

MINUTES

of the

REGULAR MEETING

and

PUBLIC HEARING

COUNCIL OF THE COUNTY OF MAUI

May 26, 2022

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, 2022 TO JUNE 30, 2023, WERE HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII AND ONLINE VIA BLUEJEANS, ON THURSDAY, MAY 26, 2022, BEGINNING AT 9:02 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the regular Council meeting and the public hearing of May 26, 2022, now both come to order.

Mr. Clerk, please proceed with roll call.

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

ROLL CALL

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Saibaidee, Chair and aloha kakahiaka kakou my Maui hikina. For the record, we're broadcasting from the Hana Cultural Center. And Members, I'm here with my EA Dawn Lono and district staff Mavis Medeiros. And looks like we have no testifiers. Aloha.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and . . . Madam Chair, and my fellow colleagues, and everyone else joining us here in the Council Chambers here in Wailuku. And yes, for the record, I am transmitting from there. And no reports of, regarding testifiers at the Paia District Office. Looking forward to a very long but fruitful Council meeting today. Aloha.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha. I didn't catch the greeting for today, so--

CHAIR LEE: Saibaidee.

COUNCILMEMBER KING: Saibaidee?

CHAIR LEE: Saibaidee, yeah.

COUNCILMEMBER KING: Okay, thank you so much. And I'm happy to be here in the Chambers this morning, Chair, although we miss your presence. There are four of us. It looks like we're, we're spaced far enough apart, six feet. No testifiers at the South Maui District Office this morning. And looking forward to an important meeting this, today.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: Good morning, Chair, Councilmembers, community members. And County Clerk seems really excited today, so I'll have what he's having for breakfast. Saibaidee to all of you. And I'm alone in my workspace. There's no testifiers at the Lanai District Office. Mahalo, Chair.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Saibaidee and aloha mai kakou too. I'm broadcasting live and direct out of the Council Chambers with all these great people over here. And I'm sure that the West Maui District Office will let us know if there's any testifiers at that location. Thank you.

CHAIR LEE: Thank you.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

CHAIR LEE: Excused.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair. And saibaidee to everyone here in the Chamber and everyone out there in Akaku land.

CHAIR LEE: Thank you.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, Members, and everyone at the Chambers and watching on Akaku and online. I'm at the Molokai District Office alone on my side of the office. And I have my legislative analyst on the other side of the office, Mahina Poepoe. We have no testifiers here at the Molokai District Office. I look forward to today's meeting. Mahalo, Chair.

CHAIR LEE: Thank you.

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

CHAIR LEE: Saibaidee my colleagues. And that's a greeting from Laos, Southeast Asia. I am home alone in my office space, maybe for the last time. I'm planning to transition back to the Council this weekend, lugging all my paperwork and everything, so that I can start broadcasting from the Chambers.

Just want to remind you, also, Members, that we are going to take our lunch break at 12:55 until 2 p.m. And it, depending on the volume of testimony, we may take two breaks before that. So, we'll, we'll just play it by ear and see how things go.

Alright, and I believe Member Sugimura will be joining us shortly. I, we heard that there was an accident on Haleakala Highway, and she may be tied up in traffic.

So, Mr. Clerk, please proceed.

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

EXCUSED: COUNCILMEMBER YUKI LEI K. SUGIMURA.

(Councilmember Sugimura was not present when the roll was called; however, she arrived at 9:15 a.m.)

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

For the record, I am Deputy County Clerk James Krueger. Also present from the Office of the County Clerk are 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 First Deputy Corporation Counsel Richelle Thomson.

Chair, also for the record, the notice for today's public hearing was published in the May 19 and May 23, 2022 editions of the Maui News.

CHAIR LEE: Opening remarks this morning will be provided by Pro Temp Kama.

OPENING REMARKS

The opening remarks were offered by Councilmember Tasha Kama.

CHAIR LEE: And thank you, Pro Temp Kama, for those beautiful and meaningful words.

Please, Members, join me and the public in the Pledge of Allegiance to the flag.

PLEDGE OF ALLEGIANCE

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

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with the presentation of testimony on ceremonial resolutions. The first individual we have signed up to testify is Jay Penniman. To be followed by Jeff Bagshaw.

CHAIR LEE: Could you call their names again?

DEPUTY COUNTY CLERK: They're in the Chamber, Chair.

CHAIR LEE: Oh, they're coming down to the microphone? Okay.

PRESENTATION OF ORAL TESTIMONY

MR. JAY PENNIMAN, MAUI NUI SEABIRD RECOVERY PROJECT (testifying on Resolution No. 135):

Aloha kakakiaka *[sic]*, Chair Lee, Members of the Council. Glad to be here today speaking in support of this resolution. I speak for the na manu kai, the seabirds. I'm Jay Penniman, the manager of the Maui Nui Seabird Recovery Project. And I really want to recognize all of the Councilmembers for your contributions to the betterment of endangered species, not just na manu kai, but all of the other animals and plants, which your actions have supported through over the years. The management of invasive species is a critical thing and the amount of support that this Council has provided for the Maui Invasive Species Committee is completely laudable. It should be recognized.

The invasive species are the bane of our endangered species. And, and all of the work that we do together for the plants, for the animals, for the aina is essential to keep everything in balance or try to get it back to balance. Na manu kai bring nutrients from the sea to the land that nourish the soils. They actually built the soils that all of our

native plant community evolved in, that the snails can clean the leaves of ohia, that the coral reefs can protect the community and the aina from being washed away by the waves and the wind. And I just want to express my thanks for all of that work that you do. Mahalo.

CHAIR LEE: Thank you. Members, do you have any questions for the testifier? If not, thank you very much, and may we have the next one?

DEPUTY COUNTY CLERK: Chair, the next testifier is Jeff Bagshaw, also testifying on Resolution 22-135. To be followed by Sarah Malick-Wahls.

MR. JEFF BAGSHAW, DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF FORESTRY AND WILDLIFE (testifying on Resolution No. 22-135):

Good morning, Maui County Councilmembers. I am representing Division of Forestry and Wildlife for the State of Hawaii. The 45 people, men and women and volunteers, who work on over 25 percent of the land and some parts of the ocean of Maui Nui. We have the awesome distinction of having the most endemic species in the world in such a small area, because of our isolation and our micro habitats. But we also bear the burden of being the extinction capital of the world, as you already know as stated in the resolution.

194 species of plants are only found on Maui, and number less than 50 individuals in the wild, just to highlight what extinction means. In the time that I've lived on Maui, in the 35 years I've lived here, two bird species have been declared extinct. That is unprecedented and it's, you don't see that elsewhere in the world. Two more may become extinct in the next five to ten years.

But I'm joining Jay and the other partner agencies in thanking you folks. In my memory, this is the most proactive Council I have seen on issues from keeping our oceans clear of toxic chemicals, working on lighting to protect endangered seabirds, and managing species like the axis deer, which threaten many corners. This kind of leadership, in my memory, is unprecedented and there's a lot of gloom.

(Councilmember Sugimura arrived to the meeting at 9:15 a.m.)

MR. BAGSHAW: But I have to tell you a personal story, it won't be long. When I came in 1988 as a national park ranger, Nene were, it made the Maui front, it made the front page of the Maui News. If you ever saw them outside of the national park, below 8,000 feet. Just last year, I was with some 20-somethings in Nakula on the leeward side at Haleakala at about 5,000 feet in a forested area we had restored. And ten Nene

flew over and landed at 5,000 feet on the backside of Haleakala. Nene were thinking outside the park. Nene have been taken off the endangered, the Federal endangered species list. They're still protected at the State level. But the mascot of my agency was there, and I was dancing around. And those kids didn't understand why I was so excited. Because I had never thought I would see the day when Nene . . . So, there is hope. I just wanted to share that story, that we have a lot of work ahead of us, but thanks to you folks and the interagency cooperation, and the intergovernmental cooperation, I think we had some hope. So, thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the last individual we have signed up to testify on ceremonial resolutions is Sarah Malick-Wahls, testifying on Resolution 22-135.

And to inform you, Chair, Councilmember Sugimura has joined us in the Chambers.

CHAIR LEE: Good morning, Member Sugimura.

COUNCILMEMBER SUGIMURA: Good morning. My apologies, I was stuck in traffic on Haleakala Highway. And I hope whoever is safe, that caused the backup. But anyway, good morning, everybody.

CHAIR LEE: Thank you. Good morning. Ms. Wahls, good morning.

MS. SARAH MALICK-WAHL, MAUI FOREST BIRD RECOVERY PROJECT (testifying on Resolution No. 22-135):

Good morning. My name is Sarah Malick-Wahls. I'm the 'Alala research and recovery coordinator for the Maui Forest Bird Recovery Project in Olinda. Our organization's mission is to develop and implement techniques that recover Maui's endangered birds, and to restore their habitats through research, development, and application of conservation techniques.

We are well-aware of the extinction crisis in the Hawaiian Islands, as the entirety of our work is focused on developing effective means to recover declining native forest birds such as Kiwikiu, 'Alala, 'Ākohekohe, and 'I'iwi. Raising awareness of the problems faced by native birds, as well as species from other taxa, including plants and invertebrates on Maui with a day dedicated to this issue will help to educate the public, so that more resources may be devoted to this important cause.

It's particularly challenging here on Maui for people to have a personal connection to our forest birds, because they're difficult for the general population to observe firsthand, since they are now restricted to only the most inaccessible locations. They are only found in the high mountains, or in the case of the 'Alala, only in captive breeding facilities, due to a number of factors that you all are well-aware of such as habitat loss, invasive predators, and disease spread by mosquitoes at the low and mid-elevations.

So, this is a problem, because when people have a personal connection to a species, they're more likely to take actions towards their protection or recovery. So, actions by the general public, such as advocating policymakers, providing monetary support, helping to reduce populations of exotic predators and competitors, or restoring habitat in our own backyard would all make our job much easier. So, we support this resolution to recognize May 20 as Endangered Species Day as one way to help build that important connection between our endangered species and the citizens of the County. Mahalo. Mahalo.

CHAIR LEE: Thank you, Ms. Malick-Wahls. Members, any questions? If not, thank you very much.

Mr. Clerk.

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

CHAIR LEE: Okay. Please, so are we going to close taking testimony at this time? Or are you expecting more?

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Yes?

DEPUTY COUNTY CLERK: Oh. Yes, Chair, if, if the body has no objections, they can close the testimony on ceremonial resolutions at this time.

CHAIR LEE: Okay. Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Testimony on ceremonial resolutions are closed at this time.

Mr. Clerk, please proceed with the resolutions.

DEPUTY COUNTY CLERK: Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 22-134

CONGRATULATING LINDA PUPPOLO FOR RECEIVING THE NATIONAL
2022 WORKFORCE PROFESSIONAL OF THE YEAR AWARD

CHAIR LEE: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION 22-134, ENTITLED
"CONGRATULATING LINDA PUPPOLA FOR RECEIVING THE
NATIONAL 2022 WORKFORCE PROFESSIONAL OF THE
YEAR AWARD".

COUNCILMEMBER KAMA:

I SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Moved by Member Sugimura, seconded by Pro Temp Kama, to adopt the
Resolution 22-134.

Discussion, Member Sugimura.

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

CHAIR LEE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much. Thank you, James Krueger, for reading that resolution. I want to express my deep appreciation to Linda Puppolo. I know her personally for many, many years and when I heard that she was going to do this position, she was going to take on this position, I thought a very good person, you know, to take on the challenge. And of course, during the pandemic, you know, when the going gets tough, the tough gets going, and definitely that is Linda Puppolo.

I would always see her as, and I wonder if he's with her today? Her grandson is always with her. No? He has to go to school. Anyway, she always, always has him by her side and I'm sure he's proud of her for her accomplishments and has set a model for him to follow, too. So, I really appreciate the National Association of Workforce Development Professionals for this award for her. And Maui County can be proud. I want to also commend JoAnn Inamasu the Director of the Department, because it takes that kind of leadership too, to move us forward in these challenging times.

So, in behalf of the Council it's my honor to join Mayor Victorino and her colleagues, and the colleagues in the Office of Economic Development with JoAnn Inamasu in congratulating and recognizing this outstanding accomplishment. And Linda, please continue your dedicated service in our community. And I respectfully ask for the Members full support of this resolution. Thank you, Chair.

CHAIR LEE: Any more discussion, Members?

Member Johnson and then Member Molina.

COUNCILMEMBER JOHNSON: Thank you, Chair. I also rise in full support of this resolution. And I'm happy to consider Linda a friend of mine as well. I'm really happy that she's got, gotten the recognition she deserves. And even our little island of Lanai has benefited from all of her services. So, I just want to give her a big shout out and mahalo, Linda. I really appreciate you. Thank you, Chair.

CHAIR LEE: Thank you.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I'd like to share some personal thoughts regarding Linda. Certainly, a very, very well-deserved award. Many, many years ago when I was a member of the teaching staff over at Kalama Intermediate, Linda was our parent liaison. And all of those elements that you heard in the resolution regarding leadership and bringing people together, so true and applicable to Linda. And she epitomizes that. So, she did a wonderful job keeping everybody informed at the school, and very involved with many of the school activities. So, she was a real

lightning rod and Energizer bunny. So, she is certainly well-deserving and, you know, blessings to her in her new position. So, I certainly support this resolution. Mahalo and thank you so much, Linda. Aloha, Madam Chair.

CHAIR LEE: Thank you. Any more discussion, Members?

Member King.

COUNCILMEMBER KING: Thank you, Chair. And congratulations, Linda. So well-deserved. I have known Linda for a long time on this island, starting with her time at Kalama Intermediate as Mr. Molina just explained. But she's also been, you know, she's worked on a rose farm, she's worked in the administration at Hui Malama Learning Center, now she's with the County, and she's also been an officer of a major local political party. So, she has an extremely diverse background. And this, this award doesn't surprise me, because like Councilmember Molina said, she is the Energizer bunny. So, thank you for all your service to the community in all of your iterations of different, different work situations, Linda, and very well-deserved.

CHAIR LEE: Very good. Anyone else, Members?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I also want to offer my full support. And I've known Linda for many years. And I agree with my colleagues that while the resolution is true, it just barely scratches the surface of all the things and people that she has touched over the years here in Maui County. And, you know, I believe Linda is an example of, you know, transforming adversity into opportunity. And it would be great if we, you know, could clone her. So, full support. Thank you.

CHAIR LEE: Okay, very good.

Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I, too, have known Linda for quite some time. And sometimes I think that our paths mirror each other. But what I want to say about her are things sometimes that we don't know about other people, that we find special in them. So, what I found special about Linda is her instinctiveness, and her intuition to take initiative when she sees initiative needs to be taken.

I remember when I was a young campaigner, when I first started on this trail of politics, and I didn't understand, you know, what we do when we campaign, we gotta go to the radio stations and we have to go to Akaku, and we have to go all over the place. And

those places are intimidating sometimes if you have never been there. But when I went to Akaku, Linda was there, and she helped to put me at ease. She helped to facilitate my being in front of a camera. And from that time on, I feel like she has been mentoring me ever since.

And I am so happy and so proud that she has gotten this award. I wish we could have done this before anybody else did and acknowledged her great worth. And I'm hoping that in the future that we'll take a look around us and find others among us who has such great worth and potential. But I'm happy, because she's moving on to a place, I think that although the County will suffer great loss, I think where she's going now is going to bring much brighter things into people's lives. So, I just want to thank my friend, Linda for all her work, her service to our community here, and wish her all the best and God's blessing. Thank you, Chair.

CHAIR LEE: Thank you, Pro Temp Kama. Members, any more comments? I'll just briefly say that I've had the pleasure of knowing Linda for many years, as we sort of both come from the nonprofit world. And yes, indeed, she is outstanding and, and is well-deserving of this award and many more.

Members, at this time, are you ready to vote for the resolution? All those in favor of adopting this resolution, please raise your hand and say aye.

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

NOES: NONE.

CHAIR LEE: Alright. There are nine "ayes", zero "noes"; motion carries.

Mr. Clerk, is, is Ms. Puppolo in the audience?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Could you please call her up to the podium? Good morning, Linda.

MS. LINDA PUPPOLO: Good morning, everybody. Good morning, Councilmembers. Good morning, my OED staff.

COUNCILMEMBER KAMA: Good morning.

MS. PUPPOLO: Good morning my partners in crime. I'm very emotional. I'm very honored. I brought the trophy. I named her Venus. The last couple of months have been, there've been many pinch-me moments. We worked really hard over the last couple of years, but nobody does this without help. I have a staff that I can't tell you with me leaving to go to the Pacific Cancer Foundation, it doesn't matter. The staff is the staff, and they are awesome, and you have, you know, you have the best people in place.

I want to acknowledge JoAnn Inamasu, thank you for your leadership. I want to acknowledge Mayor Victorino, thank you so much for giving me the opportunity to work in government service, something that I've wanted to do my whole life. I want to thank my staff Maureen Harvey, Rapid Response Coordinator; Chase Nomura, Program and Fiscal Specialist for the Maui County Workforce Development Board. I want to thank my OED folks who are in the audience today. Thank you so much for showing up in support of me. I so much appreciate you.

I want to thank Joan Tsuji from Workforce Development Division; Sonja Spring; Karen Arakawa, the manager of the AJC; all the people from Workforce Development Division, Kevin Kimizuka, all those guys; and Chentelle Rowland, who is our provider for the Goodwill Program for the Adult and Dislocated Worker Program; and our new provider Kealoha Daubert, who's our Youth Program Coordinator. And big thanks to Karen Hanada and Keku DuPonte from UH, who held the program together for quite a long time. Nothing happens in awards unless you have that kind of leader, that kind of work together. Oh, I also want to thank Nicole Fisher, our webmaster. Nobody is like Nicole Fisher. She's just been a great support behind everything. So, we've been very fortunate, Juli Patao from UH. We've been very fortunate to have all these people in our lives with a great relationship with UH and the other State and County agencies. I couldn't have done it without any of them.

I'm really honored. Thank you so much for acknowledging me. And I have worked with all of you. I love you all. And onto community service, because that's, if you can do it, let's do it. Thank you so much.

CHAIR LEE: Thank you. Member Sugimura, you have a lei to present?

COUNCILMEMBER SUGIMURA: Yeah, so if you could stay there, Linda. And if the Members would like to congratulate her, I have the certificate and I have some flowers for her also. Thank you. Stay right there, Linda.

Chair, if you don't mind, I would like to have JoAnn say a few words, as the Director for the Office of Economic Development, as well as I would love to take a group picture with Linda Puppola. Thank you.

DIRECTOR OF ECONOMIC DEVELOPMENT JOANN INAMASU: Aloha, Chair. Aloha and good morning, everyone, all Members. Thank you so very much. We are very proud on behalf of our team, the Office of Economic Development team, which Linda is part of. We'd like to thank you for the recognition, and we are very proud of Linda and what she's accomplished and being part of our office. And we do a lot in our office, and I think all of you know. And to have a program be so outstanding and be recognized on the national level is incredible. So, congratulations, Linda, bringing it to the 808 and to Maui as well. So, mahalo, everyone and mahalo, Council. Mahalo Chair. Thank you very much.

CHAIR LEE: Thank you, Ms. Inamasu.

COUNCILMEMBER SUGIMURA: Chair, can we do a group picture?

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Yeah, over there, we'll go. Thank you.

CHAIR LEE: Members, do you want to take a short recess?

COUNCILMEMBER SUGIMURA: Yes, can we do that?

CHAIR LEE: Okay, five, five minutes.

COUNCILMEMBER SUGIMURA: We have the OED staff who helped?

COUNCILMEMBER KING: Chair, we can take a--

CHAIR LEE: --recess for five minutes.

COUNCILMEMBER KING: We can take a recess, but can everybody stay on the screen? And then we, if we take the picture in front of the screen, then you can all be in it.

COUNCILMEMBER SUGIMURA: Good.

CHAIR LEE: Okay, so 9, let's see, 45.

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER KING: Okay. But stay on screen if you're not in the Chambers.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:38 A.M., AND WAS RECONVENED AT 9:45 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Maui County Council meeting and public hearing of May 26, 2022, please reconvene.

Clerk.

RESOLUTION
NO. 22-135

RECOGNIZING MAY 20, 2022, AS
ENDANGERED SPECIES DAY IN THE
COUNTY OF MAUI

CHAIR LEE: Member King.

COUNCILMEMBER KING: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTION 22-135.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Sugimura, to adopt Resolution 22-135.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. In honor of our folks who are here and who've already testified, I'd like to read the resolution myself, entitled "RECOGNIZING MAY 20, 2022, AS ENDANGERED SPECIES DAY IN THE COUNTY OF MAUI".

(The resolution was read in its entirety.)

COUNCILMEMBER KING: And if I may, Chair, just propose to add Hannah Bernard with the Hawaii Wildlife Fund.

CHAIR LEE: Any objections, Members, to that?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. And so, discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. May 20, 2022, is Endangered Species Day recognized by people around the world. Sadly, it is now generally accepted that we are in the midst of the sixth mass extinction caused by human activities. Moreover, Hawaii is known as the endangered species capital of the world, because although the islands make up only .25 percent of the area of the United States, 25 percent of endangered species call Hawaii home. Many of the species are endemic, found here and nowhere else on earth.

In a September 29, 2021 news release, the Center for Biological Diversity reported nine additional species from Hawaii were lost to extinction. Maxx Phillips, Hawaii Director and staff attorney for the Center said, "of all the species listed as endangered or threatened in the United States, nearly a third are Hawaiian".

Sadly, today's Honolulu Star Advertiser article entitled "Endangered species' habitats not protected, group says", starts off with the following: "The U.S. Fish and Wildlife Service was put on notice Wednesday that it is being sued for failing to designate and protect critical habitat for 49 endangered species found nowhere else but Hawaii". The reality is that without habitat protection, and this is a quote from Maxx Phillips, "these species will continue on a path toward extinction", said Maxx Phillips, Hawaii Director at the Center for Biological Diversity, the nonprofit organization that filed the 60-day notice of intent to the, to file suit. Clearly, we have much more work to do, including bringing attention to the problem. Some examples of Hawaiian endangered species include Nene, Hawaiian goose; Honu, green sea turtle; and I did not practice this ahead of time, 'Ilio holo I ka uua, translating to a dog that runs in rough water, which means the Hawaiian monk seal.

Thankfully, we have many organizations working to protect these vulnerable species and we recognize just a few of them today. Jay Penniman, of the Maui Nui Seabird Recovery is here, and also Jeff Bagshaw from DLNR. I'm not sure if there is anyone here from Maui, from Maui Nui Marine Resource Council. But I ask for the Members full support of this reso, this important resolution as we move forward in our work to protect our endangered species.

CHAIR LEE: Thank you very much for that. Members, any more discussion?

Member Sinenci.

COUNCILMEMBER SINENCI: Mahalo, Chair. And mahalo to Councilmember King for introducing this important resolution on behalf of endangered species. Especially here at home where our natural environment is the hallmark of our islands. The American Bird Conservancy declared Hawaii as the most threatened bird habitat in the United States. Over 10 species of birds have gone extinct, as mentioned by Member King. These include the Ākepa, Nukupu'u, and Po'ouli birds of Maui, and the manu Kākāwahie of Molokai. Other endangered bird species are the Hawaiian Hawk or 'Io, whose existence is threatened by declining forest areas, illegal hunting, starvation, and predation. Also, the Crested Honeycreeper, 'Ākohekohe, whose numbers dropped drastically, leaving only 3800 birds left in the world.

There are many things we can do as a community to protect our endemic species. But we can enact and support laws to protect the environment and the public trust. We can volunteer or donate to a local wildlife refuge. We can use native plants for landscaping. Recycle and buy sustainable products. And we also can respect native species in their natural habitat.

Members, it is my sincere hope that more public education be promoted at all ports of entry, so that a greater appreciation of these endangered species be acknowledged, as part of Hawaii's heritage. So, again, mahalo for the resolution.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Member King and Member Sinenci certainly said it all. And I just wanted to add my appreciation to individuals like Mr. Penniman, Mr. Bagshaw and all of our environmental champions out there. You know, for example, you, myself, and many others who grew up here, remember Maui when there were a lot more species here than is currently now. So, it's very heartbreaking to hear how much species have been lost. So, it's all about education and awareness to ensure that what we have here today can at least be preserved for our future generations to experience. Thank you, Member King, for this resolution. I whole-heartedly support this. Mahalo, Madam Chair.

CHAIR LEE: Thank you, Member Molina. Anyone else?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Thank you, Kelly King, for bringing this forward. And I'm sure that this will be unanimously approved, and very valuable. I think it's at a time when we look around and we realize the, the importance, and how precious our environment is. And I always say living Upcountry, we live in the, you know, not only breadbasket, but we have such a beautiful environment.

And when I think about growing up, we used to have a pond in our yard, and I remember one day, my dad said come, come, there's a 'Auku'u in our yard and he took a picture of it. And from that day forward, I just thought, there's, there's a bird here that we never saw, you know, cause we had mongoose, I'm sorry, Mynah bird and, you know, we had other birds, but not that beauty of that 'Auku'u.

But that's the environment that we grew up in and I, too, value the words spoken. And I believe also Jeff Bagshaw, with his communications effort that he does on behalf of the DLNR is very, very valuable, and I appreciate him speaking today. So, I support this resolution, and look forward to unanimous support. Thank you.

CHAIR LEE: Thank you. Anyone else, Members?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I also would like to offer my sincere mahalo to everyone that is raising awareness about the endangered species. And I just wanted to say, you know, we, as human beings, are not separate from nature. We're not separate from all the various species. We're, we're a part of nature. And in the extinction of these species, it's really the extinction of ourself that we're facing, because we cannot survive with just a few or a handful of species. Each additional species that goes extinct is a part of ourselves that's going extinct. And so, you know, I urge folks to do what they can, and not to fight the extinction of species by cutting ourselves off from nature, but to participate fully in the reforestation, to participate fully in the cleaning of the oceans, and, and just to be a part of nature once again as our ancestors from long ago were. Thank you.

CHAIR LEE: Thank you, Member Paltin. Anyone else?

COUNCILMEMBER KING: Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING:

YES, I'D JUST LIKE TO ALSO MOVE TO ADD TO THE
RECIPIENT LIST SARAH MALICK-WAHL, WHO'S WITH THE
FOREST BIRD RECOVERY PROJECT AND WHO TESTIFIED
TODAY.

If there are no objections?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

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

COUNCILMEMBER KING: And I also wanted to let folks know, you know, we do have, we do have some of our endangered birds that accessible to us. This picture that is in my virtual background, I actually took this up at Hosmer Grove. And I think when this bird visited us during our picnic, there were about ten cameras that went off around us. But, you know, this is, this is really a valuable, an opportunity, I think, for us to recognize and then to go out into nature ourselves and appreciate what is still here. Thank you.

CHAIR LEE: Very good. Anybody else, Members? If not, all those in favor of the motion to adopt the resolution, please raise your hand and say "aye".

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

NOES: NONE.

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

Member King, did you wish to have a guest come up to speak?

COUNCILMEMBER KING: Yes, Chair. We, we already had Jay Penniman and Jeff Bagshaw come up and speak earlier. But I'd like to ask them to come to the podium and receive lei and thank them for their activism as well. Because, you know, while they recognize that this Council has been proactive and progressive on these issues, we do it with the support of folks like this, who are, who have the science that we need to back up our actions. So, these are the real experts. And if you could come down, Jay and Jeff, to the podium. And I'd just like to recognize them with a round of applause, and some leis, so thank you. If there's anything else you'd like to add to what was said earlier, feel free.

MR. PENNIMAN: Mahalo to the entire Council, and for all the support. I would like to recognize also, I don't do this alone, I have a fantastic staff. They work out of the University of Hawaii, the Pacific Cooperative Studies Unit, just as the forest bird people

do, the invasive species committee people do. And all of these people are the reason that we have the successes we have.

I can share just one for the 'Ua'u, the Hawaiian Petrel. When we started working after the Department of Land and Natural Resources put a ungulate-proof fence around Nakula/Kahikinui, we searched over several thousand acres. We found eight 'Ua'u burrows, this was in 2014. This year, we have over 100 burrows up there. And, and the same thing has happened at Kamaole III Beach Park, where the Council has supported us, the Office of Economic Development has been a grant source for funding there where we control the predators and work on the habitat. And we've gone from just a handful of birds down there to several hundred. And it's just, we are having some successes. We have many more challenges to go, but we do have some successes. And it is the support of all of our community that makes that possible. Mahalo.

CHAIR LEE: Thank you.

COUNCILMEMBER KING: Jeff, do you want to?

MR. BAGSHAW: Just one quick do-over, I forgot in my earlier comments. I'm sorry. What I supplied to each of you is just a very brief overview of a State action plan that is unique to Maui Nui. Our branch of Division of Forestry and Wildlife has put amazing resources together to bring scientists, map these endangered species and try to maximize, where it's basically triage, to maximize how many we can save and where we can do that. So, it's the first comprehensive plan. And Maui County is leading the way. The other branches for Oahu, Kauai, and Hawaii Island are now trying to formulate the same plan.

So, but as Jay said, and as Linda said before, everything is done with teamwork, and we're no longer in silos. That's what I really find hope in, that by agency, by County, State or Federal, we're no longer in silos. And that Hawaiians recognized a long time ago that the land and the ocean are both aina, and everything is really connected from seabird poop fertilizing the forest, as Jay always likes to talk about, all the way down. So, mahalo for your work as well. Thanks.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Thank you very much.

COUNCILMEMBER KING: So, Chair?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Could we maybe take a two-minute break and get another photo, and ask all of you virtual to stay on, on the screen? We'll take a picture in front of the screen again with Mr. Bagshaw.

CHAIR LEE: Members, any objections to a two-minute recess?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, recess until 10:07 or 10:06, depending on your watches. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:04 A.M., AND WAS RECONVENED AT 10:08 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Maui County Council regular Council meeting and public hearing of May 26, 2022 please reconvene.

Mr. Clerk, are we done with the ceremonial resolutions?

DEPUTY COUNTY CLERK: Yes, Chair. The next item on the agenda is setting the Consent Calendar.

SET THE CONSENT CALENDAR

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

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I would like to request County Communications 22-128 and 22-129 be pulled from the Consent Calendar and referred to PSLU if there is no objection.

CHAIR LEE: 128 and 129.

DEPUTY COUNTY CLERK: Chair.

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Those items are already not on the Consent Calendar.

CHAIR LEE: Thank you, because I was looking for them. I couldn't find them.

COUNCILMEMBER PALTIN: Oh, sorry.

CHAIR LEE: So, Member Paltin--

COUNCILMEMBER PALTIN: I got a old version of the agenda.

CHAIR LEE: Alright. That's okay. Anyone else?

COUNCILMEMBER KING: Chair.

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: I think, well, camera back on? I think one of the problems is that the first page starts out "ACTION ON THE CONSENT CALENDAR" and says, "COUNTY COMMUNICATIONS". And then the second page starts out with "COUNTY COMMUNICATIONS". So, I believe all of the items on the first page are the only ones that are on the Consent Calendar? Is that correct? The County Clerk is nodding his head.

CHAIR LEE: Yeah, starting with 22-113.

COUNCILMEMBER KING: To 22-123.

CHAIR LEE: Is that what you have? Alright, let me see now.

COUNCILMEMBER PALTIN: Sorry, Chair, I wasn't looking at the one we received this morning. I was looking at the old one.

CHAIR LEE: Okay. Alright, that's fine. Alright, Members. Do you want to delete, I mean, take off any of these? Pull any of these? If not, so ordered.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, Chair?

CHAIR LEE: Yes? Do you have--

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I didn't raise my hand.

CHAIR LEE: You didn't raise your hand. Okay.

Alright, Mr. Clerk, can you please proceed with the minutes? Oh no, I'm sorry. It's the public hearing with the, the public testimony.

DEPUTY COUNTY CLERK: Yes, Chair. Proceeding with the presentation of testimony. Members of the public may testify in the Council Chamber, at courtesy testimony sites, or remotely through the information listed on the meeting agenda and the public hearing notice.

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

Testimony is limited to the items listed on the agenda 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 if you are participating remotely. 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 Maui Community Media, Channel 53, or on mauicounty.legistar.com. Individuals may also be disconnected from the virtual conference at any time for breaking decorum.

Chair, the first person we have signed up to testify is Cody Pueo Pata in the chambers. To be followed by Peter Cannon.

CHAIR LEE: Before we have Mr. Pata, I just want to clarify that on the Consent Calendar, there were no changes, requested changes to the Consent Calendar, so no objections to setting the Consent Calendar.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Oh, what happened to the sound? So, the Consent Calendar is set. Now, we shall begin testimony.

Good morning, Mr. Pata.

PRESENTATION OF ORAL TESTIMONY

KUMU HULA CODY PUEO PATA (testifying on Committee Report No. 22-42):

Aloha pumehana mai, Chair Lee and esteemed County Councilmembers. I am Pueo Pata, and I took personal time off from my County position to testify here today, in my capacity as a citizen of Maui County, Kumu Hula, and as a recognized practitioner of various other 'oiwi arts.

I completely regret having learned these things to . . . said no one who has ever had the opportunity to do so. When I began my own learning journey in 1991 at the age of 16, the opportunities to learn what I know were still around. Because of my activities in halau back then and soon after through my association with the Alu Like Kupuna Program, after I graduated high school in '93, I was consistently around manaleo, or native speakers and kupuna practitioners of our community, who because I was already speaking Hawaiian, shared so very much with me.

Although I'm conventional, those were some of the opportunities available to me at that time. Today, every single kupuna and master that I've learned from, has since passed away. So, I'm so grateful that I had those opportunities. You may also remember from my previous testimony that I lived and worked with my own seven masters for the duration of my apprenticeship underneath them which spanned twenty years from 1991 – 2011, when the last of my masters passed away.

In that span of years with them, not one of them had a permanent or consistent space to teach from, and in looking back, they were quite resourceful in how they either found or created spaces and opportunities for us to learn at their own expenses or sacrifices. And when I look at our Kumu Hula here on Maui, we all share similar experiences on our learning journeys, which by default also makes us environmental champions, who from the beginnings from our own lineages continue to teach about our intrinsic connection to and the importance of our environment. And we continue to assert that we and our traditions are important parts of and inseparable from this natural environment.

For so many reasons, I do not see the same opportunities present in our community at this time for the perpetuation of the unique sets of knowledge and practices that are so intrinsically a part of the fabric of our modern-day Maui Nui that they're almost easy to take for granted. Pull those things from our community, from our environment, we might as well be in Southern California.

The Hālau of 'Oiwi Art will provide many such opportunities for the future masters and practitioners of our Maui Nui community. Although the main subjects to be taught there are firmly rooted in Hawaiian culture, they're available to every member of our community regardless of ethnicity, creed, or homeland of origin. And this unique type of knowledge perpetuation is a benefit of our island, for our entire County, for our environment, our State and even the world.

So, I humbly urge you to fund the Hālau of 'Oiwi Art and create an enduring safe and nurturing space of opportunities for our entire community. Mahalo so much for your time and consideration.

CHAIR LEE: Thank you, Mr. Pata. Are there any questions, Members? If not, thank you very much.

Mr. Clerk.

KUMU HULA PATA: Thank you, and also to the Councilmembers who came to the open house the other night, Chair Lee, Member Sugimura, Member Molina, and Member Kama. Mahalo nui. Aloha.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Peter Cannon. To be followed by Jill Wirt.

MR. PETER CANNON (testifying on Committee Report No. 22-42):

Good morning, Councilmembers. I hope you can hear me.

CHAIR LEE: Yes, we can.

MR. CANNON: Thank you. My name is Peter Cannon, I'm a board member for the Mā'alaea Village Association. I'm board president for the Hono Kai Condominium. I'm co-chair with Tapani Vuori on the steering committee for wastewater at Mā'alaea.

Our County Charter recognizes that the County government has a duty to control pollution and to protect the unique beauty of Maui County. Mā'alaea Bay is a resource

that needs protection. Sewage and sediment have been seeping into the bay for years and the County needs to act. The issue is not whether the well should be replaced, but rather who should be taking action to prevent further harm? And while we debate this issue, the problem only worsens.

Council is correct, we can use the State Clean Water Revolving Fund to improve the injection well situation at Mā'alaea. The Department of Health has confirmed that the SRF is appropriate. I believe that we have a responsibility to do so. Currently all condominium wastewater permitting that require Department of Health approvals in Mā'alaea have a clause requiring that their injection well system be shut down and they join the regional system when it becomes available. The Department of Health is totally behind the regional system.

As an example, I serve as board president at Hono Kai. We've been ordered by the Department of Health to replace our aging wastewater plant. Joining the regional wastewater system is a requirement in our permits. Hono Kai chose to build a military type, modular plant that is above ground that can be sold when the regional becomes available.

You may have received testimony against the regional system from owners at the Lauloa Condominium. They too were ordered by the Department of Health to replace their injection well system. There was a bitter fight at this condo. The previous board had a above ground system, all permitted and ready to go, just like Hono Kai that would have cost less, could have also been sold, but the other factions did not want to look at it. They wanted it buried and they won. The Lauloa has buried a million dollars in the ground, and it is not recoverable once they're ordered to hook-up to the new system. This is the real reason why you might see negative testimony coming from Lauloa owners.

Another point, NVR systems are modular, they can be large or small. The idea of smaller, diversified regional systems instead of a huge centralized system like Kihei or Lahaina, can work in the smaller communities like Haliimaile or Haiku, or parts of Upcountry. This is a solution to get off of the cesspools. Mā'alaea Regional Wastewater System can be a model or a proof of concept for other communities on Maui. You will find that the cost for flushing toilets will come in far less than the cost per toilet when building the new Waikapu plant. Smaller regional plants are economically feasible for other communities and the Mā'alaea plant can set the example.

Lastly, I've heard criticism. I'll finish. We are at a crossroads, we should not fear, let fear keep us from leading. We should be courageous and do what we think is right. Maui island deserves nothing less. Thank you.

CHAIR LEE: Thank you, Mr. Cannon. Members, any questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Mr. Cannon.

MR. CANNON: I'm hearing an echo. Go ahead. I'm sorry, if there's a question, I couldn't hear it.

CHAIR LEE: Member Sugimura.

MR. CANNON: Standing by.

COUNCILMEMBER SUGIMURA: I have a question, there, I have a question, Mr. Cannon. Thank you very much for your diligence on this and representation all these years for the Mā'alaia Village Association and this wastewater reclamation system. As you know, when the, when the \$9.5 million came up in the budget to use the State Revolving Loan Fund, I was a lone voice that voted against it because of two things. And you mentioned in your testimony, which I didn't realize you had a letter from Department of Health saying that you needed to, now I wrote your words, joining the regional wastewater system. And we have the Central Maui Wastewater Reclamation Facility being built, which is in your neighborhood, sort of, if you're in the Wailuku area, and that it is available for the Mā'alaia Wastewater Reclamation, Mā'alaia Village Association to join, to come and be a part of that.

CHAIR LEE: Member Sugimura. Member Sugimura. Member Sugimura, do you have a clarifying question?

COUNCILMEMBER SUGIMURA: My question is, my question is that correct that the Department of Health sent you a letter saying that you should be joining the regional wastewater system?

MR. CANNON: It wasn't a letter. It was a requirement in the permit to build the new system. We're required to build a new system. That's an order from the Department of Health. In it--

COUNCILMEMBER SUGIMURA: To join the existing, did they, did they also say for you to join a regional wastewater system.

MR. CANNON: Yes.

COUNCILMEMBER SUGIMURA: I think that's what you said.

MR. CANNON: Yes, that's correct. When it becomes available.

COUNCILMEMBER SUGIMURA: And it's going to be available in 2027, Chair. You know, you justified, you know, my vote basically. So, thank you very much. Appreciate it.

MR. CANNON: Well, let me clarify. It cost much more to pump uphill to Waikapu than it does, is to build a regional system in Mā'alaea. We keep the assets and the water in Mā'alaea and it's, it's just cheaper, cheaper, and easier to run, plus the cost of managing and pumping, the operational costs is going to be higher than having a local system right there.

CHAIR LEE: Thank you, Mr. Cannon. Thank you. Appreciate it.

COUNCILMEMBER SUGIMURA: I'm sorry. I'm sorry. Thank you.

CHAIR LEE: Any other questions?

Member King.

COUNCILMEMBER KING: Thank you, Chair. So, Mr. Cannon, the regional system that you were talking about would also be completed much sooner than the, than the new Central Maui Wastewater Treatment Plant, is that correct?

MR. CANNON: That's correct. They can be built in less than a year and the only thing that would hold, hold it, make it longer would be the permitting requirements. So, and both the local Maui Planning Department has given us a fast-track and way to do it, combine permits together, and the Department of Health is 100 percent behind making this happen. Yes, much faster.

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

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Cannon. Mahalo for your testimony this morning.

Just a quick question for clarification, how much is the total cost of the project that you're proposing?

MR. CANNON: 9.5 million, the amount that you've put into the budget.

VICE-CHAIR RAWLINS-FERNANDEZ: I mean the total costs?

MR. CANNON: That's the total costs. That covers it--

VICE-CHAIR RAWLINS-FERNANDEZ: From start to end?

MR. CANNON: --start to end, that's what we're expecting. That's the math that we've been doing for all these years, we've come to that conclusion.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay, cause we've received testimony otherwise. Okay.

Mahalo, Mr. Cannon. Mahalo, Chair.

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

Mr. Clerk.

MR. CANNON: Thank you.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Jill Wirt. To be followed by Kathy Hi'ilei Maxwell-Juan.

MS. JILL WIRT (testifying on Committee Report No. 22-42):

Aloha, good morning.

CHAIR LEE: Good morning.

MS. WIRT: Jill Wirt, a project and research coordinator with Maui Nui Marine Resource Council. Maui Nui Marine Resource Council testified via email earlier this week in strong support of the Mā'alaea Bay Wastewater Reclamation System. But I just wanted to take a minute to talk with you in-person about why this wastewater system is urgently needed and has an important place in the 2023 Maui County Budget.

We're talking about reversing the pollution that's been decimating the coral reefs of Mā'alaea Bay. The reefs are in serious decline largely due to pollution. If we don't act quickly, we're likely to lose the reefs and the limu, fish and marine wildlife that is part of the reef ecosystem in Mā'alaea Bay. We're talking about cleaning up the pollution and a shared community resource, the Mā'alaea, the waters of Mā'alaea Bay.

Visit the area, you'll see people fishing, surfing, paddling, diving or just spending time with their kids. When the . . . break is happening there can be hundreds of surfers in the water. Two of Maui's canoe clubs paddle in this Bay, including the pink paddlers cancer survivors. Let's take care of this community resource and stop the pollution that's ruining it.

When I'm talking about a wastewater plant, it's not like the big Kihei Wastewater Plant. This is a new higher tech system of treating wastewater called a membrane bio reactor that's in use around the United States. There's no odor, no open pools of water or sewage sludge. It occupies a small footprint. It produces higher quality R-1 than any of Maui's current wastewater plants and best of all, it's modularized and easy to install. It can be up and running in a year, pending permits.

For all these reasons, please keep the \$9.5 million for this system in the 2023 Maui County Budget. The reefs cannot wait years. We need to act now. Please support Bill 69 in the Operating Budget created by the County Council which includes \$9.5 million in funding for the Mā'alaea Wastewater Treatment Plant. Please also support Bill 73 which authorizes Maui County Mayor Victorino to enter into an intergovernmental agreement to finance the West Maui Recycled Water System Expansion and the Mā'alaea Regional Wastewater System. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual we have signed up to testify is Kathy Hi'ilei Maxwell-Juan in the Chambers. To be followed by Paulo Faleafine, Jr.

KUMU HULA KATHY HI'ILEI MAXWELL-JUAN (testifying on Committee Report No. 22-42):

Aloha mai kakou. My name is Kathy Hi'ilei Maxwell-Juan. I represent my family's legacy, Pukalani Hula Hale, which has been in existence since 1966. I have been a Kumu Hula since 1986 alongside with my mother, the late Nina Maxwell. My 'ohana comes from this ahupua'a, my dad is from Waikapu, my mom is from Waiehu. I currently live in Wailuku for 16 years.

Mahalo for this opportunity to testify in strong support for the funding of the Hālau of 'Oiwī Arts. I would like to send my aloha to you and to all my many Kumu and supporters of the Hālau of 'Oiwī Arts. For many years our Halau has been a part of the community island wide with thousands of haumana benefiting from our teaching.

The same is true with the other Kumu here today. Many of our haumana grew up with halau and has taken its way of lifestyle through them, through adults and through their families, learning to preserve, protect, not only the Hawaiian cultures, values, but being leaders with environment from the mountains to the sea. We value and want to protect, preserve what we have in our island home, seeing climate change, food shortages, global pandemic, the valuable lessons are available through halau.

I know HOA will have direct effect on the community in this way. It has been a struggle finding facilities to hold our cultural hula practices. My mom was taken to court in the early '70s for teaching hula in her garage. I could not understand why back then, this was our culture. Why was this happening to us? We should be able to have done this. Since then, we've been going through schools, classrooms, cafeterias, community centers, and parks. There is no venue for us. How is this that our host culture has not been facilitated and taken cared of all these years?

Hula and cultural practices is as important as sports. I know the Hālau of 'Oiwī Arts will be just the place all halau can call home. With my many years in halau and being a Kumu Hula, I am confident that the HOA will be an asset for our community and our island knowing that Maui will be the leader to facilitate this great space for all cultures to benefit from. That is No Ka Oi. Mahalo for your time. Please vote for full funding of the Hālau of 'Oiwī Arts. Mahalo.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next individual signed up to testify is Paulo Faleafine, Jr. To be followed by Anne Pernick.

MR. PAULO FALEAFINE JR. (testifying on Committee Report No. 22-42):

Aloha, Council.

CHAIR LEE: Aloha.

MR. FALEAFINE: I'm Paulo Faleafine, I'm with the nonprofit Nā Mea 'Ike 'Ia. I'm testifying in support of the Ho'omāhūa Initiative. I'd like to thank representatives Kelly King for allowing us to present to the CARE Committee representatives, Shane Sinenci and Tamara Paltin and Kelly King as well for setting aside funds in the budget to move forward on a pilot project for this initiative. The progress we've made is we've managed to bring some amazing technology partners out of Silicone Valley to work with us to

move forward on this smart tourism concept. And with, with that, all of the support that the County Council has provided from passing Resolution 21-170, to the funding support has motivated the Administration to reach out to us, telling us to work on a side project that can help bolster this concept of smart tourism. So, thank you all for everything you've done to really help us move into, move forward into this direction.

The other item I'd like to quickly discuss is, we are having a "Wear Orange" event here. It's our first one on Maui, and this is part of the National campaign to end gun violence. This is being done in partnership with the Noah's Arc Foundation, who's done this work out of Chicago with "Wear Orange" and now they want to bring this here to Hawai'i. So, we're working with them, we'll be doing this of the 4th of June at the Hawai'i Wildlife Discovery Center partnership with Hannah Bernard and her folks there. So, thank you for that and we'd encourage any of the Members if they want to support, to please come. It will be a short event that we work with the kids.

But thank you all for your support and gaining the administrative support because of your efforts as well to move this forward for next year's fiscal budget, and we look forward to working with you. Aloha.

CHAIR LEE: Aloha. Members, questions?

Member King.

COUNCILMEMBER KING: Just, thank you, Chair. Just real quickly, Paulo, is that event up at the Ka'anapali site?

MR. FALEAFINE: Yes. It's going--

COUNCILMEMBER KING: Okay.

MR. FALEAFINE: It's at the, they're at Whaler's Village on the third floor.

COUNCILMEMBER KING: Okay. Just wanted to verify. Thank you.

Thank you for your testimony.

MR. FALEAFINE: Thank you.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Anne Pernick. To be followed by Dick Mayer.

MS. ANNE PERNICK (testifying on Resolution No. 22-133):

Aloha, Chair Lee and Councilmembers and many thanks for the opportunity to speak with you today. My name is Anne Pernick and I am paid staff at Stand.earth, working with the SAFE Cities and Fossil Fuel Non-Proliferation Treaty Teams. I am testifying in support of Resolution 22-133, "AFFIRMING THE COUNTY OF MAUI'S ONGOING COMMITMENT TO THE GOALS OF THE PARIS CLIMATE AGREEMENT AND ENDORSEMENT OF THE FOSSIL FUEL NON-PROLIFERATION TREATY". I want to thank Councilmember King for her leadership in introducing this resolution. The Fossil Fuel Non-Proliferation Treaty is a global initiative to phase out fossil fuels and support a just transition to renewable energy.

As the latest IPCC report and Russia's invasion of Ukraine make even more clear, bold and immediate action is needed to address the climate and fossil fuel emergency. The main cause of the climate emergency is fossil fuels. Coal, oil, and gas are responsible for almost 80 percent of all carbon dioxide emissions since the industrial revolution. Yet, over the next decade the fossil fuel industry plans to produce enough fossil fuels to far exceed the Paris Climate goals. Fossil fuels also endanger our health and safety in all communities and especially in communities that are sites of major extraction, production, and use.

The Paris Climate Agreement does not name fossil fuels and complementary action to stop fossil fuel expansion and phase out fossil fuels is necessary for the goals of the Paris Climate Agreement to be realized. The treaty is a critical complementary action. Support from the County of Maui and other local governments around the world is critical to achieve the international action for the treaty. As many speaking before me today have also noted, this Council is doing critical work to protect Maui County's environment and beauty, and you've also taken bold action on the need to move off fossil fuels. Because of that commitment and action, as well as the impacts of climate change on Maui County's world renowned beauty, a treaty endorsement from the County of Maui will be especially powerful.

The Hawai'i State Legislature adopted a resolution calling for the treaty earlier this month, the first State Legislature to do so and with Councilmember King's support. That resolution also called for the State and all Counties to endorse. Maui is the first County in the State to introduce a resolution to endorse the treaty and could become the first County in the State to endorse the treaty. So far 51 city and some national

governments around the world have endorsed the treaty and I ask respectfully that the County of Maui endorse this resolution and lend your important voice to this effort. Thank you very much.

CHAIR LEE: Thank you. Members, questions?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I missed what item it was you were testifying on?

MS. PERNICK: Yes. It's Resolution, sorry, I just lost my number. Resolution 22-133, "AFFIRMING THE COUNTY OF MAUI'S ONGOING COMMITMENT TO THE GOALS OF THE PARIS CLIMATE AGREEMENT AND ENDORSEMENT OF THE FOSSIL FUEL NON-PROLIFERATION TREATY".

COUNCILMEMBER PALTIN: Thank you. I just had a question, um, fully support, are you also involved in the . . . scheme, cause during the budget this year highway funds were what we couldn't come up with to make our roads safer, which is based on the gas taxes and obviously like you said we don't want to continue to do gas, but we also want to keep our roads safe. So, I was just wondering, are you involved in those efforts to switch the taxation scheme off of fossil fuels?

MS. PERNICK: We're involved in efforts to switch to renewable energy in all sectors of our economy. So I haven't personally been involved in that, in that effort in the County of Maui or Hawai'i, but through Safe Cities and through the Fossil Fuel Non-Proliferation Treaty Initiative, there are many different local policies that we do support, and are happy to provide support, support on. Yes, it is, there are many things to consider in transitioning to clean energy, and how we will support communities during that transition is very, is a very important issue.

COUNCILMEMBER PALTIN: Thank you so much, cause you know, crosswalks and things like that needs funding too, and those blinking lights so people don't get hit. But if we're using taxes off of gas to fund those things and then when we switch to clean energy, it would help if there's big picture solutions as well as more narrow. Thank you, Chair.

MS. PERNICK: Thank you.

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

Mr. Clerk. How many more testifiers do we have?

DEPUTY COUNTY CLERK: Chair, we have about 12 more testifiers signed up.

CHAIR LEE: Okay, good. I see Mr. Mayer, is he next?

DEPUTY COUNTY CLERK: Yes, Chair. The next testifier is Dick Mayer. To be followed by Hokulani Holt-Padilla.

MR. DICK MAYER (testifying on Resolution No. 22-144):

Morning, Councilmembers. I'm not a paid lobbyist. I am going to urge you strongly to pass on to the GREAT Committee, the Resolution 22-144, dealing with Planning Commissions.

I'd like to give some background on what this resolution, what this amendment to the Charter would do: You formerly set up several advisory committees because you couldn't set up these Planning Commissions because it wasn't in the Charter to do so. This will give you the opportunity to elevate the advisory committees into actual planning commissions. What it would mean is that you would have then six on the Island of Maui, six planning commissions, one for each of the community plan districts, and that would be an increase essentially of three committees. Get rid of the three advisory committees, you now have three new ones in the very busy areas, particularly of West Maui, Central Maui, and Upcountry, which do not have advisory committees.

These committees would meet to discuss matters in their own district. And one problem right now, we have the special management area responsibility in the planning commission, but the coastal areas in each area, Hana, for example, has very different coastal issues than let's say Kihei does, or West Maui does. This will allow each commission to interpret and apply the rules separately in their own areas, as well as other things going on in their district.

The second thing in this resolution would involve setting up a countywide planning commission. It would be made up of the chairs of each of the community plan districts, including Moloka'i and Lana'i, where you would have eight, six on Maui, Moloka'i and Lana'i, eight people representing each of the planning commissions or they could choose to have their vice-chair, if the chair happens to be too busy. And then the chair of that countywide one will be appointed directly by the Council, that would make nine members on the countywide body. That countywide body would handle issues that are of countywide significance.

Let me give you a couple of examples. One issue that's come up occasionally is agricultural subdivisions. Right now ag subdivisions do not get any kind of screening by the general public, the planning commission, and very often we don't even know they are going on. Let's say the Council says, we would like regulations for this. That would go to the countywide planning commission, because it would affect the whole County. Another example, would be changes in the zoning code that would affect the whole County.

So, countywide issues would go to the countywide body. It would not necessarily meet every month; it would meet as needed when you refer issues to the planning commissions for discussion. I think each district is now at a stage that we can begin making decisions for our district, rather than relying on one Maui Planning Commission, which might have only one member from that area on the planning commission's countywide, present Maui Island Planning Commission, for example. Which is really not giving the districts in the various communities the opportunity that they need.

So, I hope you pass this on to the GREAT Committee to be put on the ballot, to give the public and our communities the opportunity to establish a bit of self-rule and home rule in each of their own areas. If there's questions, I would love to clarify any need to explain any of that.

CHAIR LEE: Members, any questions?

Member Paltin has one.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Mayer, for your testimony. I was just wondering, currently the practice is if it's a countywide proposal, it will go to the Maui Planning Commission, Moloka'i Planning Commission, and the Lana'i Planning Commission. So you're saying if it's a countywide proposal, then the Moloka'i and the Lana'i Planning Commission would not get to hear it? Is that what you had said?

MR. MAYER: You have the opportunity to refer it. If you think there's special implications for a particular area, you could also refer it to one of these district bodies, it doesn't preclude you from doing it. But it does give the opportunity for the issue to be looked at by all of the things, and make, gosh, one recommendation to you rather than the three separate ones. Or you could say, no, this one really affects Lana'i or Moloka'i. Then you could send it to Moloka'i one and to this countywide body.

COUNCILMEMBER PALTIN: So, so basically you're saying it's still up for discussion on the final way that it goes through the--

MR. MAYER: That would be up to, well what it does, it sets up the body itself, the countywide body. And nowadays with the technology, it does not mean always the Moloka'i and Lana'i people have to come to Maui . . . assume that we go back to the normal thing, because it could do it electronically. But it would allow the whole County to look at it as to how it would affect the whole County. Or you could say no, we would like special reports from Moloka'i and Lana'i on that matter. It's up to you when you refer matters.

COUNCILMEMBER PALTIN: Okay. Thank you for the clarification.

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

MR. MAYER: And I just want to say, I want to thank Councilmember King for putting this out there. I think it would be a major improvement on the way we do planning on Maui, Maui County.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Hokulani Holt-Padilla in the Chambers. To be followed by Kaponu'ai Molitau.

KUMU HULA HOKULANI HOLT-PADILLA (testifying on Committee Report No. 22-42):

Aloha mai kakou.

CHAIR LEE: Aloha.

KUMU HULA HOLT-PADILLA: *[Spoke in Hawaiian.]*

Aloha, I am Hokulani Holt. I live in Kauahea, Wailuku, Maui, and I am a child of this land. For generations on my mother's side, we have been from Wailuku. My grandmother was born in . . . now known as Papohaku Park, and my 'ohana still live along the shoreline of Ka'ehu Bay. On my father's side, are the Holt, Richardson and Kepoikai 'ohana of Wailuku. I am also a third generation Kumu Hula in the hula lineages of Maui.

I am here today to voice my strong support of the Halau of 'Oiwai Art currently in your budget deliberations. I would like each of us in this room, as well as those listening, take a brief moment of reflection and answer these questions. How many of you know

someone who is or has taken hula? How many of you have watched hula at a wedding or baby luau, at the mall, in a hotel, or on TV? How many of you have worn a lauhala hat, given or received a lauhala bracelet as a gift, used a lauhala fan, or walked upon a lauhala mat? How many of you have worn clothing by Hawaiian designers inspired by Hawaiian culture? How many of you have a cherished feather lei? How many of you have attended or participated in a ceremony to bless, open, or begin an important occasion, or place?

As I stand in this room, the two pahu at either side of the Chair's podium have their foundation in hula. How many of you know why is it there and what does it represent for the leadership of this room? If you said yes to any of these things, you have benefitted from 'Oiwī Art. You have been beautified and inspired by what was taught to its maker. You have been moved by depth and breadth of chant and hula and you have benefitted from making Hawai'i your home.

As the leaders of our Maui Nui community, you have unprecedented opportunity to say that you believe and support whole-heartedly the culture that provides for your well-being. By providing full funding now, the Hālau of 'Oiwī Art will be assured of completion and use in a timely manner. Please vote for full funding for the Hālau of 'Oiwī Art. Mahalo.

CHAIR LEE: Questions, Members? If not, thank you very much, Hoku. Good to see you.

KUMU HULA HOLT-PADILLA: Mahalo.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Kapono'ai Molitau in the Chambers. To be followed by Christopher Fiskin.

KUMU HULA KAPONO'AI MOLITAI (testifying on Committee Report No. 22-42):

[Spoke in Hawaiian.]

Simple lessons and it's the second time that I get to be here, up here and I'm not as nervous as the first time around. However, . . . Molitau. I am Kumu Hula of Hālau Nā Hanona Kūlike 'O Pi'ilani and Hawaiian business owner here on Maui, known as Native Intelligence. I stand before you again to testify in strong support for funding of Hālau of 'Oiwī Art in the proposed Fiscal Year 2023 Budget.

As a Kumu Hula in Maui for the past 28 years, and educating hundreds on Maui Nui community and our Hawaiian community at large, the Hālau of 'Oiwī Art will provide a long overdue support space where culture and practitioners that make our home no ka

oi. We as Kumu Hula feel that halau and hula is integral to the culture and our community as a safe place. The word "safe" place.

Hula and halau also represent our islands throughout Hawai'i and the world. Our halau hula on Maui are, have brought so much joy and pride to our island home. And with the establishment of Hālau of 'Oiwī Art this level of excellence will continue and it will only excel. Personally, I've invested majority of my life in hula. I've invested in my community and halau. Many a times I'm not up in front of this kind of public space, because I'm supporting my community as much as I can. These investments are long-term, and the main goal to these investments to our halau community is to make sure we build practitioners for a lifetime in a safe environment.

Furthermore as a cultural center, our community and the world, the Hālau of 'Oiwī Arts will foster relationships, inspire connections and uphold our cultural excellence. You, the County of Maui and all of the world have this amazing opportunity to showcase.

As a Kumu Hula, this space is not only an investment for the near-future, where they'll have lasting impacts in our community for generations to come. Mahalo nui for your time and your support of Hālau of 'Oiwī Art. Aloha.

CHAIR LEE: Members, are there any questions? If not, thank you very much, Kapono'ai.

KUMU HULA MOLITAU: 'Ae. Mahalo. Aloha.

CHAIR LEE: Aloha.

DEPUTY COUNTY CLERK: Chair.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Christopher Fishkin. To be followed by Mike Moran.

MR. CHRISTOPHER FISHKIN (testifying on County Communication Nos. 22-125 and 22-129):

Can you hear me, Chair?

CHAIR LEE: Yes.

MR. FISHKIN: I apologize, my video for some reason is not going on. Thank you. I'm going to be testifying on two items, 22-129 and 22-125. As to item 22-129, the Planning Director's report on status of all active conditional permits. There's at least one permit, which is not on Director McLean's list, and which remains open and active. As such, the records being presented are inaccurate and incomplete by the Planning Department. An Affidavit by Sam Small of a detailed investigation on this has been submitted in support of my testimony.

County records show that there's an open conditioned SMA minor permit issued in June 2000 which developers received two extensions as represented in their environmental studies, order of magnitude evaluations SM220000042 permit number. Also for the record, the valuation which was required to be professionally stamped was by Unemori Engineering. And Unemori is the firm by the way which designed Fairway Subdivision in violation of the grading ordinance. Furthermore my research demonstrates just like with Greg Brown development the valuation for this permit is ten times less than the correct value.

To document this, I personally submitted an RFS for a field inspection on this May 13, in the new COM Connect system, which the Planning Director stopped her inspection supervisor from performing. In response to my RFS, the Planning Department closed my RFS writing on the system on May 19, "Chris Salem unissue".

If I may be allowed a moment of levity, I guess the Greg Brown development violations are also a Chris Salem issue, so we don't need to discuss those, as well as the Upcountry water bill applied island wide, deferral agreement violations, Palama Drive walls designed by Unemori. But here's the issue on the open SMA I'm referring to. My research reveals that Unemori Engineering submitted a sworn statement stating they played no role in that SMA permit, when in fact they're the engineer of record for the valuation for the work which was to be performed and has never been completed to this time, despite the two extensions granted and which Director McLean refuses to inspect and confirm is still open and unfulfilled and would be on that list.

I'm requesting that the record Director McLean is presenting today be rejected and determined to be incomplete until the field inspection requested by me and by others for the past 20 years is actually performed. Litigation cannot be used by Public Works to not perform a field inspection. This has been requested before, during, and after any litigation.

Derek Highland formerly of DSA unofficially inspected and confirmed that the required environmental mitigations and infrastructure improvements conditioned by that permit remain unfulfilled to present time. And pursuant to public County records it was required for subdivision approval. So, it's pretty serious. This simple field inspection

would actually help to resolve, actually resolve for you pending litigation. So, it's really in the public interest, in the interest of the County to, to really re-open my RFS and request that field inspection be done. It's really no big deal to do one. And I'm done on that item. Thank you, Council. Testifying on 22-125. As the Council is aware, the Charter requires--

CHAIR LEE: Mr. Fishkin. Mr. Fishkin.

MR. FISHKIN: Yes, ma'am.

CHAIR LEE: We have a question for you.

MR. FISHKIN: Oh, I'm sorry.

CHAIR LEE: On your first testimony.

MR. FISHKIN: Thank you.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Fishkin for your testimony. My question is do you understand that a conditional permit is not an SMA permit, that they're two different types of permits and that's why it's not on the active conditional permit list?

MR. FISHKIN: Well, Councilmember Paltin, on the communication on the agenda it says Planning Director report--

COUNCILMEMBER PALTIN: It's a yes or no question.

MR. FISHKIN: --on status of all active conditioned permits, conditional permits. And that is, the SMA minor is an active condition, conditional permit.

COUNCILMEMBER PALTIN: No, a conditional permit is a specific type of permit and an SMA permit is a specific type of permit.

MR. FISHKIN: Okay.

COUNCILMEMBER PALTIN: So, this report is on active conditional permits, which is different than SMA permits. So, I just was wondering if you understood that or not?

MR. FISHKIN: No. I did not understand that distinction. Thank you.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR LEE: Any other questions, Members? If not, Mr. Fishkin, you can proceed to the next item.

MR. FISHKIN: Thank you, Chair. As the Council is aware, the Charter requires anticipated revenues to offset expenditures. Unfortunately, my testimony is similar to that in 2012, when I testified, and this issue was also brought to the attention of then Mayor Arakawa and his Administration all the way back in 2001. Despite being noticed, these revenues are still unaccounted for. Now, it took ten years for Public Works to provide a list of thousands of unaccounted for and uncollected developer deferral agreements for all the CIPs which were performed with County funds thanks to the efforts of Christopher Salem.

There is revenue owed by private developers to offset the expenditures of public funds as the Charter requires. Phase 1, 2, and 3 on South Kihei Road is one example. These agreements are nowhere to be found in this budget. For example, there is a current CIP on lower road in West Maui, which is publicly funded, and which construction has commenced. As a staff member of the Office of the Mayor, Mr. Salem notified Public Works they were in violation of the County ordinance regarding the assessment and collection of the agreement, to which Public Works did not respond.

With respect, instead of being considered thorns in your side, myself, Mr. Salem, Mr. Small, should be considered heroes of the public interest. Tens of millions of dollars are owed. If the audit had been done correctly, it would quantify these amounts. After three years of holding on to this audit, the Auditor must at least have the ledgers to these agreements which can be incorporated into a list, so that the Council can be aware of which agreements should be offsetting expenditures in the budget. These are agreements regarding the CIPs wherein construction has already commenced thus triggering their assessment and collection pursuant to County ordinance.

The Council needs to request this list from the Auditor and from the Department of Finance. There was really never a need for an audit. There was a need for an investigation, but the then Council didn't understand their powers of investigation fully. I worked with Kathy Kaohu for Don Guzman to initiate the reso for that audit. Sam Small was designated as an expert by the Council Infrastructure Committee then and made a full presentation. Christopher Salem was hired by Mayor Victorino to complete the legislation to address the assessment and collection. The studies by consultants were acquired by him and provided to the Mayor.

The legislation called the fairness bill was created by Mr. Salem. The Corporation Counsel consistently blocked all the above because I believe they continued writing hundreds of these developer agreements since 2001, never collected with bad fruit in those orchards. The Chair of Infrastructure now has the responsibility to account for these offsets. That is to track these revenues to offset the expenditures of public funds in this budget.

To her credit, Councilmember King brought this matter to the attention of the Council years ago. The Auditor has never interviewed any of those who brought forth the discovery and analysis of these audits and have been the whistleblowers. And now a three-year-old audit, which should have been completed two years ago has been suspended because of a dispute over one of thousands of agreements. In less than a half hour through two simple exhibits, this Council under 3.6 of the Charter, can determine there is no basis for holding up an audit over that single dispute.

Has Auditor, Mr. Taguchi explained this to the Council? I assert that he has not acted independently to both branches of government in this matter, but he has just been serving the interest of the Corporation Counsel. He has only interviewed those responsible for the problem and none of the whistleblower individuals who have all the information, who exposed the violation of the County ordinance relating to these agreements, confronted Public Works successfully to reveal the agreements and were able to get unanimous vote for an audit from a previous Council.

So, I request that the Chair of Infrastructure act to resolve--

COUNCILMEMBER SUGIMURA: Chair.

MR. FISHKIN: I request that the Chair of Infrastructure act to resolve the budget violation of the County Charter immediately by requesting these ledgers. I initially brought this issue to Councilmember Sugimura's attention at budget hearings when she was first running for Council in 2015. Mr. Salem, Mr. Small, and myself are all available to assist her. Thank you.

CHAIR LEE: Thank you. Are there any questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Chair. Chair. I was trying to get your attention. So, sorry about that. I do not appreciate testifiers saying, um, in vain things about our Auditor that is his opinion and not the truth. So, thank you very much.

CHAIR LEE: Members, any clarifying questions?

MR. FISHKIN: Is she allowed to do, is she allowed, that, that's not a clarifying question, Chair. She's not allowed to tell me my opinion is not valid as a testifier.

CHAIR LEE: Any clarifying questions, Members? If not, thank you very much, Mr. Fishkin. May we have the next testifier.

DEPUTY COUNTY CLERK: Chair, the next individual we have, the next individual we have signed up to testify is Mike Moran. To be followed by Paul Deslauriers.

MR. MIKE MORAN (testifying on Resolution Nos. 22-130, 22-131, 22-132, 22-139 & 22-144):

Good morning, Chair King *[sic]*, and Councilmembers. My name is Mike Moran, and I would like to commend President Pro Temp Kama for her opening comments on the madness of the gun violence. And, I mean, it's not we don't want it anywhere, but we certainly don't want it to come here, and if it's not stamped out like any other thing, it can spread anywhere. And we see in these poor communities they say we never thought it could happen here. So, thank you, Councilmember Kama for those words, and that's why I'm wearing my orange shirt this week.

Thank you, Chair. Now, thank you, for the Kihei Community Association, we have several items, but we can kind of group them together so we'll shorten testimony. Starting off with Reso 22-144, and Professor Mayer addressed it in-depth, and we just say for KCA, we are in support of this of having regional planning commissions. We don't feel that the current system works. We have had objections to it for years. Having this sole group of appointed people, and we have heard many, even with Council saying that this system is not fair, where you are given an up and down vote for someone. And so we're in support of 22-144 and thank you Councilmember King for bringing this up and hope we can proceed.

And that leads into 22-139, which is tangentially related, we're having another appointment to the planning commission. And it seems like it's now becoming recycling, that we keep bringing back people that have been there before. And we testified numerous times when that gentleman was there, and he in fact told me on the floor that he wasn't interested in the opinion of KCA, that he was the decision maker, and he would make the decision. So, we're hoping that we can progress somehow, and get a better system in place with the effort, with the advisory committees, but we see, I was one of the appointees to the one for South Maui. But, you know, nothing is happening with that. So, this gives us an opportunity with 144 to hopefully make progress.

And then I'll move on to, I'll just group them altogether, they're all on the same matter, 22-130, 131 and 132 on the proposed project at Hale Waipu'ilani. And honestly 130 is such, such a lengthy that we couldn't get through it in time to talk intelligently about it and we don't think it's fair to say up or down on 131 or 132 without having time to go through all that. But I will say that we were very glad that the developers came to meet with KCA twice and made presentations. But after the first, and then finally after the second presentation, we could not support the project, and we told them so. So, that was our stance at the time. As I said, if we had more time and more volunteers, we could have gotten through 130, but we did not in all honesty.

So, that's it for today, and thank you as always for the opportunity to offer our opinion to this best Council that we have seen in at least in this century. Mahalo.

CHAIR LEE: Thank you, Mr. Moran. We have a question from Member King.

COUNCILMEMBER KING: Thank you, Chair. It's just a clarifying, Mr. Moran, thank you for being here again, Mike as always. But the items that you were talking about as far as the Waipu'ilani development are on the agenda to be referred to committee. So they're not up for decision-making today, but I believe they're going to the Affordable Housing Committee.

MR. MORAN: Terrific. So, we have, we have some extra time to . . . the info. Thank you for that, Councilmember.

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

CHAIR LEE: Thank you.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Nice seeing you, Mr. Moran, in your orange shirt. I just wanted to know if you submitted your letter regarding this. You said your, that the KCA did not support the project and I just wondered, that you said not enough time to discuss it, now it will be referred to committee as Kelly King mentioned, but did you submit what your objections were?

MR. MORAN: We did not. We submitted them to the developer, that's our process.

COUNCILMEMBER SUGIMURA: Oh. But not to us, not to us, because you're testifying, today. Or could you?

MR. MORAN: Yeah, and that's been our practice is we don't share unless the developer wants us to show it.

COUNCILMEMBER SUGIMURA: Oh, okay.

MR. MORAN: We . . . voluntarily. We give them our opinion, but we don't publish what we told them, just a yes or no, up or down--

COUNCILMEMBER SUGIMURA: Oh, I see. I thought maybe you would share with us what the KCA thought. But we'll wait for it to come up before the Affordable Housing Committee. Thank you very much.

MR. MORAN: Developer gives up the okay, we certainly will do so.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Yes, in regard to, the Waipu'ilani project we plan to have it in my committee, Affordable Housing of June 6, for the, for the record. Thank you, Chair.

MR. MORAN: Thank you for the tip.

CHAIR LEE: Thank you, Member Johnson. Anybody else? If not, thank you, Mike.

MR. MORAN: A hui hou.

CHAIR LEE: Appreciate your testimony. Thank you.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Paul Deslauriers. To be followed by Joe Kent.

CHAIR LEE: Morning.

MR. PAUL DESLAURIERS (testifying on Resolution No. 22-144):

Aloha, Chair Lee and County Councilmembers. I am testifying on Resolution 22-144, regarding the Maui Planning Commission. I'm not a lobbyist, and I am personally testifying. After being on the Charter Commission for over a year, we had an opportunity to listen to a lot of testimonies about issues and concerns within our community. We listened to hundreds of them, and I would say by far the biggest has to do with Planning and the way that people do not have a voice sometimes in what

happens within their own local area. It's very frustrating. They feel disempowered. They feel that governance can't be trusted. There's sometimes lack of clarity in terms of what's being discussed about their local area.

So I think that first of all by having these additional six community plan areas in Maui and also with the other two, it gives us then an opportunity for participation which is so crucial in our governance by our local community. They need to have a voice that's heard. And there's a lot of other things that happen as not only a result of this positive repercussion, but again, we have an opportunity then to look at, you know, eliminating steps and really expediting the whole process of, of construction and development. Because you're not going through the additional steps of advisory committees. They're already integrated within. And again, it really supports a greater level of home rule, I think many of us would like to see that so that our community can be more engaged in our decision-making process here within our community.

So, I strongly would like to support Resolution 22-144. Again, Kelly King, thank you for your support as we also looked at that within our own Charter Commission and also Dick Mayer. I think that this is a crucial piece for our community. So, thank you.

CHAIR LEE: Members, any questions? If not, thank you, Mr. Deslauriers. Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Joe Kent. To be followed by Dean Frampton.

MR. JOE KENT (testifying on Committee Report No. 22-42):

Aloha, Chair and Committee Members. My name is Joe Kent and I'm an Executive, I'm the Executive Vice President of the the Grassroot Institute of Hawai'i, which is a 501(c)(3) nonprofit, and for which I'm a paid lobbyist. We are a taxpayer watchdog group that educates about the values of individual liberty, economic freedom, and accountable government.

And I'm here today to testify on the County budget, and give a broader and independent look at the budget. So, the golden rule of government budgeting is that the government should not grow faster than the economy. And that's because the government derives its revenues from the economy so it's more sustainable in the long run if the economy grows faster than government, not the other way around.

The Fiscal 2023 County spending plan has just reached a record high of \$1 billion of spending, and that's 27 percent higher than before the COVID lock-downs. The new spending plans add 232 new employees to the rolls since Fiscal 2019, and that's an increase of 8 percent. Most of the new employees are for Public Works with 52 new workers, 30 new Parks and Recreation workers, 28 new Fire workers, 23 new Police workers, and 23 new Finance Department workers.

The County is paying for this growth partly with \$37 million of increased TAT, and \$118 million in increased property tax revenues which came from higher taxes on high-end real estate and the tourism industry. The County also has a \$26 million cash windfall because of projects that weren't completed due to workforce shortages during the last two years. But the County lawmakers should be cautious to use the current windfall to permanently grow the size of this government especially since its economy is still lagging. Maui's private sector employment has fallen by 2.6 percent, and the jobless rate is still relatively, it's still double what it was in Fiscal 2019. So, in other words, the government is growing, the economy is smaller right now.

And Councilmembers, and I'm going to praise you this one, thankfully lowered property taxes almost across the board and we really appreciate that amongst all categories including for owner-occupied homes, apartments, commercial and industrial properties. Of course, disappointingly we've also had high taxes for short-term rentals and non-owner-occupied homes, but nonetheless, it's not clear how this tax reshuffling will affect future tax revenues, especially if the economy should tank? And the feds just increased interest rates, and they are doing so substantially. We're not sure whether or not this windfall is permanent or temporary. Such a down turn scenario may see Councilmembers raising taxes to support the increased level of County workers. So, thanks for allowing me to testify.

CHAIR LEE: Thank you, Mr. Kent. Any questions? If not, thank you very, oh, we have one.

Member King.

COUNCILMEMBER KING: Thank you, Chair. Mr. Kent, thank you for your testimony. You had a lot of facts and figures in there, which, um, you know, we have been following. But did you send your testimony in written format?

MR. KENT: I have not. I can certainly do that.

COUNCILMEMBER KING: Okay. Appreciate that. Thank you and thank you for being a watchdog.

MR. KENT: Thank you.

CHAIR LEE: Anybody else? If not, thank you very, oh, one more question.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Kent for your testimony. I wasn't clear when you said you were testifying on behalf of the Grassroots. Are you in a paid position or is that a volunteer position?

MR. KENT: Oh, yes. I'm paid by the Grassroots Institute. I'm a lobbyist, so, I'm a paid lobbyist.

COUNCILMEMBER PALTIN: Okay. Thank you for the clarification.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I couldn't write fast enough, Mr. Kent. Can you, and I look forward, I was going to ask if we could have your testimony in writing also. So could you state in short that you're saying that our budget, the economy is, is, hasn't grown as fast as we are increasing our budget?

MR. KENT: That's correct. That's correct. So, the economy has not recovered to its Fiscal 2019 levels yet. The Maui County jobless rate is 4.3 percent compared to 2.6 percent in 2019. Whereas, the County budget is growing employment by 8 percent.

COUNCILMEMBER SUGIMURA: Ah. Thank you.

MR. KENT: Since 2019.

COUNCILMEMBER SUGIMURA: Thank you very much.

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

MR. KENT: Thank you.

DEPUTY COUNTY CLERK: The next person we have signed up to testify is Dean Frampton. To be followed by Barbara Barry.

MR. DEAN FRAMPTON (testifying on Committee Report No. 22-42 and Resolution No. 22-144):

Hi, good morning, Councilmembers. Can you hear me?

CHAIR LEE: Yes, we can.

MR. FRAMPTON: Thank you. My camera is inoperable right now, so just the audio. Good morning, my name is Dean Frampton, I'm testifying this morning as an individual. First and foremost, thank you for your efforts in drafting this massive budget. I'm testifying on item 22-42, which is Bill 73. And I also want to make one comment on 22-144, the two items.

But I appreciate your efforts in this, in drafting this budget. It's a testament to compromise, and you guys have done an amazing job balancing the many, many concerns of our community. So thank you for your efforts. And of course, before I get started, please, please, please proceed with the funding, the full funding of the Hālau of 'Oiwī Arts, please. That's much needed in our community.

But regarding Bill 73, the first \$5 million that are allocated for West Maui Water Recycling in West Maui, that's a great step. In fact, I fully support that funding. I was very happy to hear in the Committee hearing on Tuesday, to hear Councilmember Paltin talk about R-1 water and that we need to view it as source. I really appreciate this message resonating with the Council and gaining traction. So, thank you for that.

My concern with Bill 73 really relates with the 9.5 million funding for the Mā'alaea facility. I appreciate this Council taking action to address the wastewater mistreatment in Mā'alaea. I also appreciate the testimony by Mr. Cannon earlier today. He obviously is committed, he's obviously working towards, very diligently towards viable solutions.

But my concern with the funding is that it seems narrow. It seems like it only allows for one mechanism, and I, and I could be misunderstood here but it does not seem to be flexible and it only allows for a County owned and maintained wastewater facility. And I don't think it allows for design alterations or design alternate considerations. And I'd like to hear from the Wastewater Division. I think Scott Rollins is signed up to testify.

But Councilmember Sugimura brought up a very good point, and my question would be, I would push back a little bit on, on the concept that Mr. Cannon raised about the long term cost of pumping versus the maintenance and operation and staffing of a stand-alone wastewater treatment facility. I think that's a question that should be addressed.

And also probably the bigger question, and it seems like maybe Mr. Cannon's condo has been very diligent in trying to address their concerns, but is that the exception rather than the norm? Because I'm not sure all the other condos have acted the same way. So, does this funding allow for public-private partnership? What will the condo owners be bringing to the table? Every homeowner in Maui County who has cesspools will be facing the same question moving forward. Will it be setting a precedent for that, that question? So, thank you for allowing me to share my concerns about the funding being flexible, and for what degree the condo owners will be responsible for their share of, fair share of the payment and the cost.

The second item I wanted to testify really briefly on is 22-144 and that's Maui Planning Commissions. I fully support people being more involved. I think the County of Maui has a very good planning process. I think, especially with BlueJeans and being in front of the Planning Commission, there are active participation. My, my, there's, I see staffing challenges and I see training issues for individual community plan areas to all have their own commissions.

I think a simple solution or consideration would be advisory committees like we've done in Paia-Haiku and like what we've just done with Kihei. They need to get off the ground and that's what we have in Hana. But I think advisory committees are more appropriate than actual commissions. And that's just my opinion.

And I would what to state, I heard some testimony about people having their voices heard, um, and the difficult things at times is there's a difference between having your voice heard and having things your own way, the way you want them. So, I think we have a very good planning process, and obviously, the more voices the better. And I certainly encourage that, but we also have to be reasonable and effective in our government. So, thank you for allowing me to testify.

CHAIR LEE: Members, questions?

Member Paltin.

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

I just was, um, wanted to clarify your understanding of the advisory committees, was your understanding that they give recommendation?

MR. FRAMPTON: Yes, recommendations--

COUNCILMEMBER PALTIN: And to whom?

MR. FRAMPTON: --recommendations to the Planning Commission, yes.

COUNCILMEMBER PALTIN: Okay. Alright. Thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Aloha, Mr. Frampton. I wanted to ask you a couple of questions. One is on the planning commission proposal, when you said it's one thing to be heard, but another thing to have it your own way. So, if 95 percent of the community comes out to speak to the Planning Commission and is heard, but the decisions go the opposite way, are you saying that that's okay for the community? Cause I think that is what has happened in South Maui.

MR. FRAMPTON: I understand that concern. The, at the end of the day, we have a system where the Planning Commissioners are appointed, and they are entrusted to make decisions. You bring up a very good point, but I can also see things going the other way. It just, I believe we have nine planning commissioners and I don't know that setting up, well, I was going to say that I don't know that setting up a separate planning commission in Kihei would reach the, net the same result as--

COUNCILMEMBER KING: That is kind of the point.

MR. FRAMPTON: Yeah.

COUNCILMEMBER KING: That's kind of the point, because you want the community to be heard and to their collective opinions to be acted upon.

And then the other question I had was, you know, when you were talking about the wastewater treatment facility and asking that folks involved to participate. Are we, have we ever asked any of the Lahaina residents to participate in funding the Lahaina wastewater treatment disinfection, or all of the million of dollars we're putting into that to clean up the Kahekili Bay and those other areas that are being polluted?

MR. FRAMPTON: If I'm a new user and I sign on to the system, I need to pay a connection fee. And I'm one user out of everybody. I need to pay my fair share. And part of my monthly fees that I'm paying to the County includes ongoing maintenance and operations. So, yeah, everybody is paying their fair share. In this case, it appears more like a gift.

COUNCILMEMBER KING: Okay. No, this is, these folks will be paying in sewage treatment fees just like everybody else.

MR. FRAMPTON: Yeah, and I guess the rub is who pays for the improvements itself? The outgoing, the improvements, and that could easily be done. When you look at \$9.5 million, that's approximately \$20,000 per owner of the 500 and some odd units there. Ironically, that's the same amount that they've estimated it's going to cost residents on Maui, in Maui County to convert to, from a cesspool to a septic. So, you know, interesting number.

COUNCILMEMBER KING: So, yeah, we'll get to that point later, but the whole idea is to maybe, hopefully do something for . . . funding for cesspool owners as well, is to help them out. Because we're really helping out the environment. Anyway, thank you for your responses.

MR. FRAMPTON: Absolutely. Oh, thank you.

COUNCILMEMBER KING: Thank you, Chair.

CHAIR LEE: Any, any more questions? Any more questions for the testifier? If not, thank you very much, Mr. Frampton.

MR. FRAMPTON: Thank you, Councilmembers for your efforts.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Barbara Barry. To be followed by Elle Cochran.

MS. BARBARA BARRY (testifying of Committee Report No. 22-42):

Aloha, Chair Lee and Councilmembers. Nice to see everyone today. I'm in a COVID haze up here in Haiku so I'm really happy to be able to testify via BlueJeans.

So, I am, I am testifying today on Committee Report 22-42, item no. 1, Bill 69, in regards to the Kula Ag Park proposed increase, tenant, lease increase. Once again, my name is Barbara Barry, I'm a small organic farmer in Haiku and not a paid lobbyist. I have sat on the Kula Ag Park Advisory Committee for the past four years, and my comments are my own. We tried to have a meeting this last week, and due to technical difficulties, we were not able to have that. But the ideas below, or the ideas I'll share with you today, although they may be unpopular would be the same ones that I would share with the committee members. So I'll share my thoughts on this proposed rate increase.

Since we really don't have a clear idea of the amount of food being produced at the Kula Ag Park, it seems premature to issue a blanket increase at a time when our food farmers are under increasing demand to produce more food for our County food security. The large, larger leaseholders who are not producing food may be able to easily absorb the increase, but the smaller leaseholders, who are producing food may not. These leaseholders also pay for their, for pumping the electricity, for pumping their water to their farms. So there are added costs that are not reflected in their lease payments.

The electrical costs is substantial and a current survey of the tenants to note their electrical expense for pumping water for last year could be gathered. It might be very valuable information. Perhaps it's time to look, for the County to look at, into a renewable energy source for these farmers.

Concerning problems left, um, the damage left by past tenants. A damage deposit would be a reasonable thing to have required at the time the leases were signed. Perhaps that could be added to offset property that's not being left in good condition. That's pretty typical with any kind of lease. Where's my spot?

There are also two lots that are not being leased. My question is why, since there are many farmers looking for places to farm. As a commissioner, I've often asked this question, if there are spots available and how the public is notified of this availability? Oops, really, did I do that already?

CHAIR LEE: Yeah. Could you conclude in a minute please, Ms. Barry?

MS. BARRY: Certainly. Essentially, I think that it is premature to be increasing lease prices on our farmers at this point. And that we shouldn't try and compete with landowners who are leasing land for profit. The County should be doing everything they can to be supporting our farmers at the Kula Ag Park. And I personally feel an audit would be very valuable for the Kula Ag Park, because of how it's been run and the condition of things at the moment. So, that's basically my testimony. So, thank you so much.

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

Member Sugimura, then Member Paltin.

COUNCILMEMBER SUGIMURA: Thank you. Hi, Barbara nice seeing you. I just wanted to let you know that that special meeting of the Kula Ag Park Committee did happen. We were having kind of technical difficulties in the beginning, but after, I dunno how many minutes, I think the meeting was 5:30 meeting and we ended up conducting it. But after we went through the technical difficulties, I wonder if, well, maybe Kaeo Patrick

Ornellas might have called you, but we did have the meeting and sorry that you missed it. And I really appreciate your testimony today.

MR. BARRY: I was on that call until 6:00. I waited for an hour for it to start and it never started.

COUNCILMEMBER SUGIMURA: I'm sorry about that. Probably Kaeo can give you minutes.

CHAIR LEE: Thank you very much for that and then Member Paltin has a question.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Barry for your testimony. I did have three questions, clarifying.

The first one, are you aware if the two lots that aren't being rented are the two lots that need that remediation?

MS. BARRY: I have no other information other than looking over the, the pages, oh what is this, on the information that the County budget, there are two available lots.

COUNCILMEMBER PALTIN: Okay. I believe those are the ones that need the toxic remediation.

My other question is have you requested from the County Auditor to do an audit of the Kula Ag Park?

MS. BARRY: No, but if I need to, I think that's a good next step for me.

COUNCILMEMBER PALTIN: Okay. And then my last question is are the Kula Ag Park tenants prohibited from applying for any of the County farming grants that are being offered?

MS. BARRY: I don't think so, but I'm not completely clear about that. I wouldn't think they would be prohibited.

COUNCILMEMBER PALTIN: Oh, okay. Alright. Thank you. Thank you, Chair. Thank you, Ms. Barry for your testimony.

MS. BARRY: Thank you.

CHAIR LEE: Any questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Berry. Mahalo for your testimony today. And mahalo also for flagging the special meeting of the Kula Ag Park for me.

I did jump on and continued to check in on the BlueJeans meeting link until about 6:00, too, and that meeting link never started. And I continued to monitor the chat, because I wanted to be available for any questions regarding the added \$25 to the Kula Ag Park lease fee. . . . so you're testifying in opposition to this \$25?

MS. BARRY: I think, thank you for that question. I think we really need to look into the whole way the Kula Ag Park is run much deeper to understand if the leases are being paid currently. How much food is being produced? Where, where, where the money would actually benefit the County, if these leases were increased? And what is the impact to our smaller food farmers? I think it's premature, before we have a lot of, a lot more information about how things are actually being run for them.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, and then hopefully, Mr. Kaeo Ornellas is available. I'm hoping that the tenants are aware that the Council has discussed potentially increasing the rates. Because I would hate for them to find out when their bill comes at that moment, and at that moment, the Council won't be able to help already.

And to answer Member Paltin's question, the condition of 12 acres or less, so if any of the Kula Ag Park lessees have more than 12 acres, then that may be a disqualifying criteria. Mahalo, Ms. Barry. Mahalo, Chair.

MS. BARRY: I have, I have one thing to follow-up. I did ask Mr. Ornellas about how the tenants were contacted? And he said he personally reached out to everyone via phone and email. So, there was a full, you know, information shared with them about this.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that information, Ms. Barry. Mahalo, Chair.

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

MS. BARRY: Thank you.

CHAIR LEE: Next testifier.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Elle Cochran. To be followed by Steve MacKinnon.

CHAIR LEE: Welcome, Ms. Cochran.

MS. ELLE COCHRAN [testifying of County Communication No. 22-128; Committee Report No. 22-42; Resolution Nos. 22-60, 22-99, 22-105, 22-127, 22-128, 22-129, 22-135, 22-136, 22-137, 22-138, 22-139, 22-140, 22-141, 22-142, 22-143 & 22-144; and Bill Nos. 69 (2022), 85 (2022), 86 (2022), 87 (2022), 91 (2022), 93 (2022), 94 (2022), & 95 (2022)]:

Hello. Aloha. Members, please don't be afraid. I was going through to particularly speak on the Mā'alaea Wastewater Treatment Plant and went through the nine pages of your agenda and came up with like 15 plus items. I'm not going to speak to each, all of them, I'm going to condense it, so let me begin.

One, I am super supportive the Hālau of 'Oiwi Art. I recall back on the Council that started the discussion and now to see it come this far is awesome. So, thank you for that.

I did want to speak on the ceremonial resolution, but had issues trying to log in, as I'm not that techy savvy still. And, you know, we are the extinction capital of the world, so keeping attention on this subject is dire.

CC 22-128, about the County Auditor assessment of ZAED is, is very crucial and has been needed for probably decades.

And moving on, I'm going to just condense all of this. The various resos between 22-60 all the way up to 22-142 has reference to, you know, volunteers from our community onto boards and commissions. So I just want to mahalo everybody who takes the time out of their busy lives to, to, you know, put their heart, soul, and effort into joining our boards and commissions as volunteers, not paid, you know, representatives of particular entities.

Resolution 22-143, the designation of Wailuku Town as an arts district. That, this is awesome. Never heard, you know, of this concept before. I would love to see that happen for Lahaina Town, to designate it as like a very culturally significant historical place, and I mean arts, the arts world pride is in, in Lahaina Town also. So if it gives it that much more protection and, you know, significance, and enhance education on, on that, then I'm all for it.

Resolution 22-144, this is supporting proposing the question on the ballot, establishing the Planning Commissions? Yes. And thank you to Professor Dick Mayer for clarifying the finer points of it. And I'm very, very supportive of pushing that forward.

For second and final readings, Bill 91, the mapping and protection of wetlands, I believe is very imperative. I think, you know, we would not be in the predicaments that we are today, having built on wetlands. And, you know, it would have been, put us in a better situation today, and this also can add towards the protection of our species, you know, our endangered species and their critical and sensitive habitats. So, that is definitely a must.

Bill 93, relating to the homeowners' exemptions. I mahalo you folks for, for putting this forward. I personally have been able to benefit from this. So, I completely appreciate you folks creating that homeowners exemption.

Bill 94, this is the Maui Food Hub, I believe receiving 259,000, Bill 94 and 95. Yes, I support this service. I utilize it weekly and I've seen it grow, and for me, I'm so happy to be a part of this, you know, program, which builds the circular economy that we all need and it also supports our local farmers and local businesses. So, thank you. Thank you for that.

Bills 85, 86, and 87 has to do with all the countywide equipment items. And I saw there was a little mini refuse manual truck for West Maui. So, I know having been Infrastructure Chair, dealing with Solid Waste, Public Works, all of the entities in West Maui, they always ask for pertinent justified items that they need. So please continue the support of what those departments ask for, because I have firsthand experience. They, they don't ask for a whole lot, they ask for what they really need.

Bill 69 is, I support the three budget items that three different districts put in for the Ho'omahua Initiative. Paulo Faleafine, Jr. testified to this earlier. So, mahalo Councilmember Sinenci, from East Maui for the 10,000, on page 16. Mahalo, Councilmember Kelly King, of South Maui for 25,000 on page 18 of the budget doc. And mahalo to Councilmember Paltin for the 50,000 out of West Maui on page 19. So, mahalo you guys. And again, Paulo did mention the funds that you folks are supporting has allowed him to, you know, open up doors of opportunity. And, I'm so excited for him and all of us, cause this is really going to work wonders for us in reference to smart tourism and management of tourism.

It was brought to my attention that the Kihei Grip facility project is still in this budget. And I don't know if you recall, but I, it's stuck in my head, because it's probably the most nightmare item I ever had to deal with on my last budget there at the Council. And at the time, real briefly, it was asked of \$13 million to do this project. I spoke about,

I had it referred to my Committee, IEM and the project never needed to be done then, and if it did need to be done it would only, it should only cost \$250,000. There was a study, I mean, everything, and it's a proven fact that it's not needed to be done again. That's about four years ago. What is the situation today with the facility? But I really, really believe that multi-million of dollars for this is not needed. So I would definitely take it out, or revisit or something. But again, huge nightmare for me on that one.

But the main reason why I went through this agenda was to talk about Mā'alaea Wastewater Treatment Facility. And I am in full support for that and you know, people might think oh, it's just for the Mā'alaea people, the condo dwellers there, that only specific community. No, it goes beyond that. Right, Mā'alaea Bay and the oceans and nearshore waters and fisheries affect everyone and everything. And this can go towards our cultural practitioners. Limu, fish, you know, the gathering opportunities that have been, you know, decimated or at least negatively impacted by injection wells, which I'm keenly aware of with the whole West Maui issue. So I'm super supportive and I want to thank all the decision makers, Councilmember Kelly King and I know Kai Kahele, Congressman Kai Kahele, Roz Baker, Angus McKelvey have all had a part in this. And I got, can I have a minute to conclude my--

CHAIR LEE: Please, please go ahead.

MS. COCHRAN: Thank you. Thank you, Chair. And you know, for me, this is, we can be a part of, you all, we all can be a part of you know leaving something better than, than what we found. And, and the destruction to Mā'alaea Bay, I feel is not a lost cause, but we need to turn the tide on that. And this project will help, you know, be part of that solution. So, I applaud everyone who had brought this item this far and seeked out funds from all different levels to make this happen. Oh, Mahi Pono I believe donated some land, or has, whatever has land available to make this project happen. So, with all of that being said, Members, I believe I touched on every single thing I wanted to at this time. So, thank you for listening.

CHAIR LEE: Very good, you haven't lost your touch. Members, do you have any questions? If not, thank you, Elle, good seeing you.

MS. COCHRAN: Alright. Thank you, Chair Lee.

CHAIR LEE: We have a question.

Member Paltin.

MS. COCHRAN: And thank you, Members.

CHAIR LEE: Member Paltin has a question.

MS. COCHRAN: Okay.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, former Councilmember Emeritus Cochran. I just wanted to clarify that part of your support of Mā'ala'ea wastewater treatment, is that the water that is being injected is not even to the standard of Lahaina injection wells. And so for people that came out against Lahaina injection wells, this water that is polluting it is not even to that standard. Is that what you're saying?

MS. COCHRAN: Yep. Yes. That is true. And so yeah, a lot more damage has been done, and we need to address it? You know, I mean, I think it's imperative that we deal with this now and it sounds like we have some great opportunities to do so. And I'm in whole-hearted support of that.

COUNCILMEMBER PALTIN: Thank you. And the one other clarification, I didn't see the wetlands for second and final reading. I just saw that for referral to committee. Was it, I think maybe the resolution above was second and final reading. And then there was another sub header of just bills, and then in our annotated it says, for referral, I believe, is, is that--

MS. COCHRAN: Yeah maybe I overlooked that. Sorry. But yeah, thanks for that clarification. So yeah, referral is good. I'll keep an eye on it and be a part of the discussions for sure. So, thank you, thank you for that clarification. Mahalo everybody for all your work. Thank you for surviving the budget. Did it many times. I've been there, done that.

CHAIR LEE: Member King. Member King.

COUNCILMEMBER KING: Thank you, Chair. Yeah, Ellie, you'll be happy to hear that we didn't have any midnight meetings this budget session, maybe you'll be envious? But I just wanted to let you know that the wetlands restoration bill will be coming back to my Committee, to the CARE Committee mid June. So it's being referred back to Committee. So, I'll, I'll, my office will keep you apprised so you can come and testify.

MS. COCHRAN: Great. Thank you. Alright, aloha.

CHAIR LEE: Thank you everybody. No more questions. Alright, thank you, Member Cochran.

MS. COCHRAN: Thank you, Chair Lee. Aloha.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Before we go on to our next testifier, would it be possible to give us a short break, bathroom break not only for us, but for staff? Before we continue.

CHAIR LEE: Okay. Members, any objections to taking a short recess and returning at 12:00 noon?

MEMBERS VOICED NO OBJECTIONS.

CHAIR LEE: Okay. Short recess until 12 noon. Member, Vice-Chair Rawlins-Fernandez did you have your hand up?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just heard from one of the testifiers that they won't be available. If we could consider one of the testifiers.

CHAIR LEE: Are they next in line?

VICE-CHAIR RAWLINS-FERNANDEZ: After the next one.

CHAIR LEE: Okay. Members, you want to take just one more and then maybe take the person who has to leave? Yeah, we're going to have to, you know, jump the line a little bit here.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, who is the individual who needs to leave? Is it Autumn Ness?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

DEPUTY COUNTY CLERK: Then the next testifier is Autumn Ness.

MS. AUTUMN NESS [testifying on Bill No. 94 (2022)]:

Hey you guys. I, I am so sorry. I am waiting for Mana's parent teacher conference right now. I'm like do you choose kid or Maui Hub, I'm not sure? Thank you so much for letting me jump the line.

I am here talking about Bill 94, amending the Fiscal Year 2022 Budget as it pertains to OED and Maui Food Hub. I want to clarify that I'm a part-time staff member for Councilmember Johnson. However, I'm not working for him today, I'm here today in my role as a volunteer to the Maui Hub as the board Vice President.

You know that we have a grant agreement in this current fiscal year, not next fiscal year, with OED, with funding approved by you folks during the last budget session; right? So not this last one.

Last budget session, we were approved for \$259,000 grant to pay for large upfront capital expenses and growth. When we wrote that last year, the request, we were really specific in our request about the amount approved for each thing, such as 125,000 for a 16 foot refrigerated box truck, and 50,000 for a refrigerated van, and 5,000 for electrical work for AC power that would connect those vehicles to a long-term power feed. Very specific. The funding, the good news is the funding has meant we could really grow the kind of infrastructure that our local food system needs and set our farmers and our businesses up for long-term success. So thank you so much.

The challenge right now is that since these specific line items were approved a year ago, costs of just about everything has fluctuated and we've been unable to source a truck and van that fits into these cost brackets. We spent months looking all over the U.S. and we just can't find anything. The cost of chill vans has gone way up, probably because of deliveries related to pandemic, new pandemic style businesses. And ironically the cost of box trucks have gone down, maybe because gas prices are expensive. Labor costs for electrical work have gone way up so like finding items that fit into the boxes has been really challenging.

Bill 94 would delete the conditions, the specific dollar amounts for each item and allow flexibility for us to use the grant funds. I want to be clear that the purposes for grant funds remain the same. We still need to purchase two chill vehicles, we may end up going with a van that's more expensive and a truck that's less expensive. And we may end up saving money collectively on the two vehicles and actually spending more on the electric labor. But the intent is the same, the items purchased by the grant funds will remain the same, because our needs and our goals are the same. We just need some wiggle room with the amounts because so much of the market is changing every single day and we need to be able to buy things when they're available.

I'm here to answer questions and as always, I'm so appreciative of your support of the Hub over the years. And lastly, I really want to invite you guys to come down to the facility and see how exciting it is to see all the food coming in and out.

CHAIR LEE: Okay. Are there any questions for Ms. Ness? Apparently not. So, good to see you.

MS. NESS: Thank you.

CHAIR LEE: Alright. See you. Bye. Okay. Members, now we can have our little recess to, let's make it 12:05, okay? Any objections? Recess until 12:05.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:51 A.M., AND WAS RECONVENED AT 12:08 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting and Public Hearing of May 26, 2022 please reconvene. And Mr. Clerk, let's continue with public testimony.

DEPUTY COUNTY CLERK: Yes, Chair. The next individual signed up to testify is Steve MacKinnon. To be followed by Scott Rollins.

MR. STEVE MACKINNON, CHIEF EXECUTIVE OFFICE MAUI HUMANE SOCIETY
(testifying on Committee Report No. 22-42):

Good afternoon, Chairman Lee and Councilmembers. I'm Steve MacKinnon, I'm the Chief Executive Officer for Maui Humane Society.

Just wanted to ask for your consideration of just changing some language with the Animal Revolving Fund. Just a quick background, the Animal Revolving Fund is actually supported by dog license fees. And each year for the past large number of years, the Council has put \$120,000 towards Maui Humane Society for the purchase of two vehicles. And since I've been on board about two and half years ago, the Department that we work with, County Council, County attorneys have all expressed a strong interest in us taking over the fleet.

Right now, the, the concern has been, is that we have non-County employees driving County vehicles, so I definitely understand the liability concerns and all. So, we've been slowly doing that over the past couple of years. We're about two-thirds of the way there, of the eleven vehicles in the animal control fleet. Three of them now still remain as County vehicles and we hope to be able to change that over within the next year or two. Right now, the Animal Revolving Fund has specific language that only allows two vehicles to be purchased every year. And that's kind of limiting our ability to move towards that goal of taking over the entire fleet.

In the past, that \$120,000 was used just to purchase two vehicles where they essentially build the animal control vehicles off-island with special vendors, have them shipped over, and that used up the entire 120,000. The past two years we've been using those same funds to purchase vehicles on island and equip them and set them up ourselves, and we've been allowed to be able to quicken the turnover of the fleet, and then be able to take control ourselves.

What we're suggesting the Council consider the Animal Revolving Fund, rather than having the language just as two vehicles per year, is we're asking just that the language be changed to allow purchase of vehicles, animal control vehicles and related equipment. If that was done, that would allow us to purchase the vehicles, change over the fleet so we don't have vehicles now that the County vehicles are well over 250,000 miles. And the additional funds, the additional equipment that will be referred to within the fund will allow us the changeover cost.

When we retire a vehicle, we have to remove the radio and equipment from that vehicle and install it in the new vehicle, install radios, emergency lightning, and additional equipment in the vehicle. All this cost more than just the purchase of the vehicle itself. So we just ask consideration of the Council to change that language to allow us just that 120,000 for the purchase of animal control vehicles and the related equipment. That will expedite the changeover and really allow a cost effective approach in having those vehicles in control of the Maui Humane Society. So thank you for your consideration.

CHAIR LEE: Thank you. Members, questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Mr. MacKinnon. Mahalo again for your understanding in allowing Ms. Ness to testify before you.

MR. MACKINNON: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: My question for your testimony is, did you send this in writing, and if you didn't, will you please send it to me.

MR. MACKINNON: I submitted it as written testimony as well. We did talk to Department of Housing and Human Concerns, they supported that. The Budget Director supported that. But it was the County attorney that, unsure that they were uncomfortable with changing that language. But I have submitted it as written testimony as well.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that response, Mr. MacKinnon. Mahalo, Chair.

CHAIR LEE: Member Paltin.

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

I would just ask that you please don't leave West Maui out. I heard from one of our former Councilmembers other than Member Cochran that they feel that West Maui is being underserved. Thank you.

CHAIR LEE: Any other clarifying questions, Members? If not, thank you very much, Mr. MacKinnon.

MR. MACKINNON: Thank you.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the next person we have signed up to testify is Scott Rollins. To be followed by Kyle Caires.

CHAIR LEE: Good morning.

MR. SCOTT ROLLINS (testifying on Committee Report No. 22-42):

Good morning. Thank you for hearing my testimony today. I'm testifying on item 22-42, item 5, the Mā'alaea Regional Wastewater System.

Got a lot of things to say, I'll say it kind of briefly. Maybe you'll have questions when I'm done. I think you're rushing in pretty much early to this. By the way, I'm Scott Rollins, I'm Wastewater Reclamation Division Chief. I think you're rushing into this prematurely trying to just throw it in the budget. I think it needs more discussion with the Committee.

There a lot of things we need to consider before building a system down there. I think one thing you need to think about, this is going to set precedence for other systems, other infrastructure in the County. If we're going to bail out this community, other communities are going to come in. Whether it be treatment facilities, sewer systems,

storm drains, roads, etc., there are other systems that need help that are going to be looking for the County to help out.

Also, the cost for this, \$9.5 million. I've only seen the one-page document that says this is 9.5, I haven't been able to find anything that kind of breaks that down into a better estimate. There was a Brown and Caldwell study for Mā'alaea done in 2019, their cost were, were 23 million. That's kind of what we've looked at when we looked at the system also. So I don't think the 9.5 is, is adequate for this type of project, and I don't think you can do it in a year. If this is going to be County money, then we're going to have to go through an EIS process, which is easily a year, so you're not going to encumber that money.

I think you really need to go through a PER with this to determine what is the best way to attack this, whether it's a treatment plant or simply pumping to the Central Maui plant we're already planning and in process of doing. Plus, that's the better alternative, we don't have to operate another treatment plant, we don't have to maintain another treatment plant, much easier to run pump stations and maintain them. We'd also be going to a facility where we used to be, could be easily distributed in the end.

So, if the subdivision has to be done for the actual site to do either pump stations or treatment plant, that will take a while to do. Operational facility, we have trouble just getting operators to fill our positions for treatment plants we have on island, so having another treatment plant would put another burden on the County as well.

You talked about the funding; I know you're talking about SRF funding for this project. So the last I looked a couple of weeks ago, this project wasn't on the priority list for this year with the State, so that's one hurdle you have to get over. If you're going to do SRF funding, you have to do all that environmental processing which is normally taken care of with most of the EIS, so that's well over a year. There's no way you're going to encumber this money, you're really setting up the County for failure by trying to put this money in the budget at this point.

If we had a better discussion through Committee then we could determine if this was the right course of action to do. Which way we wanted to go, and I'm sure you could do a budget amendment later during the summer or other times.

So, and I think you can get a PER done in a year, you may be able to start design but really we typically don't start design until we get in the EIS process so I'm pretty sure what we're doing. That's all I have for you today, if you have questions, we can go through that.

CHAIR LEE: Members, questions?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Rollins for your testimony. I just was wondering; this is not property tax money that we're putting in. We're putting in a SRF application money, so if we put it in, it's then on the Administration to go for it. And it hasn't been made super clear to me that the Council can initiate budget amendments after the budget has been passed. I know that we did try to do that for the parking lot, but it's not super clear when, and when the Council cannot, when they can, and when they cannot initiate a budget amendment. So, it seems to me I'm not clear why you're opposed to putting in the ability to apply for a State Revolving Fund at this point when once we put it in the budget, it's ultimately on the Administration to apply for it or not, so I'm not clear on that. But I am clear that I'm not clear when the Council can initiate a budget amendment and I'm not sure if you're clear on that either.

CHAIR LEE: Mr. Rollins.

MR. ROLLINS: Okay, good comment and a good question. I agree. I don't know the process exactly we have to go through. But it seems we did discuss it in a Committee meeting and then we could introduce a budget amendment if that was the case. And while you brought it up, the funding part also, I mean even if we get an SRF loan, someone has to repay that loan at some point, right? So, so right now it would come out of sewer money, and it would be the existing sewer users. I'm not sure that's the appropriate place we want to, to pay for all these improvements, right? Whether it be the taxpayers or bigger tax base or it's, or in my opinion maybe a community facilities district might be the funding for Mā'alaea to fund it for themselves even though the County would own and operate it in the end. That way the burden is not on, on just our sewer users.

COUNCILMEMBER PALTIN: Thank you. I guess, I, I think it's not clear either of us if the Council can initiate a budget amendment and we're not sure who the Administration will be into the future, and so I think that this is a safer way to not cut off the opportunities and still look into it and still have further discussion in Committee as you recommended. And so, thank you for your comments.

CHAIR LEE: Questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much Mr. Rollins for being here. So, 9.5 million to build a system for Mā'alaea, is that enough money? Whether it was State Revolving Fund or anything, is that enough money to build a--

MR. ROLLINS: That's a good question. Based on what I've seen, I don't believe that's enough money. I think whether you build a treatment plant or if we just build a conveyance system to the other treatment plant we're building, I still think it's going to be \$23 million before we get that done.

COUNCILMEMBER SUGIMURA: So, how would we, this is a committee. You know, Chair, if you want you can send this to my Committee for discussion, I would love to take this up. Cause I have questions for Mr. Rollins and he's the expert to me and I'll withhold any more questions until we get further. Thank you.

CHAIR LEE: Any more questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Mr. Rollins. Mahalo for your testimony today. I'm sorry I missed it.

How much did you project that the project would cost from start to end?

MR. ROLLINS: After reviewing the Brown and Caldwell 2019 study and then putting our own numbers to that, we think it would be around 23 million.

VICE-CHAIR RAWLINS-FERNANDEZ: 22 or 23?

MR. ROLLINS: 23.

VICE-CHAIR RAWLINS-FERNANDEZ: 23. Okay. And did you do like a rough estimate on how, how long it would take to, to finish?

MR. ROLLINS: We did do a rough schedule and it looks like it would be completed about the same time our Central Maui treatment plant comes on-line. Would be sometime by late 2028, early 2029.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Alright. I know this is kind of committee work, but this is something that's already in the budget. These are important facts and figures to consider.

So, with the ending date 2028 – 2029, when did you project that it would start. Because I know like as you said in your testimony, if this is a County project it will require an EIS. The EIS takes about a year, so planning, permitting, design and then start and then, start construction, end construction.

MR. ROLLINS: Start construction about May 2027.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, the planning, permitting, and design would start like next year and would take four years?

MR. ROLLINS: Yeah, I think we looked at--

COUNCILMEMBER KING: Chair, point of order. This sounds like it's getting into committee work and facts and figures that are one-sided at this point.

CHAIR LEE: Okay. Just, questions just be pertain to clarification.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, they're clarifying. He testified on that. And so I'm getting an understanding based on his testimony, he said it would take longer. And so, I'm getting a better understanding of what is longer.

CHAIR LEE: No, no go ahead. Finish your clarification questions and then I'll see if anybody else has questions. But it is true, you know, we're not going to debate the issue but we're just, if you're inquiring as to what he said and you wanted an explanation, then please continue.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I do agree with Member King that, you know, this is committee work and we should take it to committee for further discussion so that we're not doing this in public testimony.

Mr. Rollins, did you, did you have that starting date for planning, permitting, design?

MR. ROLLINS: Yeah. If this was in this year's budget, I think we'd start primary engineering this fall after the budget comes into play. We'll start the environmental impact report mid next year, and then design would follow towards the end of that. So, the design would probably initiate in 2025, monies in FY 25-26 Budget.

VICE-CHAIR RAWLINS-FERNANDEZ: Got it. Okay, mahalo for that clarification, Mr. Rollins. Mahalo, Chair.

CHAIR LEE: Any more questions, Members? Okay, thank you very much, Mr. Rollins.

Next testifier, please.

DEPUTY COUNTY CLERK: Chair, the next person we have to testify is Kyle Caires. To be followed by Mahina Poepoe.

MR. KYLE CAIRES (testifying on Committee Report No. 22-42):

Thank you, Chair. Hope you all are doing well. I'm here today to talk about item 3621 and chapter 2204, related to the rental of the Kula Ag Park. As some of you may know, we called a special committee of the Kula Ag Park, of which I'm testifying as chair.

On May 23, 2022, at 5:00 p.m., that meeting got off to a really rocky start. Very frustrating. We weren't able to start the meeting till about 20 minutes in due to technical difficulties. Luckily many of our Kula Ag Park tenants reached out to committee members both prior to that meeting, and we had a fair amount of ag park committee members and tenants connect.

Councilmember Sugimura broke down the proposal for the rate increase from \$100 to \$125. You know, farmers can't agree on anything, whether it's what to plant, when to plant, how to plant, how to water, how much water, when to water, eh, what time of day, how do we even plant seasonally. But the vote was unanimous in terms of a committee recommendation and that's just all it is, it's a committee recommendation to not move with a rate increase at this time but to please refer it back to committee so the stakeholders can be involved in the discussion.

The \$25 per acre increase, um, I'm paraphrasing, it's not a deal breaker for many of the, many of the tenants and they understand it would apply to, you know, people who have steps in their contracts and/or new, new leases with new lessees. I think their concern is they would entertain and be okay with a land increase relative, or an increase in land usage fee if some concessions could be made on the ag water use rates. And, you know, water that's a whole other can of worms, but I'm just conveying the, the consensus that committee came to. And any questions that you may have, I'd be glad to take and not use up all of my time. Mahalo.

CHAIR LEE: Alright. Questions, Members?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Sorry, I pressed the wrong button.

Thank you, Chair. Thank you, Mr. Caires for your testimony. I was wondering when you said refer to committee before decision being made, did you have a preference as to which committee or would you say that Agriculture, Public Trust one?

MR. CAIRES: Yeah, I mean I think, I think that would be, that would be suitable. My opinion on this is what committee it's referred to isn't necessarily as important as the people who are available to participate in the discussion.

I think the ag and trust, that would be an appropriate, appropriate place. You know, we have stakeholders that are willing to contribute to that discussion and I think, you know, I think there's a general understanding that, you know, the price of everything has increased. Fertilizer, . . . plastic, you know, water, even shipping, like logistics, seed. Everything is going up, inflation, you know, we could spend three hours talking about all that you know, land use--

COUNCILMEMBER PALTIN: Clarify when you said, it's not important to what committee, but more the people who can show up to the committee. Is that, you know, I know that a lot of farmers work during the day, like is that to imply maybe a evening committee meeting time or something?

MR. CAIRES: Yeah. I agree with what you had mentioned. Agriculture committee and Public Trust, that's a good, that's probably a good place. Any attempts could be made to schedule the meeting or you know, a follow-up meeting at 5:00 p.m., or after that, I think you have a much better chance at farmer participation. In a, in a nutshell, compared to what may have happened twenty years ago, because so many of our farmers are targeting the fresh market. You know, they're planting and harvesting almost every single day, and in many cases due to like workforce issues, they're also the ones making the deliveries in many cases. So, for most of them from like 4:00 in the morning sometimes to 4:30 in the afternoon, you know, they're road warriors.

CHAIR LEE: Thank you. Thank you. Mr. Caires, thank you. I think you answered her question.

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

MR. CAIRES: Mahalo.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Dr. Caires for being here. And you said the meeting started at 5:20, I was there as well as Kaeo, or Patrick Kaeo Ornellas. Do you know when it ended? Because people are saying today that they tried to log in but they couldn't cause, for whatever reason. But I think we had the meeting and we ended with one committee agenda item. Do you remember what time it ended? I don't.

MR. CAIRES: Off the top of my head, I do not. I think it was around 6:30, I know at the time of adjournment, I think I made mention of the time. So there should be a time mark in the recording.

COUNCILMEMBER SUGIMURA: Okay.

MR. CAIRES: I can't tell you when.

COUNCILMEMBER SUGIMURA: Yeah, I don't remember either. But anyway, I just wanted to say, you chaired the meeting, that it did happen, number one. Number two is I apologize for the people who tried to sign in and they couldn't. Number three is that I also have the Kula Ag Park in my Committee, and I would love to hear it also. And also, I am the Council representative on the Kula Ag Park Committee, so I guess it's more like the Chair or the Members that I would really be interested in taking this up and doing, doing like what you did, an evening meeting so that the tenants, the Kula Ag Park tenants could then attend and hear their, let their voices be heard. Cause I think that was also mentioned as being important.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Thank you very much, Dr. Caires.

CHAIR LEE: We'll take that up when the time comes.

MR. CAIRES: Yeah, I would agree. And I think having diverse representation, we have, you know, we had two seats on the Kula Ag Park that we are awaiting confirmation of those individuals by the Council. You know, I think once we get back to our full deck, it would be good, but I would encourage Farm Bureau, Farm Union, Ag Working Group, you know, anyone invested in agriculture to attend that meeting and share their contributions.

CHAIR LEE: Okay. Thank you.

MR. CAIRES: Before I'm done, I just want to thank all you guys for supporting agriculture, whether it be plant or animal base, or in the case of, you know, some of the value added here in the islands, is keeping the beauty that makes Maui great.

CHAIR LEE: Thank you.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Dr. Caires. Mahalo for your testimony today.

I was one of the ones that Member Sugimura was talking about that tried to attend. I was asked to attend as the Budget Chair, because this was an amendment during budget session. And I was really interested in hearing the feedback regarding this proposal. And so, I was on and so was the nominee, Mr. Bobby Pahia and everyone was chatting and talking about, you know, if Mr. Ornellas contacted everyone, as well as Ms. Barry and no one checked on that link and that link never started. So, my clarifying question is what link was that meeting on?

MR. CAIRES: The link was on the meeting that went, went out via invite that Kaeo sent everybody. I know Bobby did connect and when my computer was on for part of the, part of the meeting, he did participate in the chat saying that, you know, he had to leave for another meeting, but he would be right back. It's really frustrating that those technical difficulties did happen because it stymied the, you know, the overall spirit. I mean, I think everybody was ready and willing during that time, we had quite a few phone calls by individuals asking what was going on and you know, myself, Joanne, Councilmember Sugimura, and Kaeo all tried to respond. But yeah, those technical difficulties were a little bit of a rough start. I think that was maybe one of the first times.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. And I agree with Member Sugimura in having a more robust discussion on this item.

Mahalo, Dr. Caires. Mahalo, Chair.

CHAIR LEE: Anyone else, Members? If not, thank you very much, Dr. Caires

MR. CAIRES: Mahalo. Thank you, guys.

CHAIR LEE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: The next individual signed up to testify is Mahina Poepoe. To be followed by Kai Nishiki.

MS. MAHINA POEPOE (testifying on Committee Report No. 22-42):

Hi, good evening, Councilmembers. My name is Mahina Poepoe, from Molokai testifying on my time and on my own behalf.

I first wanted to commend you all on a job well done with the budget and the process so far. I am here to speak on a specific budget item that I disagree with. So, I'll get started. My husband is a firefighter stationed at the Puko'o Fire Station on Molokai in Manae. So, I want to just make very clear that I'm not testifying on his behalf but as a trusted and well respected community leader, an advocate in Manae.

I'm here to express to you all that I do not support the funding for the reallocation position from firefighter to captain at Puko'o. I find that it essentially acts as a placebo effect with no practical benefit. I would however be in full support of an expansion position that adds a captain in addition to the existing driver and firefighter. Our community in Manae has never expressed the need for a reallocation position, but has in fact expressed the need for an expanded captain's position. Because an expanded position actually makes the functional immeasurable difference by adding manpower and adding that additional body which the reallocation does not do. The reallocation does not address the issue of limited manpower.

I understand that the Council isn't able to have a full discussion for every single item in the budget and move really quickly through it. I know that a couple of questions for this topic were submitted to the Department in writing and I found that the responses provided were really short, they basically said that the current staffing is outdated and they don't have the supervision of the captain. Other reasons cited, at the Fire Commission and like in the newspaper, included statements that like the current staff had too many responsibilities and not enough training, things like that. I don't think that these kind of statements should just be accepted at face value. I think we deserve a different analysis prior to funding like, you know, what specific responsibilities is too much and what training is not, has not been provided? We spend a lot of money on training every year. So the current personnel in Manae even removed of my husband, I think is the best we've ever had. I, I think that the decision to ask for the reallocation was not well thought through.

So, I have three actions for your consideration in order of preference. The first would be to remove the funds for the reallocation and to add funds for an expanded captain's position which would increase the personnel from two to three. If that's not going to happen, number two would be to remove the funds for reallocation and to leave the current staffing as it currently is. And if that's not going to happen, consider requiring the Department to come to committee for a fuller discussion prior to releasing the funds.

If, you know, if the firefighter position does end up going away in this budget then restoring it will be a priority for me next year, in this next year. It's something that I'll fight for but it's frustrating to have to put so much time and energy into fixing a mistake. I'd rather just not let the mistake happen.

I'm about to wrap up. I know at this point it's like Hail Mary time, it's not the coolest to be asking you to change things at this point, but I'm here and I'm asking and what's the worse that could happen. I do have more detailed testimony that I can submit an email and I'll conclude by just saying thank you so much for your time and for the sacrifices you make in the work that you do. Thank you.

CHAIR LEE: Thank you and we do have a question.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Poepeo for your testimony. I was wondering if you could clarify, if not the salary for the captain and what the existing firefighter position is or the difference between the two, in dollars?

MS. POEPOE: I believe the request, I can't clarify that for you, like right now totally. But I believe it's like \$90,000 of a difference in the reallocation. To add a position, I know it would be significantly more. I don't have numbers, so I can't. But I can look it up and I can submit it with my written testimony.

COUNCILMEMBER PALTIN: Okay. And then I guess my second clarifying question is even if we were to move the money around, the amounts at which we don't know right now, I don't know that this would preclude that from happening. In previous years, we've seen a captain at ocean safety get removed and what they just did was take one of the lieutenant positions and make that be a captain. So, I don't know if, I don't know if you are sure that adjusting the money that we give to them will preclude what you're saying you want to happen. Because once we give them the money, it's just a "A" category and "B" and "C" category and then it seems like they've done what they wanted on the ocean safety side.

So, are you sure that by adjusting the money, that what you want to happen, will happen?

MS. POEPOE: Now that you've put it that way, no. But, you know, I just, I just, really wanted to say what I had to say.

COUNCILMEMBER PALTIN: Okay. Okay. I just, I mean, I, I've seen something similar happen on the other side and, and it didn't happen the way that people thought it would happen. So, I just wasn't sure if you had known something that I didn't know.

MS. POEPOE: No. I think you knew something that I didn't know. Okay. Thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Ms. Poepoe. Mahalo for your testimony today.

To clarify the part in your testimony where you said it wasn't thought through. Was this idea brought to the Commission on Fire and Public Safety?

MS. POEPOE: I believe that at the April commission meeting, they did do a presentation that, you know, went over the, employee relocation as well as the reallocation position. So they did talk about it at the commission briefly.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay, okay. What was the feedback from the commission? Supportive or?

MS. POEPOE: Well, there wasn't much feedback but there was one commissioner who did question, you know, why not add a position to make it a three-man station rather than making it remain a two-man station. Cause it's still, it's just going from firefighter/driver to driver/captain and it doesn't address the manpower issue.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for that clarification, Ms. Poepoe. Mahalo, Chair.

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

MS. POEPOE: Thank you.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Kai Nishiki. To be followed by Faith Chase.

CHAIR LEE: Hello.

MS. KAI NISHIKI [testifying on Committee Report No. 22-42; Resolution No. 22-139 and Bill No. 92 (2022)]:

Hi. Hello Chair, Councilmembers. Kai Nishiki testifying on my own behalf. I'm testifying on three items today starting with K5, Bill 73.

I am really shocked and I can't really see why the County is supporting these short-term rental owners at Mā'alaea. It really, really sets a bad precedence. According to the DOH, Department of Health, Wastewater website there are more than 12,000 cesspools on Maui and more than 1,400 on Molokai. Many of those are close to our shorelines, especially in West Maui, negatively affecting the reef. As was reported by Maui Now, Peter Martin, the new wannabe developer of Mā'alaea Mauka lands, was fined a \$100,000 last summer by the EPA for his illegal large capacity cesspool at his wedding and luau business at Olowalu Plantation which is on the shoreline affecting our mother reef at Olowalu.

Is the County going to help pay for a wastewater treatment facility for Peter Martin in Olowalu too? Or to help the over 12,000 other local families on Maui and Molokai with their cesspools? We have condos falling in the ocean in West Maui, is the County going to pay for that too? Just last year, I had Mā'alaea condo owners calling me because their one condo association authorized a \$3 million seawall fix and were assessing each condo between 40,000 and 100,000 based on square footage. So, obviously the condo associations know how to invest in costly and futile seawalls, but they refuse to do that for their own wastewater treatment facility.

I believe that the County is supporting these short-term rentals by investing in infrastructure that will only further entrench them instead of focusing on strategic relocation and managed retreat.

The County spent a couple hundred thousand dollars last year already and I think that they're suppose to be spending even more than that through the Planning Department on our coastal resiliency plan for Mā'alaea that still needs to present its findings to the public later on this year. It makes far more sense to remove this from the budget and send it to committee, I mean, you guys see we're having committee discussions on the floor. Councilmembers are saying that, thank you Kelly King, and Yuki, and Keani. And, you know, it's an opportunity to come up with a more cohesive plan incorporating a waste solution that is more equitable, such as a CFD, Community Facilities District to have the condo owners pay for the cost. It seems at a minimum there should be conditions placed on the project to incentivize strategic relocation of the buildings and not provide them reasons to stay on the shoreline.

I just find it so odd that we're propping up these aging, failing condos. Look at the pictures, go down there and check it out, with County and State money. And the condo owners are horrible. They block shoreline access. They are not kind to residents. Obviously, they've been polluting and destroying our reef and, you know, now they're going to ask even for additional millions to propose beach nourishment, which is sucking sand off the reef to make pretty beaches for their tourist customers and the County is left literally holding the dodo bag for these pampered poodles.

So, I know, that the Council has good intentions with the reef, and the water, and the bay, and the whales, and the turtles, and look, I'm the biggest environmentalist but there has to be some responsibility taken by those that have been doing the polluting. You know? It, it makes, it makes sense and thank you very much. I, if I could just conclude, Chair?

CHAIR LEE: Yes.

MS. NISHIKI: Please remove this from the budget. Refer it to committee for discussion on a more equitable way of paying for this. And you know, the County has already invested hundreds of thousands of dollars into this proposed retreat plan that you guys haven't even been able to look at. So, I just feel there needs to be a more cohesive, comprehensive, inclusive plan more well thought out. And, you know, DEM has said, you know, we have some time on this. So I think that's the best thing. Thank you.

I'll move onto L, 22-139. And this is for Maui Planning Commission appointment of Wayne Hedani to the, for the Maui Planning Commission. Wayne Hedani has been a friend for many years. We collaborate on a lot of things. Hedani was chosen by the Mayor and his advisors to, you know, we've had testimony from Ipo Mossman, who said, you know because he works in Lahaina, his contribution is knowledge based, even though he lives in Wailuku. And just like based on that, like Tiare Lawrence applied a couple months ago, she lives Upcountry, but she's from West Maui, she has knowledge base that would be valuable on the planning commission.

So there are other people and I'd like to bring up the point that the Maui Planning Commission acts as the authority in all matters relating to coastal zone management law. Shoreline issues don't go to the Mayor. They don't go to you folks on the Council. They go to the Planning Commission. And one of the most important and significant natural resources of the County of Maui is its shoreline environment.

The Maui Planning Commission is getting ready to amend the shoreline and SMA rules, which regulate the use and activities on land within the shoreline environment to protect the health, safety, and welfare of the public by providing minimum protection from

known coastal hazards and to ensure that the public use and enjoyment of our shorelines are preserved and protected for future generations.

Scientists have been warning us for years to get ready for sea level rise, extreme weather events, and severe coastal erosion, and we have been very slow to respond appropriately, which contributes to further degradation of our resources, Mā'alaea. There are proposals to utilize the 3.2-foot sea level rise as a planning and legal instrument adopting the erosion hazard line and looking at new shoreline set-backs.

For these reasons, I believe it is crucial and incredibly wise to seek commissioners with knowledge and expertise in marine sciences and coastal geology. Who really needs a voice on the Maui Planning Commission right now? We have tons of real estate, union, tourism, all, all of these people are, are have their voices heard, but who are we not hearing from. The voiceless, the oceans, our reefs, our ocean creatures, our shorelines. So I know that all of you have received an application from Mark Deakos, from Dr. Mark Deakos who has that sort of background and it really makes sense to urge the Mayor to put forth an applicant with some qualifications.

If I could finish, Chair? To put forth a candidate who has the qualifications who can really serve. Someone whose voice is not heard on the commission at this time.

So, moving on to N, 92, boards and commissions. I know that this is just to be referred to committee. Thank you, I believe Councilmember Tamara Paltin for bringing this issue up, about making sure that someone, someone lives here who's on our boards and commissions. But I also think that during those discussions if you could please consider putting a requirement for a seat with, on the planning commissions for someone with a background in CZM for all of the reasons I just kind of laid out.

And to consider shortening the, the term limits. I think Councilmember Kelly King, thank you so much for bringing that up the other day. I fully support what you said that, you know, like it's kind of crazy that we have term limits for the Maui Planning Commissions for like five years, or sorry, there are no term limits and the term is five years for planning commission, like that's longer than Council, that's longer than the Mayor. I mean, what is this, the Supreme Court, I mean, hey, the planning commission they, they do, they do put out decisions and opinions that are very, very long lasting and important. And obviously, you know, to Dick Mayer's point about the different proposals for that.

But I would support term limits and to shorten the term from five to maybe two or three years. It seems a bit more appropriate and that's it.

Thank you for your time and thank you for working so hard for us on this budget. I know there are a lot of things in the budget that really support our quality of life. Mahalo, Councilmembers.

CHAIR LEE: Thank you. Members, questions? If not, thanks a lot. Bye. Thank you.

MS. NISHIKI: Thank you. Bye. Have a great day.

CHAIR LEE: You too.

DEPUTY COUNTY CLERK: Chair, the next person signed up to testify is Faith Chase. To be followed by Tiare Lawrence.

MS. FAITH CHASE (testifying on County Communication No. 22-124):

Good afternoon, Chair. Good afternoon, Council. I just want to make a comment on the grants reporting, CC 22-124, the April contracts and grants, specifically, the Maui Nui Regenerative and Tourism Management Initiative. I don't know if next month there's more information available on the grant deliverables, but \$130,000, it concerns me that the monies for two budget years now, you had allocated money for mediation on the Hana Highway. And that one grant got hijacked by a Senator who is no longer in office. Second year, it gets swung back to Maui Visitor's Bureau, and I just don't see the follow through and the expenditures that make sense. So, I would just like to earmark that for you to look into because we need to make sure that Hana Highway gets the attention that you all prescribed two budget sessions ago.

And I would like to mention that I'm concerned about the Constant Associates, the Maui Emergency Management, someone is trying to knock on the door. The Maui Emergency Management monies, I don't know what that's for? Recovery related functional annexes but, you know, I have been really disappointed with MEMA during, since the top of the COVID pandemic and their ability to provide. So, I'm not sure if I'm reading that wrong. But those two things alarm me.

I'm never really happy to hear the Maui Farm Bureau allocation money, cause I don't think that they do enough for our organic community. It's always there, \$130,000 is certainly less than it was in the past.

I really sympathize with the testifier, Scott Rollins, really good points. I look forward to following that conversations and I know you guys can muscle through that and protect Mā'alaea and make sure that the right people are paying for it.

And I also just want to say, thank you for supporting . . . from EKO Compost. Because, you know, it's a dirty job and somebody has to do it until we figure out how are we going to deal with the trash and the sewage. Thank you so much. Bye.

CHAIR LEE: Any questions? Okay, thank you.

Member Sugimura, what was that?

COUNCILMEMBER SUGIMURA: I wanted to know if Faith Chase could again, just what, what item were you talking about with the tourism regenerative and 130,000? I scribbled notes and just wondered.

CHAIR LEE: Okay. We'll get, we'll get that item number to you. Cause we're, we're heading down the home stretch.

MS. CHASE: G5482-1.

CHAIR LEE: Thank you. Next testifier.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Tiare Lawrence. To be followed by Kamalani Pahukoa.

CHAIR LEE: Good morning.

MS. TIARE LAWRENCE (testifying on Committee Report No. 22-42 and Resolution No. 22-139):

Aloha, Councilmembers. Mahalo, for getting through that painstaking budget process, I know it was a lot of work so applaud you guys.

I wanted to testify on K.5. and what number was it, sorry L. 22-139. So, I just wanted to testify today in strong opposition of the allocation of \$9.5 million and I want to explain why. So, I'm an Upcountry resident. Recently, I tried to take out a home equity loan with the intention of building a ohana unit. Unfortunately because of the new law, all of Upcountry needs to upgrade from cesspool to septic system, right? And that, and when I went out and got bids, it's going to cost me over \$30,000. So I feel a little bit, I cannot support it because majority of those homes are short-term rentals. And here you have a homeowner that passionately wants to build another affordable housing unit so that I can, for the benefit of our community, but I would have to pay over \$30,000. Yet these people are asking for \$9.5 million without contributing one penny. I don't think that's right.

I'm all about a treatment facility because, you know, for us at Mahi Pono we would gladly use the R-1 and R-2 water for our crops. I think we definitely need to make better uses of our wastewater, but to give them a free ride, I mean, I think it's just going to open a can worms and piss a lot of people off. Because the expectations from people like me are going to be well if they got their stuff paid for, then why don't you help me pay for my stuff. Which I feel, Upcountry residents should have more access to those taxpayer funds over people that are renting out their units for short-term rentals.

So, that's my mana'o on that issue and, and quite frankly, you know, when they, they spend a lot of money on seawalls. Perhaps they should turn around and use that money they would spend on seawalls or fixing their seawalls on treating or building their own facility. New developers at . . . have to build their own brand new facility, wastewater treatment facility on site. So, why, why, we should hold them to that same standards.

And then secondly, just to testify on the appointment to the planning commission. You know, for people like me that are passionate, like new generation, I mean, I'm not as young as I was, you know, but kinda turning 40 this year. But I'm like, you know, passionate about being more involved in our community, and I get disheartened when the same people get appointed, you know.

And, and, you know, I think Wayne Hedani is a nice guy, but he's served his time. He's gotten ten years. And then you, I know other people besides myself have applied and so I'm a little bit disheartened that the Mayor isn't considering giving that position to someone brand new. Someone that can bring different perspective. Someone perhaps grounded in different values than Mr. Hedani. And, you know, I think and I do agree with Kai Nishiki that somebody with experience in climate change and coastal management should be appointed to the planning commission and I do think that that should be one of the key elements of one of those positions.

And so, that's that. I mahalo you guys for all your time and thank you for letting me testify today.

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

Mr. Clerk. Come on.

DEPUTY COUNTY CLERK: Chair, the next individual we have signed up to testify is Kamalani Pahukoa. To be followed by Lucienne de Naie.

Lucienne de Naie is the last individual we have signed up to testify. So if there is anybody else that has not testified and wants to do so, please sign up now.

CHAIR LEE: Okay. Aloha, Ms. Pahukoa.

MS. KAMALANI PAHUKOA (testifying on Committee Report No. 22-42 and Resolution No. 22-141):

Aloha, Chair and Committee. Thanks for enduring this long day. Your agenda looks packed.

I'm testifying on the budget and finance, 22-42. I just wanted to quickly request that we make sure monies and grants get allocated to our rural communities for the purpose of agriculture of course, but specifically wetlands. I think majority of these ag grants should get expanded somehow to reference or even support, you know, fishpond restoration. If you can somehow make sure language throughout the year, you know, encourages these fishpond restorations, these wetland restoration projects or farms, whether its business related or what not. Just to kind of help out, you know, our mission, fulfilling the kuleana of our back country peoples and then, you know, the lifestyle of Hawaii. I know this, out here in town, this city life can get so complicated. You know, we really forget what, on what makes Hawaii Hawaii, and that's our lo'i. That's our taro farms. That's our fish ponds. Just making sure that all of that is in the budget and finance.

When we talk about the wastewater treatment facilities, that all, you know, plays a major role in the pollution runoff. I just put in my notes here, you know, don't forget it's the year of the limu. So, limu is, you know, our priority. When it comes to making sure that all these pollutions, all the runoff doesn't just hurt or kill our entire eco system, cutting off, I don't need to explain more but we know this.

Moving on to the second item. I just wanted to quickly mention I guess in the same budget and, you know, finance item, Hana Highway management. Like Ms. Chase said, Hana Highway is only getting worse. Congested traffic. It's actually an emergency scenario and it's just mind-blowing that MPD and the Mayor have yet to create or support with, you know, Hawaii Tourism Industry a plan. We've already presented countless solutions and you know, we see one, one officer, two officers. So, making sure that you understand Hana Highway is the number one thing to do here on Maui, so that needs to be in the budget as a priority.

I don't know how, you know, we don't have six patrol units or crews working from Keanae to Kipahulu. And I really would like this County to pressure the feds, Kipahulu National Park. Because they are the ones encouraging a lot of traffic flow to head to the County road. You know, the State highway stops right these at Hana Hotel so then it turns County and Kipahulu National Park guests really f-up the road. So, I just would love to see this County put pressure on Kipahulu National Park.

Moving on to item 22-141, the appointment of member to a police commission. You know, I hope it's someone who understands the issues regarding land disputes. As taxes rise in Maui County, countless ohana are still trying to get back onto their ancestral lands. So I only expect more conflict to arise which it doesn't necessarily has to be conflict, but Maui Police Department should understand their role in mediating, you know, when it comes to that point. So if I, I'd like to request a new land dispute document similar to the one Councilmember Paltin requested from former Chief Fa'aumu, regarding the County of Maui role in land disputes and conflicts. So, if you could make a note on that. I would love to see that signed by our current Police Chief and published for the public.

And then, just you know, making sure that we always keep in mind the people who strengthen and support our Hawaii residents which are, you know, the taro farmers and everyone. When we talk about cesspools, and I understand there's so much issues going around, but before we build ohana units, you know, let's make sure we have the water. And when we talk about issues and standards, let's make sure we appropriate water to the righteous tenants and farmers. You know, let's make sure our water, let's make sure our muliwai get water before corporations. That's it. Mahalo. Had to add that in there.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Couple clarifying. I just wanted to ask on the loko i'a issue, if it was something that you had tried to apply for funding, and it wasn't within the scope, or is that just a general statement, like to make sure that it is possible?

MS. PAHUKOA: I'm sorry, what was the question? I would love to see it--

COUNCILMEMBER PALTIN: When you were, when you were saying that you wanted us to make sure in the farming and the ag grants that loko i'a would apply for funding, did you try to apply for funding through the ag grants for loko i'a and it was denied?

MS. PAHUKOA: No. I wish I did that. I applied just at trying to restore our Wailua Nui patches. Of course, ours is the farthest in and hard to get to. Full of hau, so I was thinking, how am I going to do this? But, I wish I . . . You know, when it comes to wetland and taro, people forget that . . .

COUNCILMEMBER PALTIN: So, you applied for funding for your lo'i and were denied? Is that what you're saying?

MS. PAHUKOA: . . . the funding. Yeah, so, back to the funding I would love to encourage somehow the understanding that loko i'a is part of taro patch or lo'i restoration or stream restoration. It all plays a role. I hope that answers your questions.

COUNCILMEMBER PALTIN: Okay. And then I guess the other question is, you were saying for the police situation, you want a same exact letter that, or transmittal that was sent to Chief Fa'aumu to be sent to Chief Pelletier so that he, there is one with his signature on it. Is that what you were saying?

MS. PAHUKOA: Exactly. Yes. And I hope it could be made public. You know, there's a lot of families East Maui, I'm sure throughout Maui County that are trying to get back to their lands and that little piece of paper that, you know, has the Chief's signature it's a great resource to show MPD officers because sometimes they forget. I know they go through cultural training and whatnot, but sometimes they just need to be reminded. So, I'd love to put that in my wallet.

COUNCILMEMBER PALTIN: And regarding the statement you made about police commissioners, have you tried to recruit anyone that fits that criteria? Cause.

MS. PAHUKOA: I really wish I could recommend someone. I just know that our Maui County is separate from, you know, Honolulu Police Department. And Honolulu has so much corruption going on, I would just hate for Maui County to head in that same direction. But I'll be keeping an eye out too. I'll be trying to recommend someone for sure.

COUNCILMEMBER PALTIN: Thank you. Thank you for your testimony and clarifications

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

DEPUTY COUNTY CLERK: Chair, the last individual we have signed up to testify is Lucienne de Naie.

MS. LUCIENNE DE NAIE [testifying on Committee Report No. 22-42; Resolution Nos. 22-139 & 22-144; and Bill Nos. 73 (2022) & 92 (2022)]:

Hello. Greetings, Councilmembers. I'm here in Florida and watching you . . . I'm signed up to testify on a number of items today.

First, I would like to say thank you for the ceremonial resolutions honoring our endangered species and also honoring Linda Puppolo, who is just an amazing County person. I've known Linda for many years and she's very deserving for this recognition. I missed that part of the meeting, but just wanted to add my congratulations for recognizing those two important facets of our community life.

I would like to testify on Bill 72, quickly just in support of the needed budgetary items in Hana, and of course in our Wailuku facilities that are so well used and so necessary to our community. So thank you for putting those funds where they're going to be put to good use.

I would also like to testify on 22-139, this is the appointment of Wayne Hedani to the Planning Commission. You know what, I agree with the last few previous testifiers, it's like, Mr. Hedani is a wonderful person, but he's been on the Planning Commission twice before. And you know, if, if there are people with the level of expertise and dedication as Dr. Deakos who applied and were overlooked, there is something wrong with our appointment system.

Because I watched planning commission meetings and our planning commissioners try, but they don't have expertise in those areas. They ask the staff and the proponents of projects a lot of questions and often get very evasive or you know, kind of half-baked answers. It would be great to have someone who could ask the right questions and who could also speak from years of expertise and research.

And you know, Mr. Hedani should be honored for all of his long service on various boards and commissions. But the Council should leave the door open for other people who have applied, who have good skill sets and would be a great fit and a great addition to the commission of what they don't have now. So, that's my two cents and I will say that just personally, Mr. Hedani when Wailea 670 was approved, he believed everything the archaeologists said and didn't believe the community. And those archaeologists were wrong, there were not 40 sites, there were like 4,000 sites. But, you know, we need someone who's going to probe otherwise we are going to get bad decisions that people have to sue on.

I'll move on to Bill 92, talking about the residence, residency requirements. I think it really is important that we have a sense of balance on our boards and commissions. That it's not all just a perspective of people who live in one community. The reason we have the idea of public input, and these citizen boards is that we get a wide perspective and that's hard to get when there's no due diligence made to seek out that kind of regional range of knowledge. So, I'm glad that this is going to be discussed. Thank you, Council, for discussing this.

On that same tone 22-144, the proposed Charter Amendment that would deal with individual planning commissions for the districts. I just really think that this is an idea that needs to be put to a vote. It is so frustrating for a person who lives in an area that is not well known to members of these boards and commissions to come up in front of them and try to explain something about one's area. First of all, you have three minutes and that's really not enough time. And if you're fortunate and a few commissioners do ask questions, which many commissioners are very fair and they do, it's hard to explain a lifetime of experience of living in an area in just a, you know, a short rejoinder.

It would really be better to have regional decisions made by people who live in the area, especially as our population increases. You know, Oahu eventually went to this type of system, they have the elected neighborhood boards. I think the regional planning commissions is building on what we already have in Molokai and Lanai that none of us would be so silly to assume that a bunch of people in Kahului could decide what should happen on Molokai. Well, you know, it's really the same for Kihei. It's really the same for Upcountry. It's really the same for West Maui, etc. So, thank you for your consideration of forwarding this to the, I believe, the GREAT Committee for their consideration.

And then last, I'd like to address Bill 73. And this has to do with the provision in the budget to provide County funds to not take over an existing aging sewage treatment system in the condos in Mā'alaea which people do have to realize these condos were hailed in their time in the 1970's when they were bought. They were hailed by County authorities as, and isn't this wonderful, we're going to get all this tax money from new condos that, that we created the zoning. And I have to say that probably half the residents of Mā'alaea in the 1970's protested that their zoning was changed to allow apartments. They wanted single-family.

But the County in its wisdom, in its blanket zoning plan, the Kihei Civic Plan changed all of those 20 lots to either industrial or apartment. And one by one, because they were being taxed at that rates, it's called highest and best use, one by one, all but two of the lots became condos. There was no infrastructure and so they took over these little package systems that the County had been using. This was the solution, someone

had the bright idea, give these ten units the County had been using, give them to the condos and the condos can install them. Problem solved. County doesn't have to spend a penny and we can collect the taxes.

Well, I don't know if that's what happened in Haliimaile as well, but I do know Pukalani does, has a successful packaged treatment plant and they have professionals to run it. It's small in scale. The water is used to irrigate the golf course. As far as I know it functions and they're proud of the way it functions.

This project is not taking over an aging system, it's creating a new state of the art, small package plant that can be built in far less time than the large plants that the County proposes. My guess is although it would require an environmental assessment that if an honest one will do, will be done, it could be approved in a timely manner and the functioning of the plant is going to be far different than the ones that the County is proposing and the County is using right now. It is designed for reuse. It is designed to fit into the terrain and it is not just about the condos.

Our Mā'alaea Harbor, one of the busiest places on Maui, has septic systems. Our shops at Mā'alaea and the Maui Ocean Center, the second busiest visitor attraction have septic systems. They, they all can hook into this because it's not just the condos that are contributing to the degradation of the reefs. I'm sorry there's a lot more to say, but it's, it is a complicated problem, but it needs a solution that involves public funding.

CHAIR LEE. Thank you, Ms. De Naie. Members, are there any questions? No questions. Say hello to our friends in Florida.

MS. DE NAIE: Thank you. It's hot here. You wouldn't want to be here.

CHAIR LEE: Oh yeah? Okay.

Alright, Members. Oh, do we have any more testifiers, Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Chair. Yes, Chair. The next testifier is Sam Small.

MR. SAM SMALL (testifying on Committee Report No. 22-42 and Resolution No. 22-144):

Good afternoon. Thank you, again. It's a privilege to participate in this process. I'm going to try and be really brief as, you know, basically you've heard all of this before. Well, some of this is new, you know.

Changing the planning commissions to local districts is an excellent idea. The planning commission has as it stands for decades has way too much authority. There is absolutely no justification for me as a voting citizen for the force and effect of law to be entrusted into the politically appointed planning commission. I vote for you people, and it's my expectation and everyone's expectation that the only body that has the ability to create force and effect of law is this Council. And as it stands, this Council has given its authority away to the planning commission. And you see the opposition to the appointment of the planning commissioner at hand today that, that's part of a rigged system, that is facilitating a select few developers and their professional consultants in continuing to abuse our system.

So, district planning commission, fantastic idea. Let's please distribute that, it will help break that pattern of abuse. I agree with everything that Tiare Lawrence said, with Lucienne de Naie said. These are people who have, you know, an extraordinary track record of paying attention to what's going on here in Maui County, and I beg you, please listen to these people. They know what they're talking about and their testimonies are accurate.

I'll segway back into the budget because it's, it's, it's a problem endemic to the, to, to what I'm talking about. This budget once again lacks at a full accounting of the three lots or less deferral agreements, what, that were written for over 40 years and have never once been collected upon. We have a capital improvement project on the books right now, that has frontage that would be collected upon, but Corporation Counsel who wrote these deferral agreements for 40 years is blocking every initiative to rectify and resolve that situation.

And I'm sorry, the audit is the same way. I'm terribly sorry, the Auditor has not performed. And there is no justification for delaying his audit report because of one piece of litigation from Chris Salem. These three lot deferral agreements are not a Chris Salem issue. But the Auditor is hiding behind that. Corporation Counsel is hiding behind these lawsuits so that they are not exposed. And in fact, they have refused to transmit to you a, two settlement agreements from Chris Salem to remove those litigations so that we can move forward with Chris Salem as a community expert which he is. And Corp. Counsel is inappropriately withholding those settlement agreements from this body. This is part of the, the environment that we are frustrated with as citizens and with, you know, something like Greg Brown to bring all these issues up to the fore. We're not going away.

So, I urge you to, to act appropriately and absorb all of this stuff and to push back. And, you know, and that's it. I beg you. Maui needs to move forward as a modern municipality and stop this strangle hold that Corporation Counsel and wealthy, well-connected developers, lawyers and civil engineers have on the Planning Department,

on Public Works, Corporation Counsel and the Mayor's Office. You're the independent body. You have the authority to launch an investigation into all of this and I beg you to do so. Thank you very much.

CHAIR LEE: Member Paltin has a question.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Small for your testimony. I was wondering if you could clarify your statement about giving away authority to the planning commission. Their authority is given to them by State law. So, I don't understand what you were saying. Could you clarify that?

MR. SMALL: I think there are aspects that the planning commission is authorized through the County Council. I don't, and perhaps I'm wrong and please correct me if do.

I don't know that State law gives the planning commission the authority to write rules that have the force and effect of law. That only, I understand, that authority only goes to the County Council.

COUNCILMEMBER PALTIN: That's not my understanding. I understand that the planning commission has the full authority in the special management area but I don't know, maybe you can consult a lawyer.

CHAIR LEE: Okay.

MR. SMALL: Yeah.

CHAIR LEE: Any other clarifying questions? If not, thank you very much, Mr. Small.

MR. SMALL: Thank you all.

CHAIR LEE: Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, we do not have any other testifiers noted. If anyone has not testified but would like to do so, please identify yourself now. This is the 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 OBJECTIONS.

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. Peter Cannon;
2. Stephen MacKinnon;
3. Scott Rollins;
4. American Bird Conservancy;
5. Barbara Barry;
6. Suellen Barton;
7. Meredith Beeson;
8. Tom Board;
9. Bob;
10. Patti Cadiz;
11. Deashia Lei Chang;
12. Brandi Corpuz;
13. Justin De Leon;
14. Umesh Desai;
15. Jeanne Dunning;
16. Suzette Felicilda;
17. Mike Fogarty, Maui Nui Marine Resource Council;
18. Amy Fonarow;
19. Scott Fretz, Hawaii Division of Forestry and Wildlife;
20. Paul Gammie;
21. Carl Gann;
22. Susan Halas;
23. Gayle Harbo;
24. Lora Harbo and David Liebersbach;
25. Huamakahikina;
26. Lyndon Ibele, Mā'alaia Village Association;
27. Mark and Laurie Knodle;
28. Adam Knox;
29. Arnie Koss;
30. Barbara Kutterer;
31. La'akea Low;
32. Joy & Don Nelson;
33. Paula Phillips;
34. Harpreet Purewal;

35. Dianne and Ron Rascia;
36. Renee Riley;
37. Anne Rillero;
38. Amy Schlifftman;
39. Wanda Shirreff;
40. Kevin Smith;
41. John Starmer;
42. Laura Stokes;
43. Pamela Tumpap, Maui Chamber of Commerce;
44. Robert Vafaie, Maui Property LLC;
45. Todd and Shannon VanderHeuvel;
46. John Yannell; and
47. Wastewater Management Solutions.

CHAIR LEE: Members, if there are no objections, I will adjourn the public hearing and we will continue on with the rest of the regular Council meeting after our lunch break. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so the public hearing is hereby adjourned.

ADJOURNMENT

The public hearing of May 26, 2021 was adjourned by the Chair at 1:27 p.m.

CHAIR LEE: And now, for, the original plan was to come back at 2:00. Shall we make it 2:30?

COUNCILMEMBER SUGIMURA: Yeah.

COUNCILMEMBER KAMA: Yeah.

CHAIR LEE: 2:30?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Alright, if there are no objections, then we'll have, take our lunch break now and return at 2:30. No objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

(THE MEETING WAS RECESSED BY THE CHAIR AT 1:27 P.M., AND WAS RECONVENED AT 2:33 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of May 26, 2022, please reconvene.

Mr. Clerk, shall we resume with the minutes?

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

MINUTES

The minutes of the Council of the County of Maui's regular meeting of March 4, 2022 was presented at this time.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO APPROVE THE MINUTES OF

CHAIR LEE: March 4.

VICE-CHAIR RAWLINS-FERNANDEZ:

--AS READ BY THE CLERK.

CHAIR LEE: Okay. Any--

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second, alright. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the meeting minutes of March 4, 2022.

Any discussion? No. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: One, two, three, four, five, six, seven, eight. I'm missing Tasha Kama, Pro Temp Kama, on the screen. She's next to you?

COUNCILMEMBER SUGIMURA: She's here. Are you having internet problems?

CHAIR LEE: Oh, there I see her. Okay.

COUNCILMEMBER SUGIMURA: Oh, there she is.

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

Mr. Clerk. Consent Calendar.

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

ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS

NO. 22-113 - MICHAEL P. VICTORINO, MAYOR,
(dated May 2, 2022)

Informing of the removal of Christopher Berquist as a member of the Maui County Arborist Committee, effective May 2, 2022.

NO. 22-114 - MICHAEL P. VICTORINO, MAYOR,
(dated May 2, 2022)

Informing of a vacancy on the Board of Variances and Appeals due to the resignation of Emmanuel Baltazar, effective May 1, 2022.

NO. 22-115 - MICHAEL P. VICTORINO, MAYOR,
(dated May 11, 2022)

Informing of a vacancy on the Maui County Cultural Resources Commission due to the resignation of Ian Bassford, effective May 10, 2022.

NO. 22-116 - MICHAEL P. VICTORINO, MAYOR,
(dated May 17, 2022)

Informing of a vacancy on the Maui County Arborist Committee due to the resignation of Ernest Harold Rezents, effective May 16, 2022.

NO. 22-117 - MICHAEL P. VICTORINO, MAYOR,
(dated May 12, 2022)

Informing of the appointment of Jordan Molina, Walle Landenberger, and Allison Cleghorn to the Conservation Planning Committee.

NO. 22-118 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated May 2, 2022)

Transmitting a copy of the notice of grant award from the State of Hawaii, Department of Health, for the Strategic Prevention Framework – Partnerships for Success Grant in the amount of \$99,000.

NO. 22-119 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated May 2, 2022)

Transmitting a copy of Contract Log No. 20-194 Modification Order No. 9 from the State of Hawaii, Executive Office on Aging, for the Kupuna Care Program in the amount of \$243,279.

NO. 22-120 - LORI TSUHAKE, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated May 2, 2022)

Transmitting a copy of Contract Log No. 20-251 Modification Order No. 5 from the State of Hawaii, Executive Office on Aging, for the Aging & Disability Resource Center in the amount of \$147,805.

NO. 22-121 - KARLA H. PETERS, DIRECTOR OF PARKS AND RECREATION,
(dated May 10, 2022)

Relating to the allocation of a Pre-Audit Clerk I to Planner V in the Office of the Director
Section of the Administration Program in the Department of Parks and Recreation.

NO. 22-122 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 17, 2022)

Informing of the acceptance of Waterline Easement W-1, Haynes-Waiale Subdivision
TMK: (2) 3-4-003:054.

NO. 22-123 - MICHAEL P. VICTORINO, MAYOR,
(dated May 19, 2022)

Informing of the increase in the hourly wage of positions in the PALS Program.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL ITEMS ON THE CONSENT CALENDAR.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, including CC 22-123? Okay. Alright, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to file all the items on the Consent Calendar.

Any discussion? No discussion. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

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

Mr. Johnson, did you have your hand up earlier? Did you say "aye"?

COUNCILMEMBER JOHNSON: I did say "aye", Chair. I just--

CHAIR LEE: Okay, thank you. Alright. Oh, did you have a question? No?

COUNCILMEMBER JOHNSON: No, not a question. Just a statement. I'm really happy that the Mayor supports the increase in the pay wages of the PALS Program. That's all. Thank you, Chair.

CHAIR LEE: Alright. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with communications.

COUNTY COMMUNICATIONS

NO. 22-124 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 11, 2022)

Transmitting 50 contracts/grants for the month of April 2022.

CHAIR LEE: Vice-Chair Rawlins-Fernandez. You want to do the second, the next one too?
No?

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO FILE COUNTY COMMUNICATION 22-124, EXCEPT
FOR THOSE GRANTS AND CONTRACTS THAT
COUNCILMEMBERS REQUEST FOR COMMITTEE
REFERRAL.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to file County Communication 22-124, except for the items Members request to be removed.

Members? Oh, no requests. Alright.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. There was testimony on one of the grants this morning from Ms. Chase. And I just wanted to let Members know that I do plan to take up the tourism management grant item in my Committee next week Wednesday at 1:30, so we discuss it there. I don't need to pull out the grant though, I can just do a 7.B. Mahalo, Chair.

CHAIR LEE: Alright, anybody else? If not, all those in favor of the motion, raise your hand and say "aye". "Aye", everybody. Okay.

Member Paltin, "aye"?

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

NOES: NONE.

CHAIR LEE: Okay, very good. Motion carries.

Next item. Mr. Clerk.

NO. 22-125 - KEANI N.W. RAWLINS-FERNANDEZ, CHAIR, BUDGET, FINANCE,
AND ECONOMIC DEVELOPMENT COMMITTEE,
(dated May 16, 2022)

Transmitting a proposed amendment to Bill 69, CD1 (2022), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2022, TO JUNE 30, 2023".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no object, oh, if there are no objections, I would like to ask the county, that County Communication 22-125 be taken up at the same time as CR 22-42, 22-42.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Mr. Clerk.

(See pages 100 through 107 for discussion and action.)

DEPUTY COUNTY CLERK: Chair, proceeding with county communications for referral. The following communications are recommended for referral to the following Committees as noted:

NO. 22-126 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated May 2, 2022)

Transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2021 to June 30, 2022 as of March 31, 2022 and the Capital Improvement Project report as of March 31, 2022.

The recommended action is that County Communication No. 22-126 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-127 - SHAYNE R. AGAWA, DEPUTY DIRECTOR OF WATER SUPPLY,
(dated May 5, 2022)

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

The recommended action is that County Communication No. 22-127 be referred to the Infrastructure and Transportation Committee.

NO. 22-128 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated May 10, 2022)

Transmitting the "Assessment of the Zoning Administration and Enforcement Division, Department of Planning".

The recommended action is that County Communication No. 22-128 be referred to the Planning and Sustainable Land Use Committee.

NO. 22-129 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated May 18, 2022)

Transmitting the Department of Planning's quarterly report on the status of all active conditional permits as of March 31, 2022.

The recommended action is that County Communication No. 22-129 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Members, are there any objections to these referrals?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Alright, moving on.

DEPUTY COUNTY CLERK: Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 22-42 - BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT
COMMITTEE:

Recommending the following:

1. That Bill 69, CD1 (2022), entitled "A BILL FOR AN ORDINANCE RELATING TO THE OPERATING BUDGET FOR THE COUNTY OF MAUI FOR THE FISCAL YEAR JULY 1, 2022, TO JUNE 30, 2023," be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 70, CD1 (2022), entitled "A BILL FOR AN ORDINANCE RELATING TO THE CAPITAL PROGRAM FOR THE FISCAL YEAR ENDING JUNE 30, 2023," be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill 71, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE OF ONE HUNDRED FIFTY-TWO MILLION THREE HUNDRED THIRTY-SIX THOUSAND SEVEN HUNDRED NINETY-

THREE DOLLARS (\$152,336,793) 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 OF 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 72 (2022), 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 73, CD1 (2022), 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 2023 BUDGET ORDINANCE," be PASSED ON FIRST READING and be ORDERED TO PRINT;
6. That Resolution 22-80, CD1, entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2022," be ADOPTED;
7. That Resolution 22-96, entitled "ADOPTING THE FUEL TAX RATES FOR THE COUNTY OF MAUI, EFFECTIVE JULY 1, 2022", be FILED; and
8. That County Communication 22-82, from the Mayor, be FILED.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 22-42.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to approve the recommendations in Committee Report 22-42.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, I will make additional remarks at second reading. But I want, I wanted to thank you all again for the time and effort you put into the FY 23 Budget session. We were able to work together efficiently to create a budget that will address the continuing impacts of the pandemic and emerging impacts of the Russian/Ukraine war, the Russian invasion of Ukraine, while working to address the budgetary needs of our children, families, seniors, and the whole, and the County as a whole.

Chair, at this time, I would like to proceed with proposed amendments, beginning with County Communication 22-125.

CHAIR LEE: Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: And then I'll let you know when I completed all my amendments. Okay.

CHAIR LEE: How many do you have?

VICE-CHAIR RAWLINS-FERNANDEZ: Two sets. Three, three, sets. Okay, the first one.

I MOVE TO AMEND THE FOLLOWING: ON PAGE 2, AMEND
SECTION 3.B.1.A.(1), DEPARTMENT OF AGRICULTURE,
AGRICULTURE PROGRAM, BY INCREASING THE AMOUNT
IN CATEGORY A (SALARIES) TO \$393,390, OH SORRY,
\$393,396, AND THE TOTAL TO \$1,754,041.

And I'm sorry, you should have received an ASF in your email, so that you can follow there as well.

To accommodate the salaries for the Department of Agriculture, Director and Deputy Director.

2) ON PAGE 6, AMEND THE FOLLOWING: SECTION 3.B.5.G.(1), DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, FRINGE BENEFIT, BY INCREASING THE AMOUNT TO \$159,487,301; AND SECTION, SORRY, SECTION 3.B.5.G.(12), DEPARTMENT OF FINANCE, TRANSFER TO THE EMERGENCY FUND, BY REDUCING THE AMOUNT TO \$3,270,764.

And my apologies, the ASF is not in your email. It's on your agenda. It's CC 120, 22-125. It was posted on the agenda.

3) ON PAGE 54, AMEND APPENDIX A, PART II, SPECIAL PURPOSE REVENUES, SECTION J, EMERGENCY FUND, BY REDUCING ANTICIPATED REVENUES FOR FY 2023 TO \$3,270,764, AND THE TOTAL TO \$45,329,693.

AND TO FILE COUNTY COMMUNICATION 22-125.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Second?

COUNCILMEMBER PALTIN: Second.

CHAIR LEE: Who second?

COUNCILMEMBER PALTIN: Second.

CHAIR LEE: Okay, thank you. Your voice sounds so froggy. I was wondering who that was.

Okay, moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin.

And if you refer to the ASF, you'll see the three items for amendment. Now does everybody have a copy of this. Cause there's no way you can remember what she said.

COUNCILMEMBER KING: No, I don't.

COUNCILMEMBER PALTIN: It's on the--

VICE-CHAIR RAWLINS-FERNANDEZ: It's on the agenda.

COUNCILMEMBER PALTIN: --meeting, if you click the hyperlink.

CHAIR LEE: Okay. Did, you, did you click on it?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. While everyone is getting the CC that was on the agenda, that has the ASF, I'll explain what these three amendments are regarding. These amendments increase the salaries for the Director and Deputy Director of the Department of Agriculture in accordance with the May 13, 2022 vote of the Salary Commission, increase the cost of fringe benefits accordingly, and reduce the transfer to the Emergency Fund.

So, the Salary Commission voted to increase the Director and the Department Director of Department of Ag. Yay, mahalo, to the Salary Commission. And so, we had to adjust the salary, fringe, and we took that from the Emergency Fund to, to pay for that, because that's where some of the excess funds went. So, we're, we're not, we're still following the law in how much Emergency Fund we're, you know, required to put into the, how much funding we're required to put into the Emergency Fund. So, we're all good. Mahalo, Chair.

CHAIR LEE: Alright, did everybody find the information? I'm not going to proceed until I know that you all are following everything. I mean, don't be shy, if you didn't find it, say so. Everybody has it?

COUNCILMEMBER KING: Chair, I'm still looking for that. I'm still looking for that one. But I thought that was one that, that the Vice-Chair said that she had sent an ASF on, but.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. I, Chair, it's on the agenda. If you, Member Paltin mentioned, if you go to the agenda and you click on the hyperlink, then it'll bring up the ASF. The ASF was posted to the agenda six days ago, so last week Friday.

CHAIR LEE: Okay, Member Sugimura, are you sitting by Member King?

VICE-CHAIR RAWLINS-FERNANDEZ: And the County Clerk just resent it.

COUNCILMEMBER SUGIMURA: We're fine.

VICE-CHAIR RAWLINS-FERNANDEZ: Just sent it to your email. So, in addition to it being posted a week ago, it's also in your email. Mahalo, Clerks. Appreciate your help.

CHAIR LEE: I'm not going to move forward until I know everybody has this information.

COUNCILMEMBER SUGIMURA: We have it.

COUNCILMEMBER KING: I got it from the County Clerk. Thank you.

CHAIR LEE: Okay, everybody got it? Okay. Then any more discussion or questions on this? This is a motion to amend three items here. Okay, ready? All those in favor of the motion, raise your hand.

COUNCILMEMBER KING: Chair, just. Chair, just point of order. I thought there were multiple amendments that were in the motion that were made.

CHAIR LEE: Yes. Three.

COUNCILMEMBER KING: Beyond these three.

CHAIR LEE: Beyond these three?

COUNCILMEMBER KING: Yeah.

CHAIR LEE: Okay.

COUNCILMEMBER KING: It was just these three? Okay.

CHAIR LEE: So far. So far.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Again, the first part of this motion is to add money to Category A, to accommodate the increase in salary from the Salary Commission. The second part is to increase funding to Countywide Costs for fringe, because the salaries went up. And the third part is to get the funding from Emergency Fund, because it's General Fund, and to accommodate the adjustment that's necessary. And the last part is to file County Communication 22-125. Mahalo, Chair.

CHAIR LEE: Okay, and then also on the, probably the emailed version, I'm not sure about the other version, the hyperlink. Attached to the motion are the mark-up copies that the amendments refer to. Okay? That's all for the ASF that I have. But I'm sure you have more amendments, right, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, Chair. And as I--

CHAIR LEE: Later.

VICE-CHAIR RAWLINS-FERNANDEZ: --stated earlier, I will take them in sets. And so, this is the first set, very harmless. I think we're all supportive of supporting our new Department of Ag Director and Deputy Director getting paid adequately. Mahalo, Chair.

CHAIR LEE: Alright.

Member King.

COUNCILMEMBER KING: Chair. Thank you, Chair. No, I support the bill, but I just, for the edification of the public, Member Rawlins-Fernandez, maybe you could tell us what the salaries are? Because there's kind of a lump sum. Do you know what the individual salaries are for the Director, the Deputy Director?

CHAIR LEE: Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Let's see. If you subtract that number, you'll get that answer. If you subtract the 393 from the 336. I don't have both the Director and the Deputy Director's. Never mind, I do have it now. Mahalo Ms. Milner. The Director is \$126,386. And the Deputy is \$113,747. Mahalo Ms. Milner.

COUNCILMEMBER KING: Thank you.

CHAIR LEE: Alright, any more comments or questions? Everybody ready to vote on the amendment? On the motion? All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Nine "ayes", zero "noes"; motion carries. Zero "noes", right? Okay.

Mr. Clerk.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For the second motion.

I MOVE TO AMEND THE FOLLOWING:

1) ON PAGE 1, AMEND FUEL AND FRANCHISE TAXES BY REDUCING THE AMOUNT TO \$22,980,000. AMEND LICENSES/PERMITS/OTHERS BY INCREASING THE AMOUNT TO \$43,709,425.

And I see that the County Clerk's did send the, this ASF at 2:55. So, if you want to follow along, it should be in your email.

SECOND PART. ON PAGE 15, ON BEHALF OF CHAIR LEE, AMEND SECTION 3.B.10.C.(2)(IV), WAILUKU ECONOMIC DEVELOPMENT, ENVIRONMENTAL, AND CULTURAL PROGRAMS, BY DELETING: "C) UP TO \$40,000 FOR KE KULA O PIILANI; D) UP TO \$10,000 FOR THE MAUI ACADEMY OF PERFORMING ART; E) UP TO \$30,000 FOR THE WAIIEHU COMMUNITY ASSOCIATION COMMUNITY CENTER FOR A FEASIBILITY STUDY." AND INSERTING "C) UP TO \$50,000 FOR THE MAUI FOOD HUB."

THIRD PART. ON PAGE 21, AMEND SECTION 3.B.10.C(6)(IX), MAUI ECONOMIC OPPORTUNITY AGRICULTURAL MICRO GRANT PROGRAM, BY ADDING CONDITIONAL LANGUAGE TO READ:

"A) MEO WILL RECEIVE A \$3 MILLION GRANT FROM THE COUNTY TO MANAGE AND DISTRIBUTE MICRO GRANT PAYMENTS OF UP TO \$25,000, OH OKAY, MICRO GRANT PAYMENTS OF \$25,000 OR LESS PER GRANTEE. AT THE CLOSE OF THE GRANT PERIOD, MEO WILL TRANSMIT A LIST OF GRANTEES TO THE COUNCIL, WHICH WILL

INCLUDE RECIPIENT NAME, DISTRICT, GRANT-FUND, GRANT-FUNDED PROJECT, AND WHETHER THE RECIPIENT SATISFIED KULEANA LAND OWNERSHIP, NATIVE HAWAIIAN, OR FEMALE DEMOGRAPHICS. UPON APPLICATION APPROVAL, MEO WILL ISSUE GRANTEE VENDOR PAYMENTS IN FULL AT THE FRONT END TO VENDORS, WITHOUT LIMITING THE NUMBER OF GRANTEE VENDORS.

THE MICRO GRANTS MUST BE DISPERSED WITH EFFORTS TO ENSURE EQUITABLE DISTRIBUTION AMONG APPLICANTS IN MAUI, MOLOKAI, AND LANAI, WITH PREFERENCE GIVEN TO SOCIALLY DISADVANTAGED FARMING APPLICANTS, SUCH AS WOMEN AND NATIVE HAWAIIANS, AND TO FARMERS THAT DID NOT RECEIVE FUNDING IN FISCAL YEAR 2022 FROM THE, FROM THE MICRO GRANT FUNDING. AN APPLICATION DEADLINE WILL BE SET BY MEO TO ENSURE THESE PREFERENTIAL GUIDELINES WILL BE MET.

THE MICRO GRANTS WILL BE EXCLUSIVELY TO FOOD-PRODUCING FARM BUSINESSES THAT OPERATE ON LESS THAN AN AGGREGATE OF 12 ACRES WITHIN MAUI COUNTY AND POSSESS A COUNTY BUSINESS OR STATE GENERAL EXCISE LICENSE FOR THE FARMING BUSINESS AS OF JULY 1, 2022. LOW REVENUE FROM SALES WILL NOT DISQUALIFY APPLICANTS. FARM BUSINESS OWNERS, AND ANY PARTNERS, MUST BE MAUI COUNTY RESIDENTS FOR A MINIMUM OF ONE YEAR PRIOR TO THE DATE OF THE APPLICANT'S GRANT REQUEST. APPLICANTS WILL NOT BE DISQUALIFIED BASED UPON RECEIPT OF COVID-RELATED GRANT FUNDING FROM SUPPLEMENTAL SOURCES.

PERMISSIBLE USES INCLUDE: (1) FARM INFRASTRUCTURE UPGRADES; (2) PACKING MATERIALS AND PRODUCTS; (3) PROCESSING AND STORAGE EQUIPMENT AND MACHINERY; (4) FARM GRANT, FARM EQUIPMENTS, INCLUDING TRAILERS, TILLERS, AND LIFTERS, LIFTS; (5) MARKETING SERVICES, SUCH AS PACKAGING, LABEL, LABEL DESIGN AND PRINTING, AND WEBSITE DEVELOPMENT; (6) LO'I AND LOKO I'A; AND (7) PROFESSIONAL DEVELOPMENT, SUCH AS FOOD

SAFETY MODERNIZATION ACT TRAINING. MICRO GRANT ALLOCATIONS MUST NOT EXCEED THE DOLLAR AMOUNT REQUESTED BY THE 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.

4), SO FOURTH PART. ON PAGE 30, AMEND SECTION 4.D.1.B.(1)(I), HĀLAU OF 'OIWI ARTS, BY ADDING DIACRITICAL MARKS AND CONDITIONAL LANGUAGE TO READ: "A) A QUARTERLY REPORT MUST BE PROVIDED TO THE COUNCIL ON THE STATUS OF THE PROJECT, INCLUDING A BRIEF DESCRIPTION OF WORK COMPLETED IN THE CURRENT YEAR, IN THE CURRENT QUARTER, WORK TO BE COMPLETED IN THE NEXT QUARTER, AND ENCUMBRANCES AND EXPENDITURES FROM THE APPROPRIATION. FURTHERMORE, THE COUNCIL MUST BE NOTIFIED OF ANY MAJOR CHANGES, OR DELAYS, IN THE PROJECT."

And that concludes my motion.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Okay, we have a motion and then a second by Member Paltin.

And now, we have discussion.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Alright. Okay, so for the first part of the motion, the Fuel and Franchise taxes. \$20,000 in the Highway Fund revenues for the Weight Tax increase were inadvertently included in the Fuel Tax line item rather than the Licenses/Permits/Others. That's just a household, or housekeeping, housekeeping correction.

The second part of it, for the Wailuku Economic Development grants. The district area representative for Wailuku, Council Chair Lee, requested that updates be made to the Wailuku Economic Development, Environmental, and Cultural Programs.

The third part is the Micro Grant condition. So, the conditional language for Maui Economic Opportunity Agricultural Micro Grants Program delineates the process and purposes for these funds. And it's mostly the same as last year's, giving, giving preference to those that did not receive the grant.

I'LL, I'LL, FRIENDLY AMENDMENT, AMEND THAT PART TO
"DID NOT RECEIVE FUNDING IN PRIOR FISCAL YEARS",
AND NOT JUST FOR FISCAL YEAR 2022.

And finally, the conditional language for the Hālau of 'Oiwī Arts. And there should be a diacritical over Hālau and 'Oiwī. So, the, over the "O", 'Oiwī Arts. Requires a quarterly report to the Council to ensure awareness of the project status as well as any delays or major changes. And this is to address some of the feedback received regarding Council's involvement and, you know, community's ability to provide feedback, and to increase transparency on the progress of this project.

And for the Micro Grant condition, I added the lo'i and loko i'a. And we heard testimony on that this morning as well. So, that, that will help be a qualifier for those kinds of . . . that will increase food security using traditional infrastructure. Mahalo, Chair.

CHAIR LEE: Alright, further discussion?

Member Paltin, then Member King.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm okay with the friendly amendment of funding in Fiscal Year 2022, or prior years. As well as the friendly amendment of was it a kahako over the "O" for 'Oiwī, that's not in the ASF currently?

I had two questions. I'm on the MEO part 3 of the motion, where it says, the top of the second page of the ASF, where it says, "MEO will issue grantee vendor payments in full at the front end to vendors, without limiting the number of grantee vendors". I wasn't clear "without limiting the number of grantee vendors", what is meant by that? That would be my first question. I have one more after that.

CHAIR LEE: Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo for the question, Member Paltin. So, after the first year in 2020, when we first funded this program, feedback that I received from some of the grantees was that it was, MEO was limiting the amount of vendors to get their supplies and equipment from to, I want to say it was like four vendors. And so, it, it kind of inhibited the way that some of the farmers, because not

everything, you know, for equipment and supplies will come from four vendors. Sometimes they need to go to more. And so, that's the purpose for that language.

COUNCILMEMBER PALTIN: Okay. I understand that now. And then, I guess my--

CHAIR LEE: And then the next question?

COUNCILMEMBER PALTIN: My other question was for you, Chair. Did those guys make you mad or something? You don't want to earmark them? Or are they, it was wrong? Or I just wondering?

CHAIR LEE: Who, who are you talking about?

COUNCILMEMBER PALTIN: You.

CHAIR LEE: No, no.

VICE-CHAIR RAWLINS-FERNANDEZ: Your . . . Funds, your district economic development fund.

COUNCILMEMBER PALTIN: District funds.

CHAIR LEE: Okay. Okay, so for the Ke Kula O Piilani, they don't need the, they, they never really requested it again. That was a first time grant last year. And then, the Waiehu grant is something I have to work out with them more, in more, with more specifics, because there's the issue of having a community center on Hawaiian Home Lands. So, those are the, those are some of the issues that, that came up, you know, later. And so, it's no, nobody made me mad, no. It's just a, it's a fluid thing, yeah, district funds.

COUNCILMEMBER PALTIN: Okay. Yeah, yeah, I just was curious. Thank you. I understand. I mean, it still can happen, it's just not, it can happen organically, if it needs to, right?

CHAIR LEE: Right. And then, I might be able to access other funds, or do matching funds, or do other things. But the one that is really urgent is the Maui Hub. Although they have other, other grants, other sources, they're, they're growing at such a pace that they need capacity building. And so, my, my meager little amount is to help them with that.

COUNCILMEMBER PALTIN: Okay. Yeah, just double-checking.

CHAIR LEE: Yeah. Thank you. Okay, but there are other questions, I'm sure. I think I saw Member King's hand up.

COUNCILMEMBER KING: Yeah, thank you, Chair. Just a follow up on that before I get to my other question was so, if there's an item that was funded previously, it stayed on your district fund list from the last year?

CHAIR LEE: Yes.

COUNCILMEMBER KING: When you're talking about Ke Kula O Piilani, that just automatically went on the next year's budget as well?

CHAIR LEE: I put them on. I put them on.

COUNCILMEMBER KING: Oh okay.

CHAIR LEE: And then I, then I found out they received a \$3 million grant, so, I thought, gee, I don't think they need this. Things like that.

COUNCILMEMBER KING: Okay.

CHAIR LEE: And then, then map, then MAPA was actually the Administration's. You know when you don't use all your funds, they, they use it for you? That was one of them. Things like that.

COUNCILMEMBER KING: Yeah. Okay. Great. Well, I thank you for the funding for the Food Hub. And another question I had is, you know, we've gotten several testimonies of concern, or complaints, I guess, from folks who are on the Micro Grant, the Ag Micro Grants from folks who are doing ranching on the fact that they, they may be leasing more than 12 acres for grazing, but they can't apply for this grant. So, did we ever address that issue, or are we just leaving all the ranchers out if they are using more than 12 acres?

CHAIR LEE: Vice-Chair? That's not mine.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member King, for your question. If you have language to propose, I'm open to receiving your suggestion. Mahalo.

COUNCILMEMBER KING: Okay. I'll, I'll try to work on that.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA:

YEAH, I WOULD LIKE TO THEN AMEND THIS TO SAY, "UP TO 40 ACRES".

Then that'll include, cause I did get calls from the ranchers and they were saying that 12 acres, you can imagine, right, you cannot raise cattle on 12 acres, it's not enough, right, for grazing? And so, I would like to, if, if you allow Vice-Chair, to amend this, so that this will then be up to 40 acres?

CHAIR LEE: Okay, we have another question first.

Member Paltin.

COUNCILMEMBER PALTIN:

OH, I WANTED TO TRY AND SEE IF I COULD FRIENDLY AMEND THAT TO SAY, "FOR RANCHING UP TO 40 ACRES", OR SOMETHING.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: That, that sounds fine.

CHAIR LEE: Friendly amendment accepted.

COUNCILMEMBER SUGIMURA: I just, I wonder about regular ag land. I heard from ranchers, so I'm going to agree with that.

COUNCILMEMBER KING:

I'LL SECOND THE MOTION.

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER KING: With that friendly amendment.

CHAIR LEE: Okay. And then, now we have Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Perhaps we can take that up separately then.

CHAIR LEE: Alright. Shall we take that up separately, since there doesn't seem to be consensus yet on this item?

COUNCILMEMBER SUGIMURA: Okay.

COUNCILMEMBER KING: Oh take the item up separately?

CHAIR LEE: Yeah.

COUNCILMEMBER KING: Okay.

CHAIR LEE: No? How do, how do you want to take it up separately, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Instead of a friendly amendment, we can take up that amendment after my motion. We have the language in front of us. I just want to make sure that we, we can focus on one thing at a time. Let's just focus on this, and then we can take up that as a separate motion to amend the language after we vote on it. I'm open to it.

COUNCILMEMBER KING: Is that after we vote on it?

VICE-CHAIR RAWLINS-FERNANDEZ: I just, yeah.

CHAIR LEE: Everybody understand that?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR LEE: Everybody agreeable? Consensus?

COUNCILMEMBER MOLINA: Withdraw the motion then, yeah, to amend.

VICE-CHAIR RAWLINS-FERNANDEZ: They asked if it would be a friendly amendment and I didn't accept it as a friendly amendment. So, it, it's not on the floor right now. It's just my motion with the four parts.

CHAIR LEE: Okay, everybody got that?

Member King.

COUNCILMEMBER KING:

SO, I GUESS I'LL MAKE A, MAKE THE MOTION TO AMEND THE MOTION ON THE FLOOR RIGHT NOW TO SAY, "THE MICRO GRANTS WILL BE EXCLUSIVELY TO FOOD-PRODUCING FARM BUSINESSES THAT OPERATE ON LESS THAN AN AGGREGATE OF 12 ACRES" AND THEN ADD ", OR UP TO 40 ACRES FOR RANCHERS, WITHIN MAUI COUNTY" AND THEN GO ON THE REST OF THAT. SO, THAT WOULD PUT THAT PHRASE IN THERE.

CHAIR LEE: Is there a second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Seconded by Member Sugimura.

Alright, so we have, do we have discussion on this, Member King, or anyone else?

COUNCILMEMBER KING: Yeah, I think it's, you know, what we've talked about, I've talked about, Member Sugimura has talked about, that we've gotten complaints from local folks who are ranchers who are operating on more than 12 acres, because that's what's necessary to graze their cattle, and they're not eligible for these grants. So, this is a way of putting them in that pool to be eligible.

CHAIR LEE: Any more discussion on this proposed amendment?

Member Paltin.

COUNCILMEMBER PALTIN: Just wondering, can you, the first language was less than an aggregate of 12 acres. Is the, was the amendment on less than an aggregate of 40 acres for ranch? What was, can you repeat what--

COUNCILMEMBER KING: The language I used was "for up to 40 acres for ranchers".

COUNCILMEMBER PALTIN: And is that to mean an aggregate of 40 acres, or? A total of 40, a total of 40 acres. Okay.

CHAIR LEE: A total of 40 acres.

COUNCILMEMBER PALTIN: Just checking.

CHAIR LEE: Alright, any more discussion on this motion to amend?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm supportive. So, for the 40 acres, it would be an aggregate. That's what Member Paltin was asking.

COUNCILMEMBER KING:

YEAH, WE CAN PUT THOSE WORDS IN IF YOU WANT TO SAY, "OR UP TO AN AGGREGATE OF 40 ACRES FOR RANCHERS".

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo for that clarification, Member King. Mahalo Chair.

COUNCILMEMBER KING: Friendly, friendly amendment to my amendment.

CHAIR LEE: Alright, any more discussion?

Member Sugimura.

COUNCILMEMBER SUGIMURA: No, no.

CHAIR LEE: No?

COUNCILMEMBER SUGIMURA: I have another amendment. I'll wait. Okay, ready to--

Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Do you want to clarify that the acres are useable acres? So, if it's gulches and stuff?

COUNCILMEMBER KING: Oh, okay.

SO, YOU WANT TO, I JUST DO A FRIENDLY AMENDMENT THAT SAYS, "UP TO AN AGGREGATE OF 40 USEABLE ACRES"?

Is that, does that work? That way they won't get, they won't get dinged if their, part of their, the land is a gulf or is something that's not usable for grazing.

CHAIR LEE: Everybody understand that? Everybody agreeable to making that clarification. Useable acres. Alright, are you ready to vote on that amendment? All those in favor of the amendment, say "aye", raise your hand.

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

NOES: NONE.

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

Now, Member Sugimura, did you say you have another amendment?

COUNCILMEMBER SUGIMURA: Yeah. So, also, I've been hearing some feedback regarding this. And I will tell you that some of the encounters I've had, people have been very grateful for this. Thank you very much for creating this and expanding this. But the amendment I have is that people who are in the farming/ranching business have a comment that they would like someone with experience in the business to help decide who gets, who's awarded the grants. So, I'm not too sure what their process is right now, that MEO has. I do know what Lokahi does where, you know, they, they have their grants review people. But I would like to add that the grant, the grants get reviewed.

I MOVE, I DON'T KNOW WHERE TO PUT IT IN, I'M TRYING TO
SCAN THIS. BUT THE GRANT GETS REVIEWED AND PART
OF THE REVIEW PROCESS THERE ARE FARMERS, LIKE,
YOU KNOW, PEOPLE IN THE INDUSTRY WHO
UNDERSTAND, LIKE, I DON'T KNOW, CTAHR, YOU KNOW,
DR. CAIRES, SOMEBODY LIKE THAT WHO REALLY
UNDERSTANDS THE BUSINESS. AND TO BE PART OF THE
GRANT REVIEW PROCESS SO THAT IT'S VIEWED AS BEING
FAIR. SO, THAT'S MY MOTION. THE GRANT REVIEW, MEO,
THIS MINI GRANT PROCESS HAS A, FOR GRANT REVIEW,
HAS INDUSTRY, I DON'T KNOW WHAT THE RIGHT WORD IS,
EXPERTS OR INDUSTRY. PEOPLE WITHIN THE INDUSTRY,
WHO COULD BE PART OF THE GRANT REVIEW PROCESS.

COUNCILMEMBER MOLINA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Okay, do you have any more discussion on? You kind of discussed it already.

COUNCILMEMBER SUGIMURA: Yeah, I kind of did. But that's what I've been hearing, about this is really good, but the people in the, the actual farmers and ranchers, they said that would like to know that there's somebody who's reviewing the process are experts in the, or have experience and knowledge in the, in this industry. That's what this is about.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: I just wanted to know if Member Sugimura has discussed this with MEO? If it's something that they're aware of and able to do?

CHAIR LEE: Member Pal, Sugimura?

COUNCILMEMBER SUGIMURA: So, I have not discussed it with them. But I think it's a valid concern that I'm getting from outside, right? Not within MEO, but the people who are in the industry, who are asking for it. Thank you.

CHAIR LEE: Any more discussion, Members?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I, I have a little mixed feelings about this because you're basically asking people who are going to be competing against the people who are getting these grants, you know? Cause farmers compete with each other, ranchers compete with each other to make decisions on whether their competition gets these grants basically. And so, I understand the concern, but I'm thinking we're also going to have a Department of Agriculture starting up July 1. So, at some point the Department of Agriculture should be the ones reviewing these grants. But it, it's a, it's kind of a slippery slope to have an industry making decisions about other parts of their same industry getting grants. So, I'm, I'm a little bit, yeah, I'm hesitant to support that idea. Although I know, you know, people, there are people with that expertise, but it just could be perceived in a negative way if you don't get a grant and you know that somebody that is your direct competition is, is advising on these grants. So, if you wanted to put something in there about the Department of Ag reviewing the grants, I would support that.

COUNCILMEMBER SUGIMURA: That's a good idea. So, that's why I thought of CTAHR, you know, as kind of a once removed, kind of entity that helps the entire industry. But I'm really open to having another entity look at this also. Thank you.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm not opposed to asking MEO to consider this. But to include it in the wording without consulting with MEO, consulting with CTAHR, at this stage in the game, I would not be able to support it. That's not to say that people cannot reach out to MEO and request it. But I think once we put it in this bill at first reading, there's not a lot of wiggle room, and people haven't been consulted. So, I'm not, I haven't heard those types of complaints about what has been going on. So, I'm not able to support it at this time.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I have heard of the complaints. So, Member Sugimura does make a valid point. But I agree with Member King about who, who would end up, you know, being selected to give their final approval. Perhaps we not put the language in, and we, you know, you know, Ms., Ms. Cabebe is so collaborative and open. And I see you nodding your head in agreement. You know, she's such a wonderful person to work with. I think she would be open to, you know, collaborating with our Department of Ag once it gets going. And it's going to, you know, get up and going real soon, because, you know, I, I agree, you know? I don't know how much qualification the person that is approving the grants has in ag? So, I understand, you know, the feedback and the complaints. But I think Ms. Cabebe would be willing to work with us, so perhaps we just not put it in and then we just try to work with her after this to get that going. Mahalo, Member Sugimura. Mahalo, Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Concur. Yeah, concur. I mean--

CHAIR LEE: So, you, you'll withdraw your motion.

COUNCILMEMBER SUGIMURA: MEO is amazing.

I WITHDRAW.

MEO is so amazing, that's why we even give them this project. But I'm sure they would be open to suggestions. And I think--

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: --I'm seeing--

CHAIR LEE: The motion has been withdrawn by Member Sugimura, and the second withdrawn by Member Molina.

COUNCILMEMBER SINENCI: Chair?

CHAIR LEE: Yes?

Member Sinenci.

COUNCILMEMBER SINENCI: And I too wanted to add to the conversation. I think during our deliberations of Department of Ag, we did add a community grant writer too, in anticipation should we move those existing agriculture grants to the Department of Ag.

CHAIR LEE: Alright. So, we're back to the previous motion. That has to do with adding 40, aggregate of 40 acres. Okay, are we ready to--

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. It, it's just been flagged for me that "ranchers" is not defined in Code. And so, I don't, I don't know if that's concerning to anyone about, you know, what is considered a rancher and not? We do have a qualifier that, you know, whoever the rancher is would need to possess a County business or State GE license in farming business. I just read that all together right now and I don't know if that still makes sense to everyone. So, maybe we should like read it again before we vote in its entirety. Mahalo, Chair.

CHAIR LEE: So, the maker of the motion was Member King.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Okay. I thought we voted on this amendment already. So, if we want to, on the amendment, to add the "up to 40 acres usable land for ranchers". So, if we need, sounds like we need other definition for ranchers? Or do you want to, I mean, I don't know what else to call them. Livestock producers, or? Does the person who sent you that memo have another definition? Is livestock producer suitable? No? Instead of ranchers? Okay, can we just make that friendly amendment, if there's no objections?

CHAIR LEE: Okay, just, just want to caution everybody. At the pace we're going, we're going to be here till midnight. So, we're going to have to like focus, focus and be more disciplined about what we're doing.

And okay, Vice-Chair Rawlins-Fernandez, I saw your hand up.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: You have, you have an answer?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. Mahalo, Chair. I just wanted to clarify that yes, we did vote on the motion. It did pass. It is part of it, but we're on the discussion of the motion as amended, amended again. So, we're discussing what it currently is before us, and making sure that everything makes sense. I could go with livestock producer. I think that's, there's no question about what that means. But I also wanted to flag this part where it says GE license for the farming business. So, I don't know if ranchers or livestock producers have a farming business license, or if it would be considered some other license? I'm not a rancher, so I don't, I don't know. I don't have the answer to that. Mahalo, Chair.

COUNCILMEMBER KING: Chair? Okay, so--

CHAIR LEE: Member King.

COUNCILMEMBER KING: Can I respond to that? I, I what it's saying is that they have to have a general excise tax license for their business. So, I think the word "farming" means farming business, because that's what these grants are going to. And from the testimony given by Mr. Caires earlier, when he talked about farming, he said farming plants or animals. So apparently "farming" means both to them. But the, I think the important part of that sentence is the general excise tax license for a business is that that's required to get this grant. But I think it should be okay the way it's worded. Do we want to, do we need a motion to change "ranching" to "livestock producing, producers", or can we just make a friendly amendment?

CHAIR LEE: Well, what about the idea of dealing with this portion later, and we can ask staff to look, come up with definitions of "ranchers" or anything else that's lacking here?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Ask and you shall receive. So, I did receive Maui County Code 19.86.020, Raising of livestock.

CHAIR LEE: Okay. So, we voted on this amendment, but now we find that we need to correct it, right? Because we wanted to add the raising of livestock instead of using the word "ranching"? Is that what we're doing? Okay, I see James. James, do you have an, James is a rancher, so he can help us with this. Come on, James.

DEPUTY COUNTY CLERK: For, for the record, Chair, I am not a rancher. But Chair, just, I just wanted to mention, since the language in question is language that the body has voted on in the form of an amendment to the amendment, I would recommend that if they want to change it further, they should either reconsider that motion and change it, or make another amendment, and not do it as a friendly amendment. Just because it's something that has been voted on.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Alright. Why don't we just make another amendment, then we don't have to reconsider and I'll, which is more, more steps.

Member Sugimura.

COUNCILMEMBER SUGIMURA: So, can we, can we say just because of 19.56, whatever, can we just call it "farming business", or farming as it would be not only livestock, but all farmers in general? As there are farmers with more than 12 acres, yes.

CHAIR LEE: Yeah, I, I think it was adding the word "livestock-raising", to the word "farming".

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: That's, that's what I remember.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO AMEND "RANCHERS" TO "LIVESTOCK PRODUCERS", AND TO ADD "THE FARMING OR RANCHING BUSINESS".

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to add this other amendment, clarifying the word, you know, "ranching".

And so, anymore discussion on it? I think we've gone through it already. All those in favor of making this change, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Okay, very good. Now, can we vote on the main motion as amended? Or do you have any more amendments?

COUNCILMEMBER KING: Member Sinenci has his hand up.

CHAIR LEE: Oh, I'm sorry.

Member Sinenci.

COUNCILMEMBER SINENCI: Chair, I had a ASF for the Council's consideration. Oh, not yet?

CHAIR LEE: Not yet.

COUNCILMEMBER SINENCI: I'll wait.

CHAIR LEE: Okay. Okay. Alright, very good. Moving forward. All those in favor of the main motion as amended, raise your hand and say "aye".

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

NOES: NONE.

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

Okay, before we go to your ASF, do you want to continue on, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. That will conclude the amendments for now. And I will have an amendment after Member Sinenci's amendment.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SUGIMURA: What about the 'Ōiwi? Halua 'Ōiwi? Oh, okay. I wanted to say something about that. Thank you.

CHAIR LEE: No, wait. I called on Member Sinenci.

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

AND MOVE TO AMEND BILL 69, BILL 70, AND BILL 71 TO ADD
\$800,000 IN BOND FUNDING FOR THE HANA FIRE TANKER.

And then, if I have a second, go ahead and explain.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: Moved by Member Sinenci, seconded by Vice-Chair Rawlins-Fernandez to make a change in the--

COUNCILMEMBER SINENCI: Bill 69.

CHAIR LEE: --add a tanker. Did you say the tanker? For how much?

COUNCILMEMBER SINENCI: Hana, for 800,000 in bond funding.

CHAIR LEE: Okay, to add \$800,000 in equipment bond funding. Okay, discussion?

COUNCILMEMBER SINENCI: Thank you, Chair. And I appreciated the Council's earlier support during budget deliberations. But I did want to follow protocol and await the formal CDBG financial report. But if staff can share the ASF with you.

CHAIR LEE: Alright.

COUNCILMEMBER SINENCI: Oh, everybody got it. Okay. Alright, Members. And then, so after discussions with the Budget Director, it was determined that there were no additional funding for the CDBG grant for the purchase of the Hana Fire Tanker, and so, we wanted to add. Budget Director is on to answer any of your questions.

But Vice-Chair Rawlins-Fernandez?

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member Sinenci, for your amendment. I have great news. We're not going to be adding \$800,000. We're actually going to be subtracting \$150,000. We inadvertently left in one of the horizontal grinders in the equipment bond. So, we'll need to reduce that by \$950,000.

SO, I MOVE TO AMEND THE MOTION BY REDUCING THE TOTAL OVERALL BY 950,000, OH SORRY, BY 100, NO, REDUCING IT BY 950,000 AND ADDING THE 800,000 FOR A REDUCTION OF 150,000 TOTAL; AND REMOVING THE LANGUAGE OF ONE HORIZONTAL GRINDER, WHICH HAS ALREADY BEEN ACCOUNTED FOR IN THE CDBG FUNDS.

COUNCILMEMBER KING:

SECOND.

VICE-CHAIR RAWLINS-FERNANDEZ: If I can get, thank you.

CHAIR LEE: Alright. Further discussion, Vice-Chair Rawlins-Fernandez? Any more discussion? Oh, you're amend, you are amending Mr. Sinenci's motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. I am amending his motion to add the tanker for Hana and adding the 600,000 to accommodate for that; and reducing it by 950,000 to remove one horizontal grinder for a total reduction of 150,000.

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

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

NOES: NONE.

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

Any more amendments? Member Paltin and then Vice-Chair. And then, Member Sugimura.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

COUNCILMEMBER PALTIN: Mine was, oh.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry, I just, point of order.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, that, that was my motion to amend Member Sinenci's motion. So, we still have to take a vote on Member Sinenci's motion.

CHAIR LEE: Yeah, I, I just wondered if anybody else had any more discussion on the motion. And she keeps raising her hand like, yeah, me.

So, Member Paltin, I assume you have discussion on the motion?

COUNCILMEMBER PALTIN: I'm not sure if it's a point of order or what, but I just wanted to clarify that 150,000 reduction doesn't need to go anywhere because it's bond funding. So, we don't, it's not, it's like credit, not money. Okay, I see nodding.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Yes.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Yeah, it, it's not General Fund, it's just Bond Fund.

COUNCILMEMBER PALTIN: So, we don't need to account for it, you know, plus or anything? Okay, just double-checking.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member Paltin.

CHAIR LEE: Okay, and then, I saw James the rancher, our County Clerk.

DEPUTY COUNTY CLERK: Thank you, Chair. Sorry, to interject. I just wanted to clarify. So, we distributed an ASF from Councilmember Sinenci. And so, just to clarify, the motion that he made encapsulates all of the changes listed under a motion, under, on the first and second page. And then, I just, I wanted, if it's okay, could we have clarity on Council, on Vice-Chair Rawlins-Fernandez' motion, that the body voted on. What in that changed? Apologies. I just wanted clarity to understand what exactly changed.

CHAIR LEE: Yeah, you know, Mr. Clerk, I was thinking to myself, as this was going on, that the motion should have been the Vice-Chair's motion, and not Mr. Sinenci's. But, if you want to, you know, I know this group loves complications. So, you know, I'm happy to oblige you. So, what kind of clarification do you need, Mr. Clerk?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, so in the first part of the motion, Bill 69, on page 1, Bond/Lapsed Bond. So, instead of adding the 800,000, we would be subtracting the total amount by 150,000, as well as the Total Estimated Revenues.

On 1.b, page 29, we would strike the one Horizontal Grinder. For 1.c, page 34, Total Capital Improvement Projects, I, I assume that would also be reducing it by 150,000.

And in second part in Bill 69, CD1, Appendix C, page 4, Countywide Equipment, we would reduce it by 150,000, instead of increasing it by 800,000.

In part 3, Bill 70, page 1, Finance, to decrease it by 150,000 instead of increasing it by 800,000.

CHAIR LEE: So, getting back to my question, did we really need his, the motion? I don't think so, but hey.

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. We did need--

CHAIR LEE: Oh, you still needed it? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: We do need the motion, because he is adding one Tanker Truck with equipment for Hana to Subsection B.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: And so, everywhere where we've added 800,000, we would now subtract 150,000, and strike one Horizontal Grinder.

CHAIR LEE: Okay, everybody got that? Alright, very good. Now, James, do you have any questions on that? We're going to take a--

DEPUTY COUNTY CLERK: We have it, Chair. We're good. Thank you.

CHAIR LEE: Okay. So, do we need to take a vote on this now, or are we going to have any more amendments or anything? Any more amendments? Alright, ready? All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

CHAIR LEE: Okay, motion carries.

So, do we go back to you, Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER SUGIMURA: I have an amendment.

CHAIR LEE: Wait, wait, wait. Let's, we're following, you know, a certain pattern, yeah. And we want to take things in order.

So, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This one I do not have an ASF for, but it's, it's simple.

CHAIR LEE: So, others, can others do their ASF?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: ASF's now?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Sure.

CHAIR LEE: Okay, so then I saw two hands. Member Sugimura and Member King.

COUNCILMEMBER SUGIMURA: Okay. Thank you. So, I have ASF. Did Clerk's pass it out? As a condition to the, did it get passed out? Oh, here it comes. This is a condition to the Affordable Housing Fund.

AND MY MOTION IS TO AMEND APPENDIX A, PART II, SECTION 3.L, BY ADDING A SUBSECTION (9) ON PAGE 51 OF THE BILL TO READ:

(9) UP TO 950,000 MUST BE FOR A GRANT TO HOKU'ULA PARTNERS, LLC TO INSTALL UNDERGROUND UTILITIES FOR THE HOKU'ULA RESIDENTIAL WORKFORCE HOUSING PROJECT LOCATED AT TMK 2-5-003:029.

And what was passed out, it also shows mark-up, marked up copies on page 51. And you can see the highlighted number 9, which is what I just read. And this is in coordination with Hawaiian Electric Co., the developer aims to install underground utilities instead of overhead. The developer has a quote of the work at \$4.2 million. And the 950,000 will help to offset increases to the cost.

And, and the amendment would condition 950 under the Affordable Housing Fund for the Hoku'ula housing development project in Haliimaile for the installation of underground utilities. The project will convert approximately 1,500 linear feet of power and communication lines from overhead to underground. The project also includes six handhole groups, evacuation, lay, and backfill of approximately 7,500 linear feet of 4" conduit and concrete easement *[sic]*, traffic control needed for shoulder work, and demolition of existing poles.

That is my motion and that is the reason as passed out in the ASF.

CHAIR LEE: So, who was the seconder?

COUNCILMEMBER SUGIMURA: I need a second.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Tasha.

CHAIR LEE: Okay, Member, Member Kama, Pro Temp Kama.

Discussion?

COUNCILMEMBER SUGIMURA: I think I gave you my discussion.

CHAIR LEE: Okay. Member Paltin has, has her hand up.

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering, I hadn't heard much. Is this a 100 percent affordable housing project? And what, what stage is it in right now? I had thought I seen something about a lottery for the market-rate homes or something.

COUNCILMEMBER SUGIMURA: I don't know about market-rate. I don't know about that. But it's, they are developing 196 single-family homes over 63 acres. And it's a total of 50 percent workforce housing project with 90 workforce homes under contract with buyers who, oh, they have it under contract already, with buyers to begin move in January 2023.

COUNCILMEMBER PALTIN: And is there, what kind of precautions for, usually when Mahina Martin comes and people talk about undergrounding of utilities, she says that there are concerns about archaeological and things like that. I mean, is it time-sensitive that we cannot hear the details in Committee?

COUNCILMEMBER SUGIMURA: I think this project already passed out of Committee, and it's under construction. Is that what you're asking?

COUNCILMEMBER PALTIN: Or, I mean, for the rest of the Affordable Housing Fund monies that we were spending, we got more time, more information. This is like, I don't know, I feel like I don't have very much information. Is it time-sensitive that we can't hear it in Committee to get more information?

COUNCILMEMBER SUGIMURA: I believe that they are trying to move forward with the project. And that they're to begin move in January 2023, which is right around the corner. If housing is important, which I think it is, so, that's the time-sensitive, I guess, reason for this to come up now.

COUNCILMEMBER PALTIN: Is, is this the Kihune's?

COUNCILMEMBER SUGIMURA: Yes. Yes. Yes.

COUNCILMEMBER PALTIN: I guess, I mean, we did put money for them for the Kilohana Makai. And I just, I'm wondering why now?

COUNCILMEMBER SUGIMURA: That's in Kihei.

COUNCILMEMBER PALTIN: Why now this? Why they didn't do it together one time, like, you know, with the same kind of process? Cause this is like, I don't know it's

COUNCILMEMBER SUGIMURA: I, I can--

COUNCILMEMBER PALTIN: I feel like I don't have enough information at this time. I mean, I'm not saying yes or no, but--

COUNCILMEMBER SUGIMURA: So--

COUNCILMEMBER PALTIN: --the other one we had plenty of information.

COUNCILMEMBER SUGIMURA: So, the, from what I understand, this request did come up earlier, and for whatever reason it wasn't submitted. So, I'm submitting it for them, in their behalf, so that this project can move forward. So, time-sensitive is so that they can proceed with building. As you know when they build, they need to do things so that they can, you know, not, not phase it, but to actually continue on building. So, that is the reason that it's coming up now.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I was just going to ask our Affordable Housing Chair something, but he is not here. There he is. Okay, so yeah, I just had that same question about I thought we had decided that the Affordable Housing Fund needed to be 100 percent affordable housing projects. And this one, I thought I just heard something about market priced homes in this project. So, if it's, so maybe Mr. Johnson could, or Councilmember Johnson could verify whether that was, you know, the decision that the Affordable Housing Committee made on the Affordable Housing Fund? The, that the project, infrastructure projects had to be 100 percent affordable.

COUNCILMEMBER JOHNSON: This one is not, right? So, Chair, can I?

CHAIR LEE: Yes, Mr. Johnson. Go ahead.

COUNCILMEMBER JOHNSON: This one's not 100 percent affordable. And it's if the, the infrastructure can be spent on a 100, but you can also spend the infas, oh, let me pull it up before I speak. It's, I was just getting to grab the bill right now in my drawer.

CHAIR LEE: Would you like a few minutes?

COUNCILMEMBER KING: It looks like he would. He's disappearing. I can, I can wait for that answer. Go to, go to Vice-Chair.

CHAIR LEE: Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, in budget session, there were, there were a few projects, oh, well one, I guess, that was proposed to be under the Affordable Housing Fund. And, you know, our policy at that time, and it has been our policy in previous budget sessions as well, that because a budget amendment can come later on and, you know, it's a revolving fund so it doesn't change anything as far as like the bottom-line or the amount that's in the Affordable Housing Fund, that we take it, take up the project in Committee, vet it through completely before we, you know, give our stamp of approval. Cause once we put it into the Affordable Housing Fund, they don't need to come back and present to us. I mean, they could, but they don't need to. So, I will be voting against the motion, so that we can take it up in Committee. And then, we can do a budget amendment to add the project to the Affordable Housing Fund after we're able to, you know, have a full discussion on it. Mahalo, Chair.

CHAIR LEE: Anyone else?

Member Sugimura, do you want to withdraw your motion, and then just refer this matter to the Affordable Housing Committee?

COUNCILMEMBER SUGIMURA: I'll do that if I can hear the sentiment of the Committee. I do also want to say that they are stuck with the supply chain issues that we've been hearing about in the Committee. So, we have cost escalations. And yesterday, I stopped by the project just to see it, and it's, I mean, they're moving forward, so I was trying to help them get this in line with what they need to do to build those houses. It is, it is, as you all know, it's important. So, sure, I will, and get this referred so that we can get it back here, and discuss it, and get questions answered.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. So, with that being the case, Member Sugimura withdrawing her amendment, so this would go to Vice-Chair Rawlins-Fernandez' Committee for consideration, or would this go to the Affordable Housing Committee?

CHAIR LEE: Well--

COUNCILMEMBER MOLINA: --which Committee are we looking at?

CHAIR LEE: It, it could go either, to either one.

COUNCILMEMBER MOLINA: Okay. Whoever's got it, please take it up expeditiously.

COUNCILMEMBER KAMA: Yes. Thank you.

COUNCILMEMBER MOLINA: Because, you know, housing is critical for a lot of people. And I think we're talking about housing, workforce housing, too, yeah, you know.

COUNCILMEMBER SUGIMURA: Yeah. Yes.

COUNCILMEMBER MOLINA: . . . fire. We don't want to delay our citizens from getting an opportunity to get into homes. So, whoever gets it, expeditiously, as much as possible if we could have it heard.

CHAIR LEE: Member Johnson.

COUNCILMEMBER SUGIMURA: Thank you, Member Molina.

CHAIR LEE: Do you want this in your Committee?

COUNCILMEMBER JOHNSON: Chair, if we want to do it expeditiously, I would recommend it going to Budget, because I just don't have the time right now. We have an upcoming one.

COUNCILMEMBER SUGIMURA: I can take it.

COUNCILMEMBER KAMA: I can take it.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, can you take this up fairly soon?

COUNCILMEMBER SUGIMURA: Look at her. She has a full agenda. You can tell by her eyes.

VICE-CHAIR RAWLINS-FERNANDEZ: I'm looking at the calendar. So, my staff is waiting for me to sign off on my posting docs right now for next week. But perhaps, I don't know if I gave up my June 15 meeting? Yeah, if, if Member Sugimura can take it up?

COUNCILMEMBER SUGIMURA: I can take it up on June 6. I can take it up on June 6.

VICE-CHAIR RAWLINS-FERNANDEZ: Why would you take it up on June 6, though? The posting, oh, the posting deadline would be May 31. Okay.

COUNCILMEMBER SUGIMURA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: Sounds good.

COUNCILMEMBER SUGIMURA: Done. Thank you.

CHAIR LEE: Any objections to referring this matter to the IT Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

DEPUTY COUNTY CLERK: Chair? Chair?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes. Yes, James.

DEPUTY COUNTY CLERK: Chair, apologies. Just wanted to flag for the body, I'm not certain that the body can refer this item, simply cause it's not something that's been posted--

COUNCILMEMBER SUGIMURA: 7.B.

DEPUTY COUNTY CLERK: --from this point. But perhaps, yes, it could be handled through a 7.B.

CHAIR LEE: Okay. And we can handle it later, right, in, in the meeting? Or do you want to handle it now? We're just going to--

DEPUTY COUNTY CLERK: Or the understanding is--

CHAIR LEE: Go, go ahead.

DEPUTY COUNTY CLERK: If the Chair, if the understanding is that it will be handled via 7.B., then I don't think there is anything further that the body needs to do. Although, if the intent is to not do this motion anymore, I believe Councilmember Sugimura would need to withdraw it. Thank you.

COUNCILMEMBER SUGIMURA:

I WITHDRAW.

COUNCILMEMBER KAMA:

WITHDRAW THE SECOND.

CHAIR LEE: Yeah, I thought you did already. I thought you did already, but that's okay.
That's fine.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Member King.

COUNCILMEMBER KING: Just to clarify. So, the, if it's a 7.B., then there's no legislative action, so then she would be referring it to the next Council meeting for legislative action and then waiving Council Rules and, and discharging it.

CHAIR LEE: Right.

COUNCILMEMBER KING: Okay.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. We also, if we take it up on June 6, second reading is on June 8, and we could make an amendment if we're all onboard with that. Just pouring it out there for further complication, Chair, because I know how much you love complications.

CHAIR LEE: Yeah, but you know what, it, it could go in immediately and not be part of this budget. It doesn't have to be part of the FY 23 Budget I don't think.

Mr. Johnson. Member Johnson.

COUNCILMEMBER JOHNSON: Sorry, Chair. You know, to go, I'm not a member of Sugimura's Committee. I'd like to have a chat on this. So, I'm not even a member of her Committee and so, I was hoping we could get it into Councilmember Keani Rawlins-Fernandez. But also, I'll be out of country for a little bit next month, so that as well, I just want to participate in conversation.

COUNCILMEMBER SUGIMURA: But you're going to be gone . . . 13.

CHAIR LEE: Member Paltin and Member Sugimura.

COUNCILMEMBER PALTIN: Oh, I just wanted to respond to Member Johnson. It's not going to be for legislative action. So, if Member Sugimura allows you to participate in the conversation, you'll be on the equal footing as all of us, cause we're not going to be making a vote.

And for Member Sugimura, if you do try to get it on for second reading of the budget, just post it as like an ASF, and then, you know, it won't be a surprise.

CHAIR LEE: Also, Member Johnson, when are you leaving?

COUNCILMEMBER JOHNSON: The 10th to the 20th.

CHAIR LEE: The 10th? Okay. January *[sic]* 10.

And Member Sugimura.

COUNCILMEMBER SUGIMURA: So, the Committee meeting that I would like to take this up on is June 6. And I can do posting. And I believe, I only know what his travel schedule is because we flipped times. So, June 13 is when we flipped times, so I know you'll be out of country then. And I believe you just said you're going to be gone June 10. So, you'll be fine to sit into my meeting any time you want. You can listen from the ferry as you're traveling over to come to Maui. Just kidding.

CHAIR LEE: Okay. Everybody all happy now? Okay, we were going to deal with this separately, June 6 and try and resolve this issue at that time. Okay. Alright, so does anyone else have an ASF?

Vice-Chair, I mean, not Vice-Chair, but Member Sugimura.

COUNCILMEMBER SUGIMURA: I actually have this and another one. So, if I could finish, unless you would like someone else to step in if I'm talking too much. But this is regarding the Kula Ag Park and the lease recommendation that was made through our process. And so, I would like to move to amend page 22. Oh, did you pass out the ASF? Oh, you did. Okay.

MOVE TO AMEND PAGE 22 OF APPENDIX B BY REDUCING
THE RENTAL RATE PER USABLE ACRE AT THE KULA AG
PARK BACK TO \$100.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you. Thank you very much. And as you heard from Dr. Caires, as well as Barbara Barry, who's on the Kula Ag Park Committee, oh yes.

CHAIR LEE: No, wait.

COUNCILMEMBER SUGIMURA: Can I continue, Chair?

CHAIR LEE: No, no, who's the second? Who's the seconder? Member, oh, Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SUGIMURA: I thought it was Keani. I thought I heard Keani.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, she just didn't recognize our motion and second yet.

COUNCILMEMBER SUGIMURA: Oh. Okay.

CHAIR LEE: Okay, so, it's been moved by Member Sugimura, second by Member, Vice-Chair Rawlins-Fernandez, to repeat your motion again. Did you say--

COUNCILMEMBER SUGIMURA: I move to--

CHAIR LEE: It had something to do with the, the increased fees for the Kula Ag Park.

COUNCILMEMBER SUGIMURA: Kula Ag Park. The lease yeah. So, I move to amend page 20.

CHAIR LEE: So, you're amending to delete that or defer that? What, what are you doing?

COUNCILMEMBER SUGIMURA: So, I move to amend page 22. And it's actually putting it back to \$100 per usable acres is, is what I'm attempting to do with this motion. And then, it was seconded. And if I could explain then. Am I allowed to do that?

CHAIR LEE: Alright. Go ahead.

COUNCILMEMBER SUGIMURA: Okay. So--

CHAIR LEE: You know, it would be helpful if you just repeat your motion because--

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: --it probably doesn't say to put it back to what it was, right?

COUNCILMEMBER SUGIMURA: Okay, I'll say exactly. To amend page 22 of Appendix B by reducing the rental rate per useable acre at the Kula Ag Park to \$100.

CHAIR LEE: Okay, so moved by Member Sugimura, seconded by Member, Vice-Chair Rawlins-Fernandez. And then, now we have discussion on your motion.

COUNCILMEMBER SUGIMURA: And the reason, as you heard from the testifiers, Barbara Barry, who's on the Committee, myself as well as Dr. Kyle Caires, and he's with CTAHR. And the Chair of the Kula Ag Park Committee, a special meeting was held, and consensus of that Committee was to not recognize the increase, rate increase. And that really what they wanted to do was take this back to the Kula Ag Park tenants and those that would be affected, just so that a discussion could be held and maybe taken up at a, at a later time.

I also have Kula Ag Park in my Committee, if you want to take it up, if you would like me to take it up there, I could do that. But I think it would be prudent to hold a, hold this item and have it after in the evening, so that the Kula Ag Park tenants could weigh in on their discussion for this item in fairness.

CHAIR LEE: Okay, more, more discussion?

Did I see, okay, Vice-Chair Rawlins-Fernandez. Did I see Member Paltin's hand up earlier? No? Okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. She was just indicating that Member Sugimura has two more amendments, ASF's that were emailed. Okay, so I support the motion on the floor. I, I did try to attend the Kula Ag Park Commission meeting, or Committee--

COUNCILMEMBER SUGIMURA: Last week.

VICE-CHAIR RAWLINS-FERNANDEZ: --on Monday. As you heard in testimony, there was technical difficulties, and . . . I still support the discussion, cause I, I rewatched that section of our budget deliberations and I agree with the sentiment that was expressed and shared. The rates have not changed since it was established. Member King

shared about how some lessees in other locations pay \$180 without, you know, the additional benefits that Kula Ag Park lessees receive such as the UV vegetable cleaner thing and fencing.

And but I think there's like more discussion that we can have before increasing the rates. And another idea that was proposed that I am supportive of is tiering the rates, so that those that are producing food can pay a lower rate, and then, those that are not producing food, you know, can pay a higher rate. What we heard from testimony is that those that aren't producing food are actually generating much more revenue than those that are producing food. So, you know, a similar policy that we've exercised throughout this budget is providing tax relief where it's needed, or rate relief. And then, increasing the rates where it can be afforded, so that we're covering the costs for the benefit that the County is providing via taxpayer dollars. Mahalo, Chair.

CHAIR LEE: Okay. Anyone else?

Member King.

COUNCILMEMBER KING: Thank you, Chair. Yeah, I support Vice-Chair's comments. And I just wanted to say if we are sending this back for more discussion, it should be a broader discussion than just the tenants because, of course the tenants don't want their rates raised, but the whole farming community. Because there are farmers who have tried to get into Kula Ag Park and have not been able to, and so they're competing against folks who are having their acreage subsidized and getting additional help. Whereas, you know, the folks that are paying 180 or maybe even more per acre have to compete in that same market. So, I think it should be a broader discussion among the farming community of what the, what we're, because this is a County subsidy, so of what the County is subsidizing up there. And also, whether or not there should be maybe reduced rates for the produce that comes off of these subsidized lots. So, just this, this needs to be more of a community discussion because it is taxpayer dollars who are subsidizing those lots. But you know, I would support, I would support reducing it and having that discussion. Thank you.

CHAIR LEE: Reducing it or just leaving as--

COUNCILMEMBER KING: Well, reducing it to what it was before we increased it.

CHAIR LEE: To what it was. Okay.

COUNCILMEMBER KING: So, yeah, just, you know.

CHAIR LEE: Alright.

Member Paltin.

COUNCILMEMBER PALTIN: Yeah, I, I totally support having a broader discussion as well. And I really did appreciate the suggestion in the testimony that Ms. Barry brought up about opening up the UV washer thing to more people, maybe at a price or something like that. And just, you know, having a broader discussion about the Kula Ag Park, because it seems a little bit as though there's more questions than answers, not that in a bad way. But just, you know, maybe we can tweak things so that they're better for everyone, or something like that, because we haven't, we don't know information. So, I support the ASF, and the offer to hear this at night. And I'm glad I'm a member of that Committee. I'm glad I'm a member of all the committees. It's more work, but you can vote on everything.

CHAIR LEE: That's the spirit, Member Paltin. Okay. Anybody else?

Oh, Member Sugimura, back to you.

COUNCILMEMBER SUGIMURA: Sorry. I appreciate this discussion. And that's exactly what the Kula Ag Park Committee was saying, this needs a greater transparency, discussion, because it did come as a surprise to them. And but also, we all know that there's, it's not called Kula Ag Park 2, but there's additional land that we did purchase a few years back which we need to do infrastructure on it. And there's, that's where you're going to have all this additional land for new tenants. So, we'll just, we'll focus on this, we'll focus on that, we'll move that project forward, I hope, I hope too, and do infrastructure on that, and that's going to be additional funding that's going to, we're going to need for the Kula Ag Park 2 parcel. But this is great.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: And open it up to everybody, cause that will be the tenant's future, of the future. Yes.

CHAIR LEE: And, just for clarification, Vice-Chair, by voting on this, and passing this motion, it's not going to affect the budget, right?

COUNCILMEMBER SUGIMURA: No, it doesn't. Yes, it hasn't been realized in terms of revenue. So, it's not going to affect the budget. It's not going to affect the budget.

CHAIR LEE: Vice-Chair?

COUNCILMEMBER SUGIMURA: Oh, sorry.

CHAIR LEE: I actually called on her, that's why. But that's okay. Do you have anything to add to that?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR LEE: I just want to let the Members know this motion is not going to affect the budget.

VICE-CHAIR RAWLINS-FERNANDEZ: Excellent question, Chair. For the Members and for the public, we won't have to adjust because we didn't recognize additional revenue through the 25 percent increase in rates or fees.

CHAIR LEE: Alright. Everybody ready to vote? Not yet?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Let's vote.

CHAIR LEE: What was this? And what you, okay. All these kinds of motions everybody's making. Alright, all those in favor of the motion, raise your hand and say "aye".

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

CHAIR LEE: Okay, opposed "no".

NOES: NONE.

CHAIR LEE: Motion carries.

COUNCILMEMBER SUGIMURA: Thank you, everybody.

CHAIR LEE: Now, you have another ASF, right?

Member Sugimura.

COUNCILMEMBER SUGIMURA: I'm doing a Keani. This is the, my third ASF. I'm going to assume that you all got it.

SO, MY MOTION IS, ON PAGE 21, MOVE TO AMEND SECTION 3.B.10.C.(6)(III), OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM, GRANTS AND DISBURSEMENTS FOR AGRICULTURAL PROMOTION BY ADDING THE FOLLOWING CONDITIONAL LANGUAGE:

(III) FERAL ANIMAL RELIEF AND RECOVERY GRANT PROGRAM FOR FARMERS AND RANCHERS

FENCING FOR AREAS IN EXCESS OF 40 ACRES BY COMMERCIAL LANDOWNERS TO MITIGATE FERAL ANIMAL IMPACTS MUST PROVIDE DOLLAR-FOR-DOLLAR MATCHING FUNDS BY GRANTEE.

And I have a mark-up so you can see it on page 21 and what the verbiage is and what the amendment. And the reason for this is to allow, allow--

CHAIR LEE: Wait, wait, we need a second.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER SUGIMURA: Oh.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Moved by Member Sugimura, seconded by Member King.

Okay, discussion. Member Sugimura.

COUNCILMEMBER SUGIMURA: So, this would allow large landowners to leverage County funds to install fencing for feral animal mitigation, while also requiring an investment by the landowner with a dollar-for-dollar match. So, that is the reason for this.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Just a question for Member Sugimura. When you say large landowners, what are we talking about? A landowner that owns 100 acres, 200 acres.

COUNCILMEMBER SUGIMURA: So, yeah, so my, my amendment has in excess of 40 acres by commercial landowners.

COUNCILMEMBER MOLINA: Okay, thank you.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I, I seconded for discussion, but I'm a little bit confused. I thought we discussed this when we went in the, when we were in budget session. And what this did, I believe was remove some of the funding that was for the smaller landowners. So, is that the exact same thing we're doing, we're proposing again?

COUNCILMEMBER SUGIMURA: So, at that time, I was doing, you know, half a million dollars, or, I said, you know, and I tried to add a specific amount. So, I'm not going to do that. And this would just allow the larger commercial landowners, and again, 40 acres is, is the definition to mitigate feral animal impacts. And I believe in all of, in many of our discussions, we're excluding the larger landowners. And I did hear from, I told Shane I heard from Hana Ranch, you know, who has 2500 acres. And I heard from Maui Gold, which was Maui Land and Pine, but Maui Gold, and they're having problems with feral animals also. And so, I just thought this was a way of us helping some of those large landowners, but also making it a situation where they would, they could maximize the amount by doing a dollar-for-dollar match.

COUNCILMEMBER KING: Okay, but this, the funding pot of money has not changed.

COUNCILMEMBER SUGIMURA: No.

COUNCILMEMBER KING: So, then we're leaving it up to whoever is disbursing these grants to decide how many go to the small landowners and how many go to large landowners. And theoretically all that money could be taken up by a couple of very large landowners. So, that's a little bit problematic and kind of scary to me. There, there's no guidance there as to how many small, you know, how many small farmers would get the bulk of the grant. That's, it looks like I've got maybe some other people want to make some comments. Thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, then Member Paltin.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For the reasons Member King just kind of outlined, I will be voting against the motion. When we provide programs, funding for programs like these, my intention in supporting these programs, I'll just speak for myself, is to support those that don't have, you know, an excess, or, you know, readily available capital to, to protect themselves. So, it is the smaller farmers that generally don't have the kind of capital that larger farmers do. And so, I, I understand that Member Sugimura is trying to, you know, limit it by doing a dollar-for-dollar match. But, you know, if it's a large landowner, and then, and they have access to that kind of capital, it's, it's not that difficult of a barrier to overcome to do a matching, you know, to match dollar-for-dollar.

So, as I voted in, in, during budget session in Committee, I'll be voting against it. This time, there is no cap. In, in budget session there was at least like a cap, so that there would be funding reserved for farm, ranchers with less than 40 acres. And in this one, it's a free for all for all one million. It could be used, you know, theoretically by all large landowners. Mahalo, Chair.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I had a question for Member Sugimura. If Director Inamasu or Director Yoshimura was consulted on this?

COUNCILMEMBER SUGIMURA: Yes.

COUNCILMEMBER PALTIN: And they were supportive?

COUNCILMEMBER SUGIMURA: I actually reached out to Budget Chair, I mean, sorry, Budget Director on this and had actually discussions with this as we were developing the \$1.5 million budget amendment that the Mayor submitted and it was passed by this body. Just trying to figure out how we can actually help these larger, so, yes, the answer is yes.

COUNCILMEMBER PALTIN: So, Director Inamasu was supportive of this?

COUNCILMEMBER SUGIMURA: As, as long as we had money for the smaller, smaller commercial landowners also.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: . . . are turning.

COUNCILMEMBER PALTIN: Huh?

CHAIR LEE: I can see the wheels are turning. Are you . . .

COUNCILMEMBER PALTIN: So, and, and she, she ultimately makes the decision on how to give this out, is that correct? Ms. Inamasu? Based on--

COUNCILMEMBER SUGIMURA: I think it's probably going to go to RFP out to a nonprofit. I don't think the Office of Economic Development processes these kinds of grants, as Lokahi Pacific is doing the \$1.5 million in this current Fiscal Year 22. So, I think it would be handled, something, you know, similarly. And again, this is my attempt to help those landowners that are larger than 40 acres. You may think just because they have a lot of land that they, you know, they have a lot of money that they can put to the feral animal condition. I would say that they probably--

CHAIR LEE: Okay, we have other questions.

COUNCILMEMBER SUGIMURA: Oh, sorry.

CHAIR LEE: Other questions? Okay, Member Paltin, were you done?

COUNCILMEMBER PALTIN: Sure. Yeah. Thank you.

CHAIR LEE: Member Johnson.

COUNCILMEMBER JOHNSON: Chair, I, I appreciate your, your intent, Councilmember Sugimura. But, you know, over here on Lanai, we have one landowner that this would apply for and they're doing fine. We'll just leave it at that. So, I, I understand that, you know, what everyone, what, what we're saying is like, you know, there's only, there's finite amount of money in this pot, and we should reserve it for the little, the little guys. The bottom-up economics, I say it all the time, instead of top-down. So, I, I can't support it at this time. Thank you, Chair.

CHAIR LEE: Anybody else?

Member Sugimura.

COUNCILMEMBER SUGIMURA: I guess I can hear what you all are saying. But if we put a cap on it so that they could ask for 50,000, would that be a amendment that you may be agreeable to? For Maui and Molokai landowners?

CHAIR LEE: Member Molina. Member Molina.

COUNCILMEMBER MOLINA: Yeah, Madam Chair, I think that's a compromise, you know, I can live with at least. So, this way, there's still enough in the pot for everybody. Cause, well, if I may ask Member Sugimura, so who are these landowners' examples of? Would that be like Haleakala Ranch, Hana Ranch, long time kamaaina--

COUNCILMEMBER SUGIMURA: Kaupo Ranch. I'm sorry. Yeah, I mean, you know, we, we think that just because they're large, you know, landowners that they do not qualify for this kind of assistance. I will tell you they are aggressively trying to look at mitigating and control of these feral animals cause they are destroying, you know, the watershed. They are destroying the land that their cattle graze on, right? So, there's a really big need. And I, I think that we, as a body, we think, okay, they can take care of themselves. But it is a huge expense, and they are slowly trying to fence. But the faster we can help them, you know, I think it'll help everybody else. So, I'm, I'm trying to be more holistic looking at this. So, thanks for letting me kind of plow away and try again, as I tried to do in Committee.

COUNCILMEMBER MOLINA: These animals do not discriminate, large landowners, small landowners, yeah.

COUNCILMEMBER SUGIMURA: They do not.

COUNCILMEMBER MOLINA: I mean, there's a . . . So, okay, thank you.

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And, yeah, mahalo, Member Sugimura, and thank you for reaching out to both myself and the Hana Ranch. And I don't know if you did reach out to them about their recent plans to, to sell the Ranch. But that is, that was something that you were . . .

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I did not. When I called Shane, he said that they're, you know, Hana Ranch is now for sale. And I thought about it, and I thought even if it's for sale or not, you're still developing the axis deer problem. Whether, you know, Hana Ranch current owner or Hana Ranch new owner is going to own it, there's a problem in Hana and I, I don't want them to eat their watershed, and EMI's going to be gone. So, those are my, my concerns that I have for East Maui, as well as West Maui, which I think Tamara did a, you know, in her district funds she did something to help the watersheds. But we do not want this to spread. So, this is just my attempt to try to do something with all of you to help those that a lot of people think we don't have to help them.

CHAIR LEE: Member Paltin. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. There's couple things I didn't understand. I don't understand that, how it helps the watershed, because the cattle aren't grazing in the watershed. And if we're fencing where the cattle graze to the axis deer, then, I mean, I'm not understanding that. And then, I heard a cap of 50,000. Is that 50,000 total out of a million, was also, I didn't understand? So, I didn't understand those.

CHAIR LEE: I think it's 1.5 million, right?

Member Sugimura.

COUNCILMEMBER SUGIMURA: This one is a million dollar--

CHAIR LEE: Million dollars.

COUNCILMEMBER SUGIMURA: --item. A million dollars. But I, I will explain that. Thank you. Thank you, Tamara. I was talking about the watersheds because as I was going through my process of exploring where are the axis deer and hogs, or pigs, devastating. I did call the watershed in, in West Maui. And I think you addressed their problem by putting money in your district funds, because there was, yeah, you put in 25,000, I think. But that's going to help the watersheds, because this does not apply to watersheds. But, so, to answer your question, axis deer, they don't, they don't know who the large landowners or watersheds are, but they are damaging very precious infrastructure to all of us, right, water and our environment. So that, and I, and I said \$50,000 grant, so it's just not limited, I mean, unlimited is what that is for, to amend my ASF, or my motion.

COUNCILMEMBER PALTIN: So, and then, just to follow up, to clarify. If we fence off the cattle grazing lands, then the axis deer, the hogs, could possibly go into the watershed, instead of staying down below? Or cause I'm, I'm not aware of us putting money, giving this amount of money to the watershed partnerships to fence around the watershed.

COUNCILMEMBER SUGIMURA: So, I have a comment.

CHAIR LEE: Okay. You know, another five minutes, and we're going to have to end this, because we're spending a lot of time on what I thought was 1.5 million, but it's \$1 million with a billion-dollar budget. Okay, so we're going to have to wrap this up. And if you feel that, if you sense you don't have support, we can always refer this back to Committee, and then spend more time on it. Okay?

Member Sugimura.

COUNCILMEMBER SUGIMURA: I think, I think, I don't mean to delay this any further. I'm just trying to, what I would, what I'm defining as providing support to larger landowners. But if this body doesn't feel like there's a need, that's fine. And I will try again some other way, I guess, or next budget session.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I don't, I think there, I don't, I don't see it as there's not a need. I just see this program, and a lot of the programs that we're funding are for the small farmers, because they don't have the wherewithal to apply for these grants. They don't have the resources to reach out and try to get investments and other funding. And so, if there's a need for the large landowners, I think we should create a separate program for them and maybe even work in tandem with the State funding.

But I also want to caution you saying that if they get fencing, that it helps everybody else, because it doesn't really. If you fence, if you fence somebody out of your property, they're going to go to the neighboring property. So, it actually, the more fencing you do, the more it hurts the people who don't have fencing. So, you know, I would like to see some kind of a program for large landowners, that maybe we could partner with the State and then work with the local folks to incorporate maybe mutual fencing or something. But there's a lot of pieces here that I think kind of fly in the face with why we originally made this, this, this pot of money.

And when we do the ag micro grants and, you know, the, the small business grants, I think we're trying to give money, for me, I'm trying to give funding to the folks who don't have the wherewithal to sit down and write a grant or to go out and find the investment from other people, or other investment agencies. And so, this is kind of giving them a leg up. That, that's why it feels uncomfortable for me to take some of that money away and give it to large landowners. But I agree that there is a need. I just think we need to find a different avenue for, to address the large landowners, so it doesn't take, potentially take money away from the small farmers. So, that's, that's mainly where I'm coming from. But I'd be happy to help with you help, help you work on, you know, a separate, a separate plan and program.

COUNCILMEMBER SUGIMURA: Okay. Thank you.

CHAIR LEE: Member Johnson.

COUNCILMEMBER KING: Thank you, Chair.

COUNCILMEMBER JOHNSON: Thank you, Chair. I'll be quick. I just wanted to give, for the body's information, you know, we, I, I asked for a quote for how much it would cost to put a fence around a 100-acre ag park on Lanai. \$326,000 for a 100-acre ag park, so, that's just the fencing. So, if we were to, you know, look at this pot of money, that money would be given up really quick. So, just letting you know that's about how much it costs and it's pretty significant. Thank you, Chair.

CHAIR LEE: Anybody else?

Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I can tell.

I WITHDRAW MY MOTION.

But I'm glad to hear this discussion, because there is a huge need, and, and it's something that the large landowners, we're saying fencing, but they also are doing a great job in terms of mitigation and control. They are doing a really good job, but they need help is what I'm saying.

CHAIR LEE: Member Sugimura. Member King, and I'm a witness, offered her help. And so, so you gained something from this discussion today. You withdrew your motion, so who was the second? Oh, Member Molina, was it, oh, Member King? Member King withdrawing your second.

COUNCILMEMBER KING:

I WITHDRAW.

CHAIR LEE: Okay. Alright. So, do you have one more ASF?

COUNCILMEMBER SUGIMURA: No, that, that was it.

CHAIR LEE: Okay, Member King.

COUNCILMEMBER KING: Okay, thank you, Chair. Let's see, I have three ASF's, so maybe the staff could pass out the first one. And I'll wait till everyone gets it.

CHAIR LEE: Which one?

COUNCILMEMBER KING: This is the one for Economic Diversification fund. Is that the right one, yeah? Oh, okay, they gave, they gave out all three. But, yeah, they all say Bill 69 on them. So, this, this particular amendment is to, shall I make the motion first?

CHAIR LEE: Yes. Yes.

COUNCILMEMBER KING: Okay.

OKAY, MOVE TO, I MOVE TO AMEND PAGE 15, SECTION 3.B.10.C.(2).(III) BY REPLACING "ECONOMIC DIVERSIFICATION" WITH "MAUI ECONOMIC DEVELOPMENT BOARD, INC.".

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by, moved by Member King, second by Member Sugimura. And I think all of you have the ASF, or do you want to repeat the motion? You have the ASF. Okay.

Discussion on the motion? Member King.

COUNCILMEMBER KING: Okay, thank you, Chair. So, throughout the budget session, we, the Committee heard from individuals from different industries and walks of life who explained the importance and role of MEDB in creating jobs and opportunities in new economic sectors. And we heard from businessowners who said they wouldn't be in business today if it wasn't for assistance of MEDB. MEDB has existing and strong partnerships with the Federal Economic Development Association and has written past Comprehensive Economic Development Strategy reports ("CEDS") and is currently in the process of writing a new one. With its strong organizational ties, MEDB project, projects that with the County's expense of 320,000 for the CEDS Implementation Plan, it could leverage an additional 600,000 from Federal, State, and private sources to expand on the Plan and carry out the implementation work in progress tracking. Earmarking these funds for MEDB will ensure that this organization is poised to receive the funding, which in turn will give the Plan the best chance of being created and implemented effectively and efficiently. Thank you.

CHAIR LEE: Any more discussion, Members?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I will be voting against the motion. As we discussed in Committee, MEDB is not precluded from applying for the funds. I have attended all but one of the CEDS meetings, and I think they are doing a good job. I think that they benefit from this push. There has been three CEDS that has, you know, that's been published in the past. And it, there, there was never an initiative to implement it. It just is completed, and then as mandated by the Federal EDA, Economic Development Administration. So, I think that by not just guaranteeing them the fund and encouraging them to work for it to really earn it, will benefit all of our County.

And so, I did hear from the testifiers, and I think it's great. I have been spreading the word about the CEDS and there's been a lot more participation from a broader, from a broader community. And again, it's been a positive experience. And those that are facilitating the meeting, have shared with, with me how positive it's been. I think this CEDS will be, will be wonderful. I have confidence in MEDB in doing a really good job with the help of and support of this Council, with the Administration, and with the community.

So, if they are the best, they will get this grant. And that's why I'll be not voting for the motion so that it, sometimes people get comfortable with just knowing that they get, they're just going to get the money without having to work for it. And I think that we're incentivizing that by continuing to just make it easy, and not forcing entities to have to work harder for it. So, I support MEDB. But for this motion, I will be voting against it. Mahalo, Chair.

CHAIR LEE: Okay. Anybody else? Anybody else?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, I'm going to be supporting the motion for MEDB. And through the years, I've worked with them, even before I got on the Council. And I have attended a couple of the CEDS workshop, and for implementation. And very good reach in the community. I believe, though, I believe that implementing the CEDS was never part of the Federal requirement, but by seeing the robotics or different organizations that we've been honoring, you can see how important the CEDS report is and what it does in the community.

And I've been working with the, because of the axis deer, you know, try to work on composting and we got that into the CEDS. We're working to get that into the CEDS, because I can see how the future of getting Federal funding is available through the strength of this. But they're creating it, and I believe that they will help in terms of

implementing it. And they're doing a good job right now with the workshops that they're having to develop it. So, I support MEDB. Thank you, Kelly, for bringing this forward.

CHAIR LEE: Anybody else? For myself, I, too, will be supporting the motion, because, for one, Member King and I were part of an ad hoc group that actually helped to come up with this proposal. And ad hoc group made up of a very diverse group that supports MEDB because of, because of their wide network, and the fact that they are in a position to leverage more, more funds. So, for that and other reasons, I will be supporting the motion.

Yes, Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, for my second and final. So, I, I, like I said, I've attended all but one of the focus group meetings, their focus groups, not workshops. I think I failed to say that earlier, when I said that I attended the meetings. And they're, they're all . . . board meetings, meaning they're virtual versions of big poster paper with post-it notes and then you take, you know, the red circle star, circle stickers and post it on, you know, the post-it note with the idea that you support. And so, it's a virtual version of that, doing SWOT analysis. There are two more next week. Wednesday is the focus group for the Molokai portion, and then on next week Thursday, from 4-6, is the Hana focus group. So, those are the last two, which I will be attending as well.

And last night was the focus group on 'Ike Hawaii, and so, Hawaiian culture and arts. And at the end of each, of that focus group meetings, they, they put out an activity that asks members that are participating in the focus group to choose one word to create a word cloud. The biggest word that was on the word cloud for, to respond to the question of what is your feeling of Hawaiian culture in Maui County was undervalued and underrepresented. And that broke my heart.

There's portions in our community that is not being represented and feeling valued through this process. And I am doing my best to ensure that this CEDS, those that have not been, have not felt included are being included. And that's part of why I am speaking so strongly about this. Because there's the people that are considered the regulars that work with MEDB and there's, there are people that are not. And they have not been included. And so, I am voting against this motion to ensure that those that feel undervalued and underrepresented are receiving more outreach so that they are included. Mahalo, Chair.

CHAIR LEE: Thank you. Any more discussion? Otherwise, all those in favor, oh, you have a discussion, Member Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Sorry, wrong button again. Thank you, Chair. I, I kind of agree with Member Rawlins-Fernandez. You know, it's great to all the time see the kids with the robotics, and things like that. But every year, I look forward to hearing some students from West Maui and I, I ask them sometimes when they meet with us, like, how come the West Maui students aren't there? And you know, my daughter brought home a little brown paper bag of STEMworks kit and we tried to put it together, and it's like the tape didn't stick to the kaleidoscope thing. And it was like kind of a little bit of a bust, but she enjoyed it.

And I just was wondering, like you know, and I also asked like about the immersion kids in STEM. And this is my third year and I, I haven't seen that progression to where, you know, it's like Hawaiian immersion kids are involved in STEM from West Maui, or kids in West Maui are at the level that the Central kids and the kids that testify every year. And it's not because I don't ask what's going on. I mean, I don't know what, what's going on. But I would love to see West Maui kids talk about robotics, or things like that, or get those opportunities. And I understand that MEDB is located in South Maui, and West Maui is very far away. But I guess, you know, competition and expansion, I'm for that. So, that's just my discussion. Thanks.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. This is my second and final on this item, too. I think it's great that we're holding focus groups where people are able to express themselves and wanting to expand the programs. I would caution against conflating some of the programs that MEDB is actually running with this mandate we're giving them to write an implementation plan. And I'm confident that they're going to stay, keep the Council updated as it goes along, and take a lot of input as they go along with this, with this plan. But I think it's really important to, to, we're passing things, like, the putting the moratorium into ordinance. And we, we can't, we need to, in conjunction with that, we need to expand our economy and diversify it, so there are other opportunities for people throughout the County.

So I, I think this is a different mandate then MEDB has ever been given, because the CEDS is a report, it's a strategy report. It's not an implementation plan. And just personally, I want to see this happen as soon as possible, because I know from personal experience that when we see our young people leaving the island, it's not just because of housing, it's because of the limited career opportunities and career pathways we have in the island. And if we don't start giving them jobs in different industry sectors to go into after they get done with high school or college, then they have to leave, because the alternative is to take three or four \$10 an hour jobs just to keep food on the table and to make a living.

So, I, I see this as the quickest pathway. I do, I do have faith in MEDB that they can, that they can accomplish this. But I also have faith in this Council, that the Council will remain involved and keep steering the project in the broadest sense possible to address the entire County. And, and it may be that some of the programs don't, and some of the programs, the individual programs, which is separate from this project, need to be expanded as well. And hopefully, those two things can converge at some point. Thank you.

CHAIR LEE: Alright, Member Johnson?

COUNCILMEMBER JOHNSON: Thank you, Chair. You know, I appreciate this amendment, Councilmember Kelly King. And I also appreciate Councilmember Keani Rawlins-Fernandez' points of view, as well as Councilmember Paltin. I, I think something that also needs to be said in the whole idea of changing this process is that's what the proposal is. It's the, the first idea is that it's based off of merit. Who, the, the person with the best plan will win this grant, right?

So, it's a meritocratic process to me. That makes sense. So, that doesn't, in my opinion, I'm not trying to bash MEDB, but they might very well win. You know, they might come up with the best plan. So, I think that that is, that is a good use of the people's money as far as making a meritocratic process. But I hear where you're coming also from the other side. But I just think that that doesn't exclude them. So, I'm kind of feeling like I'm a little bit torn on this. Is, and you, I'm going to ask Councilmember Kelly King, you said there's a time, a time-sensitivity too. Can you expand on that a little bit?

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: I don't know if I can, okay, cause I did have my second and final. But I, no, I will expand on that, that we need to get moving on this and we need to have somebody hit the ground running and not have to do a lot of background work. Because it needs to come, the, the idea of diversifying the economy has to happen before we start shutting down more tourism. Otherwise, our people have nowhere to go for jobs. We're going to implode. So, I know, although I agree that we have to get a handle on tourism and we have to manage it in a way that it doesn't continue to grow, our community continues to grow, our young people continue to grow up and look for opportunities. And we have to get those opportunities in front of them as quickly as possible.

We have to start diversifying and figuring out where we need to invest more money in other, other sectors. We're doing a great job with agriculture, but not everybody wants to go into agriculture, you know. And there's high-level technology jobs that are stealing our kids away from Maui. So, I feel an urgency, because kind of the same urgency I felt when my kids were little and we were trying to build a high school. And it didn't happen fast enough, and now my kids are out of college before the high school even opens. So, you know, I'd like to see this happen as quickly as possible with the most experienced organization that can, that can start the project like July 1st.

CHAIR LEE: Okay, ready to vote? All, all those in favor of the motion, raise your hand and say "aye".

VICE-CHAIR RAWLINS-FERNANDEZ: Roll call.

CHAIR LEE: Okay.

COUNCILMEMBER KING: Chair, you might need a roll call.

CHAIR LEE: We'll take a roll call. We'll take a roll call. Mr. Clerk, roll call.

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

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NO.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: NO.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: NO.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: NO.

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

VICE-CHAIR RAWLINS-FERNANDEZ: NO.

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

CHAIR LEE: AYE.

AYES: COUNCILMEMBERS KING, MOLINA, SUGIMURA,
AND CHAIR LEE.

NOES: COUNCILMEMBERS JOHNSON, KAMA, PALTIN,
SINENCI, AND VICE-CHAIR RAWLINS-
FERNANDEZ.

DEPUTY COUNTY CLERK: Chair, there are four "ayes", five "noes"; motion fails.

CHAIR LEE: Thank you.

Member King, do you want to go onto your next ASF?

COUNCILMEMBER KING: Thank you, Chair. My next ASF has to do with the South Maui Economic Development district, or Environmental, and Cultural Program Fund.

SO, MY MOTION IS TO AMEND PAGE 18, SECTION 3.B.10.C.(2).(XXIII) BY ADDING CONDITIONAL LANGUAGE TO READ, "F) UP TO \$25,000 MUST BE FOR SISTER CITIES SUSTAINABILITY SUMMIT ACTIVITIES".

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Sugimura.

Discussion on your motion, Member King.

COUNCILMEMBER KING: Thank you, Chair. So, this program is a collaboration between Sister Cities International, United Nations, and other stakeholders and promotes collaboration on issues relating to sustainable development as outlined by the United Nations. It utilized partnerships established by Sister Cities to promote the participation of local citizens in demonstrating locally based actions which can advance sustainable development, improve the quality of life for citizens, and advance knowledge and best practices.

And while we're looking for a place for the Sustainability Summit, potentially in South Maui, there are other activities that will be associated with this, with the Sustainability Summit as well. So, they may not all be in South Maui. But, and if anybody else, any of the other Councilmembers wants to offer additional funding, I'm sure they'd accept that. But for right now, I'm just trying to help out the Sustainability Summit for the Sister Cities. Thank you.

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

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

NOES: NONE.

CHAIR LEE: Nine "ayes"; motion carries.

Okay, next. Next ASF.

COUNCILMEMBER KING: Okay. Thank you, Members. Okay, I have one more. And this, you heard about. This one you heard about this morning from former Councilmember. Sorry, here we go. From former Councilmember Elle Cochran. This, I'll make the motion first and see if I can get a second on this.

THE MOTION IS IN, TO AMEND THE FOLLOWING IN BILL 69, CD1 (2022):

A. ON PAGE 1, AMEND BOND/LAPSED BOND BY DECREASING THE AMOUNT TO \$151,880,000. AMEND TOTAL ESTIMATED REVENUE BY DECREASING THE AMOUNT TO \$1,065,838,795.

ON PAGE 27, DELETE SECTION 4.A.2.A.(2)(II), KIHAI WASTEWATER RECLAMATION FACILITY GRIT SYSTEM REPLACEMENT IN ITS ENTIRETY.

AND C. ON PAGE 34, AMEND THE TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS BY DECREASING THE AMOUNT TO \$259,935,000. AMEND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS) BY DECREASING THE AMOUNT TO \$1,065,838; I MEAN, \$1,065,838,795.

2) IN BILL 69, CD1 (2022), APPENDIX C, ON PAGE 2, DELETE CBS-5026, KIHAI WASTEWATER RECLAMATION FACILITY GRIT SYSTEM REPLACEMENT, IN ITS ENTIRETY.

AND 3) IN BILL 70, CD1 (2022), APPENDIX B: ON PAGE 1, AMEND ENVIRONMENTAL MANAGEMENT TO REDUCE THE AMOUNT TO \$68,630,224 AND ADJUST PERCENTAGES ACCORDINGLY. AMEND TOTAL TO REDUCE THE AMOUNT TO \$280,486,775.

B. ON PAGE 2, AMEND GENERAL OBLIGATION FUND TO REDUCE THE AMOUNT TO \$148,336,793 AND ADJUST PERCENTAGES ACCORDINGLY. AMEND TOTAL TO REDUCE THE AMOUNT TO \$280,486,775.

ON PAGE 3, AMEND KIHAI-MAKENA TO REDUCE THE AMOUNT TO \$21,675,000 AND ADJUST PERCENTAGES ACCORDINGLY. AMEND TOTAL TO REDUCE THE AMOUNT TO \$280,486,775.

ON PAGE 4, AMEND SEWER TO REDUCE THE AMOUNT TO \$58,180,224 [SIC] AND ADJUST PERCENTAGES

ACCORDINGLY. AMEND TOTAL TO REDUCE THE AMOUNT TO 280,486, OR \$280,486,775.

ON PAGE 8, DELETE CBS-5026, KIHEI WASTEWATER RECLAMATION FACILITY GRIT SYSTEM REPLACEMENT, IN ITS ENTIRETY.

ON PAGE 9, AMEND TOTAL KIHEI-MAKENA, FISCAL YEAR 2023 TO REDUCE THE AMOUNT TO 21,000; \$21,675. AMEND TOTAL KIHEI-MAKENA, 6-YR. TOTAL TO REDUCE THE AMOUNT TO \$107,825.

AND 4) IN BILL 71, CD1 (2022) ON PAGE 1, AMEND THE BILL TITLE IN SECTION 1 TO REDUCE THE AMOUNT TO \$148,336,793.

B. ON PAGE 2, DELETE SECTION 2.A.1.A.(2) IN ITS ENTIRETY.

ON PAGE, C. ON PAGE 4, AMEND TOTAL TO REDUCE THE AMOUNT TO \$148,336,793. THAT'S THE MOTION.

CHAIR LEE: Do we have a second?

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Johnson, on this rather lengthy motion here.

Discussion?

COUNCILMEMBER KING: I should have, I, I was going to ask you if you want me to do the discussion first before I finish the motion. Okay, the Kihei Wastewater Reclamation Facility Study performed by Brown and Caldwell in 2018 recommended that the County continue to employ its status quo operations for grit removal as this option offers the greatest benefits in capital and life-cycle costs.

In addition, as indicated by the Department of Environmental Management in their response letter to the Budget, Finance, and Economic Development Committee dated April 12, 2022, the SRF funding for this project was disapproved due to a failure to

comply with Section 106, Historic Preservation and Section 7, Wildlife, prior to breaking ground for construction.

There's an attachment, marked up copies of, you can read that on the ASF. That's another lengthy paragraph with a lot of numbers and page numbers in there. But basically, it's following up on, on the issue that Member Cochran and I sat through in our, in my first term in office, when this project was actually voted down a couple of times. I don't know how it eventually ended up getting into the budget. But it was, it was not recommended by Director of the Water Supply at the time, nor Brown and Caldwell. So, I'm just giving us the opportunity to remove it. And if it, if this body wants to send it to, to the IT Committee or another Committee to review before we consider it again, I think that would be a good move.

CHAIR LEE: That's a lot to absorb right now.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I guess my first question is like a point of information. I imagine that the numbers don't reflect the amendment that we made earlier with Member Sinenci/Rawlins-Fernandez' amendment, so.

COUNCILMEMBER KING: The bottom line?

COUNCILMEMBER PALTIN: Yeah.

COUNCILMEMBER KING: The bottom line, this would remove the \$4 million from the CIP budget. It's a \$4 million project now.

COUNCILMEMBER PALTIN: Okay. And I think that they were going to bid it out at the end of this year or first quarter of 2023. So, I was wondering if Director Nakagawa was aware of this because I think that there was a updated study from 2020 after the 2018 study?

COUNCILMEMBER KING: You're asking me? Yeah, no.

COUNCILMEMBER PALTIN: If, if you consulted.

CHAIR LEE: Member King.

COUNCILMEMBER KING: No, I did not consult with the Director.

COUNCILMEMBER PALTIN: Okay.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Good question. This is my department, and I did not speak to Director regarding this and I would like to. You can send it to my Committee for discussion, before you do a deletion from this. Just to make sure.

CHAIR LEE: Member, I mean, yeah, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, so, just to correct the record. We don't, we cannot send subject matters anymore like we used to. But we can take it up under Rule 7.B. So, I, I wish we had talked a little bit more about this in budget session, when we had DEM up, so that we could all have a better understanding of this whole thing. I, I don't know enough about this to vote one way or the other at this moment. But I do understand the concerns. So, one suggestion for consideration is we could withhold the bond authorization. And I think Member Paltin's concern about this going out to bid in the first quarter of FY 23, I think that would address the, that concern. But I would have to ask Budget Director Yoshimura, and she is on, if we wanted to, to consider that?

CHAIR LEE: Budget Director Yoshimura, do you have any comments?

BUDGET DIRECTOR MICHELE YOSHIMURA: Chair, thank you. Yeah, if Councilmember Sugimura would hear the matter, then they are planning to go out to bid either first or second quarter of Fiscal '23. So, withholding the bond authorization, and then us coming back for authorization after July 1, that would work.

CHAIR LEE: Member Sugimura.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Budget Director Yoshimura. And for the study that's been referenced, is there an updated study? I think Member Paltin was saying that there was a more updated study?

BUDGET DIRECTOR: Yes, I did speak with Director Nakagawa. The 2018 study was updated. They did another one in 2020, and that's what they based their design on. Their design is in its final review stage, and that's why they'd be ready to go out for bid by the end of this calendar year. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo.

CHAIR LEE: You want to finish up? Vice-Chair, you want to finish up your questions, because other people want to ask questions.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah. I said mahalo, Budget Director. And then, I said mahalo, Chair.

CHAIR LEE: Okay. Good.

Member Sugimura.

COUNCILMEMBER SUGIMURA: I concur. I'll take it.

CHAIR LEE: Okay. Anybody else?

COUNCILMEMBER SINENCI: Chair?

CHAIR LEE: Member Sinenci.

COUNCILMEMBER SINENCI: Thank you. Yes, just a clarifying question. So, it looks like in 2022, the SRF funding was disapproved. So, was that a matching fund, or can they still complete the project without the SRF funding?

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. It actually, originally it was on the SRF list back in 2018 when we approved it. And this time it's, it's out there, it's under bond funding in the budget. So, that's why Vice-Chair was saying we could just remove bond authorization for it, because it's not, it's no longer on, it was rejected from the SRF fund back then. But I, I concur with the Vice-Chair, that you know, I would be, I would be amenable to just removing bond authorization and send, you know, Member Sugimura could take this up in her Committee.

CHAIR LEE: Do you want to make that motion?

COUNCILMEMBER KING:

SO, MOVED.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Been moved by Member King, seconded by, seconded by Vice, by Member Sugimura, to remove the bond authorization on this project.

Discussion, Member King.

COUNCILMEMBER KING: Well, I think we, I think Vice-Chair did a good explanation of that. And that would still keep the project alive and we can, we could vet it more thoroughly and find out also who, you know, received the first, from who received the first contract, which I think was Milton Choy Company, find out, you know, where we're at with the design and engineering.

CHAIR LEE: This, this must have taken a lot of work to put this together.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I support this motion. I just wanted to check with the Clerks if we needed to clear the slate by withdrawing the original motion, or if you're considering this a friendly motion to Member King's own motion?

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: I thought, I thought that Member King, you withdrew your first motion. You didn't withdraw your first motion?

COUNCILMEMBER KING: No, but I can.

CHAIR LEE: Okay, so you're withdrawing--

COUNCILMEMBER KING:

I CAN AND I DO.

CHAIR LEE: Pardon me? What did you say?

COUNCILMEMBER KING: I said I can and I do.

CHAIR LEE: Oh, okay. Alright. And then, who seconded the motion? Was it Member Sugimura?

COUNCILMEMBER SUGIMURA: I did.

I WITHDRAW.

CHAIR LEE: Okay. Member King withdraws her first motion and Member Sugimura withdraws her second. And then, because, because I, the reason why I said that, I thought I heard you withdraw your motion, because you made a motion to, about the bond authorization, remember?

COUNCILMEMBER KING: Right. Right.

CHAIR LEE: Yeah. Okay.

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR LEE: And that motion, so, we'll, we'll have to take that motion again, I guess.

Yes, James? Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, apologies to interject. But just to clarify that Councilmember King's original motion for this ASF was seconded by Councilmember Johnson.

COUNCILMEMBER SUGIMURA: Oh.

CHAIR LEE: Okay, so Councilmember Johnson, do you withdraw your second?

COUNCILMEMBER JOHNSON:

YES, I WITHDRAW MY SECOND, CHAIR.

CHAIR LEE: Okay, very good. Very good.

James, you still, you have another . . .

DEPUTY COUNTY CLERK: Just wanted to clarify that for now, Chair. Thank you.

CHAIR LEE: Okay, is there something else you wanted to clarify?

DEPUTY COUNTY CLERK: No, Chair. There's, there's no amendment motion on the floor at this time.

CHAIR LEE: Okay. There's, there's a new motion. So, Member King, can you repeat your new motion?

COUNCILMEMBER KING:

OKAY, MY NEW MOTION IS TO WITHHOLD BOND FUNDING
FOR THIS PROJECT.

CHAIR LEE: Bond authorization.

COUNCILMEMBER KING:

BOND AUTHORIZATION.

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Okay, withhold bond authorization. And so, it has been seconded by Member Johnson. So, do you want to discuss?

Yes, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, apologies to interject. So, just to clarify that would mean that on Councilmember King's ASF, only number 4 applies, right, with changes to Bill 71, CD1? Is that staff's understanding?

COUNCILMEMBER KING: Correct. That would reduce the amount of funding.

DEPUTY COUNTY CLERK: Okay. And then just to clarify for us, for staff, does budget staff, if this motion should prevail, does budget staff have the ability to reconcile it with previous amendments that were made that might also affect this bill?

CHAIR LEE: Member King?

COUNCILMEMBER KING: I'm sorry, can you say that again?

DEPUTY COUNTY CLERK: The, right, I just want to clarify if budget staff has the authority to reconcile this, if this motion prevails with other motions that prevailed that amended the budget?

COUNCILMEMBER KING: Okay, so that's a question for Vice-Chair. She's saying, she's giving you a thumb's up.

DEPUTY COUNTY CLERK: Okay. Thank you.

CHAIR LEE: Okay, James, do you have any other questions? Instead of popping up every five seconds, why don't you just, just say all of your concerns at one time.

DEPUTY COUNTY CLERK: Apologies, Chair. No, just didn't, just wanted to make sure I wasn't getting ahead of the Council. But no, I have nothing else that needs clarification at this time. Thank you, Chair.

CHAIR LEE: Okay, so, at, at this time, no, James? So, at this time, we have a motion on the floor, yeah, to withhold the bond authorization. We have a second. And what else do you need? Did you need additional information on, on the motion?

DEPUTY COUNTY CLERK: No, Chair. We, we have the motion. Thank you.

CHAIR LEE: Okay, so back to you, Member King. Do you have any more discussion on this?

COUNCILMEMBER KING: No, I don't think so, Chair, because--

CHAIR LEE: What about you, Member Johnson, as the seconder?

COUNCILMEMBER JOHNSON: All my discussion was done. Thank you, Chair.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member King, for your consideration. I speak in support of the motion and getting a, you know, a fuller discussion in Committee inhibiting the progress of the Department of Environmental Management. I just wanted to also correct the record for the design consultant. The company is HDR and then not, not Milton Choy. And then the construction will be put out to bid. So, I know there's, you know, connotations to that, so I wanted to correct the record for that. But mahalo, Member King. And I support the motion. Mahalo, Chair.

CHAIR LEE: Any more discussion relevant to the motion?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I'm hesitant to support the motion. I just, you know, going off of a four-year-old study, I just would hate it that if the grit system that we have isn't working, I would hate for our wastewater treatment operators to have to go in and shovel the shit themselves by hand. So, I'm thinking I'm not going to support the motion.

CHAIR LEE: Okay. Well, wait, Vice-Chair, how about we let other people talk first, if they, if they want to?

Okay, thank you, Member Paltin for the colorful language. But perhaps we can use another word? Shovel the sludge, you know, other words, okay?

COUNCILMEMBER PALTIN: Sure.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, let's see, the June, July, August. So, August, or by August, or by December they're going to go out to bid. I understand Member Paltin's concern using her colorful language. It sounds like Member Sugimura is willing to take this up as soon as possible. And if, if this Council is satisfied with the presentation from DEM on this item, when we do receive the budget amendment to add this project, the grit system project to the bond bill, I would be happy to expedite it by, you know, taking it up on the floor, when it does come from the Administration so that we are not, you know, going to put workers in that predicament. Mahalo, Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: I, I said I would take this up. So, that was what Keani discussed, and I will. We'll take it up as soon as we can. And my June 6 agenda is filling up, so thank you.

CHAIR LEE: Okay. Very good.

Anybody else? Member Molina, are you ready for a break?

COUNCILMEMBER MOLINA: Ready for the vote and a break. Yes, you read my mind, Madam Chair. We're--

CHAIR LEE: Yeah, I, I know. This thing is just dragging on.

Alright, all those in favor of the motion, please raise your hand and say "aye". Oh, wait a minute, roll call. Roll call.

Member Paltin, were you going to vote "no"? Yeah, okay.

Roll call, Mr. Clerk.

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

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Mike Molina.

COUNCILMEMBER MOLINA:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Kelly Takaya King.

COUNCILMEMBER KING:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON:

AYE.

DEPUTY COUNTY CLERK:

Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN:

NO.

DEPUTY COUNTY CLERK:

Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA:

AYE.

DEPUTY COUNTY CLERK:

Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA:

YES.

DEPUTY COUNTY CLERK:

Council Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ:

AYE.

DEPUTY COUNTY CLERK:

And Council Chair Alice L. Lee.

CHAIR LEE:

AYE.

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

NOES: COUNCILMEMBER PALTIN,

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

CHAIR LEE: Alright, Members.

COUNCILMEMBER KING: Thank you, Members.

CHAIR LEE: It is approximately 5:06. So, let's make it 5:15?

COUNCILMEMBER MOLINA: 5:20, Chair.

CHAIR LEE: Recess. Huh? Pardon me?

COUNCILMEMBER MOLINA: Can we do 5:20.

CHAIR LEE: Oh alright, 5:20. This meeting is in recess until 5:20.

(THE MEETING WAS RECESSED BY THE CHAIR AT 5:06 P.M., AND WAS RECONVENED
AT 5:32 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of May 26, 2022, please reconvene.

So, Mr. Clerk?

DEPUTY COUNTY CLERK: Chair, before the body right now is the main motion as amended
to adopt the recommendations in Committee Report 22-42.

CHAIR LEE: The main motion. But I think we have more amendments.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm happy to yield to any of the other
Members who have amendments.

CHAIR LEE: Okay. Member King, were you done?

COUNCILMEMBER KING: Yes. I don't have any more amendments.

CHAIR LEE: Okay. Anyone else? Okay, everybody sure now?

COUNCILMEMBER KING: We, in the chambers are nodding our head, are shaking our head no. We have no more amendments.

CHAIR LEE: Okay. Thank you. What a bunch of, come on people, you have to speak up. Speak up.

Apparently, nobody else has amendments. So, Vice-Chair, it's back to you.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, I wanted to follow up on a request from our testifier, Mr. Mackinnon from the Maui Humane Society. I was hoping that Corporation Counsel would be able to speak to, I, I meant to call it during the recess to find out why that item wasn't, why we weren't able to fund it in the way that was being requested?

CHAIR LEE: Okay, it's a language change, right? We don't have to, oh, okay.

Corp. Counsel. Deputy Corp. Counsel Thomson.

FIRST DEPUTY CORPORATION COUNSEL RICHELLE THOMSON: Hi, Chair. I'm sorry, I don't have information on that, but I can, if, I can look it up, if there's a question on. Is it the funding of the trucks and why it's just two per year? I was following that a little bit.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, it was regarding--

CHAIR LEE: Yes. Yes. That's part of it.

FIRST DEPUTY CORPORATION COUNSEL: Well, I know that we have, in terms of wanting them to take over the ownership of the trucks and transition to purchasing, it's not that question? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: I, I think we did do that, and that was fine. And that's in the budget now. But he asked for something about the supplies. Shucks, I'm sorry. I didn't find--

CHAIR LEE: No, he said, he said equipment and cars. That's what I recall him saying.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, there, Budget Director might have more details on that.

CHAIR LEE: Director Yoshimura.

BUDGET DIRECTOR: Thank you. I think they limited them to two vehicles per year, because of the limited funding that's in the revolving fund. And so, normally, Maui Humane Society will tap this fund for, for different items. But we do have other agencies that can tap this fund so if we have them with unlimited amounts of vehicles or unlimited amount of funding then that doesn't allow anybody else to request funding from this particular fund. So, I think that's why we've capped them at two per year. And what we've done was allowed them to do one, because we know we had the funding for one. And towards the end of the year, if funding is available, then we let them do the other vehicle. Thank you, Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Budget Director. Mahalo, Chair, for that. Okay, then I will go to the next one. And that is to amend the Molokai district funds.

CHAIR LEE: Wait, wait, wait. Wait one second, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, go ahead.

CHAIR LEE: So, that means we're not going to do anything to improve the language, the condition for that fund? Is that the consensus of this group?

COUNCILMEMBER SUGIMURA: Consensus.

CHAIR LEE: Okay, we're going to just leave it as is then. Alright. Just checking.

Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair, for getting that clarification. And I, I can offline, I can talk story more with the parties to make sure that I, I've understood that all correctly. Okay. But for the sake of getting on with this meeting, I'll make my next motion. And that's regarding the Molokai district fund under OED. And that's on page 18.

I MOVE TO AMEND SECTION 3.B.10.C.(2)(XX) TO ADD A
"C) UP TO 60,000 FOR SOLUTIONS PACIFIC MUST BE FOR
ECONOMIC PLANNING FOR MOLOKAI".

COUNCILMEMBER JOHNSON:

SECOND.

CHAIR LEE: Okay, up to 60,000 for, what did you say? What kind of solutions? What did you say?

VICE-CHAIR RAWLINS-FERNANDEZ: Solutions Pacific.

CHAIR LEE: Okay. And seconded by Member Johnson.

Discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, under the Molokai district funds, this would be for economic diversification and resilience on Molokai. Mahalo, Chair.

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

Member Paltin?

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

NOES: NONE.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And this would be the last amendment for the Members consideration. And this is regarding the Mā'alaea Regional Wastewater System. And this would be on page 2 of Appendix C.

I MOVE TO AMEND APPENDIX C TO CHANGE THE LANGUAGE TO READ, "A COMMUNITY FACILITIES DISTRICT MUST BE ESTABLISHED FOR A PRELIMINARY ENGINEERING REPORT, DESIGN, PERMITTING, PROJECT MANAGEMENT, AND CONSTRUCTION FOR THE MĀ'ALAEA REGIONAL WASTEWATER SYSTEM. THE 9.5 MILLION WOULD REMAIN IN THE THIRD COLUMN, CBS-XXXX. AND IT WOULD BE PUT INTO THE BOND BILL AND REMOVED FROM THE SRF ON BILL 73. AND THAT WOULD BE ON PAGE 337 IF YOU'RE LOOKING ON THE PDF.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, second by Pro Temp Kama.

And the motion, discussion on your motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay. So, I think we're all supportive. Nah, I can erase the think. I know we're all supportive of protecting our environment and cleaning up and restoring to what it was before human impact, as much as possible. And so, I, I've been trying to figure out a way to address all of the concerns that we've heard from all of the different testifiers, from the department, and to stop the continued pollution of the bay, so that it's clean for our marine life, and for, you know, people's recreational use. And the reef that's, you know, create oxygen for us to breathe.

So, with, with this idea, it leaves in the 9.5 and having it under bond would give us direct control over that. What we've heard from the Department is that this, the Mā'alaea project is not part of the priority list. So, similar to MPO's STIP, with the transportation infrastructure, in the STIP it outlines what projects are the County's priorities. And so, similar to that, there's an SRF priority list. And the Mā'alaea wastewater project is not on that priority list. And so, what we heard from the Department is it won't receive funding through SRF.

We've also heard that by doing the SRF, there's Federal funds that could qualify. The SRF is a loan. But through this mechanism, it would still be a loan through a bond under the County, and the County could still apply for Federal funds that are becoming available through, through that same, you know . . . of funds. We've heard that because the users, so it's not just condo owners, there's also business owners, those in the area that are polluting the bay are not currently on the system. The Wastewater Division is self-funded. And so, the financial burden of paying for the construction of this project would be on the current rate payers, sewer rate payers.

By establishing a CFD, like we heard from testifiers about what this kind of precedence sets, that not, not asking those that would benefit from this to contribute anything would be a very dangerous precedent for us to set, specifically knowing that there's going, you know, the ban on cesspools is very quickly approaching. And we're going to need to figure out how we would go about doing that. And, and we would go bankrupt if we were to provide full funding to every property owner with a cesspool to convert to septic. And I'm going to, I'm going to, I'm going to close up now. Okay, so those are some of,

so the CFD would require contribution from those that would benefit from the project, addressing those concerns that there wouldn't be contribution and setting up a dangerous precedent for the County.

The last thing is we heard that this project is going to cost more than \$9.5 million. At any point in time, the, the Charter states, and I invite, you know, Corporation Counsel to correct me. But my understanding is that the Council cannot amend the operating budget, but it does not restrict the Council from amending CIP budget. So, if the project would need more money later on, then we would be able to help the project by providing additional funds.

Sorry, this is the last, the last point. With the loss of the Pohakea Watershed parcel that we were in the process of purchasing, I know that there's a concern that the person who purchased that parcel is a developer or, or wants to be a developer. And having a County, County paid for system would, there's concern that it would make it easier for that parcel to be developed with housing and then easily connect to that system, and that was fully paid for by the County, making it more, more profitable for the developer. So, those were all the concerns that I'm trying to address with this proposal. Mahalo, Chair.

CHAIR LEE: Alright. Member King.

COUNCILMEMBER KING: Thank you, Chair. I speak against this motion. The community facilities district requires 55 percent of stakeholders to buy into it, and there's a large tract of land still owned by A&B. They have not bought into this, and it would take a very long time to create a CFD. But more importantly, we paid for wastewater treatment all over this island with taxpayer dollars, and we don't ask the people who are using the wastewater treatment facilities to pay for improvements. We're spending, probably going to spend upwards of over \$100 million in the Lahaina Wastewater Treatment Facility. And I fully support that because we have to clean up our waters. To say that those that benefit from this, the entire island benefits from this. And we've heard people from all over the island supporting this project.

I also want to let you know that the, I don't know where that, why the Director keeps using that \$23 million number. But the 23 million number from Brown and Caldwell was a grossly inflated number for a legacy system in a report that was paid for by the Mā'alaea Village Association. They debunked this number by getting cost estimates from five or six companies that make the MBR systems and conveyance systems. The, the Director has never met with the Mā'alaea Village Association folks on the MBR system. I don't think he fully understands it.

I think, you know, we've been talking about this in Committee since two years ago. So, for him to say we should discuss this in Committee is a little disingenuous, because we've been talking about this issue. We've been getting multiple, I mean, scores of people, hundreds of people supporting this project.

And the, the Federal infrastructure money is available now. So, the State Legislature just sent the Mā'alaea visitor, Village Association 250,000 to start the planning process and surveying. We don't need to do that with bond money, with County money. And the State does support this solution. The Department of Health, I've spoken to them. I've gotten letters from Sina Pruder saying that she supports this. I'm not sure what priority list people are saying it's not on, perhaps the Mayor's.

But, you know, like was mentioned earlier, there's an election this year and we might have a different Administration next year. I've spoken to many of the other candidates who support this project and support the idea that we need to clean up our oceans now. We can't wait till 2027 and 2028. The, the, the project will take an environmental assessment at least. But it, it, the actual construction of something like, of this off the shelf technology takes a year or less. So, we're not talking about.

And, and, and the figure that was given for the conveyance from Mā'alaea to a Central Maui wastewater treatment facility was over \$10 million. So, it will cost more to convey their sewage to a Central Maui wastewater facility, if we wanted to make them wait until 2028 or 2030, which we cannot afford to. We're basically going to be losing the reef in the next few years. If we don't get this going, we have no hope of saving the reef at Mā'alaea.

So, please don't see this, you know, and also, you know, I got additional information from Lucienne de Naie. 50 percent of the folks at those condos are local folks, so there, yes, there are some people who own short-term rentals. But their business is there. There are local people who live there. Is it, is it fair to us that Mā'alaea, that the County re-did the zoning, forced them to put in those septic tanks, and use the injection wells? The County was the one, according to Lucienne, who required them to build those seawalls that are there. And now we're saying it's your fault and you're polluting the ocean.

You know, we haven't done that with Lahaina, because we recognize this is a countywide issue, and it's an environmental issue that the, the, the County pays for all over the island, all over the County. We invest in cleaner waters and wastewater systems. I'm not sure why everybody who is against this, which is not a majority of the people who see this as different, and see this as something that, you know, why they're attacking people who live there. But I, I, I remain focused, and the supporters remain focused on the environmental issues and what we need to do here and now moving forward.

So, I understand putting on the SRF fund that the Mayor may never trigger this, this current Mayor may not trigger the project. But the same thing would probably happen if we had a bond issue. You know, he, it's still up to the Administration to create the project, whether it's bond or SRF. And the SRF brings in the State partnership. So, I think leaving it on here, Member Paltin had a really good point earlier, leave it on the SRF fund and we can still discuss it. We can still, you know, hopefully get the Administration to move forward with it at some point. But give us that option of having that funding. And, and we know, we have a letter from Sina Pruder, who, you know, encouraged us last year to put this on the SRF list. So, anyway, that's all. I'll reserve more comment to see if anyone else has any comments. Thank you. Thank you, Chair.

CHAIR LEE: Yeah. Members, I'm going to call for a ten-minute recess. I need to check some technical questions here. And so, it is about five minutes to six. So, 6:05, okay. Meeting is in recess until 6:05.

(THE MEETING WAS RECESSED BY THE CHAIR AT 5:51 P.M., AND WAS RECONVENED AT 6:07 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBER SUGIMURA, EXCUSED.)

CHAIR LEE: Will the Council meeting of May 26, please reconvene. Alright, so we have a motion on the floor.

Member King, were you finished with your discussion?

COUNCILMEMBER KING: I can't remember. I think I was. I'll come back if I--

CHAIR LEE: Okay, let me check if other people--

COUNCILMEMBER KING: Okay. Go ahead.

CHAIR LEE: Other people have anything to say? Does anyone know where Member Sugimura is? Is she coming back?

COUNCILMEMBER KING: She just came into the chambers.

(Councilmember Sugimura returned to the meeting at 6:08 p.m.)

CHAIR LEE: Okay, one, two, three, four, five, six, eight. We have nine. Alright, no more discussion. So, Vice-Chair, would you like to repeat your motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I can repeat my motion. There were pieces that I left out, if we're going to consider this. But--

CHAIR LEE: Oh, wait a minute. You mean it wasn't a motion?

VICE-CHAIR RAWLINS-FERNANDEZ: There is.

CHAIR LEE: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: But I didn't hit all the necessary documents to amend, you know how everyone's, all of our motions are very long and it has all the different--

CHAIR LEE: Okay. And it pertains to this motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

CHAIR LEE: Okay. Well then, you can do it now then.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, no one else has discussion?

CHAIR LEE: I already asked.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Because I was going to do a second and final before I repeat my motion. Okay?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, okay. Okay, so to the motion, I don't know what the politics are down in Mā'alaea area and how difficult it would be to achieve 55 percent. But we've been lobbied pretty hard by the community, and so I feel pretty confident in their ability to get 55 percent of the property owners down there to, to support a CFD. And I don't think it would be fair to compare the length of time it's taken to develop a CFD for Kahana, which we've been taking up in the IT Committee, because it's a, it's a completely different project. That project is . . . and that's in the ocean where we don't have jurisdiction as a County. Nor do we build or manage . . . But we do build and manage wastewater infrastructure. So, if there were, if there was a 55 percent support on the Council's end, I don't see it taking long. And the Administration would be supportive to get that up and running rather quickly.

With the Federal funds, it is available now, and it will be available for the next five years. So, it's not going to run out this year. It's, it's going to be available for the five years. For the expansion of this project, and comparing it to Lahaina's expansion

wastewater projects, those in Lahaina are already sewer rate payers, because that's who the burden will be on for these projects. It's the sewer rate payers. Only those that pay sewer to the County, not all taxpayers, not all property taxpayers, only those with sewer rates. And I don't know if you've gotten complaints, but I sure have about how much sewer costs for people. And so, I don't know what, you know, continuing to add projects like this would do to everyone's sewer rates, so.

And the last point that I forget in my initial comments was in regards to testimony about, like, what is the message that we're sending with doing this? Yes, we support wanting to clean up Mā'alaea Bay, but we also support mauka retreat. So, we'd have to figure out how we're going to simultaneously support, you know, mauka retreat and cleaning up the Mā'alaea Bay so that we're not sending conflicting messages about what this Council is trying to accomplish.

And then I'll repeat my motion. I saw Member King's hand go up, so I'll get that more ready. Mahalo, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I just wanted to mention that, because the folks at Mā'alaea are watching, that they, they did let me know that they're working on a CFD for their erosion issues, which is part of the managed retreat. And they would not be able to do a CFD also for the wastewater issues. In Lahaina, they're also working on a CFD project for Kahana for erosion. No one's asked anybody to do a CFD for the wastewater issues, I don't think anywhere in the County. So, I just wanted to make that distinction.

And the reason why this was made a County project was because when we originally tried to work with the Department and the Mayor to make these sewage conveyance piece an SRF funded project and the, and private funding for a private wastewater treatment facility, the Director complained that they needed the sewage treatment fees in order to pay back the SRF fund debt service. And so, we made the whole project a County project. And people there will be paying their own sewage fees. Other taxpayers won't be paying their sewage treatment fees for them. And that's what will be used to pay back the debt service for the SRF fund.

So, you know, a lot of the, the forming of this came from concerns that the Department had over the last couple of years. And even when we had, had proposed to put 50 percent of just the sewage conveyance on the wastewater treatment, on the sewage, the State Revolving Fund, we had full support from Sina Pruder at Department of Health. Now that the whole projects on there, she's even more supportive. So, I just wanted to make that distinction and, and let folks know that this is not, we're not asking

for something that everyone else is not getting. We pay for wastewater treatment because we know it's important. It's part of our environmental protection, all over the island, all over the County.

That's what we, that's what, and, and we're actually as a County starting to realize we have more responsibility. If we want folks to build affordable housing, we have to get more involved in the infrastructure. So, this is part of that infrastructure. We want to be able to develop affordable housing everywhere. And now we're starting to get into making deals with developers and building wastewater treatment plants for them in order to make that happen. So, having a wastewater treatment plant that's owned by the County so that people can pay those fees and pay for the actual construction through the, or the debt service, through the sewage treatment fees, makes the most sense. That's the model that we've landed on because of the concerns of the Department. So, I just, I ask for the Members support of the project. I, again, am in strong opposition to this budget amendment. Thank you.

CHAIR LEE: Anyone else, Members? Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: So, this certainly sounds like my IT Committee needs to have this Mā'alaea Regional Wastewater System discussed, because it's really involved, you know? And doing a CFD, I, I commend the creativity for doing that. But the members of Mā'alaea, they already said they don't want to do it. I think I asked them that same question. They don't want to do it because there's going to be financial responsibility on their part through real property tax, and they got to agree. So, I don't know how far that would go. And the, I really would like a copy of Sina Pruder's letter that, I know that Kelly has talked about. So, maybe the Committee needs to have a copy of the letter so we can see that.

State Revolving Funds, that is, the discussion gets kind of mumble jumble because when you hear the Department talking about that and about the years it's going to take and why to do the Mā'alaea one as well as ours, is because we have, using government money, there are the EIS that you have to do and just the process. You have to go through the process that maybe the, that private funding, which I think Mā'alaea thinks that this is going to happen I think, I don't know, will not have the time.

But when I have talked to the Department, it's going to take just as long to build the Central Maui Reclamation Facility, the Central Maui one, and they've offered the Mā'alaea people to tie in. But they don't want to is what they answered me in, by email. And you can ask them too, I can share the email with you, that he specifically said they do not want to tie in. I want them to tie in because we're building it. There's no need for us to build another one. And it doesn't sound like the Department wants to build another one, which is down the street, and we have Central Maui coming up in Wailuku.

And they're down the street, and they just don't want to. That, that cannot be the answer. We're providing a solution, and the solution is for them to tie in.

And maybe, you know, I don't know if you realize this, but from my years of working with the Department, to build the Central Maui Wastewater Reclamation Facility, if it's a new project, there's a \$20,000 cost. It's like buying a water meter. It something very similar. It doesn't come free. Plus, there's a monthly maintenance fees that you got to pay to be part of the system, if you're on the County system. If you're going to stay private, that's up to you. But what we're really talking about, and what the Mā'alaea Village Association is talking about, they want the SRF loan fund, which is County, right, so we gotta build it if we agree to do this. And so, therefore, what Scott Rollins is talking about all the time schedule is what we have to do as government to build something. And he's saying it's going to cost 23 million, not 9.5. So, it's like we're talking about apples and oranges. And if we are building a Central Maui Wastewater Reclamation Facility and, I mean, I don't know if we can force the Mā'alaea people to tie in, but that is available there, but yet, they don't want to, you know. It's like, they don't want to cannot be the answer if, if it's being offered.

So, I say we're doing Committee work in Council. This is an important, you know, decision. Keani, thanks for being creative to try to find another solution. I don't like the Mā'alaea Village people thinking that oh because we did 9.5 SRF loan fund that we're going to build it. You know, there's still a disconnect here in what is happening. And there's all those people who think that this solution, their solution is going to be solved. And it has to be done according to some kind of government process if we're going to build it. SRF loan fund, 9.5, great. I mean, Mā'alaea 's thinking that they can just build it on their own and they can use it. They cannot, it's going to be government. And I want that Sina Pruder letter. I would love to see her letter, if you could share it with the Committee.

CHAIR LEE: We have others who raised their hands as well. Thank you.

Member Tasha Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Okay, so, I think we should send this issue back to the Committee, because our job is to make the decision--

CHAIR LEE: Wait, wait. Pro Temp Kama?

COUNCILMEMBER KAMA: Yes.

CHAIR LEE: You're coming, your audio is kind of weak.

COUNCILMEMBER KAMA: Oh, let me take my chicken off. Sorry.

CHAIR LEE: Okay, try, try now.

COUNCILMEMBER KAMA: How about now?

CHAIR LEE: Yeah, little closer. Get little closer.

COUNCILMEMBER KAMA: Little bit closer. Anymore I'll be eating this. How about now?

CHAIR LEE: Perfect.

COUNCILMEMBER KAMA: Okay. So, here's my sense, our job is to figure out what the best solution. But we can only figure it out if we have all the information that we need to ensure that we're going to make the best decision. Because whatever we decide, everybody's going to have to live with it. They don't have to like it, but they have to live with it, because that's why we're here. So, my sense, Chair, is to send this back to the Committee.

Your IT Committee Chair is so willing to take on whatever it is she needs to take on so we can get through this ASAP. The longer we hold off on working on these issues, the more polluted our oceans get, the more harder it is for the whales, the monk seals, and everything in that ocean, all that marine life to thrive. So, we have to take care of this ASAP. That's my sense, Chair. Thank you.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. You know, I've heard the arguments on both sides. And, you know, I applaud Vice-Chair for throwing out a solution. But it seems like our backs against the wall with time. You know, we got a sick ocean, a reef, and I think we need to leave social classes out of the discussion here. We can all agree that, you know, we're doing our best to take care of what's, what happened out in West Maui and now waters out in Mā'alaea and South Maui. So, I think we gotta be consistent and try to take care of matters expeditiously.

I think maybe let's go with the first solution that the South Maui representative has presented to us. She's worked closely with the community, and let's see if they can do it. And then, if cannot, well then, then we can look at the other alternatives. So, and it's unfortunate a lot of these concerns that we've heard today, if it had come in a lot earlier, then maybe we could have had a different approach to this. But it is what it is. Sometimes this stuff happens. But I think we just need to move forward with what's been proposed, and see what happens, cause we don't know. We just don't know

what's going to happen. But the only thing we do know, we gotta clean that ocean and reef up. And not, you know, keep kicking the can down the road. Time is of the essence, so that's how I feel about this. Thank you, Madam Chair.

CHAIR LEE: Okay, others who haven't spoken?

Yes, Member Sinenci. And then, Member Johnson.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, just some clarifying questions, and I, too, appreciate the discussion. But it sounds like all of this is still speculative. I mean, it's still, we can discuss it, but ultimately it would be the Administration to either pursue the SRF, is that correct? Okay, I'm seeing heads nodding.

And then, of course, with or without the amendment, we still keeping the 9.5 within the budget. The amendment just puts the CFD as part of budgeting process, yeah?

CHAIR LEE: No. I believe the motion was to delete the 9.5 and put it into a bond. Delete it from the SRF fund.

COUNCILMEMBER SINENCI: Okay. Alright. Thank you for that clarification. Thank you, Chair.

CHAIR LEE: And then, Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. And . . . I'll just try to make three quick points. So, the first one is, you know, the, I really appreciate Lucienne de Naie's testimony on the historical perspective of, you know, the County has, you know, its hands involved in this, so we should probably help, help them get out of this mess that they're in.

Number two, the idea of a precedence, setting a precedent, okay that one, really, I kind of went back and forth on the idea of setting a precedent. But I want to kind of counter that with like the precedent that I'm concerned about is the injection wells that we stopped in West Maui. That's a precedent we gotta be paying attention to, is ending these injection wells. They're killing our reef.

Which leads me to my third one, is that, you know, fish don't care whose waste it is. They only care, the reef only cares about the level of nitrogen on it. And we're pumping nitrogen on that reef, you know. It's the, it's, so I think those are my three things that I kind of feel like I appreciate the discussion today, but I just can't support it as it stands now. Mahalo, Chair.

CHAIR LEE: I saw a hand in this column. Was it you, Member Paltin? Okay, Member Paltin.

COUNCILMEMBER PALTIN: I gotta take off the chicken. That's to prevent the hot mic action. Anyways, you know, in the start of this meeting, we had a resolution about endangered species, recognition endangered species, capital of the world and remarks that this was the year of the limu. And at the time that the injection wells were allowed, that was kind of one of the more progressive ways, I guess, to deal with your waste. And since then, we've learned that it's not a good way to deal with your waste. The waste that we were injecting in Lahaina was treated to the R-1 standard, which we thought was a progressive way to deal with our waste. And the waste that Mā'alaea is not treated to an R-1 standard. So, we're injecting bad stuff into the ocean that's affecting our species, some of which are endangered. It's affecting our limu.

And the first time this budget session, that this issue came up, I felt like I got a bait-and-switch from Corp. Counsel. They said one thing about liability, and when I spoke to them offline, they said it was about the cost. I didn't appreciate that.

The other issue that I have is, you know, I'm not, I'm not doing this at all for the condo owners, sorry guys, condo owner guys. I'm doing it for the ocean. It doesn't mean I don't support managed retreat. I still support managed retreat.

The other issue that was brought up to me after the first vote this budget session was that as we build this, we can condition how people hook up to it. So, if we want Mā'alaea to clean up their injection well mess, to clean up everything there, that can be a condition of them hooking up. That's not them not paying any amount of money. They're going to need, I mean, I would fight for that condition, that they need to clean up their mess if they think they're going to hook up to this thing. So, it's not, not paying any money. It's the ocean that we all benefit from. It's the environment that is our economy.

And I think that Member King has been consistent for the last few years, and not committing with a different idea here and there. I don't, I don't think all the Upcountry cesspool users should be forced to change to septic. I think the working group should seriously look into composting toilets and allow gray waters to go into the cesspool, or septic, or whatever have you, or they can build this packing type plant facility. Or when the managed retreat happens, we can move this modular thing up there and it can be theirs.

So, I'm not going to support the motion. I'm not supporting short-term rental homeowners. I'm supporting the ocean, because every day when I get fed up with this job, the ocean is what saves me. If, if I get fed up with anything, the ocean is what saves me. If, if I have to go into the ocean and it's not clean, then like I said this

morning, we're not separate from nature. We are a part of nature. If we're, if the ocean is dirty, if the ocean is contaminated, then we're dirty and we're contaminated. So I don't support the motion.

CHAIR LEE: Okay, did everybody have a chance to speak?

Vice-Chair Rawlins-Fernandez, I think you had your hand up? No?

VICE-CHAIR RAWLINS-FERNANDEZ: You asked me to--

CHAIR LEE: Or, or you said something about you wanted to finish the motion?

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, you asked me to repeat the motion before we take the vote.

CHAIR LEE: Yeah. And then, you said you had to connect it to a few things? Oh, never mind, just repeat the motion.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Alright. So, I don't think that this is going to be as fast as everyone is making it out to be. This motion does support the ocean. And this motion is just a different funding mechanism that would have made it more possible for this to move forward, but I don't think it's going to move forward with the SRF. But because I love the ocean too, and I want to protect the ocean.

BUT THE MOTION IS TO AMEND BILL 69, CD1, PAGE 1 AND 27; BILL 71, PAGE 1, 2 AND 4; BILL 73, PAGE 1; BILL 70, APPENDIX C, APPENDIX B, PAGE 9, AND ON APPENDIX C, IT WOULD REMAIN \$9.5 MILLION, AS IT CURRENTLY STATES, BUT THE DESCRIPTION WOULD READ, "A COMMUNITY FACILITIES DISTRICT MUST BE ESTABLISHED FOR A PRELIMINARY ENGINEERING REPORT, DESIGN, PERMITTING, PROJECT MANAGEMENT AND CONSTRUCTION FOR THE MĀ'ALAEA WASTEWATER SYSTEM". WHAT THE LANGUAGE WOULD BE ON APPENDIX C.

And yeah, I don't know, we're, and Member King is leaving at the end of this year, so hopefully someone will shepherd this project through.

COUNCILMEMBER KING: I'll still be on Maui; I'll still be in South Maui.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. So, that's the motion, Chair. Oh, okay, go ahead.

CHAIR LEE: So, Member Paltin, did you, okay, you raised your hand?

COUNCILMEMBER PALTIN: Just a point of information. If we're going to have a process about first, and second and final, that wasn't following the process of just repeating the motion. Additional comments were added into it. And if we're following the process, if second and final, that was, that additional onto second and final. So, that was just a point of information.

CHAIR LEE: Alright. Any final comments anyone? Okay, let's, let's take the vote.

Mr. Clerk, roll call.

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

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

NO, WITH RESERVATIONS.

DEPUTY COUNTY CLERK:

Councilmember Mike Molina.

COUNCILMEMBER MOLINA:

NO.

DEPUTY COUNTY CLERK:

Councilmember Kelly Takaya King.

COUNCILMEMBER KING:

NO.

DEPUTY COUNTY CLERK:

Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON:

NO.

DEPUTY COUNTY CLERK:

Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN:

NO.

DEPUTY COUNTY CLERK:

Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA:

YES.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

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

CHAIR LEE: NO.

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

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

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

CHAIR LEE: Alright. Next item.

Vice-Chair Rawlins-Fernandez, do you have another amendment to make?

VICE-CHAIR RAWLINS-FERNANDEZ: No, that's it, Chair. So, we're back to the main motion as amended many times.

CHAIR LEE: Alright, the main motion as amended many times. Anymore comments? If not, shall we take roll call, Members, or? No need, yeah? You want to take roll call?

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

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE, WITH RESERVATIONS.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

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

CHAIR LEE: AYE, WITH CONCERNS.

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

NOES: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine "ayes", no "noes"; motion carries.

CHAIR LEE: Alright. Any, did we leave anything out, Mr. Clerk?

DEPUTY COUNTY CLERK: No, Chair. Shall I proceed with resolutions?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Chair, proceeding with resolutions.

RESOLUTIONS

RESOLUTION
NO. 22-60

APPOINTMENT OF MEMBERS TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. I need to get myself together. Very long emotional, tough day.

BUT ANYWAY, I MOVE TO DISCHARGE THE GOVERNMENT
RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE
FROM FURTHER CONSIDERATION OF RESOLUTION 22-60.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second? Moved by Member Molina, seconded by Member Sugimura.

Discussion on the motion, Member Molina?

COUNCILMEMBER MOLINA: Yes. Thank you very much, Madam Chair. This resolution was deemed time-sensitive due to the challenges achieving quorum at the Kula Agricultural Park Committee meetings, which is the reason for today's discharge request. Thank you.

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

Nine, nine, Member Sugimura, "aye"?

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

NOES: NONE.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR RESOLUTION 22-60 IN
ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE
COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura.

Any discussion on your motion, Member Molina?

COUNCILMEMBER MOLINA: Yeah, Madam Chair. Again, this is a time-sensitive matter for the reason that I just stated earlier. Thank you.

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

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

NOES: NONE.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO AMEND RESOLUTION 22-60 BY MOVING BOTH
MARIO PAUL [S/C] GAGGERO AND ROBERT HALE PAHIA'S
NAMES TO EXHIBIT "B".

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura.

Discussion on the motion. Member Molina.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. This motion allows us to approve the nominees today. During the May 24, 2022, GREAT Committee meeting, we discussed the Mayor's nominee, nominations of Mario Raul Gaggero and Robert Hale Pahia to the Kula Ag Park Committee for terms expiring on March 31, 2027.

Mr. Gaggero is a member of the Maui County Farm Bureau and served on its board from 2019 to 2021. And he's been a self-employed farmer and owner of Hawaii Seed Pro LLC, which produces seed and local food productions since 2018.

Mr. Pahia, who many of us know very well, is the owner and manager of Hawaii Taro Farms LLC and a chapter president of the Hawaii Farmers Union United, Mauna Kahalawai. He indicated he would like to serve on this Committee to support efforts that address food security and sustainability.

And after hearing Mr. Mossman, the Mayor's representative, and Councilmember Sugimura speak to the nominees' background and work ethic, I'm confident that each of them will provide valuable knowledge and skills to this Committee. I'd like to thank them both for their willingness to serve and I ask for the Members full support for these nominations. Thank you.

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

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

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, apologies. So, my understanding that what went through was an amended resolution to move the nominees' names to Exhibit "B", or place the names of the nominees on Exhibit "B". But there was no motion to adopt the resolution.

CHAIR LEE: Okay. I'm sorry, I was following his script and it did say motion to adopt. But perhaps we should have taken a vote before that.

Alright. Let's take a vote on, repeat, repeat what you just said, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the body did amend the resolution, but there was no prior motion to adopt it.

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: I'll make the motion to adopt

I'LL MAKE THE MOTION TO ADOPT RESOLUTION 22-60, AS
AMENDED.

CHAIR LEE: Okay. I, I thought you said that. But that's alright, because it's late.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Kama.

Any more discussion on the motion? This is to adopt the Resolution 22-60. Correct, Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Chair, as long as it's understood that the resolution they're now adopting is, the amendments are included, that the nominees' names are placed on Exhibit "B" as well.

COUNCILMEMBER KAMA: Understood.

CHAIR LEE: Okay, very good. Everybody understands that.

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

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

NOES: NONE.

CHAIR LEE: Okay, motion carries.

COUNCILMEMBER SUGIMURA: Thank you, Members.

CHAIR LEE: Mr. Clerk.

RESOLUTION
NO. 22-81, CD1

ADOPTING THE WEIGHT TAX RATES
FOR THE COUNTY OF MAUI,
EFFECTIVE JANUARY 1, 2023

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, may I request the Clerk also call Resolutions 22-123 through 22-126 and Bills 89 and 90?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, Mr. Clerk, could you call up those items?

DEPUTY COUNTY CLERK: Yes, Chair.

RESOLUTION
NO. 22-123

SETTING THE SALARY FOR THE DIRECTOR OF
COUNCIL SERVICES FOR THE REMAINDER OF
THE 2021-2023 COUNCIL TERM

RESOLUTION
NO. 22-124

SETTING THE SALARY FOR THE DEPUTY
DIRECTOR OF COUNCIL SERVICES FOR
THE REMAINDER OF THE 2021-2023
COUNCIL TERM

RESOLUTION
NO. 22-125

SETTING THE SALARY OF THE COUNTY CLERK

RESOLUTION
NO. 22-126

SETTING THE SALARY OF THE DEPUTY
COUNTY CLERK

BILLS

ORDINANCE NO. _____
BILL NO. 89 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.44.015,
MAUI COUNTY CODE, RELATING TO SALARIES OF DEPUTIES
CORPORATION COUNSEL AND DEPUTIES PROSECUTING ATTORNEY

ORDINANCE NO. _____
BILL NO. 90 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.08.060, MAUI COUNTY
CODE, RELATING TO THE PAY RANGE FOR LEGISLATIVE ATTORNEYS IN
THE OFFICE OF COUNCIL SERVICES

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO DISCHARGE THE BUDGET, FINANCE, AND
ECONOMIC DEVELOPMENT COMMITTEE FROM FURTHER
CONSIDERATION OF RESOLUTION 22-81, CD1.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

COUNCILMEMBER JOHNSON: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, second by Member Sinenci.

Alright, discussion on the motion, Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, we discussed the weight tax during our budget session. But as the public hearing was not held until May 13, 2022, we could not take action on it during those meetings. In order to ensure all of the budget legislation passed in a timely manner, I am asking for this discharge today. Mahalo, Chair.

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

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR RESOLUTION 22-81, CD1;
RESOLUTIONS 22-123 THROUGH 22-126; BILL 89 (2022),
AND BILL 90 (2022), 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,

Discussion on the motion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, as discussed during the discharge motion, all of these resolutions are bill, and bills are related to the budget legislation. And while we are waiving Committee referral, we did discuss this during budget session. So, this was discussed. It won't have its own reports, but it is included in the overall budget session. Mahalo, Chair.

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

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTIONS 22-81, CD1;
RESOLUTIONS 22-123 THROUGH 22-126; AND PASS
BILLS 89 (2022) AND 90 (2022) ON FIRST READING.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, on the motion.

Discussion, Vice-Chair Rawlins-Fernandez?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. Members, Resolution 22-81, CD1 sets the weight tax, which we discussed during Budget, Finance, and Economic Development Committee meeting of April 25, 2022. These amounts are also included in Bill 69, CD1 (2022), Appendix B.

Resolutions 22-123 and 22-124, and Bills 89 and 90 were discussed as a Rule 7.B. item on April 18, 2022, and they set the salary for the Director and Deputy Director of OCS and OCS Legislative Attorneys, and Deputies Corporation Counsel and Deputies Prosecuting Attorney at the rates included in the Fiscal Year 2023 Budget.

Also, on April 18, 2022, the Budget, Finance, and Economic Development Committee voted to increase the salaries of the County Clerk and the Deputy County Clerk to reflect the increases in other departments approved by the Salary Commission.

Resolutions 22-125 and 22-126 set these salary rates, and they also have been included in the FY 2023 Budget. I respectfully ask for the Members continued support of these items. Mahalo, Chair.

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

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

NOES: NONE.

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

Mr. Clerk.

RESOLUTION
NO. 22-99

APPOINTMENT OF KESHIA LEIANA ADOLPHO
TO THE COMMISSION ON CHILDREN AND YOUTH
FOR THE COUNTY OF MAUI

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If there are no objections, can we ask the Clerk to call up Resolution 22-105?

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Mr. Clerk. So, ordered.

RESOLUTION
NO. 22-105

APPOINTMENT OF TONI KAHEALANI RUST
TO THE LIQUOR CONTROL ADJUDICATION BOARD
FOR THE COUNTY OF MAUI

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO DISCHARGE THE GOVERNMENT RELATIONS,
ETHICS, AND TRANSPARENCY COMMITTEE FROM
FURTHER CONSIDERATION OF RESOLUTIONS 22-99 AND
22-105.

CHAIR LEE: Second?

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Second.

CHAIR LEE: Moved by Member Molina, seconded by Pro Temp Kama on the motion.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. The Council's deadline to approve or disapprove the nomination of Keshia Leiana Adolpho is May 29, 2022. And the deadline to approve or disapprove Toni Kahealani Rust is June 3, 2022. And due to the timeline of our GREAT Committee meetings and Council posting deadlines, if we do not take action today, the nominations will automatically be deemed approved, which is the reason for today's discharge request. Thank you.

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

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

NOES: NONE.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR RESOLUTIONS 22-99 AND
22-105 IN ACCORDANCE WITH RULE 7.G. OF THE RULES OF
THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Second? Moved by Member Molina, seconded by Member Sugimura, on the motion.

Discussion, Molina, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The matter is time-sensitive for the reasons stated during my earlier discussion of the discharge request. Thank you.

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

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

NOES: NONE.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTIONS 22-99 AND 22-105.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sinenci, Member Sinenci.

Any discussion, Member Molina?

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair. During the May 24, 2022, GREAT Committee meeting, we discussed the Mayor's nominations of Keshia Leiana Adolpho to the Commission on Children and Youth for a term expiring on March 31, 2025, to fill a vacancy replacing Mercedes-Nicole Ritte. And Toni Kahealani Rust to the Liquor Control Adjudication Board for a term expiring on March 31, 2025, to fill a vacancy replacing Colleen Cluney.

We discussed Ms. Adolpho and all of her accomplishments during the Committee meetings earlier, well, this year and of course on the 24th. Nominations now before us for a Commission that would best utilize her talents. And just a recap, Ms. Adolpho is a licensed clinical social worker at the Molokai Community Health Center where she works with children and youth and their families. And she indicated that she would like to be a member of the Commission on Children and Youth so she may make recommendations to the Council and advocate for positive change for the children and youth of Molokai.

Ms. Rust is the HGEA Local 152 Maui Island Division Chief. She also serves as the Maui Vice-President of the Hawaii State AFL-CIO. And I'm confident that both Ms. Rust and also Ms. Adolpho will provide valuable knowledge and skills on their respective boards and commissions. And I'd like to thank both of them for their willingness to serve and I ask for the Members full support of this motion. Thank you.

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

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

NOES: NONE.

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

Alright, Mr. Clerk.

RESOLUTION
NO. 22-127

RELATING TO THE APPOINTMENT OF RICKY AARON SANCHES
TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI

The recommended action is that Resolution No. 22-127 be referred to the Government, Relations, Ethics, and Transparency Committee.

RESOLUTION
NO. 22-128

RELATING TO THE APPOINTMENT OF RANDON ALIKA SANCHES TO
THE COST OF GOVERNMENT COMMISSION FOR THE
COUNTY OF MAUI

The recommended action is that Resolution No. 22-128 be referred to the Government, Relations, Ethics, and Transparency Committee.

RESOLUTION
NO. 22-129

RELATING TO THE APPOINTMENT OF POERAVA U'ILANI TEHIVA TO
THE COST OF GOVERNMENT COMMISSION FOR THE
COUNTY OF MAUI

The recommended action is that Resolution No. 22-129 be referred to the Government, Relations, Ethics, and Transparency Committee.

RESOLUTION
NO. 22-130

APPROVING THE INDEPENDENT DEVELOPMENT
OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT
UNDER CHAPTER 2.97, MAUI COUNTY CODE

The recommended action is that Resolution No. 22-130 be referred to the Affordable Housing Committee.

RESOLUTION
NO. 22-131

APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT
OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT
UNDER CHAPTER 2.97, MAUI COUNTY CODE

The recommended action is that Resolution No. 22-131 be referred to the Affordable Housing Committee.

RESOLUTION
NO. 22-132

DISAPPROVING THE INDEPENDENT DEVELOPMENT
OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT
UNDER CHAPTER 2.97, MAUI COUNTY CODE

The recommended action is that Resolution No. 22-132 be referred to the Affordable Housing Committee.

CHAIR LEE: Any objections to these referrals, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered.

Mr. Clerk.

RESOLUTION
NO. 22-133

AFFIRMING THE COUNTY OF MAUI'S ONGOING
COMMITMENT TO THE GOALS OF THE PARIS
CLIMATE AGREEMENT AND ENDORSEMENT
OF THE FOSSIL FUEL NON-PROLIFERATION
TREATY

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you, County Clerk, Deputy Clerk.

I MOVE TO ADOPT RESOLUTION 22-133.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member, Pro Temp Kama, to adopt Resolution 22-133.

Discussion, Member King?

COUNCILMEMBER KING: Thank you, Chair. I'd like to read the resolution in its entirety.

(The resolution was read in its entirety.)

COUNCILMEMBER KING: Thank you, Chair.

CHAIR LEE: Very good. And, and do you have any discussion on that?

COUNCILMEMBER KING: I do have some notes. I'll try to read through them quickly, cause I know it's getting late. Members, the, the goals of the Paris Climate Agreement only become more important with each passing year. Hawaii was the first State in the count, in the country to enact legislation that implements portions of the Paris Climate Agreement. And Maui County must reaffirm its commitment to the goals set forth therein. And in fact, we must go further.

The Fossil Fuel Non-Proliferation Treaty is a global initiative calling for an end to a new fossil fuel exploration and expansion, phase out existing production in line with the global commitment to limit warming to 1.5 degree Celsius and accelerate equitable transition plans.

It is imperative that we fully stand behind all efforts to end the negative impact that fossil fuel expansion has on climate change, which we know directly impacts the health and safety of all communities, particularly, notoriously under representative *[sic]* groups who, underrepresented groups who are often hit the hardest.

Maui County is internationally recognized for our natural beauty and biological diversity, including species found here that exist nowhere else on earth, creating additional urgency for our community. It is our kuleana to make sure we do all we can to support and encourage a full transition to clean energy and sustainable practices to climate, to combat climate change. I respectfully ask for the Councilmembers support of my motion to accept this resolution today. Thank you, Chair. Thank you, Members.

CHAIR LEE: Any more discussion, Members?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I speak in strong support of the motion. Mahalo, Member King, for this resolution. I think it's really important to, you know, affirm our position in words. But and even more that we affirm our position in our actions. And I'm, I'm so proud to be part of this Council and this County that really has been putting into actions our commitment to getting off of fossil fuel.

And one example that I'm very grateful for is our support of our Molokai's community owned co-op to build shared solar for 20 percent of our island's needs. And I really hope that we'll be seeing more community owned co-ops for energy generation through renewable energy on technologies. And I, and I think as a County, and a Council, really investing in those community owned nonprofits should be a priority for us in fulfilling our commitment to this resolution, and to the Paris Climate Agreement. Mahalo, Chair.

CHAIR LEE: Thank you. Anyone else?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I also speak in support of the resolution. I just would reiterate what I said to the testifier to help us wean ourselves off of gasoline and the gas tax. I'm not like 100 percent in favor of the HiRUC, but it's the best Hawaii, Hawaii road usage charge. It's the best proposal so far to wean us off the gas tax and still be able to fix our roads and expand our roads. So, if they can assist in finding ways that it could be more equitable in how it's assessed, not annually in one huge lump sum, or come up with better ideas. Those would be actionable items that would help us wean ourselves off and still be able to fund highway projects. That's my only comment because I know that if, if, that there's so many smart people out there that believe in getting off of fossil fuels that we need to harness that brains to help us address the unintended consequences that maybe not I have to deal with, but whoever is in this seat into the future.

But we're, we're already starting to deal with it, like, cause you know, you see more people using EV and then you see the Highway Fund going down. Or you see more people working from home and not having to drive, which is fabulous. But then, we see a lot of pedestrian accidents just, you know, in this day and this week alone. So, I want to be able to, you know, get closer to those vision zero goals, but then we're told we don't have the funding in the Highway Fund. So, I would just implore the folks that support it and are smarter than me to put their brains on that as well. Thank you.

CHAIR LEE: Thank you. Anyone else? If not, all those in favor of adopting Resolution 22-133, please raise your hand and say "aye".

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

NOES: NONE.

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

COUNCILMEMBER KING: Chair, if I just may?

CHAIR LEE: Yes.

COUNCILMEMBER KING: I wanted to thank everybody for supporting this, this treaty. And we're the first, one of the first counties I think in the United States to support it. But I also wanted to, as a follow-up to this, invite all of you, and we'll send you an invitation, to the installation of the first biodiesel fuel station at one of our small boat harbors in Mā'alaea, which will be June 3, if you can, if you can save your, that date for attending. But we'll let everybody know.

CHAIR LEE: June 3, is Friday.

COUNCILMEMBER KING: Right.

CHAIR LEE: Next Friday. Okay. Alright. So, the motion carries.

And Mr. Clerk, next.

RESOLUTION
NO. 22-136

APPOINTMENT OF A MEMBER TO THE
COMMISSION ON CHILDREN AND YOUTH FOR THE COUNTY OF MAUI

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If there are no objections, may we have the Clerk call up Resolutions 22-137 through 22-142?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

Mr. Clerk.

RESOLUTION
NO. 22-137

APPOINTMENT OF A MEMBER TO THE
FIRE AND PUBLIC SAFETY COMMISSION
FOR THE COUNTY OF MAUI

RESOLUTION
NO. 22-138

APPOINTMENT OF A MEMBER TO THE
LANAI PLANNING COMMISSION FOR THE COUNTY OF MAUI

RESOLUTION
NO. 22-139

APPOINTMENT OF A MEMBER TO THE
MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI

RESOLUTION
NO. 22-140

APPOINTMENT OF MEMBERS TO THE
MOLOKAI PLANNING COMMISSION FOR THE COUNTY OF MAUI

RESOLUTION
NO. 22-141

APPOINTMENT OF A MEMBER TO THE
POLICE COMMISSION FOR THE COUNTY OF MAUI

RESOLUTION
NO. 22-142

APPOINTMENT OF A MEMBER TO THE
PUBLIC WORKS COMMISSION FOR THE COUNTY OF MAUI

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO DISCHARGE THE GOVERNMENT, RELATIONS,
ETHICS, AND TRANSPARENCY COMMITTEE FROM
FURTHER CONSIDERATION OF RESOLUTIONS 22-136
THROUGH 22-142.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Second? Moved by Member Molina, seconded by Member Sugimura, to discharge the GREAT Committee from further consideration of Resolutions 22-136 through 22-142.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The Council's deadline to approve or disapprove these nominations are, is May 29, 2022. If we don't take action today, the nominations will automatically be deemed approved, which is the reason for today's discharge request. Thank you.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Just a point of information, question. When we take all of those up, and I'm totally okay with discharging them all, but we don't have to vote the same on all of them, right? We're just doing the discharge and like that all at once.

CHAIR LEE: Yes.

COUNCILMEMBER PALTIN: Okay. Sorry, I just wasn't sure. Thank you.

CHAIR LEE: Mr. Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. No, I guess we're ready for the vote. Just wanted to add in any additional support for your response if you needed for Member Paltin.

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

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

NOES: NONE.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR RESOLUTIONS 22-136
THROUGH 22-142, IN ACCORDANCE WITH RULE 7.G. OF
THE RULES OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER JOHNSON: Second.

CHAIR LEE: Second? Moved by Member Molina, seconded by Member Sugimura, to waive the requirement of Committee referral and report for Resolutions 22-136 through 22-142.

Okay, discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. This matter is time-sensitive for the reasons stated earlier during the discussion of the discharge request. Thank you.

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

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

NOES: NONE.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTIONS 22-136 THROUGH 22-142.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Wait a minute, do you want to take this separately?

COUNCILMEMBER MOLINA: Yeah, you know, Madam Chair, what I'd like to do, I'd like to make the motion, then later on if, assuming if the adoption passes, then I'd like to amend the resolutions by adding the various names to the respective boards and commissions, if that works for you?

CHAIR LEE: Oh no, I think Member Paltin disagreed with one, one nominee, I think?

COUNCILMEMBER MOLINA: Yeah. I, what we can do is after I make the amendments to the resolutions with the names, then I guess the Members can request separate, separation, yeah, separation vote?

CHAIR LEE: Oh, okay.

COUNCILMEMBER MOLINA: That could work, yeah?

CHAIR LEE: Alright. Okay. Okay, all those in favor of your motion, right, raise your hand and say "aye".

COUNCILMEMBER MOLINA: Again, this is the motion to just adopt Resolutions 22-136 through 22-142, yeah?

CHAIR LEE: Right. Okay.

DEPUTY COUNTY CLERK: Chair? Chair?

CHAIR LEE: The motion carries. So, Member Molina.

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes? We didn't have a second.

DEPUTY COUNTY CLERK: For clarification, what, what was the body voting on?

COUNCILMEMBER KAMA: To waive all of it.

DEPUTY COUNTY CLERK: The body already had voted on--

COUNCILMEMBER MOLINA: Madam Chair, if I may clarify . . .

CHAIR LEE: You can explain it to Mr. Clerk, to, to, go ahead.

COUNCILMEMBER MOLINA: The vote we've just taken is to adopt the Resolutions 22-136 through Resolution 22-142. If that is adopted, then I'll make a motion to amend these resolutions by adding the respective names to the various boards and commissions that they're being considered for. But we haven't made that amendment yet.

DEPUTY COUNTY CLERK: So, Chair?

COUNCILMEMBER MOLINA: I mean, I'm not sure if that's the right procedure. I don't know if we should, you know, amend before adopting? Anyway, that's what I have here. What I've, you know, been instructed.

CHAIR LEE: Yeah.

COUNCILMEMBER MOLINA: Maybe what we can do, Madam Chair, let's take a time out to work this thing out and then we can come back for a brief recess.

CHAIR LEE: Certainly. Do you want, we'll take five minutes and then you can confer with Mr. Clerk?

COUNCILMEMBER MOLINA: Yeah. Okay, thank you very much, Madam Chair.

CHAIR LEE: So, that means 7, oh, well, 7:15, yeah? 7:15.

COUNCILMEMBER MOLINA: That's fine.

CHAIR LEE: Meeting will convene, reconvene at 7:15.

(THE MEETING WAS RECESSED BY THE CHAIR AT 7:11 P.M., AND WAS RECONVENED AT 7:19 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: May the, will the May 26, 2022, Council meeting please reconvene.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair--

CHAIR LEE: Just put us back where we were.

DEPUTY COUNTY CLERK: Yes, Chair. Before the body at this time is Resolutions 22-136 through 22-142. The body has discharged those resolutions from the GREAT Committee and has waived Rule 7.G as it relates to those items. There was no, no other motion was recognized as it pertains to those items. Thank you, Chair.

CHAIR LEE: Okay. Alright, Mr. Molina, your motion to adopt.

COUNCILMEMBER MOLINA: Okay, thank you. Thank you, Madam Chair.

SO, I GUESS I WILL MAKE A MOTION TO ADOPT
RESOLUTIONS 22-136 THROUGH 22-142.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Member Molina, seconded by Member Sugimura, to adopt Resolutions 22-136 through 22-142.

Any discussion, Member Molina?

COUNCILMEMBER MOLINA: Yes, Madam Chair.

I MOVE TO AMEND RESOLUTIONS 22-136 THROUGH 22-142
BY MOVING THE FOLLOWING NAMES TO EXHIBIT "B" ON
THE RESPECTIVE RESOLUTIONS THAT HAS THE BOARDS
AND COMMISSIONS ON IT.

FOR EXHIBIT "B", TONATA LOLESIO TO THE COMMISSION
ON CHILDREN AND YOUTH.

CHAIR LEE: Oh, wait, wait, I need a second.

COUNCILMEMBER SUGIMURA:

SECOND.

COUNCILMEMBER MOLINA: Oh, sorry. Yeah, I'm sorry. Go ahead.

CHAIR LEE: Seconded by Member Sugimura.

Okay, proceed.

COUNCILMEMBER MOLINA: Okay. Thank you, Madam Chair. Getting late, yeah. Getting too excited.

ALRIGHT, AS I STATED EARLIER, TO EXHIBIT "B":

TONATA LOLESIO TO THE COMMISSION ON CHILDREN AND YOUTH.

GORDON MALCOLM GILLIS TO THE FIRE AND PUBLIC SAFETY COMMISSION.

NICOLE CHIEKO ALBORO TO THE LANAI PLANNING COMMISSION.

EKOLU LEIALOHA AH YEE AND KANANIKALA SEGUNDA BISHAW-JUARIO TO THE MOLOKAI PLANNING COMMISSION. AND FORGIVENESS TO MY VICE-CHAIR FROM MOLOKAI IF I MISPRONOUNCE THE NAMES.

PAUL IRVING LAUB TO THE POLICE COMMISSION.

JOHN-RUSSEL KEIKILANI PHIFER TO THE PUBLIC WORKS COMMISSION.

AND TO EXHIBIT "C", FOR DISAPPROVAL, WAYNE NOBURO HEDANI, AS IT RELATES TO THE MAUI PLANNING COMMISSION.

Thank you, Madam Chair. And I wait, I wait for any other considerations before I make further discussion.

CHAIR LEE: Alright. Member Paltin.

COUNCILMEMBER PALTIN: Requesting 22-141 separation, or I don't, what are we, what do I say if I don't agree?

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yeah, I guess, I assume you're, is that for Mr. Laub's Exhibit "B"? Yeah, I guess you can just request a separate vote on that, because we have a blanket motion right now, yeah. And you can make a motion to move it to Exhibit "C" for disapproval, if that's your intention.

CHAIR LEE: When the time comes. Right now, you're just separating it, yeah?

COUNCILMEMBER PALTIN: Okay. Sure.

CHAIR LEE: Okay, so any other separations?

Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Just for clarification, Member Molina, you did have a, for disapproval of 22-139. Did I hear that right?

COUNCILMEMBER MOLINA: Mr. Hedani's nomination to the Maui Planning Commission, that is correct, 22-139.

COUNCILMEMBER SINENCI: Okay, thank you.

COUNCILMEMBER MOLINA: For Exhibit "C".

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: So, just point of information. I do not support that. I understand, so Wayne Hedani is going to be our--

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR LEE: Okay, wait, wait. Do you want to separate that one?

COUNCILMEMBER MOLINA: Point of order. Yeah.

COUNCILMEMBER SUGIMURA: Okay. Yeah, can you separate it?

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Yeah, if I could be allowed to speak to my motion and then at a later point, the Members can speak their minds as to what my motion is about. Okay, well, first of all, I'll just spend time with regards to my motion to place Mr. Hedani's name on Exhibit "C". Very, very tough one. Mr. Hedani is a very, very honorable man. And you heard it today from the testifiers saying nice man, good man, and I think this is just a case of victim of circumstance, if you will. Looking at the backgrounds of the members of the current Planning Commission, it seems heavily weighted towards people with business or union affiliations. And, you know, we live in a new time, where we need to be a little bit more balanced and include people that have a environmental background, as it relates to planning decisions. So, that is my basic reason for moving Mr. Hedani's name to the Exhibit "C" for disapproval.

Now, it's funny, there may be a silver lining on the horizon. We earlier heard or saw on the agenda, a vacancy on the Board of Variances and Appeals, which is a very important commission. And I think with Mr. Hedani's two-term experience on the Planning Commission, and also, I guess he served on the Charter Commission and the Police Commission, so he's got tremendous background, and, and I've heard nothing but good reports about his meeting attendance. He participates, whether you agree or disagree with his views. He participates and he shows up. So, he's, you know, got a lot of integrity and honor. So, I would hope, should Mr. Hedani's nomination does not go through, that the Administration would consider him for a very important commission like the Board of Variances and Appeals. So, that is my spiel on this matter. And I want to thank all of the other folks who are putting their names out there for consideration in serving our community in the various boards and commissions that were just described. Thank you.

CHAIR LEE: But Member Sugimura, did you want to request to separate that item?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: So, let's see, how do we do this? So, you already made the motion.

Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Can we just allow Member Sugimura to make a motion to separate that, Mr. Hedani?

DEPUTY COUNTY CLERK: Yes, Chair, Members can make motions to separate out resolutions that they'd like to consider separately from the other ones.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: So, you move to separate that, Mr. Hedani?

COUNCILMEMBER SUGIMURA:

YES, 22-139, SEPARATE THAT, WAYNE HEDANI, I GUESS IT'S TO PLACE HIM ON EXHIBIT "C". SO, I'M MOVING TO SEPARATE THAT.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Moved by Member Sugimura, seconded by Pro Temp Kama to separate Mr. Hedani.

Any discussion? Mr., I mean, Ms. Sugimura? No discussion? Okay, well, we'll just separate it then, okay? We're just separating it and vote afterwards. Assume that is the procedure?

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes. So, it is our, sorry, just for our understanding, does that mean that the body's going to separate by no objections?

CHAIR LEE: Are there any objections to separating Mr. Hedani? Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: It doesn't seem like there are any objections, so, so ordered. So, we have two separations right now. Any more separations?

DEPUTY COUNTY CLERK: Chair, apologies. What was the other separation? Sorry to interject.

CHAIR LEE: Member Paltin separated.

COUNCILMEMBER PALTIN: 22-141, but I don't think it was included in that motion.

CHAIR LEE: No, I thought yours was separate. A separate motion. Any objections, just in case? Any objections to separating that person?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. So, we got two people.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Separation of 22-142, Mr. John-Russel Phifer.

CHAIR LEE: Okay, any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered. Now, we have three. Anybody else? Okay, going back to your, who's left?

Member Molina.

COUNCILMEMBER MOLINA: So, based on the request for separation of three individuals, I guess there's eight names up for consideration. So, on the current motion, I guess we have Tonata Lolesio to the Commission on Children and Youth, Gordon Malcolm Gillis to Fire, Nicole Alboro to the Lanai Planning Commission, Ekolu Ah Yee and Ms. Bishaw-Juario to the Molokai Planning Commission. And I guess the other three has been, well, Mr. Hedani was on Exhibit "C". So, the separations, maybe if I can ask a procedural question from the Clerk? And I think Ms. Paltin had Mr. Laub put on Exhibit "C". So, I guess for Vice-Chair Rawlins-Fernandez, your separation, that would be placed on Exhibit "C"? Is that, would that be your motion? Okay. I think that kind of clears it up, Chair.

CHAIR LEE: Alright. So, Mr. Clerk, do we take a vote on Mr. Molina first, and then individual votes on the other three?

DEPUTY COUNTY CLERK: Yes, Chair. So, our understanding right now is that the, what's been separated is the motions to amend as it relates to Resolutions 22-139, 22-141 and 22-142. So, right now, before the body would be, is considering the motions to amend the remaining resolutions.

CHAIR LEE: Oh, okay. Not, alright. I guess, I guess we took a vote on your main motion, Mr. Molina, so that's the reason why people can--

DEPUTY COUNTY CLERK: No.

COUNCILMEMBER MOLINA: No, no, no. Now, we're going to take a vote on the motion that was amended, I guess with the names for now that are on Exhibit "B" And then, with the names on Exhibit "C", we'll take separate votes on the three names for Exhibit "C".

CHAIR LEE: Alright, shall we take a vote on, on this, that, right now?

COUNCILMEMBER MOLINA: Just the names on Exhibit "B", yeah.

CHAIR LEE: I guess not, Mr. Molina.

Yes, Mr. Clerk?

DEPUTY COUNTY CLERK: Apologies, Chair. Just to clarify, we, I don't believe the body has voted to actually place those names on Exhibit "B". Those remaining resolutions, that's what's before the body right now, that vote.

CHAIR LEE: Okay. Okay. Okay. Yeah, what we did deal with is a separation, that's what we did. So, now, you want us to vote on each one separately? No?

COUNCILMEMBER KAMA: Take the five and put them on "B".

CHAIR LEE: Not five. Oh, you mean Mr. Molina's.

COUNCILMEMBER KAMA: Yeah, his five goes to "B".

COUNCILMEMBER MOLINA: The five . . . , Chair, on Exhibit "B".

CHAIR LEE: Okay. Alright. So, if everybody understands that, there's a motion. Mr. Molina, did you make a motion? Made the motion?

COUNCILMEMBER MOLINA: Yeah.

SO, I GUESS I'LL MOVE TO APPROVE ALL THE NAMES ON
EXHIBIT "B".

CHAIR LEE: On Exhibit "B"?

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Mr. Molina, seconded by Member Kama, to approve the names on Exhibit "B".

Any more discussion? Member Paltin.

COUNCILMEMBER PALTIN: I want to speak in strong support of Tonata Lolesio of Lahaina. She's a principal of Sacred Hearts. And you know, at one point for a long time, we didn't have anyone from the West District on the children of commission, Commission of Children and Youth. And at one Police Commission meeting, that's all they were talking about, children of Lahaina and police matters that were not positive.

And so, when Mr. Mossman reached out if we could find someone from Lahaina, we searched and we went through a couple trial runs. And when I finally was able to get in touch with Ms. Lolesio, she said she was eager and enthusiastic to serve our West Maui community. And you know, in speaking with her, I have the full confidence and I'm so happy that she stepped forward. And I'm so grateful to the previous nominee to step down and let West Maui be represented. Thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Okay, I just, I just wanted to repeat what we're voting on, just so that I am clear, and the public is clear. 130, so, we're voting to approve 136, 137, 138, and the two on 140?

CHAIR LEE: Yes. Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Alright, mahalo. I'll echo the sentiments of Member Paltin, and supportive of everyone in this motion. And good try, Member Molina, it's Ms. Kala Bishaw-Juario. I, I know the "J" in Spanish is like a H-ish sound. But for their names, they pronounce the "J". I'm supportive of the two Molokai Planning

Commission nominees. Both have not served on the Molokai Planning Commission before, so this will be the first time, as we talked about having fresh faces. And both are younger one, Kala is a little older than I am and Ekelu is about 10, I think 10-ish years younger than me, I think. So, I'm super stoked to be supporting those that are, you know, in the upcoming generation to the Molokai Planning Commission. And for, yeah, I'll stop there and then I'll speak to the other one after. Mahalo, Chair.

CHAIR LEE: Okay, anyone else would like to speak on the motion on the floor? This is, this is for the five people that were mentioned. If not, all those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

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

Now, we're going to vote on the separated resolutions. Member, I mean, Mr. Clerk, can you call them up separately?

DEPUTY COUNTY CLERK: Yes, Chair. You have before you Resolution 22-139, entitled, "APPOINTMENT OF A MEMBER TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI".

CHAIR LEE: So, Member Sugimura?

COUNCILMEMBER SUGIMURA: I asked for the separation. I vote against the motion, which the--

CHAIR LEE: No, wait, wait. No, no, no. I don't think you, you would vote against the motion. We voted for the sepa, I mean, there was no objections to the separation. So, now, you Mr. Clerk, what would her appropriate vote be?

Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, no, Madam Chair, just an FYI. I did make a, as part of my motion, to place the name, Mr. Hedani's name on Exhibit "C". So, that is, his name is on Exhibit "C".

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: So, I vote against Exhibit "C".

CHAIR LEE: So, you're making a motion to vote against? You're making a motion to vote against the motion to move it, the name to Exhibit "C"?

CHAIR LEE: Yes, Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, the body didn't actually vote to place anybody's names on anybody's resolutions. Oh, they did just vote to place the, Councilmember Molina's resolutions, those names on Exhibit "B". But no motion has been voted on to place a name on Exhibit "C" for Resolution 22-139. When they separated, that was our understanding of the separation, that before the body now is Resolution 22-139. And the motion is to adopt that, with a motion to amend it by placing the name on Exhibit "C".

CHAIR LEE: Okay, did you get that Member Sugimura? Can you repeat the motion for her?

COUNCILMEMBER SUGIMURA: So, clarification is that Member Molina placed Mr. Hedani's name on Exhibit "C", which is a disapproval? And so--

CHAIR LEE: Okay, that's, that's the point of contention right here. Because the Clerk just said that when the matter was separated, it, it sort of nullified that. But let's check with Mr. Molina, to get this all straight.

COUNCILMEMBER MOLINA: Well, hopefully I get it straight. But now, Member Sugimura has the option of now, you know, amending my proposal to put his name on Exhibit "B". I don't know if procedurally that is correct? Maybe the Clerk can clarify that?

CHAIR LEE: Okay, wait. Hold, hold on, everybody.

COUNCILMEMBER MOLINA: Amend my amendment, I guess.

CHAIR LEE: Okay. We voted, we voted on your motion, which was on the five people.

COUNCILMEMBER MOLINA: Yeah. Alright.

CHAIR LEE: So, that's done. When she requested separation, I, to me it, it meant that your original motion to put--

COUNCILMEMBER MOLINA: Is nullified.

CHAIR LEE: --Mr. Hedani on the, on that exhibit was nullified, I thought. But let's get clarification from the Clerk.

Mr. Clerk?

DEPUTY COUNTY CLERK: Apologies, Chair. If it's okay, could I request a five-minute recess to confer with you?

CHAIR LEE: Okay. Sure. Okay, five minutes, that would be what, 7:43 or so. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 7:37 A.M., AND WAS RECONVENED AT 7:54 P.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of Thursday, May 26, 2022, please reconvene. Members, we are ready. And sorry for the interruption. I think we're back on track. And what we are going to do is now vote on Resolution 139. And an "aye" vote will be to place Mr. Hedani's name on Exhibit "C", which is denial.

I see con, a question mark on Member Molina's face.

COUNCILMEMBER MOLINA: No, no. Madam Chair, I presume Member Sugimura wants to support Mr. Hedani, so I, I guess her motion would be to put him on Exhibit "B", to approve.

CHAIR LEE: No, your motion--

COUNCILMEMBER MOLINA: So, my motion stands, then? It wasn't nullified by . . .

CHAIR LEE: Yeah, your motion stands.

COUNCILMEMBER MOLINA: Okay.

CHAIR LEE: So, her, her option is to vote "no".

COUNCILMEMBER MOLINA: Okay.

CHAIR LEE: So, yes is deny and no is not deny.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I was just clarifying, when Member Molina made the motion to put the names on Exhibit "B" or Exhibit "C" the first time, did we take the vote on that?

COUNCILMEMBER MOLINA: Yeah, we took the vote on--

CHAIR LEE: We took the vote on all of them. We took the vote on all of them and then we separated out. But you see, he had already made the motion.

COUNCILMEMBER PALTIN: . . . got distracted when we separated it and we, we didn't take that vote? No?

CHAIR LEE: Yeah, that's where the confusion came in. Because we, we thought that separating it meant it nullified the, the initial motion to place Mr. Hedani's name on Exhibit "C". Because--

COUNCILMEMBER PALTIN: Because my, my recollection was we, Mr. Molina put all those names on "B", except for Mr. Hedani. And then, Member Sugimura wanted to separate Mr. Hedani and we neglected to take the vote on which list to put, about, we neglected to take the vote on putting the names on the exhibits, because we had the discussion about separation. And then, we voted on the names as though they were on a list, but we neglected to take that vote?

CHAIR LEE: We took the vote. We, we, I believe we took--

COUNCILMEMBER PALTIN: Was my recollection. We took a vote on--

CHAIR LEE: We took the vote to approve Resolutions 136, 137, 138, and 140, which were five people. We voted on that. And then, and then what we didn't vote, what's still on the floor is Resolution 139. And so, the vote would be, if it's yes, then it's a denial. And if the vote is no, that means to approve. That's where we left off.

Yes, Ms. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Would you please state the motion that's on the floor?

CHAIR LEE: The motion is to move Mr. Hedani to Exhibit "C", which means to, to deny.

VICE-CHAIR RAWLINS-FERNANDEZ: The main motion is to adopt the resolution. And an amendment to that main motion is to move Mr. Hedani to Exhibit "C"?

CHAIR LEE: Yeah, that's what's on the floor right now. Okay, what is your question?

VICE-CHAIR RAWLINS-FERNANDEZ: I'm just getting that clarified cause I, that wasn't clear. So, we have a motion, a motion to amend the main motion. And I just, I'm going to support Mr. Hedani being on Exhibit "C", but I just, I'm not sure the guidance you gave Member Sugimura is correct in that her only option is to vote against the motion to amend.

CHAIR LEE: That's not her only option. She can vote "aye" or "no". That's her two options. But she's in favor of Mr. Hedani, so therefore, she would vote "no". Yeah?

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

CHAIR LEE: Okay. Mr. Sinenci.

COUNCILMEMBER SINENCI: Yeah, thank you, Chair. I mean, that would be my understanding because Member Molina had in his original amendment, was to place Mr. Hedani on the "C" list, then that would still stand. I think by separating, we just kind of took, took the vote individually now. But I think his, his motion to move Mr. Hedani to "C", category "C" still stands.

CHAIR LEE: Yes. And that motion is still on the floor. We have to vote on that.

So, Mr. Clerk, can you verify that what I'm saying is correct?

DEPUTY COUNTY CLERK: Yes, Chair. Before the body right now is that motion, was the, the main motion for it was to adopt that resolution, then that amending motion to place Mr. Hedani's name on Exhibit "C", that was separated out. And the body is now considering that separated motion. Thank you, Chair.

CHAIR LEE: So, everybody knows what a yes means and what a no means? Okay.

So, we shall, should have roll call. Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with roll call.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:	Councilmember Mike Molina.
COUNCILMEMBER MOLINA:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Kelly Takaya King.
COUNCILMEMBER KING:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Gabe Johnson.
COUNCILMEMBER JOHNSON:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA:	NO.
DEPUTY COUNTY CLERK:	Presiding Officer Pro Tempore Tasha Kama.
COUNCILMEMBER KAMA:	NO.
DEPUTY COUNTY CLERK:	Council Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ:	AYE.
DEPUTY COUNTY CLERK:	And Council Chair Alice L. Lee.
CHAIR LEE:	NO.

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

NOES: COUNCILMEMBERS KAMA, SUGIMURA, AND CHAIR LEE.

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

CHAIR LEE: Alright. Now, we're going to do the same thing for the next one. So, Mr. Clerk, call up the next one.

DEPUTY COUNTY CLERK: Chair, that vote was to place Mr. Hedani's name on Exhibit "C". Now, before the body is the main motion as amended to adopt Resolution 22-139.

CHAIR LEE: Okay. Any discussion, every, anyone? Okay, roll call.

DEPUTY COUNTY CLERK: Proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: We're taking this vote? Oh, we're taking the main motion as amended. Okay.

AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: NO.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

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

CHAIR LEE: NO.

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

NOES: COUNCILMEMBERS KAMA, SUGIMURA, AND CHAIR LEE.

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

CHAIR LEE: Next.

DEPUTY COUNTY CLERK: Chair, before the body now is Resolution 22-141. The main motion is to adopt that resolution. And the amendment to it was to place Paul Irving Laub's name onto Exhibit "B".

CHAIR LEE: Alright.

DEPUTY COUNTY CLERK: Oh, wait, I might have gotten that wrong. Councilmember Molina's--

COUNCILMEMBER MOLINA: Exhibit "C".

DEPUTY COUNTY CLERK: Oh.

CHAIR LEE: Exhibit "C". This is another. The next two are denials, as well as the first one, yeah. Right?

Oh, you have a question, Member Sinenci?

COUNCILMEMBER SINENCI: Yeah, just clarifying, Chair. Did Member Molina include 22-141 and 22-142 as part of his original motion?

CHAIR LEE: Yes.

COUNCILMEMBER SINENCI: Okay.

COUNCILMEMBER MOLINA: Yes, Madam Chair. And then, Member Paltin and Vice-Chair Rawlins-Fernandez requested separation. Those two names, 141 and 142, to be put on Exhibit "C", if I'm correct, as part of the separation.

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: Yeah. Okay. Thank you.

CHAIR LEE: Right.

COUNCILMEMBER SINENCI: Okay. Thank you.

CHAIR LEE: Okay, so now we're on 141 for denial. Denial, okay. Take the vote. Roll call.

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: I'm sorry. Just, may we have Member Paltin speak to her recommendation.

CHAIR LEE: Oh, okay. Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. You know, we have a new Police Chief, and personally, I think he's doing a good job and, and that's beside the point of this particular situation. My motion to put on Exhibit "C" has to do with, you know in evaluating and being on this Commission, I really feel that we need somebody that's going to be here year-round and see the changes that the, that is happening with the new Police Chief. There's no permanent address for Mr. Laub, other than a short-term rental. The address on file for that goes to Carmel, California. And in his statement, he's been here twice this year. So, it's just, you know, I think that we can find somebody that lives here year-round. There's other issues, but I think that's enough.

CHAIR LEE: Okay. Anybody else? Roll call.

DEPUTY COUNTY CLERK: Chair?

CHAIR LEE: Yes.

DEPUTY COUNTY CLERK: Chair, before proceeding with the vote, there seems to be some confusion as to the status of this item. I've been informed by Councilmember Paltin that this was separated before Councilmember Molina made his motion to amend the resolutions. If that's the case, then the body should consider an amendment, should consider making the amendment it wants to make to this resolution first, before starting to take votes.

CHAIR LEE: Well, let's check with, let's check with Mr. Molina. Mr. Molina, what is your recollection?

COUNCILMEMBER MOLINA: I believe in my original amendment proposal was seven of the eight names to be placed on Exhibit "B" and the one name, Mr. Hedani, on Exhibit "C". And then, Member Paltin made her request for separation for Mr. Laub. And that, I believe, included also to be placed on Exhibit "C". I'm not sure if that was originally a motion, but it was a recommendation to place. And then, of course, Mr.--

CHAIR LEE: No, but the main question was, was it before or after the vote?

COUNCILMEMBER MOLINA: I'm sorry, what was that Chair? I'm sorry.

CHAIR LEE: The Clerk is trying to get clarification on whether her request for separation was before or after the vote. And you're saying it was after the vote?

COUNCILMEMBER MOLINA: No, I think I made the amendment, but I don't think we took the vote. Yeah, because I think it was before we took the vote. And then, when we took the vote, we just took the vote only on five names after Member Paltin and Vice-Chair Rawlins-Fernandez separated two other names.

CHAIR LEE: Okay, so apparently, we did not take the vote on the other two.

COUNCILMEMBER MOLINA: Yeah.

CHAIR LEE: Right? We, we did not.

COUNCILMEMBER MOLINA: They were requested to be separated, yeah.

CHAIR LEE: Okay. Member Paltin, and then Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER PALTIN: Thank you.

JUST TO BE SAFE I'D LIKE TO MOVE TO PLACE THE NAME
PAUL LAUB ON EXHIBIT "C".

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER KING: Second.

CHAIR LEE: Okay. Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Chair.

CHAIR LEE: Just double-checking that that's the proper motion.

DEPUTY COUNTY CLERK: If, if the body's understanding that the separation occurred
before Councilmember Molina made his motion to amend, then yes, that is the correct
action.

CHAIR LEE: Okay. Alright. So, again, can you repeat your, your motion, Mr., um, Ms. Paltin.

COUNCILMEMBER PALTIN:

I MOVE TO PLACE THE NAME PAUL LAUB ON EXHIBIT "C".

CHAIR LEE: Okay, did you--

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR LEE: --second that, Vice-Chair? Okay, the motion is to move to place Mr. Laub's
name on Exhibit "C". Any further discussion?

If, roll call. Roll call.

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

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI:

AYE.

DEPUTY COUNTY CLERK:	Councilmember Mike Molina.
COUNCILMEMBER MOLINA:	NO.
DEPUTY COUNTY CLERK:	Councilmember Kelly Takaya King.
COUNCILMEMBER KING:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Gabe Johnson.
COUNCILMEMBER JOHNSON:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN:	AYE.
DEPUTY COUNTY CLERK:	Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA:	NO.
DEPUTY COUNTY CLERK:	Presiding Officer Pro Tempore Tasha Kama.
COUNCILMEMBER KAMA:	NO.
DEPUTY COUNTY CLERK:	Council Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ:	AYE.
DEPUTY COUNTY CLERK:	And Council Chair Alice L. Lee.
CHAIR LEE:	AYE.
AYES:	COUNCILMEMBERS JOHNSON, KING, PALTIN, SINENCI, VICE-CHAIR RAWLINS-FERNANDEZ, AND CHAIR LEE.
NOES:	COUNCILMEMBERS KAMA, MOLINA, AND SUGIMURA.

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

CHAIR LEE: Alright, the next motion.

COUNCILMEMBER PALTIN:

I MOVE TO ADOPT THE RESOLUTION.

Oh, sorry.

DEPUTY COUNTY CLERK: Chair, before the body now, is the main motion as amended, to adopt Resolution 22-141.

CHAIR LEE: Go ahead.

DEPUTY COUNTY CLERK: Oh, should I proceed with a roll call vote, Chair?

CHAIR LEE: Well, okay, let's let me ask. Any more discussion, Members? If not, if not, roll call.

DEPUTY COUNTY CLERK: Proceeding with a roll call vote.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: NO.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: NO.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

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

CHAIR LEE: AYE.

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

NOES: COUNCILMEMBERS KAMA, MOLINA, AND
SUGIMURA.

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

CHAIR LEE: Okay. Next. Next motion.

DEPUTY COUNTY CLERK: Chair, for the body now, is Resolution 22-142. There was a main motion to adopt this resolution. And then amended, and an amending motion to place the name of John-Russel Keikilani Phifer to Exhibit "B".

CHAIR LEE: I thought there wasn't a main motion?

COUNCILMEMBER MOLINA: A request for separation was what I recall, but.

CHAIR LEE: Yeah.

COUNCILMEMBER MOLINA: No formal amendment.

CHAIR LEE: Okay, yeah. Vice-Chair, make the main motion.

VICE-CHAIR RAWLINS-FERNANDEZ: I'll make the amendment to the main motion. If the Clerk's need Member Molina to withdraw his motion to amend, if that's what they have on record, then we can do that too to be clean.

COUNCILMEMBER MOLINA: Yeah, I'm agreeable to that.

I'LL WITHDRAW THAT IF I DID HAVE AN AMENDMENT.

CHAIR LEE: Okay, are we correct?

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Alright.

CHAIR LEE: Are we clear, Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, that procedure is fine, Chair.

CHAIR LEE: Alright. Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO AMEND THE MAIN MOTION TO MOVE
MR. PHIFER'S NAME TO EXHIBIT "C", DISAPPROVAL.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second? Was there a second? Oh, seconded by Member Sinenci.

Discussion, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If Members will recall, in Committee, I asked Mr. Mossman if he would consider putting Mr. John-Russel Phifer into the vacant seat on the Molokai Planning Commission. I've contacted Mr. Phifer and he said that Mr. Mossman has indeed contacted him to work on putting his name on the Molokai Planning Commission. The vacancy is due to the passing of our former OHA Board of Trustees Chair Colette Machado. So, this motion to disapprove Mr. Phifer from the Public Works Commission is so that his name can be submitted for the Molokai Planning Commission.

CHAIR LEE: Okay. Everybody clear on that.

Roll call.

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

Councilmember Shane Sinenci.

Oh, sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: A voice vote. Voice vote.

CHAIR LEE: That's okay. I already called for roll call.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: AYE.

DEPUTY COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

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

CHAIR LEE: AYE.

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

NOES: NONE.

DEPUTY COUNTY CLERK: Chair, there are nine "ayes", no "noes"; motion carries.

CHAIR LEE: Okay. Next.

DEPUTY COUNTY CLERK: Before the body now is the main motion as amended.

CHAIR LEE: Okay. Any more discussion?

Vice-Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. May I request a voice-vote? And mahalo to Mr. Phifer for his willingness to, to withdraw from the Public Works Commission, so that he can serve on the Molokai Planning Commission. I think he would be incredible on the Molokai Planning Commission. Appreciate his--

CHAIR LEE: Okay. Any more discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Voice vote.

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

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

NOES: NONE.

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

Mr. Clerk.

RESOLUTION
NO. 22-143

SUPPORTING THE DESIGNATION OF WAILUKU
TOWN AS AN ARTS DISTRICT

The recommended action is that Resolution No. 22-143 be referred to the Human Concerns and Parks Committee.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: I believe that this was going to get referred to Tasha Kama's Committee for further discussion.

CHAIR LEE: Okay. Any objections to referring this matter to HCP Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

COUNCILMEMBER SUGIMURA: Thank you. Tasha, please schedule.

CHAIR LEE: Mr. Clerk.

RESOLUTION
NO. 22-144

PROPOSING AN AMENDMENT TO SECTION
13-2 OF THE REVISED CHARTER OF THE
COUNTY OF MAUI (1983), AS AMENDED, TO
ESTABLISH THE MAUI COUNTY PLANNING
COMMISSION, ESTABLISH PLANNING
COMMISSIONS FOR ALL COMMUNITY PLAN
AREAS ON MAUI, AND DISSOLVE THE MAUI
PLANNING COMMISSION

The recommended action is that Resolution No. 22-144 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION
NO. 22-145

APPROVING DISPOSITION OF NONEXCLUSIVE
WATERLINE EASEMENT DUE TO RELOCATION OF
WATERLINE IMPROVEMENTS IN THE
SANDHILLS ESTATES SUBDIVISION

The recommended action is that Resolution No. 22-145 be referred to the Infrastructure and Transportation Committee.

CHAIR LEE: Any objections to the referrals?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with bills.

BILLS

ORDINANCE NO. _____
BILL NO. 91 (2022)

A BILL FOR AN ORDINANCE AMENDING TITLES 2, 18, 19, AND 20, MAUI
COUNTY CODE, RELATING TO WETLANDS RESTORATION AND PROTECTION

The recommended action is that Bill No. 91 (2022) be referred to the Planning and Sustainable Land Use Committee.

(BILL NO. 91 (2022) WAS REFERRED TO THE CLIMATE
ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE
LATER IN THE MEETING. See pages 238 for discussion and
action.)

ORDINANCE NO. _____
BILL NO. 92 (2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.60, MAUI COUNTY
CODE, RELATING TO A RESIDENCY REQUIREMENT FOR BOARD,
COMMISSION, AND COMMITTEE MEMBERS

The recommended action is that Bill No. 92 (2022) be referred to the Government Relations, Ethics, and Transparency Committee.

ORDINANCE NO. _____
BILL NO. 93 (2022)

A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.48.450 AND 3.48.466,
MAUI COUNTY CODE, RELATING TO HOMEOWNERS EXEMPTIONS

The recommended action is that Bill No. 93 (2022) be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I'd just like to request that Bill No. 91, relating to wetlands restoration and protection be referred to CARE Committee. And I've spoken to Member Paltin.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

COUNCILMEMBER KING: Okay, thank you.

CHAIR LEE: Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 94 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO OFFICE OF THE MAYOR,
ECONOMIC DEVELOPMENT PROGRAM
(MAUI FOOD HUB)

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 Bill 95?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

ORDINANCE NO. _____
BILL NO. 95 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,
OFFICE OF THE MAYOR, ECONOMIC DEVELOPMENT PROGRAM
(MAUI FOOD HUB)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR BILLS 94 AND 95, IN
ACCORDANCE WITH RULE 7.G. OF THE RULES OF THE
COUNCIL.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Who said second? Vice-Chair? Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci.

Discussion on your motion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair. These bills amend the Fiscal Year 2022 Budget, which ends on June 30, 2022. Approval of this motion will enable it to be amended, the budget to be amended before the end of the fiscal year.

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

Member Paltin?

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILLS 94 AND 95 ON FIRST READING.

CHAIR LEE: Second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Shane Sinenci, to pass Bills 94 and 95 on, is that second reading.

Any more discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: First reading.

CHAIR LEE: First reading, I'm sorry. Any more discussion? No? All those in favor of the motion--

Are you raising your hand?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, Chair.

CHAIR LEE: You have discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair. Members, these bills would amend Fiscal Year 2022 Budget bill and Appendix D, Office of the Mayor, Economic Development Program, Grants and Disbursements for Agricultural Program Promotion, Maui Food Hub, by deleting the conditional language "Grant funding for the Maui Hub to promote food resiliency and security on Maui. Funding for one-time purchases of the following: refrigerator truck, truck electric chiller and chiller conversion, a half-time finance manager, a facility subsidy, and equipment."

These amendments would allow flexibility for the Maui Food Hub to work with the Office of Economic Development to execute a grant agreement prior to June 30, 2022. We heard from Ms. Ness earlier in testimony explaining that the challenge with the language as its written.

And I want to thank both Budget Director Yoshimura and Director Inamasu for expediting this budget amendment to support the Maui Food Hub. Budget Director Yoshimura is available to answer any questions the Members may have. I respectfully ask for the Members support of this motion. Mahalo, Chair.

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

Nine ayes, zero, Mr. Johnson?

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

NOES: NONE.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 96 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
TOTAL OPERATING APPROPRIATIONS;
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT FOR BILL 96, IN ACCORDANCE
WITH RULE 7.G. OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SINENCI:

SECOND.

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

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. This bill amends Fiscal Year 2022 Budget, again, which ends at the end of next month. We need to take action in order to get it in before the end of fiscal year. Mahalo Chair.

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

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

NOES: NONE.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair.

I MOVE TO PASS BILL 96 ON FIRST READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Second? Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sinenci, to pass Bill 96 on first reading.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair. Members, this bill is a housekeeping bill to amend the Fiscal Year 2022 Budget to correct the Estimated Revenues, Total Operating Appropriations, and Total Appropriations (Operating and Capital Improvement Projects) to incorporate the funds from Ordinance 5370, Bill 64 (2022).

These funds were inadvertently omitted from the revenue and expense totals on the most recent Fiscal Year '22 Budget bills approved by the Council. Again, Budget Director Yoshimura is available if anyone has questions. I ask for the Members support of this motion. Mahalo Chair.

CHAIR LEE: Any questions, Members?

I have a question. Director Yoshimura. So, what did the total Carryover/Savings become?

BUDGET DIRECTOR: Chair, the bill does not correct the Carryover/Savings for Fiscal Year'22.

CHAIR LEE: Oh, it doesn't?

BUDGET DIRECTOR: No.

CHAIR LEE: Okay, I just thought it would add to it. Alright, anymore comments or questions? All those in favor, raise your hand and say "aye".

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

NOES: NONE.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Chair, proceeding with bills for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 80 (2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF
MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE
STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS
RELATED TO THE ACQUISITION OF A LICENSE FOR ACCESS, BUFFER, AND
PARKING FOR THE UALAPU'E FIRE STATION, KAUNAKAKAI, HAWAII

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Madam Chair, I yield the floor to GREAT Committee
Vice-Chair Rawlins-Fernandez.

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 Bills 85 through 87?

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 85 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO DEPARTMENT OF FINANCE,
COUNTYWIDE, OTHER PROJECTS, BOND FUND,
COUNTYWIDE EQUIPMENT

ORDINANCE NO. _____
BILL NO. 86 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF FINANCE,
COUNTYWIDE, COUNTYWIDE EQUIPMENT

ORDINANCE NO. _____
BILL NO. 87 (2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2022 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX D – CONDITIONAL LANGUAGE,
OPERATING BUDGET – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF FINANCE

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 80 AND BILLS 85 THROUGH 87 ON
SECOND AND FINAL READING.

CHAIR LEE: Second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to pass Bills 80, 85, 86, 87 on second and final reading.

Discussion?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair. Bill 80 authorizes the Mayor to enter into an intergovernmental agreement with the State of Hawaii, DHHL, for the non-executive right to use real property tax identified in the legislation for ingress, egress, and buffer zone, and parking for the recently acquired site of the Ualapu'e Fire Station on Molokai. And my community really appreciates everyone's support of this.

Bills 85 through 87 amend the Fiscal Year '22 Budget bill, Appendix C and Appendix D, Capital Improvement Projects, Department of Finance, to correct the placement of one dump truck for the Molokai Landfill to the Central Maui Landfill; and to change one wheel loader for the Molokai Landfill to one loader backhoe. I ask for the Members continued support. Mahalo Chair.

CHAIR LEE: Anyone else? Alright, all those in favor, raise your hand and say "aye", on these four bills.

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

NOES: NONE.

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

Wow, we finished in record time. One of the longest. That's the record, one of the longest meetings.

Okay, Member Molina.

COUNCILMEMBER MOLINA: Madam Chair, I request to separate. Nah, before we go home. Adjourn. Just kidding.

CHAIR LEE: Okay. Anything? You got, you have anything, parting words? I do want to remind you that there's going to be a Memorial Day program at the Veterans Cemetery on Monday, beginning at 8:30 in Makawao. And I'm sure our veteran, our own veteran,

Member Molina will be there. And on your behalf, I sent a floral arrangement from the Council.

COUNCILMEMBER MOLINA: Thank you, Chair.

CHAIR LEE: And anything else? Anybody getting married? No? Because I know a place where you can get a discounted license. You have to drive to Lahaina though, that's the only problem.

COUNCILMEMBER PALTIN: It won't be legal though. That's why it's cheap.

CHAIR LEE: Yeah. Alright, everybody, it's been a long, long, long day and I'm glad we're going home as friends. Somehow, we managed to do that today. Thank you very much, everybody, for your hard work.

To the Budget Chair, hats off. Finally, it's done. And although, it wasn't perfect, you know, a lot of work went into it.

Anybody else? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. One, one more reading. We have one more reading. Second reading on June 8 for the budget. Almost.

CHAIR LEE: Okay. Yeah. I know, but the worst is over, really, you know?

VICE-CHAIR RAWLINS-FERNANDEZ: Don't jinx it. Don't jinx it.

CHAIR LEE: Oh okay, I won't jinx it.

Member Molina.

COUNCILMEMBER MOLINA: . . . for the next second reading.

CHAIR LEE: Yeah. Yeah. Yeah, it's so much paperwork. Anyway, everybody, have a safe weekend. And well, I'll see you tomorrow.

Member Paltin, are you going to have a long meeting? No meeting?

COUNCILMEMBER PALTIN: I'm going to campaign spending workshop tomorrow in this location. We had my meeting yesterday afternoon and you were there.

CHAIR LEE: I have you down for, I have you down, PSLU. Misprint. Misprint. So, anyway, have a nice long weekend, then, starting tomorrow. And everybody please be safe and take care of yourself and your family. This meeting is adjourned.

ADJOURNMENT

The regular meeting of May 26, 2022 was adjourned by the Chair at 8:29 p.m.

A handwritten signature in black ink, appearing to read "Kathy L. Kaohu", written over a horizontal line.

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

County Clerk

From: Peter <peter@hawaiianresources.net>
Sent: Wednesday, May 25, 2022 5:22 PM
To: County Clerk
Subject: In support of the Maalaea regional wastewater plant

Dear Maui County Council members,

By now I am sure you have of complete understanding of why the Maalaea regional wastewater system has so much community support.

I want to offer you another thought to consider:

Diversified regional wastewater systems can be a good solution for other isolated Maui communities. The Maalaea regional system, with its new and proven MBR technology, can be a PROOF OF CONCEPT for lowering costs, providing higher effluent treatment, and creating the assets of R1 water and Bio-char as the end products for other communities too.

The Maalaea project can serve as solid proof of concept for places like Hailiimaile and Haiku and other upcountry areas. This concept could help to shut down cesspools and provide reasonable sewage solutions in many other communities on Maui. The system is modular and can be both small or big depending on the actual needs. There are many MBR wastewater system providers. The Maalaea solution can be an example for the rest of Hawaii.

Huge centralized systems work well only in big urban areas. Activated sludge is old technology.

Please support the Maalaea regional wastewater project. Community members have worked diligently to remove the injection wells and clean up Maalaea Bay.

With aloha,

Peter Cannon

RECEIVED
2022 MAY 25 PM 5:34
OFFICE OF THE
COUNTY CLERK



Maui Humane Society
P.O. Box 1047
Paʻāhāhā, Hawaiʻi 96784
(808) 877-3680
mauihumane.org

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Mar. Catherine K. K.

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Jennifer Goggin

Director of Veterinary Services

Kelly Maguire

May 26, 2022

Council of the County of Maui
Eighth Floor
200 South High Street
Wailuku, Hawaii

RE: Written Testimony FY23 County Budget

Honorable County Councilmembers:

Thank you for all your efforts to date in considering the upcoming County Budget for Fiscal Year 2023. I recognize the amount of energy necessary to address such an intricate and wide-ranging financial document such as this. I would ask for your consideration of two areas of the Department of Housing and Human Concerns budget that impact Animal Management services:

1) We would ask for consideration of adding \$152,000 to the Animal Enforcement budget. This addresses two critical areas:

a) Adding \$89,090 for the maintenance, repair, fuel and insurance needs for the nine Maui Humane vehicles used for the animal control duties. As you are likely aware, the County has asked us to take over the fleet that at one time was fully County vehicles. We have now replaced nine County vehicles with our own (with three vehicles still owned by the County). Taking over these vehicles requires us to fund these areas in order to maintain the fleet on the road.

b) Add \$63,910 for the Community Cat Coordinator. With the removal of feral animal funds from the DHHC budget it also eliminated funding for this position. It would be appropriate to add these funds back in to sustain a highly effective program for ongoing years.

2) We would ask for consideration of changing the existing language for the Animal Revolving Fund. Current language limits these funds for purchasing only two replacement Animal Control

vehicles. Funds are still needed to strip out the equipment from the retired vehicles and then set up the new vehicles with radio installation, emergency lighting, vehicle markings and acquisition of replacement equipment. We have proved to the County our ability to acquire vehicles at a much lower cost. By eliminating the "two vehicle" provision and changing language to "the acquisition of animal control vehicles and related equipment" will allow this same level of funding to achieve more cost effective results.

Thank you for your consideration of these recommendations. We look forward to maintaining maintenance the excellent working relationship with the County as well as to continue to provide exceptional services to the citizens of Maui County.

Respectfully submitted,

A handwritten signature in black ink, reading "Stephen MacKinnon". The signature is fluid and cursive, with the first name "Stephen" being more prominent than the last name "MacKinnon".

Stephen MacKinnon
Chief Executive Officer

Scott Rollins
Wastewater Reclamation Division Chief
May 26, 2022

Testimony for item 22-42 No. 5 - Maalaea Wastewater System Replacement

Thank you for the opportunity to speak today. My testimony concerns the proposal of the County to fund and build a Maalaea Wastewater Treatment Facility. I'm not here to say it's a bad idea, I agree that something needs to be done with the wastewater systems in Maalaea. It is not the divisions decision on if the County should take on this responsibility. However, there are some things to consider before you decide to simply add \$9.5M into next year's budget.

1. Fundamental question to ask is - **Should the County take over old, failing systems for the good of the public?** (roadways, drainage, water systems, wastewater systems, dams, basins, etc.)

Historically, when the County is asked to take over privately owned infrastructure due to the, condition, costs of operation/maintenance, or need of major system improvements, the answer has been "if you improve the infrastructure to County Standards and the Mayor/County Council approves the dedication, it will be accepted to be owned and operated by the County." This pertains to water systems, wastewater systems, roadways and drainage systems.

Agreeing to take over this will lead to additional requests. We've been down this road with Molokai Ranch, Wailea sewers, Hali'imaile wastewater treatment ponds. Council's consideration of Maalaea last week has already prompted Maui Land and Pine to again ask us to take over Hali'imaile.

It would be prudent to discuss this in a committee to develop a policy for the takeover of systems, especially failing systems that will take significant capital investment.

2. If indeed the County is going to step in, we need to first discuss all of the ramifications, and aspects of the responsibility and liability the County is assuming.

Is the County building an alternative system that when completed, the property owners will be required to connect to or use, or are we accepting the old failing system(s) and replacing it?

In this case there is not only a new system to construct, but also the proper abandonment of existing packaged treatment facilities, onsite plumbing/piping revisions, possible pump systems etc. on the private property. Current policy dictates that private property improvements and infrastructure are always the responsibility of the property owner. All of the work on the condo properties should be left to those entities, including showing that their underground piping systems that will be redirected to a new system are intact and functioning properly.

(MCC 14.21A.010 would require them to connect to any system that fronts their property.)

3. **What project would the County be taking on?** To date sounds like someone's already determined a new collection system and treatment facility, and the cost is only \$9.5 M. The 2019 Brown and Caldwell study put the costs over \$23 million and that was before the COVID supply chain issues and recent material/labor cost increases.

Scott Rollins
Wastewater Reclamation Division Chief
May 26, 2022

Why another treatment facility? Why not tie into the new plant that is already in the planning stages in Central/Maui?

The County needs to conduct an alternative analysis to determine the best possible course for the County from a practical and fiscal standpoint. This includes system requirements, initial capital cost, continuing operation and maintenance costs, staffing needs, ongoing labor requirements, by product use/disposal, life span costs, environmental concerns/effects, permitting requirements, County policy alignment, etc. This decision has long term effects on the sewer fund budget and needs analysis and further discussion.

- 4. How should we fund the project?** Choices include cash sewer funds, general obligation bonds, general fund, grants, State Revolving Fund Loan, other loans, donation, Condominium Reserve Funds, or a Community Facilities District.

First Corporation Counsel will need to determine if it would be legal to spend money from the Sewer Fund to replace a private system.

Sewer Fund Cash – these funds are allocated for this year and designated for the next few years to cover design/construction costs etc. for replacement sewers, pump stations, force mains, recycled water systems etc.

General obligation bonds or loans of any type, including SRF loans, get repaid by the fees our current customers pay in their monthly bills. Since it's been stated that this is a "County problem", it would be careless and not fair to make only sewer rate payers the ones responsible to pay for this new system that benefits only a few properties.

Using money from the general fund would make all taxpayers pay the price of this "County problem."

Research into other loan types or grants could help pay for some of the project, but would take some time and effort.

Condominium Associations require reserve funds to repair and replace critical infrastructure and for maintenance. They can also do special assessments. This could contribute at least part of the funds.

Community Facilities District – This would cause the County take on the burden and the risk of building a system now for Maalaea that would be repaid over time by the property owners within the district instead of all ratepayers.

Funding the project is a discussion that needs to occur in a committee setting in order to get the proper input and decide which one or combination is best for Maui County.

- 5. What is a realistic timeline for this project, taking into account all of the factors?**

Scott Rollins
Wastewater Reclamation Division Chief
May 26, 2022

- a. To be fiscally responsible to our citizens we should do an up to date **PER** that includes the alternative analysis to determine the best course over the useful life of the system. (6+/- months)
- b. This is a complex/expensive project using County funds so it will need an **Environmental Impact Statement** (or maybe an EA) (1+ years)
- c. If a loan or grant is involved it will require **environmental and other reviews** (section 106, section 7, possibly NEPA etc.) (6 months)
- d. It will require **land acquisition, subdivision**, easements, use agreements, state approvals etc.
- e. The **design** needs to be completed (survey, geotechnical work, soils, structural, electrical, civil, mechanical etc.) (1 to 1/2 years.)
- f. **Project bidding**, award, contracting and material/equipment acquisition (3 to 9 months)
- g. **Construction** will take 18 + months

What this says is like other wastewater or other projects, it is a multiyear project. At least two years to have a design ready to bid.

Simply adding a CIP project for the Maalaea Wastewater System of \$9.5M of SRF funding does not solve anything and it gives the residents of Maalaea a false hope that something will be built immediately.

It sets up the administration, the department and our division for failure since doing our jobs correctly we will not be able to encumber that amount of money for construction in FY2023.

6. **When should council make the decision of whether or not to put in funding for a project like this?**

Only after a committee has set and made the tough decisions and memorialized it in a Countywide Policy for all infrastructure, failing or not, and vetted out exactly how the entire project will be funded so that's its fair to all of our citizens.



RECEIVED
Bringing back the birds

2022 MAY 25 AM 9:47

RE: Support for County Resolution 22-135

OFFICE OF THE
COUNTY CLERK

Aloha mai e Chair Lee, Vice-Chair Rawlins-Fernandez, and Councilmembers,

American Bird Conservancy (ABC) supports the passage of this resolution and appreciates the opportunity to provide comments on Resolution 22-135. ABC is a national non-profit organization dedicated to conserving wild native birds and their habitats throughout the Americas. ABC has had a strong and growing program in Hawai'i for over a decade, working with state, federal, and private partners to protect, manage, and restore critical habitats for some of the most endangered birds in Hawai'i, especially focused on Maui

ABC supports the designation of May 20th as Endangered Species Day in the county of Maui. A day to remember that we share our home with plants and animals found nowhere else in the world. As co-inhabitants of our island home, we must do what we can to support the native species in Hawai'i, especially those on the brink of extinction.

Endemic honeycreepers are highly endangered across the Hawaiian Islands, including two species found nowhere else in the world besides East Maui – the kiwikiu and 'ākohekohe. Our honeycreepers are integral components of healthy forests, serving as pollinators, seed dispersers, and insect predators. Their beauty, mannerisms, and spiritual connotations are woven into mele, hula, and 'ōlelo no'eau, and materials created through featherwork. These birds also serve as sentinels of the health for our other native plants and animals in Maui's forests, indicating the severity of threats to the native forest ecosystems. This resolution recognizes the importance of these forests and will increase support for their protection and restoration.

A recent US Department of Interior report (Paxton et al. 2022) estimated 'akikiki on Kaua'i are likely to go extinct in 2023, and the 'ākohekohe, kiwikiu, and 'akeke'e soon after that. The demise of the Hawaiian honeycreepers is being driven by exposure to avian diseases transmitted by non-native mosquitoes. Rising global temperatures allow these mosquitoes to invade the last forested strongholds for our honeycreepers. Landscape-control of mosquitoes is the most urgent conservation problem in Hawai'i. If the disease cycle is not broken, many other honeycreeper species will follow these four into extinction. Thus, irreparably losing part of Hawai'i's biological diversity and cultural richness.

Bringing awareness to the endangered species that call Hawai'i home will highlight that there is still hope. This hope is created by the individuals, communities, organizations, and partnerships working tirelessly to create a safe space for the native species of Hawai'i.

For the Hawaiian honeycreepers, hope for mosquito suppression is being pursued by the Birds, Not Mosquitoes (BNM) partnership. BNM is working to save our honeycreepers by using Wolbachia-incompatible male mosquitoes, a.k.a mosquito birth control, to suppress mosquito populations. This mosquito birth control approach is being safely used in 15 different countries, including the continental U.S. The partnership includes over 20 organizations, including three state agencies, four federal agencies, and four nonprofit groups, including ABC. This breadth of organizations emphasizes the wide-ranging support for this urgently needed management action.

Mahalo nui loa for your consideration and support in protecting our treasured Hawaiian birds,

Chris Farmer
cfarmer@abcbirds.org
Hawai'i Program Director
808-987-1779

Lukanicole Zavas
lzavas@abcbirds.org
Outreach Associate for Birds Not Mosquitoes
808-330-3240

County Clerk

From: Barbara Barry <begoniabarry@gmail.com>
Sent: Wednesday, May 25, 2022 7:53 PM
To: County Clerk
Subject: Testimony on Committee report 22-42. Item number 1 Bill 69

RECEIVED

2022 MAY 26 AM 7: 43

OFFICE OF THE
COUNTY CLERK

Aloha Chair Lee and Council Members,

My name is Barbara Barry and I am a small organic farmer in Hai'kū.

I am also a commissioner on the KAP Advisory Committee for the last 4 years.

I'd like to comment on the proposed 25% increase for Kula Ag Park Farmers and for clarification, my comments are my own.

KAP had a special meeting called this week but due to technical difficulties, the call did not happen and my ideas below, though unpopular, would have been shared with those on the call.

A few thoughts on this proposed rate increase.

Since there is no clear idea of the amount of food being produced at the KAP, it seems premature to issue a blanket increase at a time when our food farmers are under increasing demand to produce more food for our County's food security.

The larger leaseholders who are not producing food may be able to easily absorb the increase but the smaller leaseholders who are producing food may not.

These leaseholders pay for pumping their water to their farms so there are added costs that are not reflected in their lease payment. The electric cost is substantial and a survey of the tenants to note their electric expenses for pumping water for the last year could be gathered. Perhaps it's time for the County to look into a renewable energy source for these farmers?

If there is a problem with damage left by past tenants, a damage deposit would be a reasonable thing to have required at the time the leases were signed. Perhaps that could be added to offset property not being left in good condition? That's pretty normal with any lease.

There are also 2 lots that are available. My question is why? There are many farmers looking for places to farm.

As a commissioner, I often ask the question if there are spots available and how the public is notified of this availability. I've never had a satisfactory answer to this question.

There are tenants who are not involved with food growing and I am suggesting that these tenants be considered 1st for any rate increase if the Council decides to proceed with this 25% increase.

Some of these tenants have a fair amount of land at the KAP.

I feel the County should be doing everything they can to support our food producers and we must not compare the County KAP leases with private entities who are leasing land for a profit.

There could be funds through a grant to help finance the vegetable washing machine. Since the Dept of Agriculture will be starting up soon, this may be an area for the grant writers to start on. It could also pay for itself if it was offered to other farmers for a fee. It doesn't help to have it if it's not used fully.

Personally, I feel the KAP should undergo a complete audit and also restore the Commission Members back to 11 like it was in 2018. I'm still not sure how it was shaved down to 9 members.

There are many mysteries about how things are being run that are not communicated with the Commissioners although things are better now than under past leadership when there were very few meetings.

I also feel that the Farmers Union United should sit on this Committee and not have the Maui County Farm Bureau the only Farming organization representing the KAP.

HFUU represents many small farmers from many areas of Maui County as I'm sure the Farm Bureau does but more importantly, the Farm Bureau is very supportive of the Corporate Ag conglomerates in Maui County.

I appreciate the Farm Bureau for supporting the Maui County 4 H program, small farmers and our ranchers.

So, before you decide to make an across the board decision to raise lease rates, I suggest looking deeper into how the Ag park is run and how much this would actually make per year and perhaps delay a decision till all facts are clearly available to the Council. This is ill timed to say the least.

Don't get me started on the purchase of the terrible piece of land the County bought from A&B a few years ago for an enormous cost.

Mahalo for this opportunity to share my manao,

Barbara Barry

County Clerk

From: Barbara Barry <begoniabarry@gmail.com>
Sent: Thursday, May 26, 2022 11:37 AM
To: County Clerk
Subject: Re: Testimony on Committee report 22-42. Item number 1 Bill 69

On Wed, May 25, 2022 at 7:52 PM Barbara Barry <begoniabarry@gmail.com> wrote:

Aloha Chair Lee and Council Members,

This is a follow up to my testimony from this morning.

My name is Barbara Barry and I am a small organic farmer in Hai'kū.

I am also a commissioner on the KAP Advisory Committee for the last 4 years.

I'd like to comment on the proposed 25% increase for Kula Ag Park Farmers and for clarification, my comments are my own and I am not a paid lobbyist.

KAP had a special meeting called this week but due to technical difficulties, the call did not happen and my ideas below, though unpopular, would have been shared with those on the call.

A few thoughts on this proposed rate increase.

Since there is no clear idea of the amount of food being produced at the KAP, it seems premature to issue a blanket increase at a time when our food farmers are under increasing demand to produce more food for our County's food security.

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These leaseholders pay for pumping their water to their farms so there are added costs that are not reflected in their lease payment. The electric cost is substantial and a current survey of the tenants to note their electric expenses for pumping water for the last year could be gathered. Perhaps it's time for the County to look into a renewable energy source for these farmers?

If there is a problem with damage left by past tenants, a damage deposit would be a reasonable thing to have required at the time the leases were signed. Perhaps that could be added to offset property not being left in good condition? That's pretty normal with any lease.

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There are many mysteries about how things are being run that are not communicated with the Commissioners although things are better now than under past leadership when there were very few meetings.

I also feel that the Farmers Union United should sit on this Committee and not have the Maui County Farm Bureau the only Farming organization representing the KAP.

HFUU represents many small farmers from many areas of Maui County as I'm sure the Farm Bureau does but more importantly, the Farm Bureau is very supportive of the Corporate Ag conglomerates in Maui County.

I appreciate the Farm Bureau for supporting the Maui County 4 H program, small farmers and our ranchers.

So, before you decide to make an across the board decision to raise lease rates, I suggest looking deeper into how the Ag park is run and how much this would actually make per year and perhaps delay a decision till all facts are clearly available to the Council. This is ill timed to say the least.

Don't get me started on the purchase of the terrible piece of land the County bought from A&B a few years ago for an enormous cost.

Mahalo for this opportunity to share my manao,

Barbara Barry

RECEIVED

County Clerk

2022 MAY 23 PM 3:28

From: Suellen <suellen@maui.net>
Sent: Monday, May 23, 2022 2:49 PM
To: County Clerk
Subject: Please include Ma'alaea Wastewater funding in FY2023

OFFICE OF THE
COUNTY CLERK

[You don't often get email from suellen@maui.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>.]

Our reefs are in sad shape & ocean water quality continues to decline - we need to value our natural resources more than the county does tourist dollars Mahalo Suellen Barton

Sent from my iPad

County Clerk

From: Meredith Beeson <meredith@mauireefs.org>
Sent: Wednesday, May 25, 2022 4:11 PM
To: County Clerk
Subject: I Support \$9.5 million for M'aalaea Wastewater

RECEIVED

2022 MAY 25 PM 5:04

OFFICE OF THE
COUNTY CLERK

You don't often get email from meredith@mauireefs.org. [Learn why this is important](#)

Aloha,

I am writing this to let the county council know that I am in support of the \$9.5 million in the 2023 fiscal year budget to upgrade the Ma'alaea wastewater system.

Preventing excess nitrogen from entering the bay will help the reefs recover. The R1 water will be able to support agriculture, in an area where drought and fires flourish. The solids extracted from the wastewater will be turned into biochar, which will help our local soils restore their microbiomes and produce life again.

Mahalo for your time and consideration,
Meredith Beeson

County Clerk

From: Tom Board <tomboard333@gmail.com>
Sent: Thursday, May 26, 2022 9:38 AM
To: County Clerk; mayors.office@co.maui.hi.us
Subject: Please include Ma'alaea Wastewater funding in FY2023

 You don't often get email from tomboard333@gmail.com. [Learn why this is important](#)

I am a condo owner and taxpayer at Island Sands (150 Hauoli St #408) in Ma'alaea and ask you to please support, pass, sign and implement plans for a unified wastewater treatment plant for this village. It is ironic that one of the world's best aquariums is situated in village that is - unfortunately - now a major polluter of the ocean at Ma'alaea Bay. If we can eliminate the private systems and establish a modern, efficient and effective replacement, then we will be answering the call to preserve the environment for future generations. Thank you for your attention!

Tom Board

County Clerk

RECEIVED

From: Bob <mauidomer@roadrunner.com>
Sent: Tuesday, May 24, 2022 6:03 AM
To: County Clerk
Subject: Please include Ma'alaea Wastewater funding in FY2023

2022 MAY 24 AM 8:10

OFFICE OF THE
COUNTY CLERK

 You don't often get email from mauidomer@roadrunner.com. [Learn why this is important](#)

I hope the County Council will uphold the funding for the Ma'alaea wastewater project. It has been a need for years; and will have a very positive impact on Ma'alaea Harbor. Please for "yes" for the funding!

Thank you,

A Ma'alaea condo resident and owner since 1984

County Clerk

From: Patricia Cadiz <pb5@mac.com>
Sent: Thursday, May 26, 2022 7:10 AM
To: County Clerk
Subject: Bill 73

RECEIVED
2022 MAY 26 AM 7:43

OFFICE OF THE
COUNTY CLERK

You don't often get email from pb5@mac.com. [Learn why this is important](#)

Dear Council members,

I support the proposed wastewater treatment system to replace the aged and failing injection wells along the shore of Mā'alaea. I believe that a Membrane Bioreactor (MBR) System is the best choice for Mā'alaea for these reasons:

- The MBR system can be installed in less than one year, pending permits.
- Small-scale local treatment units like this one can save on energy costs, recycle water to the community for landscaping and food production, and recycle nutrients into landscaping and agriculture.
- MBRs can produce high quality R-1 effluent that's suitable for 100% reuse in the coastal area of Mā'alaea.
- The result will be cleaner ocean water for all who enjoy Mā'alaea Bay for fishing, paddling, surfing, swimming and other recreation.

Please vote yes on Bill 73:

This bill authorizes Maui County Mayor Victorino to enter into an intergovernmental agreement to finance the West Maui Recycled Water System Expansion and the Mā'alaea Regional Wastewater System with funds not to exceed \$14,500,000.

Thank you,
Patti Cadiz
808-283-5070
Maui, HI
Sent from my iPhone

County Clerk

From: Patricia Cadiz <pb5@mac.com>
Sent: Thursday, May 26, 2022 9:31 AM
To: County Clerk; Mayor's Office County of Maui
Subject: Planning commission vacancy

[You don't often get email from pb5@mac.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>.]

To council members,

I would like to express my enthusiastic support for Mayor Victorino's nomination of Wayne Hedani for Planning commission. I believe I am correct in saying that he has about 15 years experience of diplomatically and effectively navigating through the extremely complex issues of shoreline preservation. His calm demeanor and intelligence will certainly be a benefit to the Commission and Maui's future. Please approve his nomination.

Patti Cadiz

Sent from my iPhone

County Clerk

RECEIVED

From: Deashia Lei Chang <deashialeichang@gmail.com>
Sent: Friday, April 29, 2022 2:22 PM
To: County Clerk
Subject: FAM Program

2022 APR 29 PM 3:05

OFFICE OF THE
COUNTY CLERK

[You don't often get email from deashialeichang@gmail.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

Aloha,

My name is Deashia Lei Chang & I am writing in support of HFUU's FAM Program. Before this program, my wife & I began farming & realized that we needed more education about regenerating soil & how to sustain our farm. We talked with some people we knew who farmed but did not know a whole lot of other farmers who could help educate us. This program has helped us to learn more about regenerative farming & how to produce crops, weed management, etc. in addition to the farm education, we also learned the business side of farming in which we could sustain the farm financially. This program is helping to educate the community to have food security which EVERYBODY should learn. Please continue to fund this program and help our community learn the importance of farming & food security for our islands!

Mahalo!

Sent from my iPhone

Aloha Maui County Council,

I am writing to you today to ask that you approve Kelly Kings resolution 22-144 pertaining to having a planning commission for each district of Maui. I have seen first hand how devastating poor planning can be for a community.

In Kihei/Wailea there have been approvals for several projects in recent years that completely destroyed our remaining natural resources. We have seen Iwi Kapuna sites blown to pieces to make way for million dollar homes. These sites were known to be precontact areas that are now gone forever.

The most recent project is development on top of our Waipuilani Gulch. They will build right on top of a riverbed with no regard for any of the consequences of their actions. All of our community organizations and members oppose these types of projects and we continue to fight hard to stop them.

I believe that if Kihei/Wailea had their own commission these dangerous, destructive projects would not be allowed to continue. Please help us stop the "gold rush" in each of our districts. We must have community representation in our planning commission or our precious resources will be lost forever.

Sincerely,
Brandi Corpuz
909-357-9170

County Clerk

RECEIVED

From: JUSTIN DELEON <jdeleon96761@gmail.com>
Sent: Tuesday, May 3, 2022 3:08 PM
To: County Clerk
Subject: Re: Testimony in support of HCUU's FAM

2022 MAY -4 AM 8:10

OFFICE OF THE
COUNTY CLERK

You don't often get email from jdeleon96761@gmail.com. [Learn why this is important](#)

On Wed, Apr 27, 2022 at 11:11 PM JUSTIN DELEON <jdeleon96761@gmail.com> wrote:

Aloha,

This testimony is in support of the FAM program.

My name is Justin De Leon. Along with my wife and children, we are first time farmers with zero farming experience. I'm currently in cohort 7 at this years FAM program. I have so much to share and don't know where to start!

We are half way through the course and my brain is full of new ideas. Each week I look forward to learning the new techniques and applying them to the farm. I have made new friend in all my classmates. I have learned just as much from them. They all bring different styles of what they all plan on doing. They're all ohana now!

The FAM program has help support me through my agricultural endeavors and education. I have a full time job, raise 4 beautiful children, and now a so called "farmer". The program is easy for a person like me to acquire this kind of education and information with out the stress of failure. Every week what I learn I apply it that next day at our farm. It's fun, it's therapy, and it's now a passion of mines. Did I mention it was a free course? I don't have much money to send my self to school. So these programs help people like me. I hope in the future more people will get the opportunity just like I did. I am very grateful for this opportunity and I can't thank you all enough.

My ohana farm is ready! We've almost made a a full year up there. I can't wait to share what I have learned and while also giving back to my community that raised me. This program instilled in me to be now a steward of this land that we call our home.

I hope this letter does well in support of these kinds of programs.

Mahalo for taking time to listen to me.

Many thanks,
Justin De Leon
HCUU FAM program cohort7 participant.

From: Umesh Desai <linda.umesh@gmail.com>
Sent: Wednesday, May 25, 2022 11:38 AM
To: County Clerk
Subject: Please include Ma'alaea Wastewater funding in FY2023

RECEIVED

2022 MAY 25 AM 11:46

You don't often get email from linda.umesh@gmail.com. [Learn why this is important](#)

OFFICE OF THE
COUNTY CLERK

Aloha,

I request the Council to uphold the \$9.5 million of funding for a new Ma'alaea Regional Wastewater Reclamation Facility in the FY23 budget.

**Umesh Desai
100 Hauoli St. #109
Wailuku, HI 96793**

From: Jeep Dunning <mauijeep@gmail.com>
Sent: Wednesday, May 25, 2022 7:03 AM
To: County Clerk
Subject: Bills 69 and 73

RECEIVED

2022 MAY 25 AM 8:07

 You don't often get email from mauijeep@gmail.com. [Learn why this is important](#)
Maui County Council Members,

OFFICE OF THE
COUNTY CLERK

Please support bills 69 and 73 to fund and expand the Ma'alaea Wastewater Treatment Plant.

Mahalo,
Jeanne Dunning

May 24,2022

Aloha Council Members,

My name is Suzette Felicilda a kanaka maoli of Lahaina. I am writing in opposition of nomination of Wayne Hedani to the planning commission. Wayne Hedani is an associate member/president to the Kaanapali Operations-which is in highly support with the hotel industry to the offshore dredging in Lahaina to Kaanapali. He's in support of damaging and endangering marine life to add sand to beaches for the tourist to enjoy, at the same time destroying and endangering our reefs, our fishes, our fishing grounds and also endangering wave heights to these shores. I'm from a family of generations who are fishermens-these are our livelihood and our resources today and to our future generations. He does not speak of the people-kanaka maoli-of Lahaina, he speaks for the Malahini.

Mahalo,

Suzette Felicilda

Kanaka Maoli of Lahaina

A handwritten signature in black ink, appearing to be 'Suzette Felicilda', written over the printed name.



RECEIVED

2022 MAY 24 AM 11: 04

OFFICE OF THE
COUNTY CLERK

May 24, 2022

The Honorable Alice Lee, Chair and Members
Maui County Council
200 S. High Street
Wailuku, HI 96793

RE: SUPPORTING \$9.5M FOR MĀ'ALAEA WASTEWATER FUNDING IN FY 2023 BUDGET

Dear Chair Lee and Council Members,

On behalf of the staff and supporters of Maui Nui Marine Resource Council, I am writing to ask that the Maui County Council uphold the BFED decision to include \$9.5 million in funding for the Mā'alaea Membrane Bioreactor Wastewater Reclamation Project in the County's FY 2023 budget. This funding would make it possible to purchase and install a containerized modular "plug and play" state-of-the-art wastewater treatment system that can be in place and operational within one year, pending permits, to produce high quality R-1 water for 100% reuse in the coastal area of Mā'alaea.

Right now, the Mā'alaea community has no regional wastewater treatment facility. The state harbor, the Mā'alaea condominiums, and area businesses operate their own treating facilities and injection wells for effluent disposal. These shallow injection wells along the shoreline of Mā'alaea leak nitrogen-rich pollution into the ocean, causing algal overgrowth and coral decline.

We all recognize that we need to take action now to help improve the ocean water quality in Mā'alaea Bay and prevent the reefs and limu from disappearing. The Mā'alaea Membrane Bioreactor (MBR) Wastewater Reclamation Project features a modern day technology that's in use across the United States. Why? According to the EPA, MBR systems occupy a small footprint; they allow for improved treatment performance in a smaller space than a conventional design. MBRs also have high removal efficiency of contaminants such as nitrogen, phosphorus, bacteria, biochemical oxygen demand, and total suspended solids. They create high quality wastewater that's ideal for reuse in shoreline areas, for irrigation of landscaping and agriculture.

With this system, the wastewater solids will be converted into high quality soil amendments (biochar). Biochar is a charcoal-like a pathogen-free material that is produced from solids decomposed at high temperatures. It can be used for local landscaping, providing plants a locally sourced, carbon-rich soil amendment.

Maui Nui Marine Resource Council has been supportive of the hard-working volunteer team that has studied the MBR systems. They've identified several providers ready to implement a project along with companies in Hawaii that provide management and maintenance of the system. They've also arranged with Mahi Pono to donate land for the site.

Congressman Kai Kahele and Representative Angus McKelvey have stated that this would qualify for the State of Hawai'i Water Pollution Control Revolving Fund (also known as the Clean Water State Revolving Fund – the CWSRF). This project is also supported by the State Department of Health Wastewater Division. The State Legislature recently approved a \$250,000 grant-in-aid to MVA to support preliminary engineering study for the project.

Millions in federal dollars are currently available for infrastructure improvements statewide. A window is currently open that will allow Maui County to address this critical infrastructure need. Small-scale local treatment units like this one can save on energy costs, recycle water to the community for landscaping and food production, and recycle nutrients into landscaping and agriculture. This solution provides proof of concept and can be relocated to (or replicated in) other small communities that are not served by centralized wastewater treatment (Haiku, Makawao, etc.).

Please support this project for the health of the coral reefs and all of the many Maui residents who enjoy Mā'alaea Bay for fishing, paddling, surfing, etc. We believe that funding and converting to the responsible way of treating Mā'alaea wastewater will be a historical step – a true display of Maui County's commitment of clean ocean water and healthy coral reefs for the the kids and grandkids of today -- and all of the future children of Maui.

Thank you.

A handwritten signature in black ink, appearing to read "Mike Fogarty", with a stylized flourish at the end.

Mike Fogarty
Executive Director

From: Amy Fonarow <afonarow@yahoo.com>
Sent: Wednesday, May 25, 2022 2:41 AM
To: County Clerk
Subject: I Support Bills 69 and 73

RECEIVED
2022 MAY 25 AM 8:07

OFFICE OF THE
COUNTY CLERK

Aloha Maui County Council,

I am writing in support of Bills 69 and 73, and I respectfully request that you support them, as well.

The MBR system proposed is efficient, can be installed fairly quickly, and would provide nutrients that can be safely used for agricultural purposes on land. This MBR system would be an upgrade from the injection wells currently handling the waste in Mā'alaea, and all in all we'd be creating a cleaner ocean.

Everybody benefits from a cleaner ocean.

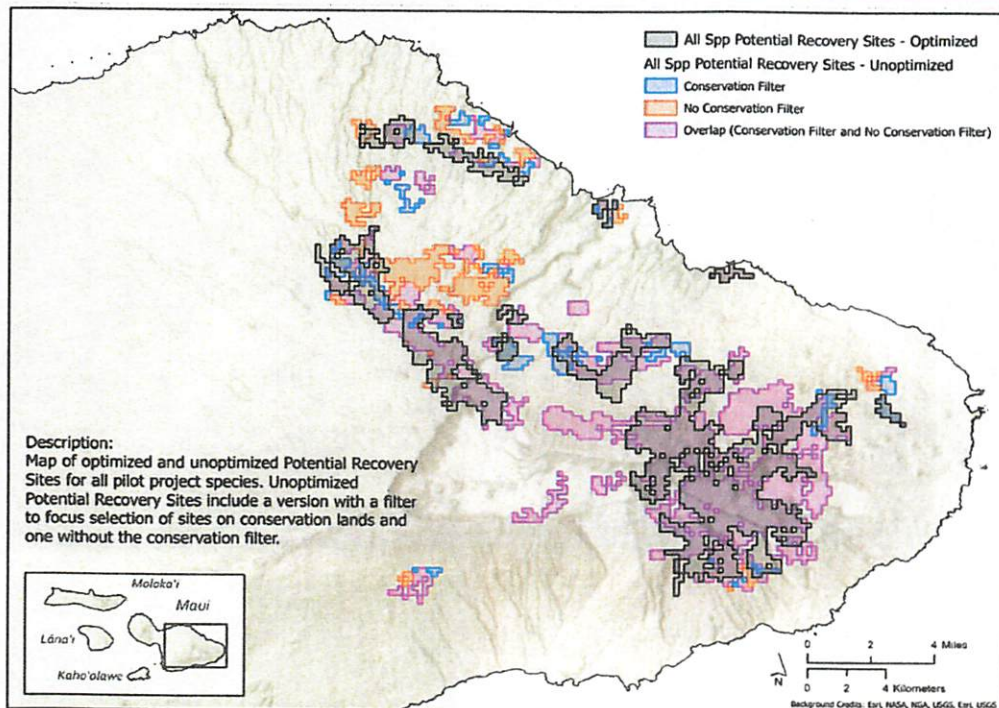
Thank you so much, Maui County Councilmembers. I know you're working hard, and I really appreciate all of your efforts. Please consider supporting bills 69 and 73.

Mahalo Nui,
Amy Fonarow (former resident of Maui and lifelong ocean advocate)



DIVISION OF FORESTRY AND WILDLIFE

1151 Punchbowl Street, Room 325 | Honolulu, HI 96813



Potential recovery sites for endangered plants are plotted on this example map.

PROJECT SUPPORTERS

The collaborative team spans many agencies, land-owners and NGOs:

Hawai'i Division of Forestry and Wildlife
US Fish and Wildlife Service
US Geological Survey
US National Park Service
University of Hawai'i
Enduring Conservation Outcomes

Maui Nui Species At Risk

Species found only in Hawai'i, many only in Maui Nui, in danger of extinction:

Plants 194 species
Invertebrates >50 species
Vertebrates 15 species

DOFAW PROGRAM PRIORITIES



Water



Fire & Forest Health



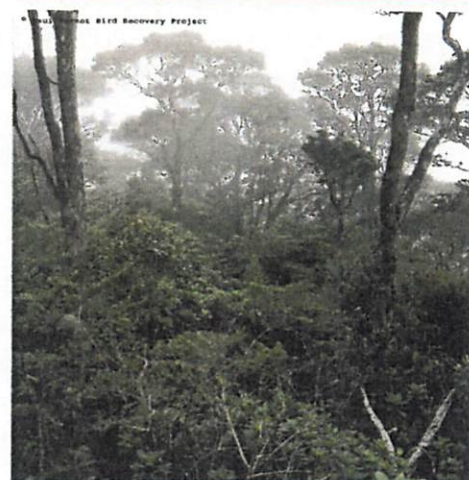
Native Ecosystems



Forestry



Recreation



House District: *House District Numbers*

Senate District: *Senate District Numbers*

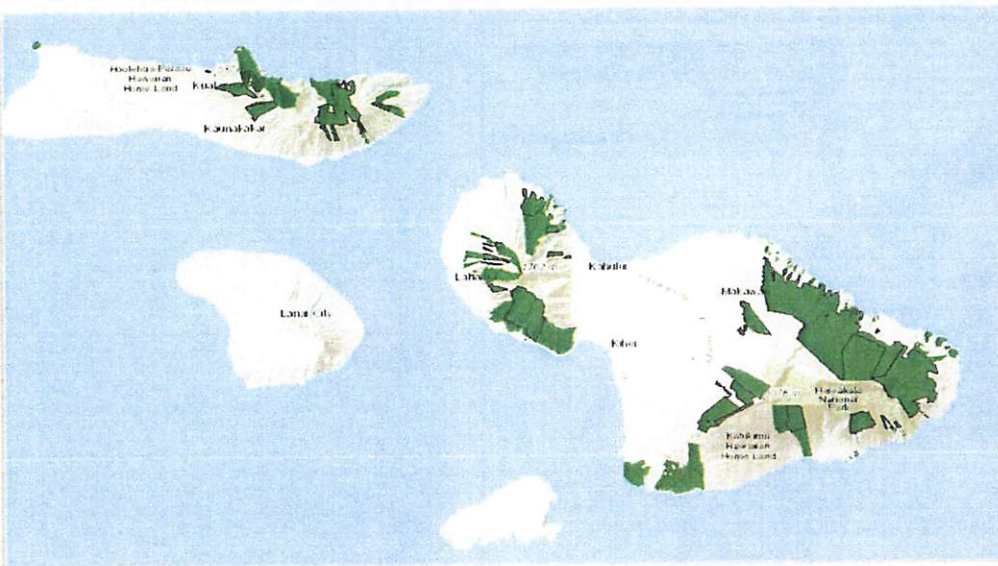
BUDGET

Budget

CONTACT PERSON

Scott Fretz
Maui Nui Branch Manager
Hawai'i Division of Forestry and Wildlife
Scott.fretz@hawaii.gov
(808) 984-8107

Maui Nui Landscape Conservation Plan



Areas managed by Hawai'i Division of Forestry and Wildlife

SUMMARY

More than 500 species unique to Hawai'i face extinction. The Hawai'i State Division of Forestry and Wildlife, along with state and federal partners, is developing a landscape-scale planning methodology that integrates multiple recovery plans for all species at risk of extinction into a single plan that includes plants, vertebrates, and invertebrates for Maui, Moloka'i and Lana'i.

PROJECT DESCRIPTION

Recovery plans and related documents have been developed for many individual species at risk of extinction in Hawai'i. They provide excellent guidance for much of the essential work to be done, but are not generally implementation-ready for managers without further planning. It is highly impractical for managers to work off of dozens of separate plans simultaneously when the species covered and the actions recommended in those plans potentially occur in the same place. An integrated planning framework employs a systematic approach that includes, (1) identifying current species distributions, (2) modeling future distributions of each species under projected climate scenarios, (3) identifying and prioritizing minimal essential habitat for recovery of all target species, especially those that depend on other natives (4) using optimization techniques to develop a system of management units or areas that can provide suitable habitat for multiple species now and into the future, and (5) developing analytical methods managers can use to assess extinction threats and make cost-effective use of limited conservation funds across critical landscapes and over time, establishing metrics for success, and 6) community-based conservation actions that engage and benefit under-served communities in affected areas.



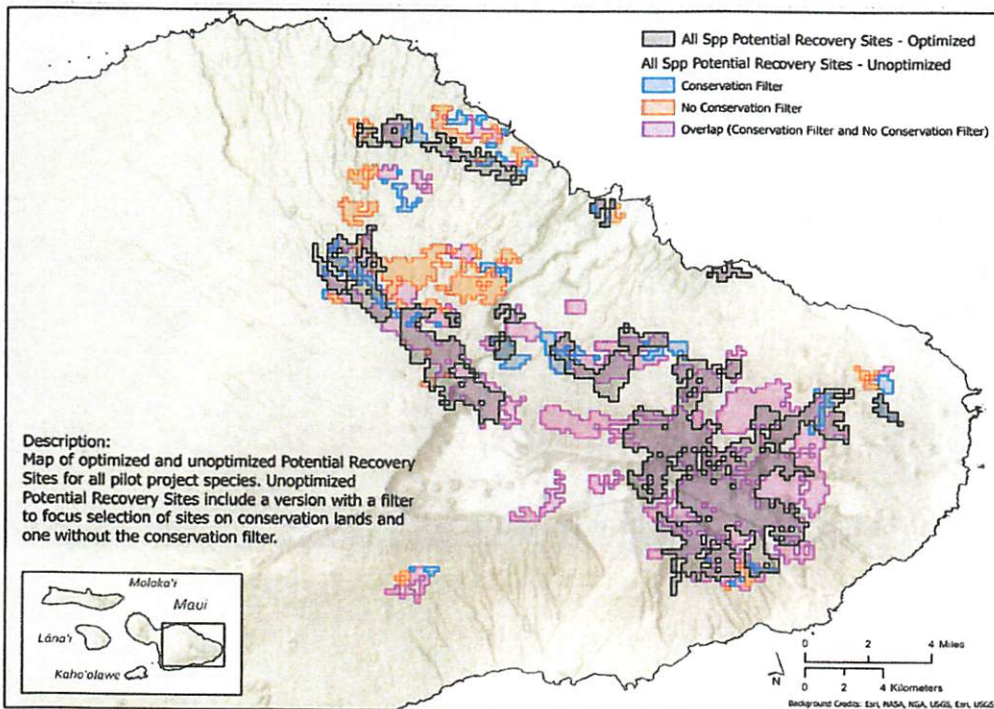
EXPECTED BENEFITS





DIVISION OF FORESTRY AND WILDLIFE

1151 Punchbowl Street, Room 325 | Honolulu, HI 96813



Potential recovery sites for endangered plants are plotted on this example map.

DOFAW PROGRAM PRIORITIES



Water



Fire & Forest Health



Native Ecosystems



Forestry



Recreation

PROJECT SUPPORTERS

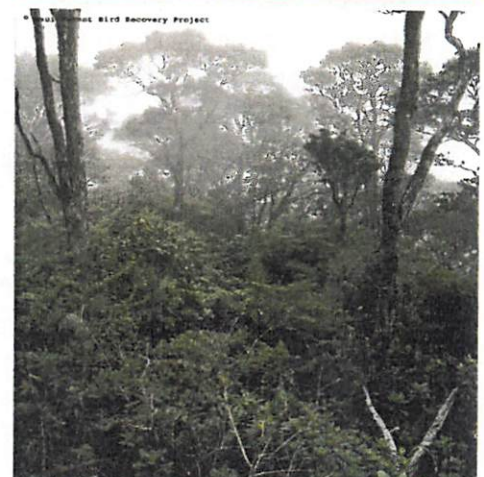
The collaborative team spans many agencies, land-owners and NGOs:

Hawai'i Division of Forestry and Wildlife
 US Fish and Wildlife Service
 US Geological Survey
 US National Park Service
 University of Hawai'i
 Enduring Conservation Outcomes

Maui Nui Species At Risk

Species found only in Hawai'i, many only in Maui Nui, in danger of extinction:

Plants 194 species
 Invertebrates >50 species
 Vertebrates 15 species



House District: *House District Numbers*

Senate District: *Senate District Numbers*

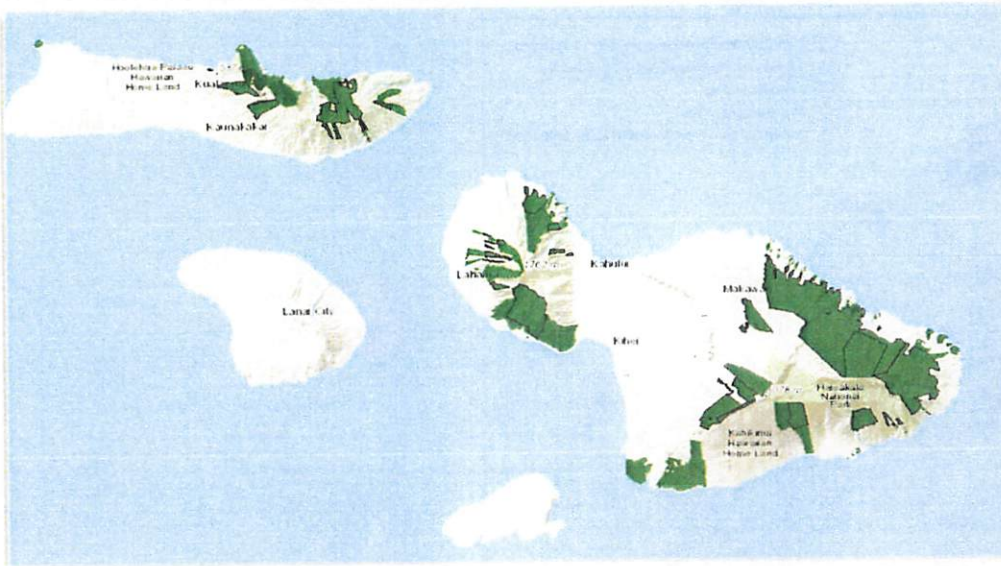
BUDGET

Budget

CONTACT PERSON

Scott Fretz
 Maui Nui Branch Manager
 Hawai'i Division of Forestry and Wildlife
 Scott.fretz@hawaii.gov
 (808) 984-8107

Maui Nui Landscape Conservation Plan



Areas managed by Hawai'i Division of Forestry and Wildlife

SUMMARY

More than 500 species unique to Hawai'i face extinction. The Hawai'i State Division of Forestry and Wildlife, along with state and federal partners, is developing a landscape-scale planning methodology that integrates multiple recovery plans for all species at risk of extinction into a single plan that includes plants, vertebrates, and invertebrates for Maui, Molokai and Lanai.

PROJECT DESCRIPTION

Recovery plans and related documents have been developed for many individual species at risk of extinction in Hawai'i. They provide excellent guidance for much of the essential work to be done, but are not generally implementation-ready for managers without further planning. It is highly impractical for managers to work off of dozens of separate plans simultaneously when the species covered and the actions recommended in those plans potentially occur in the same place. An integrated planning framework employs a systematic approach that includes, (1) identifying current species distributions, (2) modeling future distributions of each species under projected climate scenarios, (3) identifying and prioritizing minimal essential habitat for recovery of all target species, especially those that depend on other natives (4) using optimization techniques to develop a system of management units or areas that can provide suitable habitat for multiple species now and into the future, and (5) developing analytical methods managers can use to assess extinction threats and make cost-effective use of limited conservation funds across critical landscapes and over time, establishing metrics for success, and (6) community-based conservation actions that engage and benefit under-served communities in affected areas.



EXPECTED BENEFITS

Landscape planning enables managers to:

1. integrate species plans to identify the minimum reserve area needed to conserve all of the species at risk,
2. make informed decisions about which areas to prioritize within that reserve,
3. determine which conservation actions are the most important ones to implement first, and
4. optimize limited conservation funds.



County Clerk

From: Paul Gammie <pgmaui@hotmail.com>
Sent: Tuesday, May 24, 2022 11:04 AM
To: County Clerk
Subject: Please include Ma'alaea Wastewater funding in FY2023

You don't often get email from pgmaui@hotmail.com. [Learn why this is important](#)

Hello:

I am a 55 years long resident of Maalaea. I STRONGLY encourage the County of Maui to support the \$9.5 million Maalaea Wastewater project to be voted on during the 5/26/22 meeting. Maalaea Bay needs help NOW!!

Thank you

Paul Gammie
pgmaui@hotmail.com
808-281-6902

RECEIVED
2022 MAY 24 AM 11:07
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui Email <maui@gannassociates.com>
Sent: Monday, May 23, 2022 8:41 PM
To: County Clerk
Subject: Please include Ma'alaea Wastewater funding in FY2023

RECEIVED

2022 MAY 24 AM 8:10

OFFICE OF THE
COUNTY CLERK

|| You don't often get email from maui@gannassociates.com. [Learn why this is important](#)

County Council,

I am an owner of a property at 70 Hauoli Street on Maui. I support the Council approving the \$9.5 million of funding for a new Ma'alaea Regional Wastewater Reclamation Facility in the FY23 budget.

Thank you,

Carl Gann
Maui Emailmaui@gannassociates.com

County Clerk

From: Susan Halas <wailukusue@gmail.com>
Sent: Wednesday, May 25, 2022 9:54 AM
To: County Clerk
Subject: Public testimony OPPOSED \$54 million CIP for Hawaiian Cultural Complex (Maui Council meeting May 26, 2022)

RECEIVED
2022 MAY 25 AM 11:05
OFFICE OF THE
COUNTY CLERK

You don't often get email from wailukusue@gmail.com. [Learn why this is important](#)

Testimony in OPPOSITION to the \$54 million CIP appropriation for the Hawaiian Cultural Complex included in the FY23 Budget, to be heard at the Maui County Council meeting of Thurs., May 25, 2022, Agenda Item 22-44 (1&2).

Though I favor the use of some public funds to be used to establish a Hawaiian Cultural Complex I **strongly oppose the appropriation of \$54 million in the current FY23 budget. I urge the members of the council to reconsider the appropriation and devise a plan which is more inclusive of the neighborhood and the public and whose funding level is more in line with the real priorities of the community.**

Please vote NO on this item and send it back for further and more detailed consideration that includes a much higher level of public participation.

Though the county has in the past funded some part of various projects for specific ethnic and heritage groups, it has never before allocated such an extravagant amount of money for the benefit of one particular group to be paid for entirely by public funding. It has also never authorized this lever of spending without any financial documentation whatsoever and without any meaningful participation from any group other than the proposed beneficiaries.

The administration and the proposed beneficiaries have made extensive and elaborate plans for this building and its future use, but so far it's all been on the down low. Very little of the information has been shared with the public in general or the immediate neighborhood in particular, and no other alternative and more inclusive uses have been invited or considered.

As a resident of Wailuku Town with a home one block from the proposed site, I see local needs that are far more urgent and much higher priority for public funding than this complex. If the county is going to sell bonds to the tune of \$54+ million I would hope that money would go to housing for local residents, as well as addressing other urgent public health and safety concerns such as homelessness, mental health, drug addiction and neighborhood law enforcement.

I also fear that if such a structure is built it will be too small for its actual intended use and difficult to expand in future years.

Since no financial documentation of any kind has been provided on how this exorbitant amount of money has been arrived at, nor are any specifics about who would run it, who could use it, and how much it would cost to maintain it, I feel it is obviously premature to allocate these funds, especially in one lump sum. Like the council members who voted to fund it in stages, I doubt that even if passed these can be encumbered successfully within 18 months.

This project has merit, but to allocate huge amounts of money in a hasty manner without any specifics or public input (other than the voices of those who will directly benefit) seems like something that is done for political and not cultural purposes, and may very well backfire. What will happen in years to come when it becomes a money pit that can not sustain itself and requires an ever higher level of financial support. Where will that money come from?

I urge you to reconsider and vote NO on this CIP appropriation on first reading.

Susan Halas
Wailuku Town

--

Susan Halas
1939A E. Vineyard St.
Wailuku, HI 96793
(808) 280-9205 cell
wailukusue@gmail.com

County Clerk

From: Sam Harbo <sjharbo@yahoo.com>
Sent: Monday, May 23, 2022 3:21 PM
To: County Clerk; Sam Harbo
Subject: Please include Ma'alaea Wastewater funding in FY2023

RECEIVED

2022 MAY 23 PM 3:28

OFFICE OF THE
COUNTY CLERK

You don't often get email from sjharbo@yahoo.com. [Learn why this is important](#)

Dear Council Members - Thank you for your continued support for the Ma'alaea Regional Wastewater Reclamation Project in the FT23 budget. We want to continue to protect Ma'alaea as a very special, beautiful and historic environment. Thank you for all your work. Gayle Harbo, Island Sands, Unit 406, owner for 45 years

County Clerk

From: L Harbo <loraharbo@gmail.com>
Sent: Wednesday, May 25, 2022 8:42 AM
To: County Clerk
Subject: Testimony in full support of \$9.5 million for Ma'alaea Community Wastewater Treatment plant funding

May 24, 2022

Dear Councilmembers,

Please support and approve the funding in the FY2023 budget to construct the Ma'alaea Regional Wastewater Treatment Plant. The proposed plant is an environmental and economical solution to outdated, old-school injection wells whose replacement will help reduce pollution into Ma'alaea Bay. The continued solid support of the Council in securing funding is essential to bring this forward thinking wastewater treatment project to fruition.

Thank you in advance for your support!

Best regards,
Lora Harbo and David Liebersbach
Ma'alaea owners and community members

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2022 MAY 25 AM 8:49
OFFICE OF THE
COUNTY CLERK



HUAMAKAHIKINA

RECEIVED

2022 MAY 24 PM 1: 57

OFFICE OF THE
COUNTY CLERK

May 24, 2022

**Re: Testimony in Strong Support of FULL Funding for the Hālau of ‘Ōiwi Art
("HOA")**

Aloha mai, e Chair Lee, Vice Chair Rawlins-Fernandez, Pro Tempore Kama, and esteemed Council Members,

We are the Membership of Huamakahikina, a coalition of Kumu Hula, open to all Kumu Hula and representing the breadth of Hula Lineages, standing together for the purpose of organizing and advocating on behalf of Kumu Hula and the ‘oihana of Hula itself. Huamakahikina formed and ratified the "Huamakahikina Declaration on the Integrity, Stewardship, and Protection of Hula" on August 21-22, 2021, at the Kupukalālā Kumu Hula Convention, which brought together 201 lineally acknowledged Kumu Hula from across the Pae‘āina o Hawai‘i, 10 states of the United States of America, and the countries of Japan, New Zealand, French Polynesia, France, and Spain.

The Maui County Council was the first in the state to adopt the Huamakahikina Declaration through resolution CC 21-484, in November, 2021. The County Council of Hawai‘i followed suit in April 2022, and SCR 121 was adopted by the State shortly after. On page 3 of the Huamakahikina Declaration, the 201 ratifiers acknowledge the historic challenges to Hula, amongst them is:

5. ACCESS & RESOURCING. There are challenges to engaging in the study and practice of Hula for a significant portion of the people of Hawai‘i, most importantly Kānaka Maoli, due to a scarcity of resources and significant gaps and disparities in how Hula is recognized, treated, provisioned, housed, funded, and otherwise supported by local County and State governments. The result is that Hula is too often financially and/or geographically inaccessible.

As experts in traditional knowledge and leaders of our communities, Kumu Hula uphold and instill the importance of environmental stewardship; we educate ‘ohana from keiki to kūpuna; we tell and celebrate the stories of our home, and sing of its beauty; and, the Kumu Hula and Hālau Hula of Maui County bring both joy and pride to its people.

Unique lineally-passed histories, techniques, and knowledge not found in conventional school systems, libraries, or other mainstream resources are only available through practitioners of Hula and ‘Ōiwi arts. As a constitutionally protected traditional and customary practice (ARTICLE XII, SECTION 7), Hula is not only integral to Kānaka Maoli, but to the local culture, identity, and economic sustainability of Maui County. And, although Hula and ‘Ōiwi arts are tangible and intangible cultural heritages of Kānaka Maoli, they are nondiscriminatory in that these traditions and knowledge are available to all who would dedicate themselves to them.

As has always been the case, the practices of Hula and ‘Ōiwi arts are extremely crucial for the maintenance of the unique identity and collective culture of the people of Maui County – most



HUAMAKAHIKINA

importantly to instill these practices and values within the future generations to come. The Hālau of ‘Ōiwi Art will not only serve as a necessary bastion for the practices of Hula and ‘Ōiwi arts, but it will also serve to show just how committed the Maui County Council is to the protection and continuation of the unique identity, cultural wellbeing, and economic sustainability of the people of Maui County. An investment in the Hālau of ‘Ōiwi Art truly is an investment in the community that will bring lasting benefits into the future.

We, the people of Maui County, mindful of our Hawaiian history, heritage and culture and our uniqueness as a four island county, dedicate our efforts to fulfill the philosophy decreed by the Hawaii State motto, “Ua mau ke ea o ka aina i ka pono.” - ¶1, PREAMBLE “CHARTER OF THE COUNTY OF MAUI”

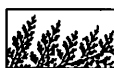
Through consensus and without reservation, and as is consistent with the “HO‘ĀLA: CALL TO ACTION” of the Huamakahikina Declaration, the Membership of Huamakahikina humbly requests that the Maui County Council funds the Hālau of ‘Ōiwi Art to the fullest extent possible.

For your convenience, additional information on the beneficial natures of Hula and ‘Ōiwi arts is also attached.

We are grateful for your time and consideration.

Me ka ‘oia‘i‘o,

The Membership of Huamakahikina



HUAMAKAHIKINA

BENEFICIAL NATURES OF HULA & ‘ŌIWI ARTS

ECONOMY

Hula events and pursuits are important and consistent contributors to Maui County’s economy. At any given Hula presentation, a good number of spectators are family members and friends of at least one of the performers. Whether it is a performance for “First Friday,” for a Hula competition, or any other type of Hula event, these are the people buying the bulk of the tickets, purchasing from concession stands and vendors, eating in nearby restaurants, shopping at nearby stores and markets, buying lei, ordering from florists, employing hair and makeup stylists, hiring photographers, purchasing apparel from local designers, buying from Hula supply businesses, buying from craft stores, purchasing from fabric stores, employing silk-screener and printers, hiring seamstresses and tailors, and even supporting local farmers (of things like foliage, flowers, ipu, and foods). If people come from out-of-county, -state, or -country for such events, they are also the ones buying airline tickets, renting cars and accommodations, refilling their gas tanks, hiring on-island caterers, and spending money across Maui County at numerous other sites and businesses. Additionally, Hula practitioners are professionally employed at shows and venues across Maui County.

INFLUENCE ON THE UNIQUE CULTURE OF MAUI COUNTY

At any given public Hula or local culture event, many other ‘Ōiwi arts are also present. At performances of either Hawaiian or local music, lei, aloha attire, ‘ukulele, and even vocal and instrumental techniques are firmly rooted in ‘Ōiwi arts. Many Hawaiian music entertainers reflect a distinctly Hawaiian set of presentation qualities and techniques that stem from lines of monarchy/court presenters, from the heyday of Hula’s hapa-haole entertainment times, or from both. If the master-of-ceremonies of these events is from a Hawaiian/local music radio station, then they, too, are directly tied to the ‘Ōiwi art of Mele. Hawaiian/local music musicians, vocalists, and entertainers are also professionally employed at shows and venues across Maui County. Additionally, when Hawaiian or local foods are served at local events, they are extensions of ‘Ōiwi and local culinary arts, as well as the traditional ‘Ōiwi arts of cultivation, harvesting, and gathering techniques used to procure and prepare ingredients that range from fish and limu, to kalo, sweet potato, breadfruit, pohole, ‘ōpae, pork, even beef liver, and the list goes on.

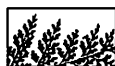
DEEP VALUE OF HULA & ‘ŌIWI ARTS

Knowledge of ‘Ōiwi arts currently being revived on a wide scale was also stewarded under the auspices of Hula during the years of their dormancy, such as the tradition-based practices of: Chant, prayer, oratory arts, language arts, Mele composition, singing styles and techniques, vocal- and music-arranging, various forms of protocols, blessings, ‘awa ceremony, food preparation, healing and medicinal practices, mediation, kōkō net making, kapa making, lau hala weaving, fiber arts, feather-working, motifs used in graphic design and tattooing, carving, lashing, manufacture of traditional attire and adornments, astronomy, meteorology, oceanography, toponymy, geology, geography, hydrology, architecture, biology, botany, navigation, farming, fishing, animal husbandry, fishpond revitalization and management, Makahiki ceremonies and games, environmental stewardship, species conservation and preservation, and truly countless others.



HIGHLY VALUED CULTURE & KNOWLEDGE

Distinct Hawaiian/local forms of social interaction, values, self discipline, and expectations are actively practiced and conveyed intergenerationally by practitioners of Hula and 'Ōiwi arts. Distinctly Hawaiian methodologies for the processing and interpretation of data found within mele and mo'olelo are only accessible through lineally-descended practitioners. Hula and 'Ōiwi art practitioners are consistently sought and consulted by various County and State agencies, as well as by scientists, archaeologists, anthropologists, and other western culture-based studies experts, for our unique tradition- and lineage-based knowledge and expertise. Practitioners of Hula and 'Ōiwi arts also incorporate our lineage-based knowledge and values into our home-lives, our work-lives, our social-lives, our religious-lives, and into our political-lives, as well.



HUAMAKAHIKINA



RECEIVED
2022 MAY 23 PM 12:34
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COUNTY CLERK

May 23, 2022

The Honorable Alice Lee, Chair and Members
Maui County Council
200 S. High Street
Wailuku, HI 96793

**RE: SUPPORTING \$9.5M FOR MA'ALAEA WASTEWATER SRF FUNDING IN FY 2023
BUDGET**

Aloha Chair Lee and Members,

Ma'alaea Village Association (MVA) requests that Council uphold the BFED decision to include \$9.5 million in funding for a long-overdue and critically needed modern, regional wastewater facility for Ma'alaea in the FY2023 budget.

By this time, you are well-versed as to the need: the Ma'alaea community has no regional wastewater treatment facility. Ma'alaea condominiums, businesses, and the state harbor each operate their own treating facilities and injection wells for effluent disposal. None of the existing facilities provides more than primary treatment, resulting in high nutrient loads in injection well effluent and contributing to the impaired status of Ma'alaea Bay.

As the County knows firsthand, effluent disposal through injection wells is drawing increased scrutiny and the practice will someday soon be phased out. A regional treatment facility for Ma'alaea would replace all the private wastewater treatment systems, improve wastewater treatment, eliminate the use of injection wells for disposal, provide recycled water for community landscaping needs and/or agriculture, and thereby reduce consumption of Maui's precious fresh water supplies.

A small, dedicated volunteer committee has been in pursuit of an eco-friendly, state-of-the-art wastewater gathering, treatment and disposal system to serve the needs of the entire Ma'alaea community. The technology exists, with several providers ready to implement a project, and Mahi Pono committing to donate land for siting. However, the funding is lacking. The Ma'alaea solution can be applied to other Maui communities in the future.

As confirmed by Congressman Kai Kahele and Representative Angus McKelvey, this project is eligible for State Revolving Funds, and is supported by the State Department of Health Wastewater Division. The State Legislature recently approved a \$250,000 grant-in-aid to MVA to support preliminary engineering study for the project.

Millions in federal dollars are currently available for infrastructure improvements statewide. Now is the time for Maui County to address this critical infrastructure need.

Mahalo for your support!

Sincerely,

Lyndon Ibele, MVA President

County Clerk

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From: Welcome Knodles <theknodles@aol.com>
Sent: Monday, May 23, 2022 1:24 PM
To: County Clerk
Subject: Please include Ma'alaea Wastewater funding in FY2023

2022 MAY 23 PM 3: 28

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<<https://aka.ms/LearnAboutSenderIdentification>>

Full Board,

Please support the Funding for the new Ma'alaea Regional Wastewater Reclamation Facility.

Save the reefs and help Ma'alaea grow healthily.

The tax revenue from the Harbor and Aquarium alone should fund that over a few years.

Mahalo,

-Mark & Laurie Knodle
190 Haouli St,
Ma'alaea

County Clerk

From: Adam Knox <adamjknox@gmail.com>
Sent: Monday, May 23, 2022 2:03 PM
To: County Clerk
Subject: Please include Ma'alaea Wastewater funding in FY2023

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|| You don't often get email from adamjknox@gmail.com. [Learn why this is important](#)

As a Maalaea resident and conservation professional within the State of Hawaii, I am asking the Maui County Council to please uphold the \$9.5 million of funding for a new Ma'alaea Regional Wastewater Reclamation Facility in the FY23 budget. This will improve outcomes for the Maalaea Bay ecosystem and related economic activities.

Sincerely,
Adam Knox

--

Adam Knox

County Clerk

From: Arnie Koss <arniekoss@gmail.com>
Sent: Wednesday, May 25, 2022 8:44 PM
To: County Clerk
Subject: Please Share with Council Members before 9AM Meeting on Thursday, May 26

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Dear Maui County Council Members,

I am a resident of Kula, but I care about all of Maui's ocean waters. I believe that most Maui residents feel the same way.

I am writing to ask for your continued strong support of the \$9.5 million for the Ma'alaea Wastewater Reclamation System that the County Council has voted to add to the 2023 County budget. This money is to protect a community treasure – Maui's beautiful Ma'alaea Bay, home to sea turtles, whales and other marine life, as well as coral reefs.

Ma'alaea Bay is polluted. The corals are nearly dead. Your support of the Ma'alaea Wastewater Reclamation System is exactly what is needed to help save the bay and help the corals survive.

If our Maui County government doesn't act now to stop the pollution, the reefs will suffer, with each and every flush of a toilet in the homes, businesses and condos of Ma'alaea.

Your vote will make a difference. Please support passing the 2023 Maui County Budget that includes the \$9.5 million for the Ma'alaea Wastewater Reclamation System. Do it for the community who loves this Bay. Do it for the corals. And do it for your legacy as the community leaders who took action and saved Ma'alaea Bay.

Thank you.

Arnie Koss

--
Arnie Koss
arniekoss@gmail.com
808.280.1442

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2022 MAY 26 AM 7:43
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COUNTY CLERK

County Clerk

From: Barb Kutterer <realtorbarb.kutterer@gmail.com>
Sent: Thursday, May 26, 2022 3:40 AM
To: County Clerk
Subject: Please include Ma'alaea Wastewater funding in FY2023

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You don't often get email from realtorbarb.kutterer@gmail.com. [Learn why this is important](#)

Please uphold the 9.5 million dollar waste water management funding proposal on the agenda. This will greatly protect our ocean water & marine life.

Sincerely,
Barbara Kutterer
Owner of Kanai A Nalu #309

--

Barbara Kutterer, Broker
208 634-0060

High Mountain Realty
3306 Harrington Place
McCall, ID 83638

Mailing address: PO Box 328
McCall, ID 83638

Mei 25, 2022

Maui County Council
Kalana o Maui Building, 8th Floor
200 South High St.
Wailuku, Hawai'i 96793

RECEIVED

2022 MAY 26 AM 7:43

OFFICE OF THE
COUNTY CLERK

RE: Testimony on Res. No. 22-139; Res. No. 22-144; Bill No. 92 (2022); Bill No. 93 (2022)

Aloha mai kākou,

‘O au nō ‘o La‘akea Low. No ka moku ‘o Hāmākuapoko mai au ma ka mokupuni ‘o Maui. Ke noho nei au ma ka ahupua‘a ‘o Makawao i kēia manawa.

• **RESOLUTION NO. 22-139: "APPOINTMENT OF A MEMBER TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI"**

Writing in **OPPOSITION** to the Mayor's nominee for the Maui Planning Commission (MPC).

As stated by Member King in the Mei 24, 2022 meeting of the GREAT Committee, the MPC is overrepresented by construction, real-estate, and development professionals. This is a disturbing trend that has proven detrimental for Maui and must be addressed. A testifier at the abovementioned GREAT Committee meeting suggested a nominee possessing expertise in marine science, shoreline stewardship, and Kānaka Maoli lifeways be presented to the Council in consideration for service on the MPC.

Member King also suggested term limits for folks serving on the MPC after it was revealed that the Mayor's nominee has served two previous, full terms. Surely, past ideas and decisions that contributed to the predicament we find ourselves in today - overdeveloped shorelines, overtourism, compromised aquatic ecosystems, and displacement of local families - must not be entrusted to former decision-makers in the community's current pursuit of sensible, sustainable solutions.

• **RESOLUTION NO. 22-144: "PROPOSING AN AMENDMENT TO SECTION 13-2 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH THE MAUI COUNTY PLANNING COMMISSION, ESTABLISH PLANNING COMMISSIONS FOR ALL COMMUNITY PLAN AREAS ON MAUI, AND DISSOLVE THE MAUI PLANNING COMMISSION"**

Writing in **SUPPORT** of Resolution No. 22-144. Mahalo nui iā ‘oe e Lālā King.

Many of the arguments stated in my testimony for Resolution No. 22-139 can be applied to Resolution No. 22-144. The Maui Planning Commission (MPC) has a long track record of poor decision-making in terms of protecting shorelines from development - one of, if not the most important mandate in their purview. While much of these shortcomings may be attributed to an overwhelming lack of environmental stewardship expertise in the composition of the MPC's

membership, a painfully obvious lack of familiarity with many places - moku, kalana, ahupua'a, 'ili - throughout Maui must also be taken into consideration. Therefore, each community plan area must have its own Planning Commission in order to ensure place-based knowledge in critical decision-making processes.

In respect to the language that, "The members of the Maui County planning commission shall consist of: its chair, who shall be appointed by the council; and the chair, or the chair's designee, of each other planning commission," I would like to suggest that a balance of subject-matter expertise be codified. For instance, if the chair of each other planning commission happens to have the same professional background, then the appointment of the chair's designee must be enacted in order to achieve a balanced commission and that no more than one or two members of the Maui County planning commission share the same or similar field of expertise.

- **BILL NO. 92 (2022): "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.60, MAUI COUNTY CODE, RELATING TO A RESIDENCY REQUIREMENT FOR BOARD, COMMISSION, AND COMMITTEE MEMBERS"**

Writing in **SUPPORT** of Bill No. 92 (2022). Mahalo nui iā 'oe e Lāla Paltin.

I reviewed Chapter 2.60 - MISCELLANEOUS ADMINISTRATIVE REGULATIONS of the Maui County Code (MCC) and am surprised that this particular requirement has not yet been codified in the MCC.

It may be worthwhile to further define "residency". For instance, I spent my entire life on 'ohana property in Makawao before moving to 'ohana property in Kula for a few years, and am now back on the same 'ohana property in Makawao. I bring this up because I had just moved back to Makawao when applications were being accepted for the Maui Planning Commission Advisory Committee for the Makawao-Ha'ikū-Pā'ia planning area. If I'm not mistaken, because I had just moved back after a few years away, I was not eligible to serve - even though I've spent nearly 90% of my entire life living in the area. Meanwhile, someone who lived in the area for a paltry period of at least twelve consecutive months immediately preceding the person's appointment is - somehow - deemed eligible to serve. Food for thought when defining "residency".

- **BILL NO. 93 (2022): "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.48.450 AND 3.48.466, MAUI COUNTY CODE, RELATING TO HOMEOWNER EXEMPTIONS"**

Writing in **SUPPORT** of Bill No. 93 (2022). Mahalo nui iā 'oe e Hope Po'o Rawlins-Fernandez.

With soaring home prices in Hawai'i, it is crucial that legislation aimed at securing space for 'ohana in Hawai'i via property tax exemptions keep pace.

Me ka 'oia'i'o,
La'akea Low
Makawao, Maui

County Clerk

RECEIVED

From: Joy Nelson <joy7maui@gmail.com>
Sent: Wednesday, May 25, 2022 4:26 PM
To: County Clerk
Subject: Ma'alaea

2022 MAY 25 PM 5:04

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We are property owners in Ma'alaea and support the Ma'alaea Wastewater Reclamation Project to clean up the waters of the Bay.. Please keep the \$9.5 million for this system in the 2023 budget.

Aloha, Joy & Don Nelson

County Clerk

From: Tamara A. Paltin
Sent: Tuesday, May 17, 2022 7:39 PM
To: County Clerk
Subject: Fwd: Mahalo

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2022 MAY 18 AM 11:29

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COUNTY CLERK

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From: Paula Phillips <paulalee@hawaii.rr.com>
Sent: Tuesday, May 17, 2022 2:00:35 PM
To: Mike J. Molina <Mike.Molina@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; 'Mayors Office' <Mayors.Office@co.maui.hi.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; Gabe Johnson <Gabe.Johnson@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Tasha A. Kama <Tasha.Kama@mauicounty.us>; Alice L. Lee <Alice.Lee@mauicounty.us>
Subject: Mahalo

Aloha Maui County Council Members and Mayor Victorino,

I am happy with the changes made to the county property taxes that you had in your press release.

May I recommend that you take it a step further and do what is being done in other states and counties. You should implement a no rent clause for 2-5 years (people purchasing new homes or building new homes wouldn't be able to rent them and only live in them) in all future real estate transactions. Doing this may be able to slow the rapid increase in property values and therefore eventually make housing more affordable for our local residents and their families. Hopefully this would discourage any large corporate investments from over-inflating our property values more than they already are. It would also keep new development for the local community.

Mahalo,

Paula Phillips
Haiku



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County Clerk

RECEIVED

From: harpreet Purewal <hkp416@gmail.com>
Sent: Friday, April 29, 2022 10:36 AM
To: County Clerk
Subject: In Support of FAM Program

2022 APR 29 AM 11:18

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COUNTY CLERK

 You don't often get email from hkp416@gmail.com. [Learn why this is important](#)
Aloha,

My name is Harpreet Purewal and I am a current FAM program student. The FAM program has provided me the support I needed to learn about regenerative farming and how to be a steward of the land. Sara our Program Director has meticulously found an amazing and talented crew of mentors, farmers and passionate teachers who have and continue to provide knowledge in regenerative farming, Hawaiian farming practices of using the ancient ahupuaa system, Korean Natural Farming, Soil Health and more that I am so grateful to be able to learn. I come from a family of farmers and have always envisioned having a farm. This program has made that dream a reality by providing the knowledge and tools I need to be not only successful but to be able to apply the knowledge and create soil health and make an impact on the community and on earth. It's absolutely necessary to have a program like this continue to create a strong community of knowledgeable farmers who can step up to take care of our food needs on Maui. I hope that this program will continue to be funded in the coming years.

Mahalo,

Harpreet Purewal

County Clerk

From: dsofiak@aol.com
Sent: Tuesday, May 24, 2022 6:11 AM
To: County Clerk
Subject: Please include Ma'alaea Wastewater funding in FY2023

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2022 MAY 24 AM 8:10

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COUNTY CLERK

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Honorable Council Members,

I am writing to urge your support for the FY23 budgeted funding for the Ma'alaea wastewater reclamation facility. It is a win-win for those of us who care deeply about the water and land on Maui and especially the land and water near Ma'alaea. Please take advantage of this opportunity to modernize outdated facilities on the island.

Respectfully,

Dianne and Ron Rascia
300 Hauoli Street, A10
Ma'alaea, HI 96793

County Clerk

RECEIVED

From: Renee Riley <renee.riley@hotmail.com>
Sent: Wednesday, May 25, 2022 9:16 PM
To: County Clerk
Subject: Support for Waste Water plant at Ma'a'aea Bay

2022 MAY 26 AM 7:43

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You don't often get email from renee.riley@hotmail.com. [Learn why this is important](#)

Dear Maui County Clerk & Maui County Council:

As a long-time Maui resident, an educator, a pre-pandemic Hui O Ka Wai Ola water quality volunteer, and an avid Kihei Canoe Club paddler, I strongly urge you to keep the \$9.5 million appropriation in the 2023 budget for the proposed modular state-of-the-art wastewater treatment system - a Membrane Bioreactor System.

Such a system would replace the outdated, leaky injection wells used for all of the wastewater in Ma'alaea with a system that will stop adding pollutants to the bay.

The Membrane Bioreactor System would benefit our entire community. Just like the residents of Kihei and Lahaina do, the cost could be paid back over time through the County for sewage fees.

Please make this very needed improvement for Ma'alaea and for all of us who value the ocean. Mahalo for all the work you do.

Aloha, Renée Riley, Kihei resident & voter

County Clerk

From: Anne Rillero <annerillero@gmail.com>
Sent: Wednesday, May 25, 2022 9:11 PM
To: County Clerk
Subject: Please distribute to Maui County Council Members before 9 am

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Dear Maui County Council Members,

I am writing to ask for your continued support of Bill 69 -- the operating budget created by the Maui County Council Economic Development and Budget Committee -- which includes \$9.5 million in funding for the Mā'alaea Wastewater Treatment Plant.

Years ago, when I worked in Mā'alaea, I would often take a mid-day walk along the shoreline. I would often see local families with young children playing in the small sandy beach at the edge of the harbor. When Freight Trains was running, there would be dozens of surfers in the water. Sometimes there would be people fishing off the end of the pier. It's also common to see canoe clubs doing practice sprints across the bay, and stand up paddlers leisurely working their way across the waves.

Mā'alaea Bay is a valued and shared community resource, used by people of all ages from all parts of the island. Sadly, this community resource is being threatened by pollution from the outdated injection wells that line the shoreline of Mā'alaea.

After years of investigation and research, there is a truly workable solution available --the Mā'alaea Membrane Bioreactor (MBR) Wastewater Reclamation Project. The funding for this project is now in the proposed Maui County 2023 budget, thanks to your support.

I'm writing to ask that you continue your support to keep this project alive, so that the pollution in Mā'alaea Bay can be stopped.

If our local government doesn't take the steps to solve the pollution problem in Mā'alaea Bay, who else will?

If our local government doesn't take the steps to protect a shared and valued community resource, who else will?

Your vote can help save Mā'alaea Bay from a future of dead coral reefs and a place devoid of fish, limu and wildlife. Thank you in advance for supporting the funding for the Mā'alaea Wastewater Reclamation Project all the way through to the finalization and adoption of the 2023 Maui County Budget.

Mahalo,
Anne Rillero
Kula Resident

Anne Rillero
808.707.1078
annerillero@gmail.com

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2022 MAY 26 AM 7:43
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County Clerk

From: Amy Schliftman <amyschliftman@gmail.com>
Sent: Wednesday, May 25, 2022 5:52 PM
To: County Clerk
Subject: Ma'alaea Bay sewage issues

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2022 MAY 25 PM 6:14

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COUNTY CLERK

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Hello,

I am resident of Kihei who paddles with the Maui Canoe Club in Ma'alaea Bay. I am saddened to see the reefs look so unhealthy and the water testing so poorly. Please financially support the safe disposal of the effluents into the Bay.

All Maui residents should support the health and life of our waters.

Thank you,

Amy Schliftman

County Clerk

From: wanda shirreff <wshirreff@yahoo.com>
Sent: Thursday, May 26, 2022 6:18 AM
To: County Clerk
Subject: Maalea waste system

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2022 MAY 26 AM 7: 43

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The waste discharge from Maalea is polluting the water in the harbor and surrounding bay. Locals and visitors are subjected to this pollution. The state has already been fined by the federal government for using injection wells. Please support the new proposed water system.

Sent from Yahoo Mail on Android

County Clerk

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From: kevin smith <jerkygiant@gmail.com>
Sent: Wednesday, May 25, 2022 5:53 PM
To: County Clerk
Subject: Please include Ma'alaea Wastewater funding in FY2023

2022 MAY 25 PM 6:14

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Please approve the wastewater funding

Sent from my iPhone

County Clerk

From: John Starmer <john@johnstarmer.com>
Sent: Wednesday, May 25, 2022 10:08 PM
To: County Clerk
Subject: Written testimony in support of the Mā'alaea wastewater reclamation project

You don't often get email from john@johnstarmer.com. [Learn why this is important](#)

I am writing to ask the County Council to keep the \$9.5 million for the proposed Mā'alaea Membrane Bioreactor System in the 2023 budget. This system will benefit our entire community. Objections to the up front cost of the system should not factor into the decision making in this matter as the cost will be paid back over time, as the users of the system would pay the County for sewage fees.

Replacing the outdated, leaky injection wells used for all of the wastewater in Ma'alaea with a system that will stop adding pollutants to the bay makes sense for both the ecology of the affected coral reefs and will benefit the many Maui residents who enjoy paddling, swimming, diving, surfing, fishing or just spending time with friends and family there.

An added benefit of this treatment system will be the production of treated R-1 water for 100% reuse in the coastal area of Mā'alaea for such purposes as establishing greenbelts and agriculture. Using recycled water for these purposes reduces the amount of potable water that would otherwise be consumed and improves our islands water security.

Thanks for your consideration.
John Starmer,
Kihei, Maui

RECEIVED
2022 MAY 26 AM 7:43
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Laura Stokes <stokeslau@gmail.com>
Sent: Wednesday, May 25, 2022 5:20 PM
To: County Clerk
Subject: Support for the Mā'alaea wastewater reclamation project

|| You don't often get email from stokeslau@gmail.com. [Learn why this is important](#)

Dear County Clerk,

I am a full-time resident of South Kihei. I paddle year-round with the Maui Canoe Club and the Pink Paddlers, and I'm a member of the Pacific Whale Foundation. Ma'alaea Bay hosts a harbor that serves all of South Maui, is a favorite of paddlers and surfers, and most importantly, it's the home of sea life.

I have been shocked and saddened to learn the water is now polluted by outdated injection wells. I respectfully request that the County Council allocate county funds to install a state-of-the-art wastewater treatment plant in Ma'alaea.

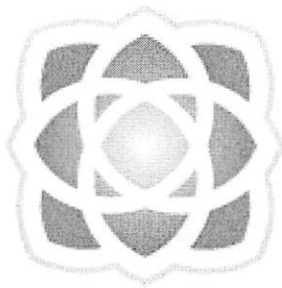
There may be controversy about which parties should be held accountable for the failed system. However, controversies consume time that the health of this precious ecosystem does not have. Maui County can solve the problem immediately, and get paid back over time by users.

One of government's most vital roles is to invest in improvements that benefit everyone. This waste water system is not just about the residents of Ma'alaea; it is about all of Maui.

Thanks for your attention,

Laura Stokes
stokeslau@gmail.com
415-860-4072

RECEIVED
2022 MAY 25 PM 5:34
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COUNTY CLERK



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

Bill 69
First Reading of the FY23 Budget
Thursday, May 26, 2022

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and
Members of the Maui County Council,

We would like to share our thoughts on the first reading of the fiscal year 2023 budget. First, we appreciate all of the time and work spent on the budget each year and the thoughtful inclusion of important organizations and programs, like the Made in Maui County Festival. We have included our thoughts and comments on each specific topic below:

Raising Taxes/Carryover Savings

Given the significant carryover savings, which increased from 10% of the total budget in FY22 to 12% of the overall budget in FY23 and the addition of Maui County TAT revenue, we question the rationale for raising/obtaining additional revenue from real property tax rates. As we shared during the real property tax public hearings, we were concerned that changing the rate for short-term rentals to \$11.85 across the tiers would unfairly hit those at the lowest valuation level and that leaving the hotel & resort rate flat would still result in a large increase for those properties due to the extreme increase in their valuations. Given this, we do not think taxes should be raised for short-term rentals and level for hotel & resort at this time.

Economic Development & Diversification

We think it is really important to have a strong economic development and diversification plan for the future of our county and to provide diverse jobs, higher wages, and opportunities for future generations that align with the quadruple bottom line of sustainability.

Tourism Management Grant Fund

Given the extraordinary need and call from the community to better manage our tourism industry, new County TAT revenue, and the significant funding for our agriculture industry, the allocation of \$500,000 for the tourism management grant funds feels low. The community wants a focus on this area, and we feel more can be done to achieve the goals of the Destination Maui Action Plan and other unique programs to address the hopes of our community if more money is added to this fund.

FY23 Budget
Thursday, May 26, 2022
Page 2.

Halau of 'Oiwī Art

We agree that this is a great economic development and cultural preservation idea and should be a part of the overall economic development and diversification plan. Given the significant investment, it is important to share with the public the anticipated return on investment.

Establishing Safe Zones for Houseless

We support the \$200,000 allocated for establishing a safe zone for the houseless. Given the success at some of the other sites, we feel this is a good opportunity for temporary housing. However, with the many quality organizations addressing homelessness, we question the proviso that mandates a grantee consults with one specific organization and wonder the rationale for selecting Share Your Mana as that organization. We agree that experience is important, but we would expect the grantees to come with a certain level of expertise, so we are trying to understand why this organization was singled out and the requirement included in the budget.

Feral Animal Relief & Control Funding

We would like to share our strong support for feral animal control and the feral animal relief and recovery grant as feral animals are devastating our county and our Axis Deer numbers are now at a crisis state. In the future, we also see opportunities for utilization of this resource as an economic driver and part of Maui's sustainability efforts.

Park Maui

We appreciate and support the allocation to the Park Maui program. We have previously testified that we support parking infrastructure for county beach parks as a way to generate revenue and help mitigate visitor industry impacts. Based on the information on this program, it looks like this allocation is for actions to implement the plan and start putting revenue generation programs in place.

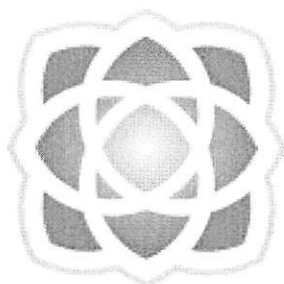
Mahalo for the opportunity to share our thoughts on the FY23 budget.

Sincerely,



Pamela Tumpap

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

Resolution 22-144
Charter Amendment—Planning Commissions
Thursday, May 26, 2022

Aloha Chair Lee, Vice Chair Rawlins-Fernandez, and
Members of the Maui County Council,

The Maui Chamber of Commerce would like to offer our **strong opposition to Resolution 22-144** which proposes to amend the Maui County Charter to establish planning commissions for all community plan areas on Maui, and dissolve the Maui Planning Commission.

The Chamber urges the Council to file this resolution since this issue was carefully discussed and thoroughly vetted in the current Maui County Charter Commission. The Charter Commission amended their original proposal to just require more geographic representation in the Maui Planning Commission, and the Commission then accepted the Council's amended language on this. We feel this current amendment is a much better idea versus creating additional commissions.

We are already dealing with a big election year with more candidates due to redistricting as well as many Charter Amendment questions that already had significant community input through the Charter Commission. We do not think there is enough time for in-depth public discussion and voter education on this topic, given the current timeline. We believe we should see what the voters decide on the current Charter Commission proposal on the planning commissions before adding another amendment.

We also understood from the reports submitted to the Charter Commission that creating these additional planning commissions would require significant cost and greatly increase the number of volunteers needed to serve. This is a time when we need to focus on priority projects and we do not understand the issue with the current Maui Planning Commission format and rationale for this proposal.

For these reasons we respectfully request that Resolution 22-144 be filed. Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI PROPERTY
REAL ESTATE DONE RIGHT

May 26, 2022

Maui County Council
200 S. High Street
Wailuku, HI 96793

By: county.clerk@mauicounty.us

RE: SUPPORTING FOR MA'ALAEA WASTEWATER SRF FUNDING

Dear Council Members,

As a long time homeowner, family man, business man, and especially a waterman here on Maui, I strongly urge you fund the much needed regional waste water treatment plant in the Maalaea area.

We must do everything we can to protect our beautiful ocean that provides so much for us, fun for our family, fishing opportunities for food, a major tourist attraction with whale season and snorkeling and that revenue to island. If the reef's are dead we all suffer.

We cannot keep dumping our waste, through injection wells, into the ocean. We cannot have reasonable and sustainable growth without a healthy infrastructure, and that definitely includes a modern waste water treatment plant.

Please fund this and make it happen,

Mahalo,

Robert Vafaie
Broker Owner
Maui Property LLC
robert@mauiproperty.com
808-269-3500

County Clerk

RECEIVED

From: shannon vanderheuvcl <leialoha17@gmail.com>
Sent: Wednesday, May 25, 2022 8:06 PM
To: County Clerk
Subject: Testimony in councils may 26 meeting.

2022 MAY 26 AM 7: 43

OFFICE OF THE
COUNTY CLERK

[You don't often get email from leialoha17@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>.]

From Todd & Shannon VanderHeuvel
100 Hauoli st unit 402 at Lauhoa condominiums in Ma'alaea Wailuku, HI. 96793. 616-204-8513

Aloha Maui County Council members;

We support the funding included in the FY23 proposed budget that is under consideration on May 26. We live at Lauhoa condominiums and know how important and necessary the purchase of the Makua is and how a regional wastewater plant in Ma'alaea is really needed; (I know others at Lauhoa may be hoping the injection well problem will go away however, realistically the problem will not go away), as the environment is extremely important. Mahalo for your consideration. Aloha

Sent from my iPad

County Clerk

RECEIVED

From: John Yannell <jyannell@yahoo.com>
Sent: Wednesday, May 25, 2022 3:23 PM
To: County Clerk
Subject: Support of funding for Maalaea wastewater treatment plant

2022 MAY 25 PM 4: 02

OFFICE OF THE
COUNTY CLERK

|| You don't often get email from jyannell@yahoo.com. [Learn why this is important](#)

Dear Maui County Council Members,

I am writing in support of the funding for the Maalaea wastewater treatment project. As a longtime Maui resident (47 years) born on Oahu in 1950. I have witnessed the slowly deteriorating ocean environment.

The diversity of ocean life, coral, seaweed, and fish have been reduced by over 90% in Maalaea over the past 50 years , it's time to act before it's too late!

Please keep the funding so that we, as a community can move forward to clean up Maalaea for ourselves, our children and future generations.

Mahalo,

John Yannell

Kula, Maui

Sent from Yahoo Mail for iPad

Wastewater Management Solutions for Mā'alaea Bay: Membrane Bioreactor and 100% Wastewater Reuse

PROS: Reasons to adopt an innovative wastewater management system

- MBR is an advanced and proven technology found throughout the United States today.
- Will help save the reef (down to 8% coral cover) and restore habitat for endemic marine life, including rare species within Mā'alaea Bay.
- Recycles R1 water for landscaping, agriculture, and a green belt for wind and firebreaks. Can save 6.5 million gallons of fresh water per year.
- Recycles sludge into biochar to be used as a soil amendment and stormwater filtration, further reducing pollution from sedimentation.
- Eliminates injection wells for effluent disposal.
- Federal infrastructure money is on the table.
- The Department of Health wants this.
- It's important to the EPA to restore this "303D impaired body of water."
- These smaller systems are containerized and could be relocated if needed. Will provide proof of concept for Maui Meadows and Upcountry.
- Mā'alaea Bay and Mā'alaea/Kihei beaches are top tourist sites & economic drivers for Maui.
- The MBR system can be operational years earlier than the proposed COM central wastewater plant. The cost to build per flushing toilet is a fraction of the proposed costs of the Waikapu Plant.
- The required Mahi Pono land is donated.
- Wastewater decentralization is feasible and can save energy costs to transport wastewater and reuse water from/to the source.

CONS: Reasons to continue "business as usual"

- It's not fair to the other ratepayers
 - All sewer infrastructure is paid for by the combined use of ratepayer fees.
- It will cost too much
 - The complete system cost is less than the estimated cost to build just the conveyance system to the proposed central wastewater plant.
- We don't know how to run an MBR system
 - Whoever wins the contract can run it and County can charge sewer fees.
- This will primarily serve visitors, not residents.
 - County-operated wastewater plants in Lahaina and Kihei also serve a high percentage of visitors.
 - Protecting Mā'alaea Bay's water quality benefits all Maui residents, including canoe paddlers, surfers and fishers.
- We want to continue the traditional process of activated sludge treatment
 - MBR will result in higher effluent quality, disinfection, reduced footprint, reduced sludge, more flexibility in loading, better de-nitrification and R-1 water.
- Traditional wastewater management is fine
 - Traditional methods create effluent that pollutes the reef & sludge that must get trucked to the already full landfill.
 - While MBRs are outside of Maui County's current comfort zone, decentralized MBRs are an important future wastewater tool.

Vision:

Photo: Michael Webster

Affordable and sensible wastewater management in Mā'alaea supporting a vibrant natural ecosystem, safe swimming, and productive fishing.