. Recent communications, including the notices presented herein, affirms that both of your written claims to the Council Chair were false and misleading.

I just received a copy of an email you sent to staff attorney with the OIP February of 2020 which affirms, as late as March of 2019, that there was in fact ongoing litigation. In good faith, in January of 2019, in detrimental reliance on Mayor Victorino's anticipated performance on the contractual agreement, I terminated the litigation. I also contractually agreed to release the County of Maui from further liability.

Your personal decision to unethically interfere with and obstruct Mayor Victorino's performance on the contractual agreement shall result in further litigation through multiple legal actions describe herein. As my legal counsel with the County of Maui on my official duties, your unethical acts have placed me in a conflicted and hostile work environment which has caused both physical and psychological duress and blocked me from the performance of my job.

For the record, the Chief of Staff of the Office of the Mayor, Director of Personal for the County of Maui, and Manager for the Office of the Mayor, have been continuously noticed of the workplace harassment and duress that has been caused by your unethical leadership as our legal Counsel and representative.

Therefore, I once again assert my rights to employee protection under the Maui County Charter Article 10, Section 10-4.4., Hawaii Revised Statutes ("HRS") Chapter 378-62-378-65, §378-70, and HRS §661-21.

Corporation Counsel has a Pattern of Serving of Private Developers Financial Interests

The citizen-driven SMA Permit lawsuit at Montana Beach occurred in 2001 during the same time frame as when Developer Lot 48A, LLC's complete file of SMA Permit records were first requested from the County of Maui. At the same time, Director Arakawa left his land planning firm partnership for a politically appointed Deputy position in the Department of Public Works. The question is; Why?

As the record shows, almost immediately after his employment, Deputy Arakawa began signing off on private developers' subdivisions in violation of the Maui County Code. The massive concrete walls staring in the faces of the local families along Palama drive are just one of the unscrupulous monuments of Director Arakawa's agenda to serve private developers' financial interests at the public expense.

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Also, in 2001, through my dispute with Developer Lot 48A, LLC on their overlapping subdivision of one of the parent parcels of my "3 Lots or Less" subdivision, I informed West Maui Council Member JoAnne Johnson and Mayor Arakawa that Corporation Counsel and the Department of Public Works were executing an unknown quantity of agreements with private developers that intentionally shifted their infrastructure financial obligations onto the taxpayers.

The unethical practice continued on with hundreds more unaccounted for deferral agreements until 2007 when the "deferral" ordinance was repealed by the County Council. As I have just discovered during my performance of my assigned duties by Mayor Victorino, as late as 2009 along South Kihei Road, Director Arakawa and Corporation Counsel continued to grant unlawful, unauthorized overlapping "one time" deferrals to private developers.

Therefore, I once again assert my rights to employee protection under the Maui County Charter Article 10, Section 10-4.4., Hawaii Revised Statutes ("HRS") Chapter 378-62-378-65, §378-70, and HRS §661-21.

Corporation Counsel has a pattern of abuse of power and authority and intimidation tactics.

Mayor Victorino's staff includes five former Council Members. When they speak about Corporation Counsel, it is evident that acts of intimidation and strong-arming by your office have taken place to influence legal and legislative decisions. The reopened OIP case from 2017, illuminates how far beyond decency Corporation Counsel conducts their affairs.

As an example, Corporation Counsel filed an intimidating lawsuit against me alleging I was engaging in some fabricated form of "violation of due process" by issuing multiple requests for the SMA Permit records under the Uniform Information Practices Act. ("UIPA") Your inability to produce a government record to support your "eventually produced" 2nd Circuit Court pleading provides the evidence of the SMA Permit concealment, and justifies the repeating UIPA requests.

Therefore, a question for consideration by the members of the Maui County Council; Does Corporation Counsel have the right to spend public funds to file intimidating lawsuits without first obtaining authorization from the members of the Maui County Council? Is this not an abuse of power and Corporation Counsel's authority?

Director Lutey's unethical professional decisions are grounds for resignation or impeachment.

Corporation Counsel continues to gamble and lose in their baseless defenses of unlawful Director decisions.¹⁸ Tens of millions of dollars of financial injuries to the taxpayers have been the direct result. As an elected Council member, Mayor Victorino witnessed Director Arakawa's repeating dishonorable acts, and voted on the costly legal settlements. ¹⁹

Mayor Victorino's bold decision to uphold the laws of Maui County and sign an agreement to hold a private developer accountable for their conditioned SMA Permit occurred

¹⁸ Montana Beach - Maui County Council Resolution No. 08-3 – CVO6-00430 ACK KSC

¹⁹ Civil No. 09-1-0245(1) Cabebe V. New Sand Hills, ET AL

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after hours of meetings and negotiations. Mayor Victorino's motivation was to issue the violation notices to the developer and terminate the longstanding dispute through mediation.

As acting Director of Corporation Counsel, you made a personal decision to withhold Mayor Victorino's signed settlement from your clients, the members of the Maui County Council. By doing so, you were serving the financial interests of a private developer. You proceeded to deceive the members of the Council and the public when questioned on the Mayor's decision to enforce the SMA Permit.

The recent evidence received from the OIP affirms your reasons for withholding Mayor Victorino's signed agreement and resolution proposal were an abuse of power and violation of the Professional Rules adopted by the Supreme Court of the State of Hawai'i. Contrary to your claims, further litigation in multiple Courts of Law will be the likely result of your decision.

In conclusion, from the outset of your appointment as Director of Corporation Counsel, concerns were raised on your ability to see things clearly when you're in the middle of a battle. As a longstanding litigator, can you provide objective neutral advice and avoid influencing your clients on cases you have been fighting for years? After one year in your new Director role, your performance proves you are not qualified for a community-based leadership position.

With that said, I feel it is important to support this belief with a reminder of our meeting in Mayor Victorino's office. As you recall, I offered to engage in the cultural practice of Ho'opononono to help heal our differences and find a common spirit in our public service. Against the wishes of the Mayor and best interests of citizens of Maui County, my sincere offer was rejected with an aggressive and spiteful tone.

Prayer to Director Lutey to reconcile the harm caused to my family and the community.

Under the professional attorney rules adopted by the Supreme Court of the State of Hawai'i, I believe the Courts will find you have professional duty to rectify the consequences of your false statement of material fact to the 2nd Circuit Court.²⁰

As a measure of good faith to prevent further litigation and burden upon Mayor Victorino's administration, the members of the Maui County Council, and my wife and children during these challenging times, I ask you to rewrite the wrongs and facilitate a peaceful resolution by forwarding the Mayor's signed settlement agreement to the members of the Maui County Council for their consideration.²¹

²⁰ **Rule 3.3. CANDOR TOWARD THE TRIBUNAL.** (a) A lawyer shall not knowingly:

(1) make a false statement of material fact or law to a tribunal;

(4) offer evidence that the lawyer knows to be false.

If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take remedial measures .. to rectify the consequences.

²¹ ***"Well, normally what happens, I don't want to belabor this answer, I will contact the committee and inform them that I have a settlement.***

I normally do that very quickly, if not the same day..

Acting Director of Corporation Counsel Moana Lutey – May 2, 2019

Christopher Salem
5100 Lower Honoapiilani Road
Lahaina, HI 96761

June 4, 2020

"You've treated everyone with respect and have retained your dignity thru all this and allowed wiggle room for the accused to own up and take back their dignity, but they are too scared..."

County Clerk Kathy Kaohu to Chris Salem – May 20, 2020

Respectfully; *Christopher Salem*

SETTLEMENT AGREEMENT AND RELEASE

This Resolution Proposal and Agreement (the "**Agreement**"), dated as of October 9, 2019, is presented by Christopher Salem ("Salem") to the Maui County Council ("County Council") and Mayor Michael P. Victorino. ("Mayor Victorino")

I. THE PARTIES

WHEREAS, Salem is a resident of the Maui County. Salem is a staff member of the Office of the Mayor of Maui County. Salem is a former executive assistant to the Maui County Council, Chair of Planning.

WHEREAS, on behalf of the County of Maui, the members of the Maui County Council and Mayor Michael Victorino have the power and the authority to resolve and repair the injuries caused to Salem through Mayor Victorino's non-performance on promises and a signed agreement with Salem.

NOW THEREFORE, Salem seeks to resolve, settle, and release all claims with respect to any and all litigation and future legal claims resulting from Corporation Counsel's interference on a signed agreement between Salem and Mayor Victorino. Mayor Victorino has now breached and not performed on the contractual agreement with Salem.

The County Council and Mayor Victorino, are asked to take into deliberation the findings and facts herein as consideration to settle upon the claims and injuries suffered by Salem's family which justify causes of action and further litigation;

II. THE BREACHED AGREEMENT

In consideration for the County's issuance of a Notice of Non-Compliance to Developer Lot 48A, LLC's for their unfulfilled and expired oceanfront subdivision Shoreline Management Area ("SMA") Permit #SM2 2000 0042, Mayor Victorino and Salem agreed that Salem would release all claims against The County of Maui, Mayor Arakawa, and the named County Defendants. (Except Milton Arakawa) (See Exhibit "A")

While in direct communication with Corporation Counsel Patrick Wong and Deputy attorney Brian Bilberry, Mayor Victorino signed an agreement with Salem to uphold and enforce the adopted SMA rules and laws of Maui County. Mayor Victorino understood that the issuance of the SMA Permit Notice of Non-Compliance would expose the conspiracy between Developer Lot 48A, LLC and former Public Works Director Milton Arakawa to conceal the developers SMA Permit government records from Salem and the members of the County Council.

As the discovered SMA Permit studies reveal, Developer Lot 48A, LLC signed their SMA Permit studies knowing they were obligated to complete all of the roadway infrastructure improvements to Lower Honoapiilani Road and Hui Road E. The agreement validates all Salem's prior claims including the fact that Corporation Counsel had an illegitimate subdivision lien on Salem's real property title for roadway infrastructure improvements that were the Developer Lot 48A, LLC obligations in the conditioned SMA Permit.

Developer Lot 48A, LLC was a private client of Director Arakawa's land planning firm. Mayor Victorino was aware when he signed the agreement with Salem that Developer Lot 48A, LLC, Director Arakawa, and County attorneys would be exposed to claims of racketeering and collusion. Consequently, Mayor Victorino promised to facilitate mediation with retired Judge Joel August to bring financial restitution to Salem's family for the harm done to them at the conspired hands of former Director Milton Arakawa.

Once Mayor Victorino initiated a request to Corporation Counsel to bring the parties together in mediation, Salem acted in good faith and released his legal claims against the County of Maui pursuant to the signed agreement. Under the legal representation and advising of the Department of Corporation Counsel, Mayor Victorino has breached the contractual agreement as well as his repeated promises to facilitate a resolution of the financial harm suffered by Salem's family.

III. BRIEF HISTORY

With his life savings, Salem purchased Lot 48C of an oceanfront 3-lot subdivision in West Maui that the Planning

Department had previously issued an exemption from requiring a SMA Permit. Salem's research of the County's ordinances found that any further subdivision of the parent parcels of the 3-lot subdivision would require an application for a new SMA Major Permit involving public hearings and elevated environmental studies.

Salem's research of County public records also found that the County of Maui "3 Lot or Less" subdivision agreement which clouded his property title was a "one time" deferral of the subdivision's roadway infrastructure improvements. With 4 lots being the threshold for full roadway infrastructure improvements per the Maui County Code, it was clear that any further division of any of the parent parcels would require full roadway infrastructure improvements along the frontages of the entire original 3 lot subdivision.

The Maui County Code protected Salem's family in three ways;

- First, any further development would require an application for a SMA Major Permit.
- Second, any new developer would be required to assume full financial responsibility for all of the previously deferred "3 Lots or Less" roadway infrastructure improvements.
- Third, Corporation Counsel would be required by law and ordinance to clear the "one time" "3 Lots or Less" roadway infrastructure cloud on Salem's real property title.

Years later, Developer Lot 48A, LLC purchased oceanfront Lot 48A of the "3 Lot or Less" subdivision with plans to further subdivide their oceanfront parcel into 3 more lots. Salem could not imagine the Corporation Counsel and the Department of Public Works had never tracked or accounted for any of the "3 Lots or Less" developer agreements to insure they were only a "one time" deferral of roadway infrastructure improvements as the ordinance clearly stated.

Salem was not aware of until years later that Developer Lot 48A, LLC's SMA Permit land planning firm partner Milton Arakawa was entering the County administration with The Department of Public Works to tamper with both the 3 Lots or Less" subdivision agreement and SMA Permit records to assist his developer client in circumventing their signed SMA Permit and their roadway infrastructure obligations. Salem also never imagined that private developer's consultants would risk their professional licenses by committing fraud to avoid a SMA Major Permit, escape from public hearings, shoreline preservation, and elevated environmental review.

IV. THE CLAIMS

After years of disputes and Salem's complete financial destruction, Mayor Victorino's willingness to enforce Developer Lot 48A, LLC unfulfilled SMA Permit validates all of Salem's original claims. In simple terms, Developer Lot 48A, LLC's allegations that they were not required to obtain a SMA Major Permit and complete the "deferred" roadway improvements to the "3 Lots or Less" subdivision are now proven to be fraudulent.

Mayor Victorino signed the agreement while acknowledging that public official Milton Arakawa had engaged in collusion with his private developer client through a conspiracy to conceal County of Maui SMA Permit record. As a public official, Director Milton Arakawa violated Salem's property rights to serve his client's financial interests.

Undeniably, Mayor Victorino was aware that his performance on the agreement would expose Corporation Counsel and Director Moana Lutey to professional liability for making years of false representations to the members of the Maui County Council and multiple Courts of Law. Mayor Victorino is now in violation of his official duties to as set forth in the Maui County Charter to uphold and enforce the adopted laws and ordinances of Maui County.

Corporation Counsel is advising Mayor Victorino to breach the agreement to cover up their own professional misconduct. As we now know, Salem's attempts to resolve the claims prior to litigation were obstructed by former Corporation Counsel Patrick Wong. Council Member Mayor Victorino, and fellow Council Members who have asked to remain anonymous, now admit they were intimidated by Director Wong from performing their duties to protect the County from costly litigation. As such, Corporation Counsel is knowingly causing further litigation against the County, Director Lutey, and Mayor Victorino.

Salem further asserts that the issuance of the agreed upon SMA Permit Notice of Non-Compliance will reveal that the SMA Minor Permit was obtained through intentionally fraudulent and concealed civil engineering valuations authored by Unemori Engineering, Inc. The Notice will also reveal that Corporation Counsel has allowed five properties titles to be currently clouded by an illegitimate County "3 Lot or Less" subdivision lien that was recorded by Corporation Counsel and Director Arakawa through falsified County records. (See Exhibit "B")

V. CONCLUSION

From the very day Developer Lot 48A, LLC purchased the oceanfront Lot 48A parcel adjacent to Salem property in the "3 Lots or Less" subdivision, Salem's motivation has been to ensure Developer Lot 48A, LLC followed the County Code which he relied upon when his family acquired their land.

As a result of the injuries to Salem's family, the wide spread manipulation of the "3 Lots or Less" deferral agreements and SMA permitting process has been uncovered. Salem was hired by Mayor Victorino to apply his extensive professional resume and discovery to recover the millions of dollars of unaccounted for "deferred" developer debts owed to the taxpayers and Maui County. To prevent future financial harm to the residents of Maui County, Salem was hired to draft the "Fairness Bill" recovery legislation.

In open meetings, Mayor Victorino has stated Director Arakawa engaged in collusion to help his friends and former clients. Mayor Victorino has stated that Milton Arakawa should receive far more than a slap on the hand for his misdealing's. As a former Council Member, Mayor Victorino has been united with Salem on the underlying issues and causes for almost 15 years. The signed agreement and Salem's acceptance of a position with the Mayor's staff reflects Mayor Victorino's stated commitment to promote accountability in our County government.

Mayor Victorino also stated that Salem should not terminate his legal case against the Defendants because he believed that Salem's claims were valid. Under the self-serving influence of Corporation Counsel and Planning Director Michelle McClean, Mayor Victorino is now in breach of his promises and the contractual agreement with Salem.

Salem asserts Corporation Counsel has now interfered with Mayor Victorino's commitment to solely serve the public's interest. Through their interference and influence, Corporation Counsel is protecting the private developer and their consultants from financial, professional, and legal exposure. Despite their repeated acts of collusion and conspiracy with County officials, the above referenced professional engineering and land planning consultants continue to be awarded millions of dollars in County contracts.

V. WITNESSES

Witnesses to the claims set forth herein include, Mayor Michael Victorino, former Council Member JoAnne Johnson Winer, former Council member Don Guzman's executive assistant Kathy Kaohu, Planning Commission Chair Lawrence Carnicelli, and private attorney Matson Kelley.

VI. TERMS OF SETTLEMENT

In consideration of the County's issuance of the Notice of Non-Compliance to Developer Lot 48A, LLC as previously agreed by Mayor Victorino, the members of the Maui County Council shall enter good faith settlement discussions. The County Council and Mayor Victorino can resolve the current claims to avoid further litigation, through;

1. The issuance of a Notice of Non-Compliance along with the appropriate fines and penalties to Developer Lot 48A, LLC for the expired and unfulfilled SMA Permit, a fraudulent Order of Magnitude Estimate, and to recover the value commensurate with Salem's injuries and damages; or,
2. Resolve and repair the injuries to Salem's family caused by Mayor Victorino's and Planning Director Michele Mclean's non-performance on the agreement.

Christopher Salem 10/9/19

Christopher Salem



REVERE & ASSOCIATES, LLC

A LIMITED LIABILITY LAW COMPANY
PALI PALMS PLAZA, 970 NORTH KALAHEO AVENUE, SUITE A301
KAILUA, HAWAII 96734

MAGDALENA BAJON
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TELEPHONE: (808) 791-9550
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May 18, 2021

VIA E-MAIL only at peter.hanano@co.maui.hi.us

Peter A. Hanano, Esq.
Deputy Corporation Counsel
County of Maui
200 S. High Street
Wailuku, HI 96793

Re: *Christopher Salem v. County of Maui, et al.*; CIVIL NO. 2CCV-21-0000048

Dear Deputy Hanano:

As you are aware, our Complaint, filed February 16, 2021, raises issues of workplace harassment and intimidation against Mr. Salem, amongst other claims. The County officials continue to obstruct and frustrate Mr. Salem's delegated tasks which include the facilitation of legislation to provide consistency between the subdivision ordinances and the applicable SMA rules and laws.

Through Mr. Salem's personal and professional efforts as an employee of the County of Maui, SMA Enforcement is now an item before the Maui County Council Climate Action and Resilience Committee. As the record shows, dating back to Montana Beach, SMA complaints have resulted in multiple costly lawsuits against the County of Maui.

Mr. Salem and Mayor Victorino agreed that the County ordinances and administrative policies needed to be amended and clarified to prevent further complaints and harm to the environment. SMA rules are under a comprehensive review by the Maui County Planning Commission.

To shine some light on the most recent events, Chief of Staff Miyake has ignored Mr. Salem's notices of pending complaints from affected property owners surrounding Planning Director McLean's issuance of a SMA Permit Exemption on Greg Brown's massive structure in Napili. Mr. Salem's written notices to Chief of Staff Miyake under HRS §372-62 warned about escalating community outcry over Director McLean's violations of SMA rules, ordinances, and laws. Chief of Staff Miyake was also informed of Director McLean's resume of selective enforcement and professional disregard for adopted County ordinances as evidenced by her role as paid planning consultant on the West Maui Pu'u Kahana development. After years of public intervention, the project was denied by the Maui County Planning Commission.

The process of issuance of Brown's SMA exemption is similar to what Mr. Salem experienced in his subdivision years ago: a combination of professional consultants submitting falsified information on behalf of their developer clients, and the Planning Department's complete disregard of the environmental laws adopted under HRS §205A. In both instances, the residents and affected property owners were denied their rights to public hearings and permitting stage preservation of the environmental laws and property rights.

Planning Director McLean has received two written demands from the affected property owners to revoke the Brown's SMA Permit Exemption based on the discovered evidence of false representations by the applicant along with Director McLean's failures to uphold environmental laws. The situation has now escalated and surely will contribute to the audit of the Planning Department and other legislative action by the members of the County Council.

Last week a community meeting was held to protest Director Mclean's decision. Chief of Staff Miyake informed Mr. Salem he was not to represent the Mayor's office at the community meeting. Clearly, but for Miyake's disregard for Mr. Salem previous notices, and Mr. Salem's extensive knowledge of the application history and developer's manipulation of the County ordinances, the issues surrounding the issuance of the Brown's SMA could have been addressed much earlier without the escalation of the public outcry, protests, and threat of civil litigation.

We respectfully demand Chief of Staff Miyake desist from any further workplace retaliation or misrepresentations of Mr. Salem's assigned tasks, and further actions to prohibit him from protecting the public interest through his agreed upon job duties. Once again, Mr. Salem has been placed in a difficult position of a community whistleblower.

Please be advised, we are currently exploring new legal actions to ensure Director McLean is held responsible for the Napili violations and her continuing refusal to honor Mayor Victorino's directive to enforce Developer Lot 48A, LLC's unfulfilled oceanfront SMA Permit.

Peter A. Hanano, Esq.
May 18, 2021
Page 3 of 3

Since this escalating situation is causing significant duress upon Mr. Salem and his family, we request you forward this letter to your clients in the Maui County Council as a good faith request to authorize good faith mediation discussions as promised and agreed by Mayor Victorino.

Very truly yours,

A handwritten signature in black ink that reads "Terrance M. Revere". The signature is written in a cursive, flowing style.

TERRANCE M. REVERE
Revere & Associates, LLC

County Clerk

From: Samuel Small <info@mauicauses.org>
Sent: Friday, May 21, 2021 10:43 AM
To: County Clerk
Subject: Written testimony on CC 21-242

RECEIVED

2021 MAY 21 AM 10:44

OFFICE OF THE
COUNTY CLERK

Council Members please view this 3 minute video, an excerpt from a 45 min presentation that I was asked to give to Elle Cochran's Infrastructure committee in 2018 that details the loopholes between Public Works and Planning that allows projects like Greg Brown's to violate our community's rights and degrade our shoreline.

<https://youtu.be/gfTtjoYRI88>

There is a revolving door between the departments and land developers that is consistently abused by a small group of individuals who exploit the loopholes for profit at the expense of Maui's taxpayers and our environment:
As an example, Public Works Director David Goode signed off on the Olowalu Subdivision even though the conditions of their SMA permit had not been met. And, even after the developer was 10 years later forced to return to the project because of a citizen complaint, some of those conditions are still unfulfilled to this day.

The main portion of the presentation was on the 3-Lot-or-less Deferral Agreements which are also an example of our extended systemic abuse that continues to this day. The County Auditor appears to now also be complicit in obstructing the community in that it has taken over three years for his office to deliver the audit he committed to and has stated he's put it on hold, false claiming that legal action by Christopher Salem against Mayor Victorino requires him to pause. That's not the least bit true.

Here's the link to the longer presentation on Deferral Agreements that was the trigger for the Council to request the audit:
<https://mauicauses.org/maui-causes-show-64/>

There are simple changes that the council can initiate by ordinance that will close the loopholes and I urge you to communicate with Christopher Salem who has been a consistent whistleblower of these abuses.

Thank you for all you do.

Sam Small
Director, Maui Causes
(973) 271-0788