MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

October 7, 2022

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII AND ONLINE VIA BLUEJEANS, ON FRIDAY, OCTOBER 7, 2022, BEGINNING AT 9:01 A.M., WITH CHAIR ALICE L. LEE PRESIDING.

COUNCIL CHAIR ALICE L. LEE: Will the Council meeting of October 7, 2022, there's an echo, 2022, please come to order.

Members, the greeting for today is from India. So, you can say "na maste" or "namaste", however you feel like saying that word, which is gives honor to each other and to all of the people here and watching us and all of the people in Maui County.

Roll call.

ROLL CALL

COUNTY CLERK KATHY L. KAOHU: Chair, proceeding with roll call. Members participating from non-public locations should state who, if anyone, except minors, is present with them as part of the roll call.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Aloha kakahiaka and namaste. For the record, we are joining everyone today from the Hana Cultural Center. And I'm here with staff member Mavis Medeiros. And currently, Chair, there are no testifiers. Aloha.

CHAIR LEE: Good morning. Thank you. Is it raining in Hana?

COUNCILMEMBER SINENCI: It's, it's nice right now. It was all day yesterday.

CHAIR LEE: Thanks.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Aloha and namaste, Madam Chair, and everyone else joining us here for our Council meeting. I'm transmitting from the chambers here in Wailuku. And as you can see in the background, we have a lot of young people. It's wonderful to have them here, as well as those that are young at heart. And Madam Chair, we have no testifiers to report out of the Paia District Office. Looking forward to a great and wonderful Council meeting today. Mahalo.

CHAIR LEE: Thank you.

COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Aloha kakahiaka and namaste, Chair. Happy to be here. And it looks like we have, I don't know if we've ever had seven Members in the chambers since the pandemic, so it's nice to be here with live bodies, and especially with all the folks in the audience. We have no testifiers at our District Office right now. And looking forward to getting through today's agenda.

CHAIR LEE: Thank you.

COUNTY CLERK: Councilmember Gabe Johnson.

CHAIR LEE: Excused.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka kakou and namaste. Broadcasting from the chambers. And we have no testifiers in the Lahaina District Office. Thank you.

CHAIR LEE: Thank you.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, everybody. Namaste. I'm here in the Council chambers with everybody. It's good to see everyone. And looking forward to getting to the first resolution so we can honor the Pukalani Robotics Imagineers. Thank you, Chair.

CHAIR LEE: Thank you.

COUNTY CLERK: Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and namaste to everyone here. I'm looking forward to an expeditious Council meeting today. Thank you all.

CHAIR LEE: Hang on to that dream, Pro Tem Kama.

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

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair, my Maui nui akama. I understand that we don't have any testifiers at the Molokai District Office. And we can manifest that, Member Kama. Mahalo.

CHAIR LEE: Thank you.

COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: Present and namaste.

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

EXCUSED: COUNCILMEMBER GABRIEL JOHNSON.

COUNTY CLERK: Chair, there are eight Members present, no Members are absent, and one Member excused. A quorum is present to conduct the business of the Council.

For the record, I am County Clerk Kathy Kaohu. And also present from the Office of the County Clerk are Legislative Division staff Joyce Murashige, Lauren Saldana and Dell Yoshida.

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

CHAIR LEE: Alright. Opening remarks. It's my turn, everyone.

OPENING REMARKS

The opening remarks were offered by Council Chair Alice Lee.

CHAIR LEE: Madam Clerk, may we proceed.

COUNTY CLERK: Chair, proceeding with the testimony on ceremonial resolutions.

CHAIR LEE: Oh, I'm sorry, no. Proceed with the Pledge of Allegiance. Please stand.

PLEDGE OF ALLEGIANCE

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

CHAIR LEE: And now, may we have ceremonial resolutions?

Madam Clerk.

COUNTY CLERK: Proceeding with ceremonial resolutions. Members of the public may testify in the Council chamber, at courtesy testimony sites, or remotely through the information listed on the meeting agenda.

Individuals in the Council Chamber may sign up to testify with the staff member located at the desk in the eighth floor lobby. Individuals at courtesy testimony sites may sign up with staff at that 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 videoconference should keep both their video and microphones off and should turn them on only when it is their time to testify.

Testimony will be taken before each agenda section, unless extenuating circumstances require otherwise, subject to approval by a majority of the Council. Testimony is limited to the items listed on the agenda. And individuals may testify for up to three minutes with one minute to conclude per item. When testifying, please state your name and the name of any organization you represent, as well as the items on which you will be testifying. Please also identify to the Council if you are a paid lobbyist.

Individuals may also be disconnected from the meeting at any time for breaking decorum. At this time, individuals may testify on ceremonial resolutions. And I'm not showing any testifiers for the ceremonial resolution at this moment.

CHAIR LEE: Would anyone like to testify on the ceremonial resolution this morning? Looks like we do have one testifier.

PRESENTATION OF ORAL TESTIMONY

MR. JASEE LAW:

Jasee Law from Kula uka.

CHAIR LEE: Uh oh. Okay.

MR. LAW: Ho'omaika'i iesu.

CHAIR LEE: Alright, thank you. Anyone else? Anybody online, staff?

COUNTY CLERK: There is no one signed up right now.

CHAIR LEE: Okay, any objections to closing testimony on the ceremonial resolutions?

COUNCILMEMBER SUGIMURA: No objections.

COUNCILMEMBER KING: Chair?

VICE-CHAIR RAWLINS-FERNANDEZ: I hear someone trying to testify.

COUNCILMEMBER KING: Chair, it looks like Lucienne online on--

CHAIR LEE: Someone's online now?

MS. LUCIENNE DE NAIE:

Yeah. Mahalo, Chair Lee. This is, I didn't sign up. This is Lucienne de Naie, but I would actually like to testify and thank these young people for representing our community. And also, thank this Council for creating opportunities so that when young people with an interest and a curiosity in science and technology graduate, we will hopefully be creating some job opportunities here. That they can come back and be part of our community, and use that curiosity and knowledge.

And I just encourage everyone who has participated in this program to consider how you might plug-in as part of our County staff. We need engineers. We need folks that

are, have planning backgrounds. We need folks with environmental backgrounds. We need folks that are good with having our, our understanding of how our IT systems work. So please consider as you further your careers, come back, and help your community. Mahalo.

CHAIR LEE: Well said. Thank you very much. Any questions for Ms. de Naie? Thank you. Anyone else? Anyone else to testify, Madam Clerk?

COUNTY CLERK: Chair, no one has signed up to testify on ceremonial resolutions.

CHAIR LEE: Okay. Any objections to closing testimony on ceremonial resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

COUNTY CLERK: Chair, proceeding with ceremonial resolution.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 22-224

CONGRATULATING THE PUKALANI STEM IMAGINEERS ROBOTICS TEAM ON OUTSTANDING ACHIEVEMENT AT THE 2022 HAWAII VEX IQ ROBOTICS MIDDLE SCHOOL STATE CHAMPIONSHIP AND QUALIFYING FOR THE 2022 VEX ROBOTICS WORLD CHAMPIONSHIP

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION NO. 22-224.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Councilmember Sugimura, seconded by Pro Tem Kama, to adopt Resolution 22-224.

Discussion? Member Sugimura.

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

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Thank you.

(The resolution was read in its entirety.)

CHAIR LEE: Member Sugimura. Any discussion.

COUNCILMEMBER SUGIMURA: Thank you. Thank you for reading the resolution, Madam Clerk. Appreciate that.

So, I'm so pleased today to present this honor to the Pukalani Imagineers Robotics Team. And I will tell you that when I first talked to them, this was when they were at Pukalani Elementary, and then, life happened with COVID, and it interrupted the competitions that happened at world, but they still continued. And I apologize if I'm not getting the, the world events in order.

But I will tell you that when I met with them at Pukalani Elementary, Debbie Hisashima and the teachers invited me one Saturday and I met with the students. And they were so organized. They had a speaker. They had every single person doing a presentation, the kids now. And I said, wow, these are our future leaders. I was so impressed.

And when I met with them, they were getting ready for States. And I said, you know what, I hope that you win the States, and that we honor you one day in Council for your accomplishments. And then, when they went off to world, I told Debbie, let's wait, because they won States, now they can go to world, and let's honor them with the full magnitude of the universe that they deserve. So, here we are today. The resolution explains the different contests that happened, and the different honors that they received. But I remember saying that and I do want to keep my word to these, to these kids, who definitely have done impressive work in their lives. And they can carry this for the rest of their lives to show what they do to solve problems, are creative, and try to, and stick to something, you know, to get it done.

And so, today was very important to these kids, so that they can then be honored for awards that they have worked hard to earn. So, thank you very much. So, I will ask the Members for their support. And if I could, I would ask the team to come forward to get leis, and the next phase of this, Chair. Thank you.

CHAIR LEE: Any further discussion?

Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Congratulations to all of the students, and of course, the parents and school administration, and their teachers; outstanding work. And to take your efforts and learning to the national level, that's quite an accomplishment. All the way to Texas coming from a small, rural area out here in the middle of the Pacific. And keep up the good work. And not only take the opportunity to educate some of your younger students, educate the adults as well.

As you know, Madam Chair, I teach part-time over at Kalama Intermediate and I've had the privilege of working with some of these students, like Mr. Ho and Mr. Senamontry. And let me tell you, these kids are just impressive with the technology and what not. So, I've always believed learning is reciprocal, you know. We teach our kids, and our kids can teach us something. So, let's continue that exchange of learning from each other and keep up the good work, kids. We're very proud of you. Mahalo, Madam Chair.

CHAIR LEE: Thank you. Very good.

Pro Tem. Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I too, want to add my comments. I had to look up the word "Biomimicry." I bet you all knew that right? But I was really impressed to learn what it meant, that these young people today, at their youth, are looking at nature and in its best and highest use of what they do in all our, in all of nature. And they take that, and they turn that into technology that can bring hope and healing to our community and people. I am so impressed when I read what it meant, or what it told me in the reso is what they have accomplished by just participating in a robotics program.

I'm proud of this Council and our support of the Robotics and STEM programs. And I want us to continue to support them so that they can fly as high as these young people want to fly, and as far away as they want to go. And be proud of what they are doing today, and for their future tomorrow.

So, thank you, Chair. And thank you to all the coaches and all the STEM Robotics kids. I appreciate you so much. And God bless you all. And thank you, Jasee, for your blessing at the podium this morning. Pomaika'i iesu Mahalo. Thank you, Chair.

CHAIR LEE: Thank you.

Member King.

COUNCILMEMBER KING: Thank you, Chair. I want to add my congratulations. And this is really near and dear to my heart, because my own son is, you know, went through some of these STEM programs. He's now on the mainland, the head of a research institute and he's working on Biomimicry projects. So, let me know if you want, you want a speaker at one of your next meetings.

But I, I, it's all, I didn't find out about the robotics in Maui County until I got on the Council. And it's always really impressive that, you know, we are looked at as this little island in the South Pacific. I don't know if I would call our, our praise universal, but, but I appreciate Member Sugimura bringing this up after the fact, because it is worthy of recognition.

And we're so proud that we're able to show these kinds of accomplishments from our, you know, we're, we're bigger than what we look like when you look on the map and the talent is here. I have such high hopes for these students and also for the County being able to incorporate more of this, the support for these kinds of industries as we work toward diversifying our economy. So, I hope all of these students who go into these fields are able to come back here and find jobs. And that's certainly one of the goals of this County Council.

But thank you, Member Sugimura, for hanging onto this recognition and bringing it when we could have them in the chambers. I appreciate that. Thank you, Chair.

CHAIR LEE: Great comments, everyone. Anybody else?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'll join my colleagues in congratulating all the students, and the coaches, and the parents, and the families, and the community, and everyone that it took for our 'opio's success. The accolades and the trophies are all one thing, but I think the experience and as individuals pushing yourselves, pushing the envelopes, pushing your ability to expand your thinking, your critical thinking, is, is of such great value.

And I, while I agree with Member Kama that I hope you fly high and fly as far as you dream, I hope you remember the investment that your coaches put into all of you and the community and your family and home, and do the same and make that same investment in the next generations. Mahalo, Chair.

CHAIR LEE: Thank you. Anybody else? If not, I'd also like to also congratulate everyone; the students, the coaches, the parents, the teachers, everybody, cause I know it's a team effort. And we wish you all the success in the world and look forward to seeing you again in here, as you win more awards.

Now Members, are you ready to vote? All those in favor of adopting the resolution, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", one "excused"; motion carries. Thank you very much.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. We have leis for all of the students. We already gave leis to the parents and the support team. Also, Glen Kosaka, who's a grandpa, he's in the audience. I just wanted to make mention of him. That we already gave leis to everybody else. But I wonder if the team could come forward, as the Members who have the leis to give to them, and Debbie Hisashima and any teachers that are here. And then, I'll ask Jeffrey Ho and Brayden Kitagawa to say a few words on behalf of them also.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: The students.

CHAIR LEE: Alright. Please come down.

MS. DEBBIE HISASHIMA: Aloha kakahiaka e, Chair Lee. Oh, come over here guys.

CHAIR LEE: Aloha.

MS. HISASHIMA: And the Maui County Council. My name is Debbie Hisashima. I am a teacher at Pukalani Elementary School, and also one of the three coaches for our team. We, I along with Misty Vierra and Jasmine Domingo, we have the honor of coaching these students. And when I look at them, guys come closer, when I look at them, you know, your words today, this morning, it does remind me that it takes a village.

And so, these parents here who support these students and really instilled in them the combination, the winning combination of that curiosity and of grit. And then, we have our teachers, our coaches, who show up to practices for these students. And then, we also have our outside organizations, such as MEDB and the Maui County Council, who really give them that opportunity and who really invest in their futures and the future of Maui. So, thank you very much.

Here are Brayden and Jeffrey Ho.

MR. JEFFREY HO: Good morning. My name is Jeffrey Ho and I'm a member of the Pukalani STEM Imagineer Team. Our team members, coaches, and parents would like to thank you guys for allowing us to speak here today. And in Robotics, it allows us to do things ranging from solving . . . problems to driving robots around the small field. Doing these small things allowed us to get to places that we would be unknown to do.

We have been able to go to Honolulu, which some people on this island cannot go to each island. And we have also been able to go internationally. We went to the mainland to Nebraska for nationals one time. And we went to the world championship in Dallas, Texas.

We also want to thank our parents, coaches, and our team members. They all helped us very much, and without them, we would never be able to get to where we are right now.

MR. BRAYDEN KITAGAWA: Good morning. My name is Brayden Kitagawa, and I am a member of the Pukalani STEM Imagineers. Our team members, parents, and coaches would like to thank the Maui County Council for funding the Maui Economic Development Board because their support has allowed us the opportunity to experience STEM Robotics activities.

Being in Robotics has been one of the most fun and exciting activities I have ever participated in. Throughout our competitions, I have met students from Hawaii, other states, and even other countries. This program has taught us many things ranging

from public speaking skills and the importance of giving back to our community. Once again, thank you for your support in Robotics and STEM activities.

CHAIR LEE: Thank you, Member Sugimura. Thank you, students. You're very welcome to stay for the rest of the meeting. We should finish about, maybe, 6:00 tonight.

COUNCILMEMBER SUGIMURA: Bye. Thank you.

CHAIR LEE: Proceed, Madam Chair. I mean, Madam Clerk.

SET THE CONSENT CALENDAR

CHAIR LEE: Members, we have three people signed up to testify, asking to testify before the items are called up at the beginning of the meeting because they have extenuating circumstances. Any objections to allowing this to happen?

COUNCILMEMBER SUGIMURA: No objections.

COUNCILMEMBER MOLINA: No objections.

COUNCILMEMBER KING: No objections.

VICE-CHAIR RAWLINS-FERNANDEZ: What are the extenuating circumstances?

CHAIR LEE: Do you have to know the?

VICE-CHAIR RAWLINS-FERNANDEZ: I do.

CHAIR LEE: Okay, Madam Clerk.

COUNTY CLERK: I do not have that information.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Is one of them, I made a request for Ingrid Coetzee who right now on the other side of the globe, wanted to testify on one of our biodiversity bills. So, that was one of them. I don't know who the other two are.

CHAIR LEE: Okay. One is Dr. Young. And then, who's the, who are the other two?

COUNTY CLERK: Ryan Grether and Joshua Dean.

CHAIR LEE: Is that one of the? Oh, you're here in the audience? And your extenuating circumstances? Okay, you know why? Our procedure has changed, so that we allow testimony before each item is called up. Yeah. So, but if you are going to catch a plane, or you're, you know, have some kind of appointment you have to go to, yes.

And then, the other gentleman? You can wait? Okay, Members, any objections to allowing, well, we didn't check with Dr. Young. Can you check, Madam Clerk, Dr. Young, Genesis Young? He has an appointment. So, we have two people who have an appointment. Are there any objections to letting them testify now?

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Could we add Ingrid Coetzee?

CHAIR LEE: Sure.

COUNCILMEMBER KING: She's the one who wants to testify on Bill 21.

CHAIR LEE: Okay, can you let, can you say the name again?

COUNCILMEMBER KING: Her name is Ingrid Coetzee.

CHAIR LEE: Ingrid Coetzee.

COUNCILMEMBER KING: . . . O-E-T-Z-E-E.

CHAIR LEE: Staff, can you please monitor that?

Alright. Madam Clerk, could you call up the two people that we're--

COUNTY CLERK: Our first testifier is Genesis Young. After Genesis Young, to be followed by Ryan Grether.

PRESENTATION OF ORAL TESTIMONY

MR. GENESIS YOUNG [testifying on Resolution Nos. 22-206 and 22-232; and Bill Nos. 21, CD2, FD2 (2022) and 153 (2022)]:

Aloha, and thank you. Can you hear me?

CHAIR LEE: Yes. Good morning.

MR. YOUNG: Good morning. Thank you so much. Particularly testifying on Resolution 22-232 about sustainable tourism. As we all know, we already passed a sustainable tourism resolution, quality over quantity. And our committee, I'm speaking as the Chair of this DAAC, Climate Action Advisory Committee and as the Chair of the Sub-Committee on Sustainable Tourism. And we're, we've been working to create and to come up with certification requirements. And so those are in the form of a resolution today.

Barry Solomon, who's in the audience, I think, will be speaking later. He's . . . I believe will be speaking to this, as he has done most of the work on this using the ESTC certification process, the Global Sustainable Tourism Council. And I think that it's a good, a good certification system, and it's not brainwashing like some of these other ones are. And they can apply to multiple domains of sustainable tourism. And this will help us with sustainable tourism quality, in particular, working on quantity with the caps bill that's coming up and the moratorium, the TIG that's been done. So, all of that is great stuff. And getting a commission in place would also be important to actually implement some certification. So, I really support this bill, this resolution, rather. And please, please pass it unanimously.

Okay, and I'll turn to the next one, which would be Reso 22-206, eminent domain to acquire Mauka Ma'alaea property, which I've spoken on before. I think eminent domain is really important to use in this case. If there is any case to use it, it's this one, because of all of the, I'm, what I believe are unfair negotiations that have happened concerning this really important parcel. And the current owners bought it knowing that it was already wanted and was supposed to be bought by the County. So, I don't really think they're being damaged by eminent domain. And eminent domain, of course, does provide them fair market value.

And so, it's a process to make it so the County can actually be on an equal footing and negotiate. Because only County negotiation, of course, the public normally is negotiations and. . . making it difficult. So, if ever there was a time, it's now to use on this resolution, on this particular piece of property. So, I really, really, really support the use of eminent domain for acquiring this property. It's a really important property,

as been discussed in written testimonies and all the Committees in the past. So, I just want to say I support that and to ask you to also pass that unanimously.

And then, the outdoor lighting Bill 21, let's get this passed unanimously. It's a great thing. We need to protect our environment, our birds, our dark skies. And I'd like to see for myself fewer lights, so that we can see the stars and be more in connection. And it was really never, never meant to have lights at night. We as humans created that. And that's not the natural order of things. So, I really want to see that passed and support that.

And then the Energy Code. We've been working in the CAAC, the built environment committee on the Energy Code. As many of you may realize, hopefully all of you do, the energy code is going to come in, in December, whether we like it or not, because the State already passed it. So, this is our opportunity. It doesn't come up every year to put in better Energy Code requirements. And so, Bill 153 should pass.

And I would ask you to even go further and actually ask that solar panels be on all new construction, and more panels the larger the building. And all buildings actually be built with solar panels. Not just solar ready, but actually have solar panels in place. Because HECO in general prevents us putting solar panels on by making it hard to do. And this would really go a long way toward getting distributed solar, rather than solar farms being, being built. We could have distributed solar on all the roofs much more easily that way and starting with new construction. That's it. I hope I didn't take up too much of your time. Thank you for letting me speak at the beginning . . . Thank you. Aloha.

CHAIR LEE: Thank you. Members, any clarifying questions?

Member King.

COUNCILMEMBER KING: Just a quick clarifying issue. Thank you for being here, Dr. Young, and for your, your advocacy for our natural resources. I just wanted to clarify that the Energy Code bill is being referred back to Committee. So, we had to get that on the agenda for referral, because we didn't actually have a bill on the agenda when we talked about the issue. So, we won't be, we'll just be referring it back and I know you'll be in those discussions when we bring it back to the CARE Committee. So, thank you.

MR. YOUNG: Thanks. Yes, that's true. Thank you.

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

Members, I meant to mention earlier, I'd really appreciate it if your clarifying questions would be confined to one minute. We have a very heavy agenda today, over 56 items. Would appreciate your questions at one minute and then when we have discussion, one minute for the first round and one minute for the second round. Okay.

Next person. Can someone help her? Oh, there, there it is. Okay.

COUNTY CLERK: Our next testifier is Ryan Grether, to be followed by Ingrid Coetzee.

CHAIR LEE: Good morning.

MR. RYAN GRETHER (testifying on Resolution No. 22-206):

Good morning. Good morning, Councilmembers. My name is Ryan Grether, and I'm here today on behalf of the owners of the 257-acre parcel being considered for eminent domain for Resolution 22-206. As the developer, we would often present our project details in this venue. However, today I'm here to talk about our process. We're committed to doing the right thing for our community members, all of them, both young and old. And we want to hear your needs and how best to meet them.

Now, we've only owned this property for five months. Hardly enough time to gather feedback, and draft plans. The reason we made this purchase is we believe that that site is not providing a benefit to the community, but it has the potential to be so much more. So, all the issues with the land that have been discussed can be fixed. And we'd like to open a dialogue with you in order to begin the process of collaborating to solve those problems.

We agree that the natural systems on the land are stressed. So, we ask how can we replenish the land? What are the best stormwater management systems? Do we build retention basins or a system of berms and swales to filter the run-off? What about including community farming. What about restoration of natural plants and natural ecology?

We understand that our community also faces many risks and we're seeking guidance of how to mitigate those risks. Things like fire prevention. What about climate change resiliency? What about energy storage? Our location is right by the wind turbines up on the hill and it's a perfect spot for an energy storage project. The point is that there's plenty of space on this land to include hundreds of workforce homes and so much more. And we're seeking feedback from future homebuyers in order to guide our design process.

So, I'm here today in hopes of an opportunity. An opportunity to improve the quality of life of Maui residents by providing access to deeply affordable homes in a safe and resilient community that reflects our shared values. Seeking an opportunity to listen to the community about what they need and want from this land. And an opportunity to form a public/private partnership with the State and the County to demonstrate that collaboration can lead to meaningful change for the health of Pohakea Watershed and surrounding marine life.

We've read and listened to the prior testimony of those supporting eminent domain. Some said that they've been working on this for as long as 30 years. So, we propose a different path, one of cooperating to achieve positive change. As you know communities and natural systems do not stop and start at property lines. So, we must all work together to address the environmental issues and improve quality of life. Simply put, we need more time. Please don't say no at this point. Eminent domain can always happen at a later date if that's what the community decides. So, all we're asking for is the opportunity to wipe the slate clean and start a conversation. Thank you.

CHAIR LEE: Questions, Members?

MR. GRETHER: Yes?

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Grether. I just was wondering, this is a resolution, right? So, just clarifying that you understand that it has no force and effect of law?

MR. GRETHER: It's negatively impacting us.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. GRETHER: And so, I would rather not have the cloud of eminent domain over the property, so that we can work on positive solutions.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. GRETHER: Okay. Thanks.

CHAIR LEE: Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here this morning. So, when you say you wanted to have a collaborative public partner, or relationship, who are you talking about having this collaboration with in terms of? Do you have people in mind? Agencies in mind? And have you started the dialogue?

MR. GRETHER: Yes. Yes, I've definitely started the dialogue with many people. Unfortunately, as I mentioned before, because of the cloud of eminent domain, I don't want to mention names, a lot of people are reluctant to get involved in the controversy. But one good thing is, kind of behind closed doors, a lot of people have given me some great advice and demonstrated a willingness to help solve the problems, and that gives me hope.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

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

You have a question?

VICE-CHAIR RAWLINS-FERNANDEZ: I do.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha. Mahalo for your testimony this morning. So, you said that you wanted to start a dialogue. Have you tracked dialogue that has already taken place for decades for that area?

MR. GRETHER: Yes. I've begun that process. I'm not the expert on it yet. It's a lot to get through.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah.

MR. GRETHER: But I'm certainly working on it.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, there's been a lot of discussion of what is appropriate for that area. So, I think starting there and probably ending there would be super helpful. Mahalo. Mahalo, Chair.

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

Madam Clerk.

MR. GRETHER: Thank you.

COUNTY CLERK: Our next testifier is Ingrid Coetzee.

CHAIR LEE: I see her. Good morning. Can you unmute yourself? Oh, there you go. No, we still can't hear you. Staff . . .

Can you try to turn off your video and just go with the audio. See if that'll help. I don't know.

VICE-CHAIR RAWLINS-FERNANDEZ: May need to restart. Maybe logging off and logging back on?

CHAIR LEE: Oh, where did she go? Okay, to the testifier, could you try to log off, turn off your device and then log back on and see if that works?

Member King, where is she calling from?

COUNCILMEMBER KING: The opposite side of the globe.

VICE-CHAIR RAWLINS-FERNANDEZ: Perhaps we can take up the next testifier.

CHAIR LEE: Do we have a next testifier, Madam Clerk?

COUNTY CLERK: Chair, Ms. Coetzee was the last testifier with extenuating circumstances.

CHAIR LEE: Okay.

COUNTY CLERK: And then our next agenda item would be the Consent Calendar.

CHAIR LEE: Members, yes, Member Paltin?

COUNCILMEMBER PALTIN: I would like to pull an item from the Consent Calendar.

CHAIR LEE: Okay. As soon as we take it up.

COUNCILMEMBER PALTIN: Oh, okay. Thanks.

CHAIR LEE: So, Members--

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes? Member King.

COUNCILMEMBER KING: Maybe we could just ask her to send in written testimony to the item. Maybe there's somebody who can read her testimony when we get to that point. If she could send in writing.

CHAIR LEE: Alright. What is her last name again?

COUNCILMEMBER KING: Coetzee.

CHAIR LEE: Coetzee. Ms. Coetzee, if you can hear me, and staff can you put this in the chat for her too? Ask her to submit her testimony in writing and then we'll read it at the relevant time. She's what? She did. Okay. So, since we can't get her back right now, we're going to have to move on, Members.

Madam Clerk. Consent Calendar.

SET THE CONSENT CALENDAR

COUNTY CLERK: Chair, proceeding with testimony.

CHAIR LEE: Alright, Members, any objection to closing public testimony on accepting written testimony, or public testimony for the setting of the Consent Calendar?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Members, at this time, we will set the Consent Calendar. 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 pull out CC 22-245 for referral to my Committee.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. 245. Anyone else with a request?

Okay, if there are no objections, the Consent Calendar is set.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Members, before proceeding, I am notifying you that I will be enforcing Rule 9.F., no Member may speak more than twice on any pending motion. Members may speak for one minute during their first opportunity to speak on a motion. During their second opportunity, Members will have one minute as well. We're trying not to encourage debate or discussion, since the discussion already took place, should have taken place in Committee.

ACTION ON THE CONSENT CALENDAR

COUNTY COMMUNICATIONS

CHAIR LEE: Alright. Action on the Consent Calendar, Madam Clerk. Madam Clerk?

COUNTY CLERK: Chair, proceeding with testimony on items in the Consent Calendar. There is nobody signed up to testify on that.

CHAIR LEE: No one here, alright, any objections to closing testimony on the Consent Calendar at this time?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

Madam Clerk.

NO. 22-236 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated September 13, 2022)

Transmitting a copy of the notice of grant award from the State of Hawaii, Department of Budget and Finance, for the Emergency Rental Assistance Program in the amount of $72,300.37.

NO. 22-237 - LORI TSUHAKO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated September 12, 2022)

Transmitting a copy of the notice of grant award from the State of Hawaii, Executive Office on Aging, for the Nutrition Services Incentive Program, in the amount of $514.

NO. 22-238 - JOHN PELLETIER, CHIEF OF POLICE, (dated September 22, 2022)

Transmitting a copy of the notice of grant agreement with the Office of National Drug Control Policy for the High Intensity Drug Trafficking Areas grant in the amount of $420,300.

NO. 22-239 - SCOTT K. TERUYA, DIRECTOR OF FINANCE, (dated September 20, 2022)

Informing of the transfer of $6,127 from Countywide Costs – Salary Adjustments to the Department of Environmental Management – Administration Program.

NO. 22-240 - MICHAEL P. VICTORINO, MAYOR, (dated September 21, 2022)

Informing of the appointment of Rogerene "Kali" Arce to the Conservation Planning Committee.

NO. 22-241 - MICHAEL P. VICTORINO, MAYOR, (dated September 21, 2022)

Informing of the appointment of Lisa-Ann Kehaunani Kahaleauki to the Commission on Healing Solutions for Homelessness.

NO. 22-242 - MICHELE MCLEAN, PLANNING DIRECTOR, (dated September 26, 2022)

Informing of South Maui Advisory Committee members' terms of service.

NO. 22-243 - MICHELE MCLEAN, PLANNING DIRECTOR,
(dated September 26, 2022)

Informing of Paia-Haiku Advisory Committee members' terms of service.

NO. 22-244 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 20, 2022)

Informing of the acceptance of Waterline Easement Lot 1-I, Omaopio Ehiku Subdivision, TMK: (2) 2-3-003:060.

CHAIR LEE: Member Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO FILE ALL THE ITEMS THAT REMAIN ON THE CONSENT CALENDAR.

COUNCILMEMBER KING:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to file all the items as read on the Consent Calendar. Any, any objections, Members? Okay, so ordered. Oh, I'm sorry, it's a motion. All in favor, unless you have discussion. Member, wait, no discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: No discussion.

CHAIR LEE: Okay. All in favor, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Madam Clerk.

COUNTY CLERK: Chair, proceeding with testimony on county communications. . . . to testify, and that's . . .

CHAIR LEE: Good morning, Lucienne. Are you there? Do you know which item she wanted to speak on?

MS. LUCIENNE DE NAIE, SIERRA CLUB MAUI GROUP (testifying on County Communication No. 22-248):

Yes.

CHAIR LEE: Oh, there she is. I see her on the call. Good morning.

MS. DE NAIE: I'm sorry. It's hard to follow. What item are you guys on now?

CHAIR LEE: Communications.

MS. DE NAIE: Okay. And what qualify for communications? What, what, what--

VICE-CHAIR RAWLINS-FERNANDEZ: The A&B Properties.

CHAIR LEE: Under "I", letter "I" on the agenda. And then, we have like CC 22-249.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: I mean, for six--

Yes, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Ms. de Naie.

MS. DE NAIE: Okay, 248, as well?

VICE-CHAIR RAWLINS-FERNANDEZ: 248, the A&B properties is what you signed up for, Ms. de Naie.

MS. DE NAIE: Thank, thank you. So, I would like to testify on 248 and maybe some others. I didn't sort them by communications. I just sorted them by items I had some expertise on. Testifying on behalf of Sierra Club Maui Group. And this is, you know, this is a long sought after community benefit, having these different parcels, the area between Mama's Fish House and Hookipa. The area of Baldwin Beach from Baby Beach all the way down to the pavilion, and the other Rainbow Park. Some of our, you know, aloha, all of these places are well used. And I'm assuming this item is on your agenda just to correct the map for Baldwin Beach. And I stand in strong support of that corrected map, where the majority of the beach is placed in, as part of the County beach park. And that if we have changes in erosion rates and so forth, there'll still be plenty of beach in the future. So, just standing in support of that.

And I'm sorry, I don't know what other, perhaps the Clerk could help me, if anything else I signed up for is under this testimony period?

CHAIR LEE: Clerk?

COUNTY CLERK: Thank you, Chair. This is the only item that's signed up under Communications. And then, there are other items as we move along the agenda that you are signed up for.

MS. DE NAIE: Thank you. Thank you. Then I am complete. Thank you so much.

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

Madam Clerk.

COUNTY CLERK: Chair, no other individuals have signed up to testify on these items. If anyone wants to testify on County Communications, please identify yourself now. This is the last call for testimony on these items.

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

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Madam Clerk.

COUNTY CLERK: Chair, proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 22-246 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated September 23, 2022)

Relating to Councilmembers' report on the Maui Metropolitan Planning Organization Policy Board meeting on August 15, 2022.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Chair, thank you.

I MOVE TO FILE COUNTY COMMUNICATION 22-246.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Moved by Member Sugimura, seconded by Pro Tem Kama, to file County Communication 22-246.

Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Because of the Sunshine Law, specifically, the requirement in Section 92-2.5(e), Hawaii Revised Statutes, we're providing this report that Councilmember Sinenci, Paltin and I are board members of the Maui Metropolitan Planning Organization, or MPO.

And this is regarding a meeting of August 15, from 5-6:12 p.m. on videoconference. The Board offered the opportunity for public testimony, and two people testified. Among the items discussed were the executive director's resignation, the executive director recruitment process. Copies of meeting agendas and minutes can be found on their, our website, www.maui.mpo.org. And the meeting was not specifically or exclusively organized for or directed towards Councilmembers. And no commitment relating to a Council vote was made or sought. Chair that concludes my report.

CHAIR LEE: Thank you. Any questions for Member Sugimura? If not, all those in favor of the motion to file, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Madam Clerk.

NO. 22-247 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR, (dated September 30, 2022)

Transmitting a proposed revised Bill 139 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, AFFORDABLE HOUSING FUND (LĀHAINA CROSSROADS APARTMENTS)".

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. If there are no objections, I'd like to ask that the County Communication 22-247 be deferred until Bill 139 (2022) is taken up.

CHAIR LEE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

(COUNTY COMMUNICATION NO. 22-247 WAS FILED LATER IN THIS MEETING. See pages 236 and 240 for discussion and action.)

CHAIR LEE: Please proceed, Madam Clerk.

NO. 22-248 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated September 30, 2022)

Transmitting a proposed revised Resolution 22-208, entitled "ACCEPTING DEDICATION OF VARIOUS PARKS FROM ALEXANDER & BALDWIN, LLC AND A&B PROPERTIES, HAWAII, LLC SITUATED IN VARIOUS LOCATIONS ON MAUI, HAWAII, UNDER SECTION 3.44.015, MAUI COUNTY CODE".

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. If there are no objections, I would like to ask that County Communication 22-248 be deferred until Committee Report 22-104 is taken up.

CHAIR LEE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

(COUNTY COMMUNICATION NO. 22-248 WAS FILED LATER IN THIS MEETING. See pages 73 and 82 for discussion and action.)

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, proceeding with county communications recommended for referral to your Budget and Finance, and Economic Development Committee:

NO. 22-249 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 20, 2022)

Reporting on temporary transfers/loans from the General Fund and Department of Water Supply Revenue Fund to the General Obligation Bonds Series Fund as of August 31, 2022.

The recommended action is that County Communication No. 22-249 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-250 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 26, 2022)

Transmitting the Summary of Total Funded Indebtedness of the County's Outstanding and Unpaid as of July 1, 2022.

The recommended action is that County Communication No. 22-250 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-251 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 26, 2022)

Transmitting the Supplemental Summary of Total Funded Indebtedness of the County's Outstanding and Unpaid as of September 7, 2022.

The recommended action is that County Communication No. 22-251 be referred to the Budget, Finance, and Economic Development Committee.

NO. 22-252 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 28, 2022)

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

The recommended action is that County Communication No. 22-252 be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Alright, any objections to these referrals?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

COUNTY CLERK: To your Infrastructure and Transportation Committee:

NO. 22-253 - HELENE KAU, DIRECTOR OF WATER SUPPLY,
(dated September 22, 2022)

Transmitting the State of Hawaii Commission on Water Resource Management water use reports for July 2022 for all registered well reporters in the County of Maui.

The recommended action is that County Communication No. 22-253 be referred to the Infrastructure and Transportation Committee.

CHAIR LEE: Any objections to this referral?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So ordered.

COUNTY CLERK: And then, the final one that pulled out of the Consent Calendar will be referred to, County Communication 22-245 will be referred to the PSLU Committee.

NO. 22-245 - JACKY TAKAKURA, DEPUTY PLANNING DIRECTOR,
(dated September 30, 2022)

Transmitting a summary and detailed report of the Special Management Area (SMA) Revolving Fund violations and amount of fines collected from July 1, 2019, to December 31, 2021.

The recommended action is that County Communication No. 22-245 be referred to the Planning and Sustainable Land Use Committee.

CHAIR LEE: Okay. Any objections to that Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Committee Reports.

COUNTY CLERK: Chair, proceeding on testimony on committee reports. We have Mike Moran scheduled to testify. To be followed by Joshua Dean.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION (testifying on Committee Report No. 22-98):

Good morning, Chair Lee and Councilmembers. Mike Moran for the Kihei Community Association on 22-98. As many of you know, our Association, even though it's named Kihei, it does represent all of South Maui. And our area pretty much represents what the Council's South Maui District does. So, looking at that, we pretty much, all of our area surrounds Maalaea Bay. So, anything happening in that area is a concern of ours.

I can say how, while our Association has been around since 1960, I can say this topic has been a concern of KCA for at least close to two decades. So yes, you know, it's not a new issue. And unfortunately, sometimes people come into the game late and say oh, wait a minute, slow this process down, we want to take a new look at it. And you all have looked at it extensively. And we have seen historically it's been under different ownership, and there always seems to be agreement by most everyone; it's just not a good place for development.

And as you all know, we thought we had a done deal earlier this year, and then oops, rug pulled out and we go through this again. So, we hope there's no more delays and distractions, and you can take this action to compensate the landowner for the land. And we can preserve the land and particularly the kai that's being disturbed by at least on that one side of Maalaea. Thank you for the opportunity to present our view.

CHAIR LEE: Thank you. Members, questions? No questions. Thank you very much. Thank you, Mike.

MR. MORAN: Back later.

CHAIR LEE: Okay.

COUNTY CLERK: Our next testifier, Chair, is Lucienne de Naie. To be followed by Lynn Britton.

CHAIR LEE: He's no longer in the audience.

MS. LUCIENNE DE NAIE (testifying on Committee Report No. 22-98):

Well, we've been around and around on this. It was nice to hear from Ryan. Ryan did reach out to me about scheduling a clean-up on the land. This was a request brokered through the Trust for Public Land, so thank goodness they're there. And of course, the community would be very happy to participate in a clean-up on the land. But that

doesn't cover up the fact that these hundreds new portable home, you know, new homes have actually no reliable potable water source. The wells that are on the property already have chlorides that would not be acceptable to our Department of Water Supply. So, they're going to have to have a filtration system. That's going to make their water more expensive. It's just, the pieces don't fit for an affordable housing project.

And this place has so many erosional features. It's like wherever you build, it's just going to be tough to minimize additional impacts. Hopefully, there'll be a sewage treatment plant in this area soon. But if this project is going to be built now, are they going to do their own wastewater treatment plant? Are they going to have septic systems as had been proposed in the past? It's like there's just so many unknowns. This is an area that, you know, it used to be State land. The State traded about 35 acres of this or 50 acres of this land back in the 1930s, so they could realign the highway. And it really should be public land and it should be publicly managed with the public land that surrounds this, rather than putting 100 new homeowners at risk of an unreliable water supply, high fire danger, and unwittingly contributing to additional erosion and degradation of the waters of Maalaea Bay.

So, let's give this process a chance. I fully believe Mr. Martin and others who want to build affordable housing should be traded or given opportunities on land that is suitable for affordable housing. Their intentions are good. It's just they need to be directed where it makes sense to have affordable housing. Mahalo.

CHAIR LEE: Thank you. Questions, Members?

Member King and then Member Sugimura.

COUNCILMEMBER KING: Thank you, Chair. I'll let Member Sugimura go first. I think she had her hand up first.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Ms. de Naie, I guess, I think you have a background sound of your chickens and--

MS. DE NAIE: I do. I have a rooster. Like us all. I'm sorry.

COUNCILMEMBER SUGIMURA: If you have any solutions for helping mitigate chicken control in residential areas, because it's one of the items that keeps on coming up in my office. So, that is part of your testimony, so I just thought I would ask you that question. I'm kidding.

MS. DE NAIE: Sorry. All we do is set out humane traps and try to take them to our neighbor, who raises chickens, when we can catch them. That's our only solution.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, again, Lucienne. So, we heard from a testifier that they're, they want to communicate with the community and do what's best for the community. Do any of these folks come out when the County was negotiating to purchase this property and talk to you folks, or anybody else involved in the desire to conserve this land that you know of? I mean, did we, were they around back then? I don't remember hearing from them. So, I'm just wondering if you did.

MS. DE NAIE: No. West Maui Land was not part of those conversations at that time. We did have some conversations with the Spencer Family, but not with West Maui Land, no.

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

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

May we have the next testifier?

COUNCILMEMBER KING: Our next testifier is Lynn Britton. To be followed by Robin Knox.

MS. LYNN BRITTON (testifying on Committee Report No. 22-98):

Good morning. Aloha and namaste. As Council Chair Lee mentioned at the beginning, when she told her story, it's all about location, location, location. Better speakers than I have addressed this issue regarding alternatives for the developer.

In my testimony I submitted yesterday, I kind of reviewed the issues. This parcel, part of Project District 12 is outside of the Urban Growth Boundary. Only 21 ag lots were permitted accordingly. And the previous owner was very happy to sell the parcel to the County. And felt that the open space and the addressing of the wastewater, I mean not the, sedimentation and the wildfire, we have them on record as saying that this was the best use for the property. So, we've been doing this route before, the community and the Council tried to negotiate, and allowed them to keep part of it for development. And it all turned out with the Pohakea study that this was best answer to restore Maalaea Bay and to address the issues, as well as to retain the scenic vistas that are going to be more and more important as Maui proceeds further down the century.

So, I want to acknowledge this Council and Councilmember Kelly King for getting us this far. And I want to acknowledge the Councilmembers of the CARE Committee for unanimously supporting the reso and introducing it today to the Corp. Counsel. And I just want to encourage you to continue down this path. There is no alternative. And to have parks and expand the Lahaina Pali Trail and the opportunities to restore Maalaea Bay, they're all future exciting opportunities that cannot be answered by a need for affordable housing when we have 1400 units planned for Waikapu, more on the way between Maalaea and Wailuku.

And the fact that the State Legacy Lands Commission reviewed the site, reviewed the plan and because of that, gave us an additional $1 million toward the purchase. They saw the value of this land, and all that it will mean for Maui's future. So, again, thank you for your support. I know it's going to be a long agenda. So I'm going to finish my official testimony and I'm here to support in any way I can from here on. Thank you very much.

CHAIR LEE: Thank you. Members, questions?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Britton for your testimony. I just was wondering, has the Legacy Lands $1 million been committed, even in an eminent domain scenario?

MS. BRITTON: Thank you, Member Paltin. I think you weren't at the CARE Committee when we had testimony from De Silva of the DOFAW. They said that it is possible to use that in the case of eminent domain. They would just have to resubmit it. As far as I know, there is still possibility there. The door has not been closed.

COUNCILMEMBER PALTIN: And that was Lance De Silva?

MS. BRITTON: Yes. Uh huh.

COUNCILMEMBER PALTIN: Okay. Thank you.

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

MS. BRITTON: Aloha.

CHAIR LEE: Next testifier.

COUNTY CLERK: Chair, our next testifier is Robin Knox. To be followed by Lawrence Carnicelli.

MS. ROBIN KNOX (testifying on Committee Report No. 22-98):

Aloha. My name is Robin Knox. I'm not a lobbyist, I'm testifying on behalf of myself. And good morning, Chair Lee. Good morning, Councilmembers. It's good to see you all. I really want to thank you for having what it takes to venture into this, you know, resolution for eminent domain. I know that's something that is not undertaken lightly and only when warranted. And I do know how much research and how much input you've received. And I do believe that this is the best and highest use of this property and will bring multiple benefits, as others have testified, to our community.

It is discouraging to our community when, you know, a developer comes in like this knowing the intentions of the community, knowing how much work has been put into brokering this deal, and now wants to propose uses that, to me, do not sound compatible with the other uses that the community would like to see. So, I just want to let you know I am in support of eminent domain proceedings. And that I really appreciate you standing up for the community. Thank you.

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

COUNTY CLERK: Our next testifier is Lawrence Carnicelli. And Mr. Carnicelli is the last testifier signed up for committee reports.

CHAIR LEE: Good morning.

MR. LAWRENCE CARNICELLI (testifying on Committee Report No. 22-97):

Good morning, Chair, Members. Namaste. Lawrence Carnicelli, Vice President of Development for Alaula Builders, testifying on 22-97. First and foremost, I just want to say thank you all for your support in Committee, for your continued work. We really appreciate it. I don't know if I'm going to have the opportunity to speak when this comes up, so I figured I'd just do this under testimony. I also appreciate working with OCS and Corporation Counsel in drafting the resolution. A lot, a lot of hard work. A lot of hours going in.

There is one request that, if I also part of the reason why I'm testifying now is that there's one small tweak that, that we would ask in the resolution. In letter N, as in

Nancy, the last sentence of the last paragraph. It says, "must construct the subdivision requirements only applicable to the 133.04-acre parcel". We would appreciate if one Member would bring up on the floor a minor change to delete the word "construct" and say "comply with".

There are numerous ordinances in the code which allow, which basically, what this does is it puts a bigger restriction on us than what the code does, potentially. It could be construed that way. We want to comply with everything, but if it says "construct," as an example, the retention basin that we're talking about building in coordination with the County, when that happens, we would then have to construct all of the road improvements along Kuikahi Drive for that. When we get a water meter for our farming operations, it could be looked at that we then also have to construct all of our road improvements along Kuikahi. So, it could be viewed as that way.

I, you know, I've talked again, talked to numerous people, Public Works, Planning, Water, Corporation Counsel, OCS, that was just one little thing that we would like to say, just for clarification is all.

But Chair, I appreciate it. And Members, again, appreciate all of your help and hard work in support for affordable, I'm sorry, workforce housing for our community. Thank you, Chair.

CHAIR LEE: Thank you. Members, I saw Member Molina's, and then Member King, and then Member Sugimura.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Good morning, Mr. Carnicelli. Again, could you just clarify that proposed amendment or language change you're looking at? Is that to delete the word "construction"?

MR. CARNICELLI: Delete, replace the word "construct" with "comply with". So, that sentence would read, "when the remaining 133.04-acre parcel of the Original Parcel is developed, further subdivided, or water service is requested, the Developer, or its successor, must comply with the subdivision requirements only applicable to the 133.04-acre parcel.

COUNCILMEMBER MOLINA: Could you cite that section again of the--

MR. CARNICELLI: N, as in Nancy.

COUNCILMEMBER MOLINA: Okay, thank you.

MR. CARNICELLI: Thank you, Mr. Molina.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. Just to follow up on that, Lawrence. The reason you want it changed is because you don't perceive yourself or whoever does try to develop that as having to construct it? Is it, is that why?

MR. CARNICELLI: No. It is, there's certain triggers to constructing things. Like, once you get a building permit you got to do that, right? So, if you come in for a building permit at any point in time on any part of that 133-acre, you have to construct that. But like I said, if I get a water meter, if we had done a large-lot sub, I don't want to go too far down the rabbit hole here, but had we done a large lot subdivision ahead of time and we would have just come in with the 14.97 acres, this, we wouldn't be held to this standard potentially. But because we're doing 100 percent affordable, this condition is being placed on us over and above what normally would.

COUNCILMEMBER KING: Okay, so--

MR. CARNICELLI: And again, it's just a, it's splitting hairs.

COUNCILMEMBER KING: Well, no I just want to clarify the reason why you want the change. Because right now, the way, you feel like the way it's worded that it would require you to construct these components right now?

MR. CARNICELLI: No, no, no.

COUNCILMEMBER KING: Oh, okay.

MR. CARNICELLI: Is, again, it could, I'm not saying it is for sure. This is just nothing more than trying to clean it up. Again, some people say yes, you know, is the Director of Public Works, I talked to Jordan Molina and he said that, you know, no it wouldn't. But I don't want it to be at some point in time in the future, where it says okay, you come in for a water meter and now you got to go put in all the fire hydrants all the way up and down Kuikahi Drive for your fire, for your--

COUNCILMEMBER KING: Okay, so, the, the issue is that you may or may not be required to do that construction, but you do, you have to have compliance. That's the issue?

MR. CARNICELLI: Oh, yeah. We're going to have to comply. That's why it says "comply with the law". You know, it's just like, yeah, we're not asking for an exemption or anything like that. We want to comply.

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

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I was going to ask the same thing about which section? So, since you're not going to be here, not supposed to do Committee work in Council, but I guess we can't ask for you to be a resource. So, you're okay with the rest of the conditions?

MR. CARNICELLI: Yeah. Yeah. I think that it reflects, the entire thing, you know, as when I was talking to OCS and Corporation Counsel, does this resolution reflect what the conversations that were had in Committee? I think that it does. And just like I say is with that one word change, I think that it still does. It's just, again, a minor little tweak, just to, for clarification is all.

COUNCILMEMBER SUGIMURA: So, you're fine then? Right? You're saying the rest of the conditions you're fine with the way it's written?

MR. CARNICELLI: Correct.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Member Tasha Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, I just want to be real clear, because you're asking somebody, a lot of us to do it.

MR. CARNICELLI: I know I can't do it.

COUNCILMEMBER KAMA: Okay, so, so I just want to be clear that you're asking us under item N, fourth paragraph, second sentence, third to the last word that says delete the word "construct" and insert the words "comply with". Is that what you?

MR. CARNICELLI: Yes, Member Kama. Thank you.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The word "construct" with the subdivision requirements appears twice in that paragraph. So, do you want it changed both times for consistency? "Must construct the subdivision requirements only

applicable to the Project site." And then, at the bottom, "must construct the subdivision requirements only applicable to the 133-acre parcel." Just the one place?

MR. CARNICELLI: Both places would be great. Thank you for that catch.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Carnicelli. Mahalo, Chair.

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

MR. CARNICELLI: Thank you everyone. Appreciate it.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Our next testifier is Mr. Dick Mayer. And currently he is the last one signed up to testify on committee reports.

CHAIR LEE: Okay. We'll take our break after that.

Mr. Mayer.

MR. DICK MAYER (testifying on Committee Report Nos. 22-98 and 22-101):

Yes. Namaste. And that word means something special to me because my wife is from India, and so, we use that word very often.

The two items that I'd like to talk about, one is the one on Maalaea and then also the bicycles. With regard to the Maalaea, I'd like to give you a little bit of background. When the General Plan Advisory Committee was putting together the Maui Island Plan, the Committee voted to not put urban or rural or small-town growth boundaries around this particular parcel that's on this discussion. And that was very important, because then it went to the planning commission, they agreed. And it went to your full Council, and they put that into the plan.

So, there are no growth boundaries around this parcel. And that's very critical, because previously, earlier on, it had been included within the community plan for South Maui. But the latest thinking was that this was not an appropriate place for development. But there is one loophole, and that is that agricultural land, which this still is, could, can be put into the lot, big lot subdivision of various kinds. And I think by going through eminent domain by having this get into the control of the County, we will limit that potential for having a bunch of big estates put onto this land or anything else that the developer might want to do.

So, I'm urging you strongly, please take this land by eminent domain. I think it's in the public interest. It's the interest expressed by the GPAC, the planning commission, and the Council when we put together the Maui Island Plan. There were other areas, which were put aside for growth such as Waikapu Town and expansion of Maui Lani, etc., etc., in that general area. There is no fire station nearby, ambulances would have to drive. It's just not the right place for intensive development which could potentially take place. So, I urge you to go for eminent domain.

With regard to the other item, the bicycle ordinance, there are just a few words that I would like you to urge you to change. I believe you all voted 9-0 in Committee to pass this. But the wording somehow in committee report was misstated what you folks had all voted on in the, in the Committee. It's, the, the, in that, the wording I think I've sent it to you all, and you also have it, I think, in your, in your, in the documents that I submitted as written testimony. And that is instead of saying, "only between the 1.0, and the 3 mile marker", it should read that "only above the 3 mile marker". Very simple word change to clarify that's where the bicycles should go above the Kula residential community from the National Park down to 3 mile marker, and not in the residential area between the 0 and 3 mile marker. I hope you'll be able to do that, and I think it'll be in the best interest of the County. So, I hope you'll be able to make that amendment.

And I'm surprised this is only a committee report. It's not at first reading yet. I don't, I hope you will pass this as first reading today as a, as an item, rather than having it coming back over and over and over again. Thank you very much. And I'm available for any questions.

CHAIR LEE: Mr. Mayer, it is up for first reading today.

MR. MAYER: Oh, very good. Thank you.

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

MR. MAYER: Thank you, and namaste.

CHAIR LEE: Okay. Namaste.

COUNTY CLERK: We do have another testifier, Mr. Peter Martin. And then, nobody, nobody is currently signed on to testify on committee reports following him.

CHAIR LEE: Mr. Martin.

MR. PETER MARTIN (testifying on Committee Report No. 22-98):

Oh, yes. Good morning, Councilmembers. Let's see, I wrote a short email about this, and my partners advised me not to testify, which I tried to listen quickly and talk slowly. I'm not taking their advice, because I feel that what I'm say is brief and should be considered.

Please vote no on using eminent domain to steal the land owned by West Maui Construction and Hope Builders. It is kind of rude, I sent this in an email. I hope you read it. It is kind of rude for Councilmember King to not even meet with us and talk-story before initiating this action. The idea of us not being involved in this land for many, many, many years and the Spencer's had negotiated talking about it is, our involvement and our effort on this property has been a lot of energy and we spent a lot of hard-earned money.

I came over here, my parents, I remember my mom worked for . . . my dad was in a mental institution, got a job, anyway. So, next, thou shalt not steal. I do not think our community approves of taking private property from the citizens against their will. Just cause the price is by appraisal, that and you think you're giving me a fair price, the price is determined by a willing seller. We're not willing sellers. So, you're forcing us to sell. That's stealing. That's not right. And you know it's not right. Each and every one of you know it's not right and everybody that testifies knows it's not right.

And they say it's for some public good, that's more important than what we think is good. This is a, and then, oh wait, oh we're going to find Mr. Martin and his team another location. I've been involved with this with Olowalu, with Launiupoko, with Makila, with Pauwela. I, first, it was back in 1981, I, I was involved in this in Hui Road F, that go find another place. So, all these, many of these places eventually got developed and people are so happy they're living there.

So, please, I want you, each Councilmember to please tell me exactly how much of your money you are going to spend to steal our property? Are you going to spend any of your own money? $10? No, you don't. You're very, I don't know about all of you, I can't be sure, but you're very generous with the taxpayer's money. It's not your money. I want to know how much you're willing to spend to buy the Maalaea property or the Maalaea citizens that want open space that live in Maalaea? I worked there, I was there when they developed that and with . . . and Associates in, I believe it was in the '70s, yeah. And now, for these people who move to ocean, live there and say that local people can't live across the street. I don't know. Somebody better rethink all this. Thank you.

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

COUNTY CLERK: Chair, there are no other testifiers logged on. This is last call for testimony.

MR. ALBERT PEREZ, MAUI TOMORROW (testifying on Committee Report Nos. 22-98 and 22-101):

Aloha, Chair.

CHAIR LEE: Where are you?

MR. PEREZ: Hello?

CHAIR LEE: Oh, okay. Mr. Perez.

MR. PEREZ: Hi. Good morning.

CHAIR LEE: Good morning.

MR. PEREZ: Yes, I would like to testify on two items. Maalaea Mauka and also the bike tours.

CHAIR LEE: Okay, you may proceed.

MR. PEREZ: Okay, thank you. So, for Maalaea Mauka, I'm testifying on behalf of Maui Tomorrow. And we strongly support the acquisition which the community has spent decades trying to get this land into open space. It's in Maui County open space study from 2006 as having high value for that. As other values, trying to change the vegetation up there so that it's not so fire prone. Serving as sediment retention, so that we can stop some of the sediment that's running into Maalaea Bay.

Also, the last-minute proposal by the new owners to explore public/private partnership is not attractive. This land is a fire hazard zone with extremely high winds and that is why they put the windmills up on the top. So, when you have a fire there, it carries the embers for miles, easily overwhelming any kind of a fire break buffer. We don't want to be placing people in harm's way by building anything there. On the other hand, this is a great place for improving the watershed, and protecting Maalaea Bay.

And with regard to the comments from the last testifier, eminent domain is not stealing. This has been a very publicly stated public purpose for a long time and the County got

the rug pulled out from under it. So, this is just following through with the Council's intent, acquiring this land for a fair price for a public purpose is the right thing to do. And I urge you to go ahead.

Moving on to Committee Report 22-101, I believe is the bike tours. As Mr. Mayer said, there is a mistake in the language that does not reflect the discussion of the Council at the Committee meeting. So, mile marker 0 to 3 is where we don't want the tours. That, that stretch, and also, Haleakala Highway and Kekaulike Avenue are the most dangerous places for these bike tours. They have no bike lanes, just narrow shoulders that disappear sometimes. So, we urge you to go ahead and adopt that with the amended language.

I think there are a couple of Councilmembers who I talked to about possibly making an amendment to correct the, the language that is in error. But we urge you to, strongly urge you to adopt it without delay, because it's dangerous. And every day that the tours continue is another chance for someone to get injured or killed. Mahalo.

CHAIR LEE: Thank you. Members, questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. Thank you, Mr. Perez. So, you're talking about this for clarity. I know we talked about this a lot in committee. So, can you give us the language for clarity, rather than just saying, you know, 0 mile marker, or 3 mile marker.

MR. PEREZ: I would go with what Dick Mayer submitted on his email, I think you folks all have that. It says, above the 3 mile marker on Haleakala Crater Road. If you want to get more specific, then you can say between mile marker 3 and mile marker 9.5.

CHAIR LEE: Any more questions?

MR. PEREZ: Sorry, Chair, just to clarify, 9.5 is above the staging area where they currently start the tours.

CHAIR LEE: Anymore questions, Members?

Member Sinenci, did you have your hand up? No? Okay. No more questions. Thank you, Mr. Perez.

MR. PEREZ: Okay. Thank you. Aloha.

CHAIR LEE: Aloha. Any more testifiers?

COUNTY CLERK: No, Chair. No other testifiers have signed up. This is a last call for committee report testimony.

MS. LAURIE BARKER-PEREZ (testifying on Committee Report No. 22-101):

Aloha.

CHAIR LEE: Members, are there any objections to close, okay, who's that? I see someone on the call.

MS. BARKER-PEREZ: Aloha.

CHAIR LEE: Aloha. What is your name?

MS. BARKER-PEREZ: Oh, I'm Laurie, L-A-U-R-I-E Barker-Perez, B-A-R-K-E-R hyphen P-E-R-E-Z.

CHAIR LEE: Okay. And you're, you'd like to testify on one of these committee reports?

MS. BARKER-PEREZ: Yes. On the bill to regulate the bike tours.

CHAIR LEE: Okay.

MS. BARKER-PEREZ: Okay. So, I am testifying on behalf of myself and also thousands of people who live Upcountry and who are negatively affected by these bike tours. So, I see that the online petition has well over 1500 signatures, plus I know there was some paper signatures of people supporting the bike regulations. So, all together that would be about 1600 people, I think.

I have been talking to friends, neighbors, acquaintances about this. And when I bring up the topic, I try in a very neutral voice to say something like what do you think of the bike tours? And without exception, they'll do things like this, they'll go . . . which, you know, just the body language is telling me that they find them extremely scary. And everyone will then start telling me stories about seeing kids fall off their bikes in the middle of the road, almost getting hit by bikes, almost hitting other bikers. You know, they just go on and on about close calls they've had and how terrifying they are.

But what I want to emphasize right now, besides the almost 1600 people who have actually signed the petition, I personally have talked to a number of people, as I said,

friends and neighbors, who don't have computers, don't like social media, don't like signing petitions, for whatever reason, don't want to sign the petition. But they are very much in favor of regulating the bike tours.

So, for example, I have a friend, who is a retired ER nurse. When I asked her, and I don't think I've ever heard her say the word "hate" before, but she immediately says, I hate them. And, you know, telling me about how dangerous they are. Another friend of mine had worked at Maui Memorial Hospital, is now retired, she told me about how the ER doctors have nicknames for the bike tours because they've had so many patients come into the ER with, you know, sometimes even life-threatening injuries. And so, using a little humor, the doctors have nicknames like incorporating the word bruiser and down spill and different things like that.

But what I want to end with is one of my neighbors is 80 years old. She lives in the house that in Kula, that her father built in 1949. She's lived there almost her entire life. She is a school bus driver. Even though she's 80 years old, she really loves her job. She likes keeping busy. And she feels like she is doing a real service to the community, giving these kids, you know, a ride back and forth to school. When I asked her about, may I finish this part?

CHAIR LEE: Could you please conclude?

MS. BARKER-PEREZ: Yeah. Anyway, she thinks the bike tours are so dangerous that she avoids the upper highway when she is going to work in the morning. This is a professional driver. She drives down Kamehameiki instead of the upper highway, a road that has a ten mile per hour speed limit and a warning sign "narrow winding road". A professional driver does that to avoid the bike tours. And she said why should I have to pay my money for extra gas to go avoid the bike tours, avoid the danger, and extra wear and tear on my car? So, thank you for the opportunity to testify. Aloha.

CHAIR LEE: Aloha. Members, questions?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Just for clarification, this bike bill has, Mr. Molina, has walked through Committee through many meetings. Basically, talks about restricting bikes, biking at a certain, you know, mileage on Crater Road. So, where are you talking about, Upcountry?

MS. BARKER-PEREZ: Yeah. So, this is Kekaulike, where this particular neighbor lives. But also, like my friend Flo, the retired ER nurse, she often goes down Kokomo.

COUNCILMEMBER SUGIMURA: Thank you.

MS. BARKER-PEREZ: So, you know, it's not, it's not just Kekaulike. It's all Upcountry that people see the danger, have seen accidents. So, I think this bill is a really good compromise, because it will keep most of the bike tours above where people are commuting back and forth to work and, you know, their going about their daily lives.

And I did see in the bill that the exception is still allowing bike tours on Baldwin, certain times and days. Which when I looked at the comments on the online petition, there are a number of people who specifically mentioned accidents, and near-misses and, you know, the danger of the bike tours on Baldwin also. And you know, it's just all over Upcountry. So, I do think the bill is a good compromise. The bike tours can still operate as it was proposed.

CHAIR LEE: Thank you very much. Thank you for your testimony. Members, any more questions? No more questions. Thank you.

MS. BARKER-PEREZ: Okay. Mahalo.

CHAIR LEE: Mahalo.

Jasee, you want to testify on this?

MR. JASEE LAW (testifying on Committee Report No. 22-98):

Jasee Law from Kula uka. I like bikes. I never had no problem with bikes. I think they should regulate the cars and not the bikes. And I heard one of the previous, I think it was a previous testimony, Chair King, I mean, old Chair King, is sometimes curt, but she's never rude.

CHAIR LEE: Thank you for that.

Anybody else? Madam Clerk.

COUNTY CLERK: There are no other testifiers signed up for committee reports, section J, on the agenda. Last call to testify on committee reports. Please identify yourself now.

CHAIR LEE: No one else?

COUNTY CLERK: No one else. Any objections, Members, to closing public testimony and accepting written testimony for committee reports?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. It is now 10:46. Good time to take a break.

COUNCILMEMBER PALTIN: No, no can, no can, no can. The law, remember?

CHAIR LEE: Oh, oh, okay. Forgot about that. The law says we have to deliberate.

MS. FRANCINE AARONA (testifying on Committee Report No. 22-101):

Hello. Aloha, can you hear me?

CHAIR LEE: Who's that?

MS. AARONA: This is Aunty Mopsy.

CHAIR LEE: Are you testifying on the bikers?

MS. AARONA: Yes.

CHAIR LEE: Which committee report? On a committee report. Okay. Do you want to start?

MS. AARONA: 145, I think. 22-101.

COUNCILMEMBER PALTIN: Oh, Chair, can we reopen?

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: No objections to opening, reopening the public testimony on committee reports?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. Aunty Mopsy, you can go ahead.

MS. AARONA: Hi. Aloha, everyone. I'm so sorry to be late on this call. I'm calling in regards to the bike tours. And you know, I had some issues this morning and I couldn't get on. But I am particularly concerned about when it talks about holidays and everything as far as coming down Baldwin and everything. People in Paia, we are totally against tour groups coming down below the 3 mile marker.

I looked into the committee reports, and I needed, if Mr. Molina has a problem, we need to get back out into the community, because majority of the community do not want bikers down on Baldwin or even through Paia Town. So, I think we really need to go back, before we pass this on the first reading to get some kind of clarity. There shouldn't be any, oh we're going to have it on these days during these hours. We're clearly, and I speak for myself, but I know that there are many in Paia, and they have many that have expressed their opposition to the bike tours coming down into our neighborhood.

So, I really, really think for clarity you need to get back into the community and get this straight before you even pass this through the first reading on the bike tours. So yeah, mahalo for listening. Mahalo for allowing me to get back into the queue to testify on this matter. Mahalo.

CHAIR LEE: Mahalo. Questions, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Aunty Mopsy, for your testimony. I just was clarifying that's no to the unguided and no to the guided tours?

MS. AARONA: Completely not, nothing. Guided or unguided.

COUNCILMEMBER PALTIN: Okay.

MS. AARONA: We do not have proper . . . set aside for bikers.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Anymore questions? Questions, Members? If not, thank you very much, Aunty Mopsy. Now, let's ask--

MS. AARONA: Thank you. Mahalo. Have a good day.

CHAIR LEE: Okay. Members, we could continue on with testimony, because we have another person. Or we can take our break now and come back and take, finish testimony. Or we can finish testimony and take up one item.

COUNCILMEMBER SUGIMURA: Testimony and take up one item.

CHAIR LEE: Okay. Finish testimony and take up one item.

COUNCILMEMBER KING: . . . testimony and signing up . . .

CHAIR LEE: Pardon me? Yeah, I'd like to take a break. Okay, call the next testifier and then maybe if that person is the last one then we'll up one item and then we'll take a break.

COUNTY CLERK: Our next testifier is Emily Pallanes.

CHAIR LEE: Repeat her name.

COUNTY CLERK: Emily Pallanes.

MS. EMILY PALLANES (testifying on Committee Report Nos. 22-98 and 22-101):

Aloha. This is Emily Pallanes. Can all of you folks hear me?

CHAIR LEE: Yes.

MS. PALLANES: Aloha. I am calling in to testify for the Maalaea Mauka and the bike ordinance. Brief, real quickly on the Maalaea Mauka plans. I do, too, support the eminent domain of the West Maui construction site. I think that that should be used for public use and not constructed by them.

And on the bike ordinance for Kula and Haiku areas, I'm a born and raised resident. I live Upcountry. I deal with commuting every day, as I work multiple jobs, which is the norm for most of us here living on Maui. Basically, since I'm driving when I got my license when I was 16, these folks have been crashing in front of me. I've had many of their tour riders being just so rude to the people on the road being told that they, they were taught by the bike companies that these are also bike lanes, and not actually a road. I've been told ridiculous things by these, these riders.

And not only that, I've seen multiple crashes. I've been stuck in traffic many times for people just, usually children. I've recorded many times where children are coming down the mountain on our highway, and they are completely unoccupied by an adult, they're unaccompanied by an adult. There's been incidences in Haiku, now that the tours are going down to Haiku Cannery. And there is absolutely no shoulder on those roads, and it rains over there. The cars, when they try to stop for these bikes, they literally slide. Because even if their brakes work, the roads are so wet and moldy out there that it's, it's nearly impossible to avoid a biker on the side of the road when you're coming around a corner.

I do agree that drivers need to adhere to the rules of the road. You know, these collisions could be avoided if we would drive the speed limits posted here on Maui. But also, these bike tours need to be regulated. There should be mandatory information

given out at every bike tour business, where the people are not only signing a waiver, but they are being educated. So, that's my testimony for today. Thank you. And thank you for all your work.

CHAIR LEE: And then, you have another one? Do you have, Members, questions on this one? If not, can you go on to the next one? She did two. Okay. All right. Any questions on any of her testimony? No questions. Thank you very much. Let's have the next testifier.

COUNTY CLERK: I do not see anybody signed up to testify for committee reports. Last call.

CHAIR LEE: Okay. Any objections to closing, any objections to closing testimony on committee reports and accepting written testimony?

MEMBERS VOICED NO OBJECTION.

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

1. Lynn Britton;
2. Peter Martin;
3. Jeff Bagshaw;
4. Lahela Aiwohi, Hawaii Hotel Alliance;
5. David Lane Henkin, Earthjustice;
6. Jason Baer;
7. Brandon Beck;
8. Todd Bernat;
9. Heidi Bigelow, West Maui Land Company;
10. Matthew Broderick;
11. Roy Butteling;
12. Colleen Case;
13. Kathy Clarke;
14. Jinny Dean-Yap;
15. Josh DeSilva;
16. Clarence and Lenora Dun;
17. Thomas Fairbanks;
18. Katherine Friedlander;
19. Beverly Gannon;
20. Gerard C. Gibson, Hawaii Hotel Alliance;
21. Rici Guild and Frank B. Shaner;
22. Kamuela Guth;

23. Lora Harbo and David Liebersbach;
24. Barry Helle;
25. Roxann Hendrickson;
26. Sandra Holt;
27. Jack L. Hufstetler;
28. Lyndon Ibele, Ma'alaea Village Association;
29. Michael Johnson;
30. Cheryl King, Maui Nui Seabird Recovery Project;
31. Mark Klemen;
32. LaurieinHawaiinei@gmail.com;
33. Aleta M. Lee;
34. Ali Linder;
35. Maile Lopes;
36. Bob Lowell;
37. Shelley Maddigan;
38. Mark Matsuda;
39. Kika Matsumoto;
40. Steve Miller;
41. Eric Miyasato;
42. Gregg Nelson;
43. David Olney;
44. Bobbie Patnode;
45. Lisa Paulson, Maui Hotel & Lodging Association;
46. Keoki Pfaeltzer;
47. Vicki Porter;
48. JB Redenbaugh;
49. Frank Rizzo;
50. Kellie Schipper;
51. Madison Paige Simek;
52. Chris and Irene Sutherland;
53. Arlene Torricer;
54. Jonas Troxell;
55. Yigit Unlu;
56. Tapani Vuori, Maui Ocean Center;
57. Debbie Weil-Manuma; and
58. Steve Wilson.

CHAIR LEE: So, ordered.

This is a recording. Alright, let's go on to the first one, Madam Clerk, so we can take a break.

COUNTY CLERK: Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 22-97 - AFFORDABLE HOUSING COMMITTEE:

Recommending the following:

1. That Resolution 22-193, CD1, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be ADOPTED;

2. That Resolution 22-192, entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be FILED; and

3. That Resolution 22-194, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be FILED.

CHAIR LEE: Councilmember Molina.

COUNCILMEMBER MOLINA: Mahalo, Madam Chair.

ON BEHALF OF COMMITTEE CHAIR GABE JOHNSON, I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-97.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to approve the recommendations in Committee Report 22-97.

Discussion? Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. The Affordable Housing Committee met on September 1, 6, and 13 of 2022, to discuss the Kuikahi Village Workforce Housing Project by developer Alaula Builders.

Under Chapter 2.97, the Council must approve and approve with modifications or disapprove the proposed project within 60 days after project submittal. The 60-day deadline is Friday, October 14, so today is our opportunity to pass this project with modifications.

The Project is located on 14.97 acres in Wailuku. It will consist of 202 multi-family, duplex, townhome, live-work, studio, and single-family units. The units will be offered for sale to income-qualified households earning between 51 and 140 percent Area Median Income.

Your Committee discussed exemptions related to land use and zoning, construction and design standards, and fast track permitting.

Your Committee also discussed concerns relating to Wailuku Water Reservoir #10, which borders the Project's site to the north. The Reservoir received a Notice of Deficiency from DLNR in September of 2021.

The Developer agreed to work with Corporation Counsel on an indemnification agreement to ensure the Reservoir is in good standing before any units are occupied.

Your Committee also considered various modifications to the project, including restricting animals for wildlife preservation, requiring units to be owner-occupied in perpetuity, and giving preferences to long-term residents of the County.

Your Committee also noted that Bill 127 (2022) accompanied the Project application and proposed changing the State Land Use Designation from Agricultural District to Urban District, so that the project may proceed.

Committee agreed that as a land use ordinance, Bill 127 would have to go to the Maui Planning Commission under Maui County Charter. The bill was referred to the planning commission via Resolution 22-217 at the September 27 Council meeting.

And in the end, your Committee voted 9-0 to recommend adoption of Resolution 22-193, CD1, approving the project with modifications and the filing of Resolutions 22-192 and 22-194. I respectfully request the Members support of this motion. Thank you.

CHAIR LEE: Any more discussion?

Mr. Molina.

COUNCILMEMBER MOLINA: Yes, thank you, Madam Chair. I'd like to propose an amendment as suggested by Mr. Carnicelli. And also, would like to get some additional clarification from our Corporation Counsel, Ms. DesJardins, on this as well before making this motion. I want to make sure that it's worded appropriately, since this amendment was just sort of dropped in my lap this morning. So, just to make sure, I want to get clarification from our Corporation Counsel on this.

CHAIR LEE: Okay. Let me check if Corporation Counsel is on the line? Can we request that Deputy Corporation Counsel Mimi DesJardins be on the line with us today?

DEPUTY CORPORATION COUNSEL MIMI DESJARDINS: Can you hear me?

CHAIR LEE: Are you there? Okay, I see you. Thank you. Thank you for being so prompt.

Okay. Mr. Molina.

COUNCILMEMBER MOLINA: No, Madam Chair, I yield the floor to Corporation Counsel to provide clarity on this suggested amendment.

CHAIR LEE: Okay.

DEPUTY CORPORATION COUNSEL DESJARDINS: Thank you, Chair.

CHAIR LEE: Corporation Counsel.

DEPUTY CORPORATION COUNSEL DESJARDINS: Yeah, I had worked out some language with Public Works, and Water, and Mr. Carnicelli previously. But I have checked with Mr. Molina in Public Works, and he believes that amending "construct" in those two places and substituting it with the word "comply with" will make it clearer. That there are provisions in the Code where these deferrals would not be triggered, such as a public co-sponsored subdivision. And the intent would not be for them to have to construct these deferred subdivision requirements in those instances. And so, he does agree that this language would make that paragraph clearer and does support it.

CHAIR LEE: Okay. Member Molina.

COUNCILMEMBER MOLINA:

OKAY, WITH THAT SAID, THEN I WILL GO WITH THE CORPORATION COUNSEL RECOMMENDATIONS TO AMEND AND DELETE THE WORD "CONSTRUCT", AND INSERT THE WORD "COMPLY WITH" IN THE APPROPRIATE SECTIONS THAT CORPORATION COUNSEL HAS SUGGESTED.

COUNCILMEMBER KAMA:

I SECOND.

CHAIR LEE: The two places in the appropriate section, in section N. So it's moved and seconded to make this amendment.

Any more discussion, Mr. Molina?

COUNCILMEMBER MOLINA: No further discussion, Madam Chair.

CHAIR LEE: Any other comments, discussion?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I did also put it, the language in the chat, so that it's easier to see, where the two places are in section N of the exemptions in the resolution. I am supportive of this amendment in the two places, because Director Molina is supportive of it, and explained why he's supportive of it. And that these are deferral agreements that are being recorded by the Department. Mahalo, Chair.

CHAIR LEE: Thank you. Any more discussion? Okay, all in favor of the amendment, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Anymore amendments? Otherwise, the motion, the main motion as amended. Anymore discussion? All those in favor of the main motion as amended, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Members, are you wanting to take a break?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: Early lunch, that's a good one. Well, I, up to you. What would you like to do? Early lunch or ten minutes? Ten minutes. Ten minutes. So, let's make it at 11:11. Meeting in recess for ten minutes, come back at 11:11.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:01 A.M., AND WAS RECONVENED AT 11:17 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER JOHNSON, EXCUSED.)

CHAIR LEE: Will the Council meeting of October 7, please reconvene. Okay, Members, you ready to go to the next item?

Madam Clerk.

COMMITTEE REPORT
NO. 22-98 - CLIMATE ACTION, RESILIENCE, AND ENVIRONMENT COMMITTEE:

Recommending that Resolution 22-206, entitled "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA'ALAEA MAUKA/POHAKEA WATERSHED, MAUI HAWAI'I FOR PRESERVATION," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I was just sending you a text to let you know your video is off.

CHAIR LEE: Oh, okay. Thanks.

COUNCILMEMBER KING: Sorry about that. I, thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-98.

CHAIR LEE: Second. Second somebody. Somebody make a second.

VICE-CHAIR RAWLINS-FERNANDEZ: Member Sinenci.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Oh, okay. Member Sinenci seconds the motion to approve the recommendations in Committee Report 22-98.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. Your Climate Action, Resilience, and Environment Committee met on September 14, 2022, and voted 6-0 to recommend passage of Resolution 22-206 on first reading, and to authorize eminent domain proceedings for the acquisition of real estate property comprised of 257 plus acres in Ma'alaea, Maui, Hawai'i for preservation.

On May 10, Peter Martin of West Maui Land purchased all 257 acres and I might add this is while the County was in active negotiations to purchase this land. I did not hear from Mr. Martin, they did not seek any kind of meeting at that time. Mr. Martin has indicated to the Trust for Public Land, who was doing the negotiating, that he is not interested in selling the entire parcel for the purpose of conservation.

If passed, this resolution will provide another tool for the Administration to use to pursue ownership of the property, something that the, this Council and other councils have long been desiring to do. I respectfully ask for Council's support of your Committee's recommendation and thank everyone for their participation in the discussion. Thank you.

CHAIR LEE: Further discussion?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just wanted to personally mahalo Ms. Lynn Britton and the Ma'alaea community, as well as the Kihei Community Association for their years of stewardship of this particular site. Been decades of this discussion going on, and also, as stewards of the Pohakea Watershed up mauka. We can support and mahalo all of the decades of discussion that has prior to this. Mahalo.

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

Roll call. Madam Clerk, roll call.

COUNTY CLERK: Item Committee Report 22-98.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

CHAIR LEE: A little louder.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

COUNTY CLERK: Councilmember Gabe Johnson.

CHAIR LEE: EXCUSED.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: NO.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

COUNTY CLERK: And Chair Alice L. Lee.

CHAIR LEE: AYE.

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

NOES: COUNCILMEMBERS KAMA AND SUGIMURA.

EXCUSED: COUNCILMEMBER JOHNSON.

COUNTY CLERK: That's six "ayes", two "noes", and one "excused"; motion carries.

COUNCILMEMBER KING: Thank you, Members.

CHAIR LEE: Next item.

COMMITTEE REPORT NO. 22-99 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 22-63, CD1, entitled "APPOINTMENT OF A MEMBER TO THE MAUI REDEVELOPMENT AGENCY," be ADOPTED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-99.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to approve the recommendation in Committee Report 22-99.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your Government Relations, Ethics, and Transparency--

CHAIR LEE: Okay, somebody is on the line. Please mute yourself. Okay. Proceed, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Let me go and restart. Your Government Relations, Ethics, and Transparency Committee met on September 13, 2022, and discussed the nomination of Patrick David Kekoa Ihu to the Maui Redevelopment Agency for a term expiring on March 31, 2027.

Your Committee interviewed the nominee, who is the founder of Ihu Properties, LLC, and a real estate principal broker. Mr. Ihu said being born and raised in Old Wailuku Town and witnessing the transformation of the area provides him with a feeling of responsibility to maintain the history and culture of Wailuku.

And he said he would recuse himself, if necessary, if issues before the MRA conflicted with his real estate work, but since he does not plan on investing in the Wailuku Redevelopment Area, he does not anticipate any concerns.

Your Committee expressed appreciation for Mr. Ihu's willingness to serve the community and recommended his nomination to the MRA be approved and Exhibit "B" to Resolution 22-63 be revised accordingly.

Your Committee voted 9-0 to recommend adoption of Resolution 22-63, CD1. I ask for the Members full support. Mahalo, Madam Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Member, Madam Clerk.

COMMITTEE REPORT
NO. 22-100 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 22-104, entitled "AUTHORIZING SETTLEMENT OF JAMIE BECRAFT V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-09-00849," be ADOPTED.

CHAIR LEE: Okay. Sorry. Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF COMMITTEE REPORT 22-100.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to approve Committee Report 22-100 and its recommendations.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your Government Relations, Ethics, and Transparency Committee met on September 13, 2022, and received an overview of the claim in open session by Corporation Counsel. The claim alleges work-related industries *[sic]* Mr. Becraft sustained from being physically assaulted on April 4, 2009.

At the request of the Deputy Corporation Counsel, your Committee held an executive session meeting to discuss confidential information related to the claim.

The purpose of the proposed resolution is to authorize the Department of Corporation Counsel to settle the Workers' Compensation claim, under terms set forth in the executive session meeting.

Your Committee voted 7-0 to recommend adoption of Resolution 22-104. I ask for the Members support of this motion. Mahalo.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Madam Clerk.

COMMITTEE REPORT
NO. 22-101 - GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending the following:

1. That Bill 145 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 5.22, MAUI COUNTY CODE, RELATING TO BICYCLE TOUR BUSINESSES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 21-453, from Councilmember Michael J. Molina, be FILED.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS OF COMMITTEE REPORT 22-94 *[SIC]*.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member King, to approve Committee Report 22-101.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. And Members, please bear with me, I might be a little bit more long-winded than usual. Your GREAT Committee met on November 16, 2021, November 24, 2021, January 18, 2022, March 15 and March 22 of 2022, June 14, 2022, and August 16, 2022, and September 8, 2022, to discuss legislation to address bicycle tour public safety and related litigation concerns.

The Committee initially discussed County Communication 21-453, under which I transmitted a proposed resolution entitled "URGING THE MAYOR TO ADDRESS BICYCLE TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS". The purpose of the proposed resolution is to urge the Mayor to address bicycle-tour public safety and related litigation concerns on Maui Island.

Given the weight of the matter, I felt more stringent action should be taken and introduced a bill to amend Chapter 5.22, Maui County Code, to establish limits and restrictions for commercial bike-tour businesses, and to address public safety, traffic, illegal parking, and related litigation concerns on Maui Island.

The, as displayed by the long list of meeting dates in which I, we met on this item, our Committee discussed a proposed bill and introduced revisions along the way, as we, what was incorporated were revisions based on feedback received and discussions with the Kula Community Association and bike-tour companies who are impacted by the bill. And by the way, I do want to thank the Kula Community Association for their contributions to this, as well as Councilmember Sugimura.

Your Committee received oral and written testimony in support of addressing bike-tour public safety and related litigation concerns, as well as input from Corporation Counsel, Finance, Parks and Recreation, Planning, Police, Prosecuting Attorney, and Public Works; all who supported the intent of the bill and provided feedback on ways to strengthen the bill's language and address respective concerns relating to this industry.

Representatives from the commercial bike-tour operations expressed concern that regulations imposed on guided commercial bike tours could decrease clientele and also increase the number of visitors biking on busy or dangerous roads without a guide or visitors biking with illegal and unpermitted businesses.

Chapter 5.22.020 of our Maui County Code, already prohibits businesses or persons from conducting commercial bike tours on County and State properties without first obtaining a bike-tour business permit in accordance with Chapter 5.22, in addition to any other requirement of State law.

To further address these concerns, your Committee added additional requirements for businesses or individuals applying for a permit and added stricter penalties for any person who violates the requirements and prohibitions in existing sections of the Code.

Your Committee also amended the proposed bill by adding the specifications for commercial bike tours operating in the Makawao-Pukalani-Kula and Pā'ia-Ha'ikū Community Plan areas, such as restricting bike tours to operate only from sunrise to sunset on Haleakala Crater Road and between specific mile markers, and adding restrictions to days and times commercial bike tours can operate on Baldwin Avenue.

The amendments ensure bicyclists are riding during daylight and in areas with less traffic, increases awareness and respect for culturally significant holidays, and decreases the opportunity for traffic accidents and backups because bicyclists would be riding outside peak school and work traffic hours.

Your Committee also extended the ordinance effective date to provide ample time for bike-tour operators to have properly comply with the bill.

And the, in addition, the all in all, your Committee's priority was the safety and well-being of Maui County residents and visitors when addressing concerns from both bike-tour companies and testifiers requesting stricter laws on bike tours and bike-tour companies.

Your Committee voted 9-0 to recommend passage of this bill on first reading and filing of County Communication 21-453. Mahalo for your indulgence, Madam Chair, and also Members. I need a drink of water here after this. Thank you.

CHAIR LEE: This was a feat already. Any more discussion?

COUNCILMEMBER MOLINA: Madam Chair.

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: If there's no other discussion, I'd like to propose an amendment.

CHAIR LEE: Alright.

COUNCILMEMBER MOLINA: As mentioned from Mr. Mayer, if I could just get my information here. I got a ton of notes here. So, Madam Chair, could we just take a, I'm sorry, no, go ahead, I'm ready now.

CHAIR LEE: Okay.

COUNCILMEMBER MOLINA:

> I'D LIKE TO MAKE A MOTION TO CHANGING THE LANGUAGE FROM MILE MARKER 0.0 TO MILE MARKER 3.0, TO, TO READ NOW "FROM MILE MARKER 3.0 TO MILE MARKER 9.5".

This achieves the goal of the bill to begin bike tours below the entrance of the National Park and ending them above the residential area on Crater Road. So, that would be my proposed amendment.

VICE-CHAIR RAWLINS-FERNANDEZ:

> SECOND.

CHAIR LEE: Second.

VICE-CHAIR RAWLINS-FERNANDEZ: Second.

CHAIR LEE: Moved by Member Molina, seconded by Vice-Chair Rawlins-Fernandez, to make those changes.

Any discussion, Mr. Molina?

COUNCILMEMBER MOLINA: Madam Chair, I'll yield the floor to any Members who'd like to make comments on the proposal amendment.

CHAIR LEE: Members, any discussion?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. When we were in Committee, I believe that was some of the amendments that, some of that language was in the amendments that I made in Committee. And so, I just wanted to clear staff's name because I know it was brought up that staff did this. It was not staff. It was me. I put this language in at the behest of a community member, thinking that it would better clarify the space in which we were speaking of. So, I fully support the amendment, because that was unintentional. And so, we're just cleaning it up here. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

And then the main motion as amended, or do you have another amendment?

COUNCILMEMBER MOLINA: No, Madam Chair. Just wanted to express my thank you's also to another individual, Mr. Perez, as well. And also, to the bike tour industries, Mr. Feliciano, who was served as a resource. And, you know, for the first time, now we really have some true regulations on this industry. It may not be what everybody wants, but it is a start. And as one testifier said it's a compromise. And I appreciate all of our community members who kind of got into the, this matter, maybe prior to us taking action to do online surveys and what not. It's much appreciated. And certainly, this may not close the door.

This proposed bill, if passed, the enactment date would be February of next year. And certainly, if things don't work out with the proposed current regulations, a future Council

can make some adjustments as well. And if it means elimination, so be it. But at this point, this is a good start. And I want to thank everyone involved. And I'm hoping that the concerns that have been expressed by the public will be addressed by the industry, and we'll move forward from there. Thank you, Madam Chair.

CHAIR LEE: Thank you, Mr. Molina.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I want to commend Member Molina for his hard work on this in working with the community, all the parties involved, all those that would be affected, and to really listening to those who are really concerned about the safety of, you know, those participating in the bike tours. So, I think this did consist of a lot of compromises.

And I did receive several emails. And then, we did get a testifier from Paia this morning about the section that allows for bike tours to go down Baldwin Avenue. While we were in Committee, we heard from some of the bike-tours that they may not end up going down Baldwin Avenue anymore, because they would be confined to the area above the 3 mile marker before that, or before this proposal.

How they operated was they came down into Makawao Town, they would stop at the shops and the restaurants there, and then they would continue down Baldwin Avenue. So, if they are, well, with this proposal, they would be above the 3 mile marker. And they it, they may not end up going down Baldwin Avenue anyway.

And so, I'm open to, you know, revisiting that later, after this legislation passes, and we see the transition from what, how it's currently operating to what it will be after this becomes law. And on behalf of the Member Molina, I'm happy to continue working with his community on this. Mahalo, Chair.

CHAIR LEE: Anyone else?

Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Also, I'd like to thank not just Mr. Molina, but his Committee that worked tirelessly, over and over and over, trying to listen to the community, trying to listen to our own hearts and minds in terms of how we come to the conclusions that we all do. But just the idea that compromises sometimes are not easy to do, but sometimes are the best thing to do, so that everybody has a win-win.

But what I liked about this is that you can always come back again, you know? We're going to, it doesn't take effect until next year. But let's see what happens between now and then. Let's see what happens once the regulations are in place. And then if it works, it's great. If it doesn't, then we can always change it. We can amend it. We're the policymakers and we can do that. But I like the idea of having a win-win as much as possible. So, thank you, Chair.

CHAIR LEE: Thank you. Any more discussion?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I support this bill. And I think we've done extraordinary amount of work on this back and forth between the Committee and Council. I, nobody, I mean, when you, when you pass impactful bills, no, not, you can't make everybody happy. And you know, we, I think the fact that we don't have the industry here today, I think they heard loud and clear. I think they will, you know, I want to commend them for agreeing to make some of the compromises they're going to have to make.

I think for some people in the community we didn't go far enough, but it's a start. And we had, you know, pushing it back and forth and looking for a perfect without getting an actual bill passed that's going to start regulating this industry would have been detrimental to the community, I feel.

I think it's really important that we start the regulations and we, as we feel our way through, and like Councilmember Molina said, that future councils may be able to tweak this bill.

But I personally have been on a bike tour. I personally know people that have had these, who, you know, had and, and gotten out of this business. And I personally have witnessed some of the detrimental accident, not witnessed seeing them, but hearing about them and seeing that, what, you know, the lawsuits that resulted.

So, it was time to regulate this industry. And I want to thank Councilmember Molina for getting this bill to this level. I guess we're almost at the finish line, and wholeheartedly support it. Thank you.

CHAIR LEE: Thank you. Anybody else?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Yeah, thank you, Mr. Molina. You certainly did work on this slowly, so I appreciate that, and not trying to rush it through, because I think a lot of the concerns were addressed through this bill. I will thank you, because you have addressed Kula's concerns, but it sounds like there's some unanswered or concerns that came up, I think during Committee, and again today and, about Paia-Makawao having concerns. But I know that when we passed this out of Committee and we asked about them, you were fine with it. So, at that point, we passed the bill as it is. And thank you for addressing my community's concerns.

And I will, if I am lucky to be elected, re-elected again, I'll take this bill up for more discussion, to address some of the concerns that were brought up today. I think I had spoke to Mr. Molina about that, about this and we'll see. As the Members are saying, you know, when this bill passes, let's see what the impact is. And safety and road safety, and liability is the intention of this, and I wonder if we need to go further.

So, I'm going to support this bill, because it protects my community. I appreciate that as it kind of got focused on it. And appreciate the efforts, because I think you made the Kula community happy with the number of residents that were being affected on Crater Road with videos and all kind of petitions. And Mr. Perez, you know, Mr. Mayer, we had the bike companies come and talk to the Kula Community Association. I mean, just lots done. But there's more to do. So, I support this, and I look forward to discussing it further at the appropriate time. Thank you.

CHAIR LEE: Any more discussion? If not, I just want to say that I, too, I'm very grateful, Mr. Molina, for all of your hard work, because it must have been frustrating having to recommit this item several times. And you did it, and you displayed what you call yeoman's work. I don't know what a yeoman does, but it must be something good.

Alright, Members, ready to vote on the main motion as amended? All those in favor of the motion, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

COUNCILMEMBER MOLINA: Mahalo, Members.

CHAIR LEE: Mahalo.

Madam Clerk.

COMMITTEE REPORT
NO. 22-102 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending that Bill 119, CD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 3.44.015, MAUI COUNTY CODE, RELATING TO CONVEYANCE OF EASEMENTS TO THE COUNTY OF MAUI," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-102.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Pro Tem Kama, to approve the recommendations in Committee Report 22-102.

Discussion? Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Infrastructure Transportation Committee met on August 15, 2022, and September 12, 2022, to discuss a proposed bill entitled, "A BILL FOR AN ORDINANCE AMENDING SECTION 3.44.015, MAUI COUNTY CODE, RELATING TO CONVEYANCE OF EASEMENTS TO THE COUNTY OF MAUI."

Your Committee notes that the current easement review process directly impacts the Director of Public Works ability to perform timely reviews for housing projects if the Director continues to perform easement reviews.

Your Committee notes the County's surveyor who was responsible for easement reviews retired in 2019.

Your Committee notes that while three-party surveyors provide support for the easement review process, because they are additionally used for subdivision and land acquisition reviews, they do not have the capacity to expand their services.

Your Committee also notes that projects most impacted by Bill 119 are building permits and subdivision approvals, but all types of projects, including private development and capital improvement projects would be affected.

Your Committee voted 7-0 to recommend passage of the Bill 119, CD1 (2022) for first reading. And I respectfully ask for the Committee's support of my motion. Thank you. Thank you, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Madam Clerk.

COUNCILMEMBER SUGIMURA: Thank you.

COMMITTEE REPORT
NO. 22-103 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending that Resolution 22-207, CD1 entitled, "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE DAIRY ROAD PARCELS SITUATED IN KAHULUI, MAUI, HAWAII, UNDER SECTION 3.44.015, MAUI COUNTY CODE," be ADOPTED.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-103.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Moved by Member Sugimura, seconded by Member, Pro Tem Kama, to approve the Committee Report 22-103 and its recommendations.

Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Infrastructure Transportation Committee met on September 12, 2022, to discuss a proposed resolution entitled, "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE DAIRY ROAD PARCELS SITUATED IN KAHULUI, MAUI, HAWAII PURSUANT TO MAUI COUNTY CODE".

Your Committee notes the Resolution 22-207 must be approved in conjunction with Resolution No. 22-208, which will be taken up next as a package of acceptance.

The Director of Public Works supported the County's oversight of the roadways even though they do not currently meet County standards. And estimated roadway improvements will cost up to the, will cost the County approximately $3 million.

Your Committee described flooding issues with the roadway lots, and noted that Department of Public Works conducted a preliminary inspection of the drain lines and confirmed that they are in acceptable condition.

Your Committee also noted Dairy Road is identified in the Hele Mai Maui Long Range Transportation Plan 2040 for the intersection improvements and a possible Complete Streets project.

Your Committee voted 5-0 to recommend adoption of the Resolution 22-207, CD1, and I respectfully ask for the Members support of the motion.

CHAIR LEE: Any more discussion? If not, all those in favor of the motion, raise your hand and say "aye". Where is Mr. Sinenci? Oh, I see him. Okay.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Mr., Madam Clerk.

COMMITTEE REPORT
NO. 22-104 - INFRASTRUCTURE AND TRANSPORTATION COMMITTEE:

Recommending that Resolution 22-208, entitled "ACCEPTING DEDICATION OF VARIOUS PARKS FROM ALEXANDER & BALDWIN, LLC AND A & B PROPERTIES, HAWAII, LLC SITUATED IN VARIOUS LOCATIONS ON MAUI, HAWAII, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE," be DISCHARGED.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-104.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Pro Tem Kama, to approve Committee Report 22-104 and its recommendations.

Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Your Infrastructure Transportation Committee met on September 12, 2022, to discuss a proposed resolution entitled, "ACCEPTING DEDICATION OF VARIOUS PARKS FROM ALEXANDER & BALDWIN,

LLC AND A & B PROPERTIES, HAWAII, LLC SITUATED IN VARIOUS LOCATIONS ON MAUI, HAWAII, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

Your Committee noted that the purpose of the resolution is to accept dedication of seven parks located in Maui, Hawaii.

Your Committee noted that Resolution 22-208 must be approved in conjunction with Resolution 22-207 as a package of acceptance.

Your Committee noted that as a result of further discussion with A & B, a portion of the Lot A-1 (Baby Beach), will be donated to the Maui Country Club as an exclusive easement. And the remaining 23 acres will be dedicated to the County and placed in a land trust. The subdivision of the property is in accordance with Section 18.04.020(G), Maui County Code.

A representative from A & B stated that they do not support residential development on the acreage being donated to the Maui Country Club.

The Planning Director clarified that this acreage is split zoned, half of which is zoned Residential, and the other half zoned Interim. Development on the property would require a Special Management Area permit, if exemptions are allowed, that are consistent with zoning and community plan area.

A representative from the University of Hawaii Sea Grant College Program explained the importance of keeping the property as a natural buffer to protect infrastructure from coastal hazards.

The Committee also noted that Baby Beach is designated Open Space/Park as identified in the Maui Island Plan.

The Director of Parks and Recreation explained that the County currently manages and maintains Baldwin Beach Park, Rainbow Park, and Ho'aloha Park through a lease with A & B. The remaining donated parks not currently managed or maintained by the County will still need to be assessed and budget, and a budget amendment to address maintenance costs for these parks would also be needed.

Your Committee agreed to discharge the Infrastructure and Transportation Committee from further consideration of Resolution 22-208 with the understanding that the Administration would transmit a revised resolution incorporating revisions to Lot A-1, incorporating, including a new map and property description.

Your Committee voted 5-0 to recommend discharge of Resolution 22-208. And after this body votes on the recommendations of the Committee, I will have further motions related to this legislation. And I respectfully ask for the Members support of my motion. And I wanted to give a special mahalo to Keani Rawlins-Fernandez as working on this in the IT Committee and how you helped me, right on, on this discharge. Thank you. Thank you, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Member Sugimura.

COUNCILMEMBER SUGIMURA: I move to adopt Resolution 22- . . .

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, point of order. Was there a motion?

CHAIR LEE: To, to, I thought the motion was to approve Committee Report 22-104.

COUNCILMEMBER SUGIMURA: Yeah.

VICE-CHAIR RAWLINS-FERNANDEZ: We need to amend the main motion? To substitute?

COUNCILMEMBER SUGIMURA: I thought that it gets replaced with, because it was discharged.

CHAIR LEE: Okay, wait. Wait. Hold on.

COUNCILMEMBER SUGIMURA: Oh, sorry. I'm sorry.

CHAIR LEE: Let's ask David. David, can you walk us through this?

COUNCILMEMBER MOLINA: Madam Chair? Sorry, quick point of order. Maybe can we just call for a recess to work the details out and then come back at your calling?

CHAIR LEE: It shouldn't take long.

COUNCILMEMBER MOLINA: Okay.

CHAIR LEE: David.

DEPUTY DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Thank you, Chair Lee. So, the committee report recommended that the Committee be discharged from further consideration of the resolution. So, approval of that recommendation puts the resolution before the body. And then, any motions relating to that resolution would be in order from this point forward.

CHAIR LEE: Okay. So, we voted on it. We approved the recommendation of Committee Report 22-104. And now you are going to make your motion to substitute, right?

COUNCILMEMBER SUGIMURA: Right. Right.

CHAIR LEE: David?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR LEE: David?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. I think a main motion would be in order first. So, a motion to adopt the resolution and then any amendments would be in order at that point.

CHAIR LEE: Okay. Do you, did you hear that, Member Sugimura?

COUNCILMEMBER SUGIMURA: May I ask Mr. Raatz a question?

CHAIR LEE: Go ahead.

COUNCILMEMBER SUGIMURA: Okay, go ahead. Mr. Raatz, so, my ASF that I have prepared is basically . . . Resolution 22-208 with the resolution attached to County Communication 22-248, and then file County Communication 22-248.

COUNCILMEMBER KAMA: Second.

COUNCILMEMBER SUGIMURA: Right?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Chair, if I may? Yes, that's correct, after the main motion to recommend adoption of the resolution is put before the body.

COUNCILMEMBER SUGIMURA: Okay, so the resolution that the main motion is Resolution 22-08, right?

DEPUTY DIRECTOR OF COUNCIL SERVICES: 22-208.

COUNCILMEMBER SUGIMURA: I'm sorry, 22-208. Okay, so.

CHAIR LEE: So, are you--

COUNCILMEMBER SUGIMURA:

I MOVE TO ADOPT RESOLUTION 22-208.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SUGIMURA: And then I have the ASF.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Oh, here it comes.

CHAIR LEE: Thanks.

COUNCILMEMBER SUGIMURA: It's the whole bill.

CHAIR LEE: Alright. Now we should take a recess.

COUNCILMEMBER SUGIMURA: Yeah. Okay.

COUNCILMEMBER KAMA: We should go lunch.

VICE-CHAIR RAWLINS-FERNANDEZ: No objections.

CHAIR LEE: This is a lot of information. This is, but this is just changing.

COUNCILMEMBER KAMA: Just a substitute, right?

COUNCILMEMBER SUGIMURA: Yeah, it's just a tax map key correction.

VICE-CHAIR RAWLINS-FERNANDEZ: It's just a map.

CHAIR LEE: Yeah. Yeah, just--

COUNCILMEMBER KAMA: Everything else is fine, right?

CHAIR LEE: Instead of one TMK, it's two TMK's or something like that.

COUNCILMEMBER SUGIMURA: And if I could, Chair?

CHAIR LEE: So, how long is this going to take us to pour through this?

COUNCILMEMBER SUGIMURA: So--

CHAIR LEE: Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: If I could. This was discussed in Committee. And this is the substitution or the correction of the TMK based upon the agreement with Maui Country Club and the County of Maui. And as you know--

CHAIR LEE: Okay, you know what, why don't you, now that we have this information, can you repeat your motion?

COUNCILMEMBER SUGIMURA: Okay.

SO, IF YOU LOOK AT THE ASF, I MOVE TO SUBSTITUTE RESOLUTION 22-208 WITH THE RESOLUTION ATTACHED IN COUNTY COMMUNICATION 22-248 WITH A, AND TO FILE COUNTY COMMUNICATION 22-248.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Alright. Discussion?

COUNCILMEMBER SUGIMURA: Okay, thank you. So, the substantive amendment incorporated a new property description and a new map of Lot A-1, identified as a portion of TMK: (2) 3-8-001-072, containing and area of 23.204 acres, more or less, as described in the map attached as Exhibit "1".

As discussed in the Infrastructure and Transportation Committee meeting on September 12, 2022, 6.917 acres of Lot A-1 will be donated by A&B to Maui Country Club as an exclusive easement and the remaining acreage will be donated to the County. The proposed FD1 version of Resolution 22-208 reflects this.

So proposed FD1 revisions Resolution 208 is attached. So, the discussion is memorialized.

CHAIR LEE: Any discussion?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just wanted to clarify the procedure that we just did. Okay, so we had a motion to discharge, and then we called for the vote. And it was unanimous to discharge. And then, we have a main motion to adopt Resolution 22-208 with a motion to amend a substitution of what we just received. Is that what's on the floor?

CHAIR LEE: I don't recall the motion to discharge.

COUNCILMEMBER SUGIMURA: Yeah, we didn't have to, because remember we took care of it in Committee. The most unusual thing we did.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, that was unusual.

COUNCILMEMBER SUGIMURA: On September 12.

CHAIR LEE: Okay, we didn't, we didn't have a motion to discharge.

COUNCILMEMBER SUGIMURA: Don't need to.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Well, because the committee report was asked for the discharge. So, when we approve the committee report, we approved the discharge, because that's what was asked for in the committee report.

COUNCILMEMBER SUGIMURA: Right.

COUNCILMEMBER KING: So, we did the discharge through the committee report approval and then we, there was a motion to approve--

CHAIR LEE: No, but there was no special motion on the floor for that.

COUNCILMEMBER KING: Well, the, the motion was to--

CHAIR LEE: To approve the committee report.

COUNCILMEMBER KING: --approve the committee report and we, we approved that. So, that was the discharge.

CHAIR LEE: Okay. Okay, thanks for the clarification.

Alright, back to you, Member Sugimura. Anything else?

COUNCILMEMBER SUGIMURA: That is basically it as far as this ASF.

CHAIR LEE: Okay, so now we have the substitution before us.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR LEE: Any more discussion?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Chair?

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Go ahead, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. I was just going to speak in strong support of the motion. I guess we're on the motion . . . And so, this, as we discussed in Committee, I can't remember the exact number, but it's more land than what was originally in Resolution 208. And so, I'm supportive of that. And I wanted to thank the Mayor and the Administration, Member Molina, and all the long-time advocates, former Councilmember Nishiki, Kai Nishiki, Aunty Mopsy, Joycelyn, who else was there, Lucienne. So, a lot of community advocates who have been advocating for this effort to protect and preserve our shorelines. And mahalo to A&B for working with the County on accomplishing this. This is, I think this is huge. So, mahalo, Chair.

CHAIR LEE: Alright, any more discussion? And then, Mr. Raatz.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. Just a final piece to the procedural puzzle as to ensure that the Council did call up County Communication 22-248, which was on the agenda earlier, but was postponed to be taken up in conjunction with this resolution. Thank you, Chair.

CHAIR LEE: Thank you. You did read that, didn't you? It says right there, move to substitute Resolution 22-208 with the resolution attached to County Communication 22-248, and to file County Communication 22-248. That's the clarification that you wanted, Mr. Raatz?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Yes, thank you, Chair.

CHAIR LEE: Okay. Alright. Anything else?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much, Chair. So, I too want to express our appreciation cause I think this is something that the community and our residents will now enjoy in perpetuity, these seven parks. We all have stories growing up and, you know, using them.

But I also want to make special note on the Dairy Road portion, because that directly impacts my Committee, infrastructure, public works and environmental management actually, in terms of infrastructure. And I look forward to working on this as we try to make improvements. I think Director Molina estimated like maybe $3 million, an early estimate of improvements we would need.

But I want to add in communication with Ed Sniffen, which is, who he is the Deputy Director of State Department of Transportation. I talked to him about this at the Eddie Tam, not Eddie Tam, Elmer Cravalho road dedication last week Friday. And he was, you know, we talked about how the State basically took care of this road because it was, as you know, the Old Airport Access Road. So, they took special care of the, that particular road, which we're now taking over. So, it's not in a disastrous condition.

And I look forward to working with the Department of Public Works and Department of Environmental Management as we, as we improve this road to be a complete street road. So, thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Okay, does that take care of everything, David?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Yes. Thank you, Chair.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Thank you everybody.

VICE-CHAIR RAWLINS-FERNANDEZ: Is the motion to amend for the substitution, and now we are on the main motion as amended.

CHAIR LEE: Okay, David?

DEPUTY DIRECTOR OF COUNCIL SERVICES: We'll, defer to the Clerk on the motions. Thank you, Chair.

CHAIR LEE: Okay. The main motion as amended. Okay. The main motion as amended, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Okay. Very good. Okay, now we took care of committee reports. So, rather than proceeding with resolutions, how about we take a one-hour lunch break? And then, huh?

COUNCILMEMBER MOLINA: Chair, would you consider an hour half?

CHAIR LEE: Oh, hour half, okay. Only if you guys promise to behave like you have been. Because we've done, we've made some really good time today. And that's because we've kept our comments to a minimum, and that has really helped. And what's helped too is the testimony has been right on target, too. So, let's say 1:30. This meeting is in recess until 1:30.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:01 P.M., AND WAS RECONVENED AT 1:30 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS JOHNSON AND KING, EXCUSED.)

CHAIR LEE: Will the Council meeting of October 7, please reconvene.

Madam Clerk, shall we start with resolutions testimony?

COUNTY CLERK: Yes, Chair. Proceeding with testimony on resolutions. The first person to testify is Paul Tonnessen. Followed by Jennifer Baumstark.

CHAIR LEE: And how many do we have altogether?

COUNTY CLERK: We have 14, but a couple of the names have already testified.

CHAIR LEE: Okay. The first name again.

COUNTY CLERK: Paul Tonnessen.

CHAIR LEE: Paul Tonnessen, okay. If you could mention your name and the item you're testifying on please.

MR. PAUL TONNESSEN (testifying on Resolution No. 22-228):

My name is Paul Tonnessen and I'm the Executive Director for the Friends of the Children's Justice Center. And today I'm here to speak on behalf of Resolution 22-228.

Assisting survivors of sexual violence is emotionally draining and demanding work that comes with a personal cost for service providers, especially the sexual assault nursing examiners also known as SANE nurses.

Personally, as a long-time advocate for children who have been victimized not only by sexual abuse, but also physical and emotional abuse, I know all too well the emotional toll known as secondary trauma stress or for short, STS, has had on me. There are days I just sit in my office and cry due to some of the horrific things that are happening to our keiki on Maui that I have to encounter, and I am not one of the first responders.

STS is found in those who hear about or have to respond to another's trauma rather than being the victims themselves. Secondary trauma has been well-documented in those who work with sexual assault survivors, especially the SANE nurses that are on the front lines directly responding after the assault has taken place.

Numerous studies have found that all the nurses who care for rape victims reported a heightened awareness of their own vulnerability. Half of them reported changes in their own daily behaviors. In these studies, they've also found the SANE nurses have a variety of emotional responses including anger, nightmares, fear, sadness, helplessness, anxiety, and difficulty focusing.

STS creates a high risk of burnout in our human service providers nationwide. These burnouts can consist of emotional exhaustion, depersonalization, and a reduced sense of personal accomplishment. In comparing burnout across various types of nurses, the highest rates of burnout have been found in the emergency rooms and SANE nurses compared to nurses who are working with other populations in their professions.

This job takes a special person to do it and the majority of people would not only be, not only, not be able to do it, but would not choose to do it. There are also rewarding parts of this type of work in knowing that by being there for someone after a traumatic event has happened to them, they become a safety net for them, a sense of security maybe for the first time ever in the child's life. And you are able to be part of a much-needed healing process for these individuals.

I have watched the SANE staff on Maui for over ten years put aside the stresses of the job and respond to each and every child they encounter with dignity, empathy and compassion. When I come to speak, I always research what I'm talking about. And what I found was that the average SANE nurse stays in the profession 1-2 years. Jennifer, who is one of them, is going on ten years now. So, if these individuals are bringing value to our community, which they are, then it should not be difficult for us to show them that we see the value in them. Most people doing this work don't expect ridiculous raises or bonuses. They just want to be paid what they are worth. And by not doing so, what message will we be sending to them?

So, I am humbly asking the Council, while reviewing 22-228, to not only see the human value these individuals have for the victims, their families, and our community overall,

but to also understand that we need to be in line with other governmental agencies in providing a fair compensation for our SANE nurses that they so rightfully deserve.

I just want to add one quick thing, because I didn't use up all my time. These, these front-line workers have a horrific job. And I'll tell ya, they reach out to the community to make the environment the child comes into, they call me up and say can you bring stuffed animals? Can we have extra clothes, you know? I mean, they go above and beyond. So, I greatly appreciate it if you would consider the increase in their compensation. Thank you.

CHAIR LEE: Thank you. Any questions, Members? Member Sugimura has a question.

COUNCILMEMBER SUGIMURA: I want to thank you for sitting here all day. You've been here even before the resolutions were read. So, thank you for being passionate.

MR. TONNESSEN: I went to work at 4:00 a.m. and then I said, you know, this is the perfect excuse for me to sit down and do nothing. So, it was a good break. Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Member Paltin.

MR. TONNESSEN: Yes?

COUNCILMEMBER PALTIN: Oh, I just wanted to clarify, is this time-sensitive, like?

MR. TONNESSEN: Yes.

COUNCILMEMBER PALTIN: Okay. So, you want us to pass it today?

MR. TONNESSEN: There's some counties in the State of Hawaii that literally have no SANE nurses because they're not being compensated. And hats off to the staff here. They've been doing this for years. And I'm telling you, as someone that is an advocate and works with children, a lot of this is coming from their heart. It's not the money. But you're not going to be able to maintain any type of quality people, if there isn't an increase in their compensation.

COUNCILMEMBER PALTIN: So, just to clarify, you'd like us to pass this today?

MR. TONNESSEN: I would love you to pass this today. They've been waiting a long, long time.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. TONNESSEN: Thank you.

CHAIR LEE: Any more questions?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha. Mahalo for your testimony. How many nurses are we down to?

MR. TONNESSEN: Two. There's some islands that have none. And so, what's happening is they're actually paying overtime for other people to come in and substitute. So, it's actually costing them more then if we were fair in the beginning, and being able just to maintain the staff.

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

CHAIR LEE: Anyone else? If not, thank you very much. Next testifier.

COUNTY CLERK: My apologies, Chair. I didn't see Mike Moran's name in front of Jennifer's. So, Mike Moran would be the next testifier, and would be followed by Jennifer Baumstark.

CHAIR LEE: Hi Mike. Can't hear you. Can't hear you.

MR. MIKE MORAN (testifying on Resolution Nos. 22-191, 22-227, 22-231, and 22-234):

Thank you. Good afternoon, Chair. I'll be back later. Hopefully, I won't be saying good evening, Chair. Let's hope this will move along. So, I'll try and do my part. We have four resolutions that we wanted to comment on.

The first one is 21-191 *[sic],* on the Maui Planning Commission appointments. We have commended this Council before on your due diligence in trying to get some kind of balance in the Maui Planning Commission. And that's your job, even though it's a difficult task, when people say, well the Mayor appoints them and the Council approves it.

You know, when you, it says, the game show it's kind of fun when they say, okay, do you want to take door number 1, or you guess at what's in door number 2 or 3? Well, that might be fine for a game show, but that's not a good way to run the government

when you're given the choice do you want this up or down and you don't know what the other choices are, you make your best judgment on it. And we commend the Council for doing the best you can and trying not to really stray from the agenda.

But I think many of us saw the opinion piece in the, in our paper this morning, attacking the Council for doing your job. We can say . . . association, we truly appreciate volunteers who step up. But you have to make that decision. Which are going to be the best volunteers? So, we felt it was kind of disrespectful to attack our elected officials for doing their job, and we just commend you for doing it. And hope you can just continue to make the best choices you can. Okay, that's on 191.

Moving on to 227. Trying to rectify the actions taken by the State Leg, which is hampering this Committee as you proceed along. So, we're in full support of that, that you can try and bring this back to a more efficient system. So, we just continue to support that action in 227.

Moving on to 22-231, appointment to the South Maui Advisory Committee. We are in full support of that, and we have a need. So I, myself, and a few others sit on that South Maui Advisory Committee, and we did lose a few people. So, we are in support of this candidate coming up. And that also ties in with the prior testimony that those of you who don't follow too close, the Planning Commission denied the South Maui Advisory Committee two times in a row, the ability to give input on developments in South Maui. So, it's kind of gutting us, what was the purpose of creating this committee that you folks worked on for years, and some of us volunteered, worked on for years, that we don't even get the opportunity to offer advice. It doesn't have to be accepted, but it would be nice to have the opportunity.

And then, the last one is 234. And again, this is just another attempt by the Council to streamline the system, make it a bit more efficient as best you can so these meetings don't have to be any longer than necessary and can be more efficient. So, we applaud you for trying to take this action. And we are in full support of that one as well. Okay, that's our four items for today. And thank you for the opportunity.

CHAIR LEE: Thank you, Mike. Questions, Members? If not, thank you very much. May we have the next testifier.

(Councilmember King returned to the meeting at 1:42 p.m.)

CHAIR LEE: Let the record show Member King has joined us.

COUNTY CLERK: Chair, our next testifier--

COUNCILMEMBER KING: Thank you, Chair. I, I've been here, I've been trying to get logged on, so I think I'm . . .

COUNTY CLERK: Our next testifier is Jennifer Baumstark. To be followed by JD Wyatt.

MS. JENNIFER BAUMSTARK (testifying on Resolution No. 22-228):

Hello, can you hear me?

CHAIR LEE: Hello. Yes.

MS. BAUMSTARK: Hi. So, I'm Jennifer Baumstark, and I am testifying for 22-228. My role is the medical director for the sexual assault examiners here in Maui County. When I originally started talking to, about raising the call pay, we had three people taking call, but now one of our, now we're down to two.

And I just, I was so touched by what Paul said. And it's true, the vicarious trauma that we, we experience, it's real. It's hard. But myself, and Heather Milovina are the two examiners that are currently covering three, three islands. We are committed to doing this until we find more people to help us. At one point we did have up to five examiners, but now it's just her and I. And the increase in the pay is going to make it a sustainable program.

I currently have three people interested in training. Unfortunately, the other people that have been trained up, they can't, it's not sustainable, it wasn't sustainable for them to continue and that's the reason why they quit taking call with us. And so, it's, it would be much easier for us to, once we find people that are willing to do the job, which is like Paul said, it's not everybody can do this. So, I'm hoping that if I can bring in more people, that they would stay, if we can increase the call pay.

And as mentioned before, you know, Maui County is one of the islands that doesn't have a need right now for, because we do have two people doing it, but other counties, they don't have anyone to do it. So, I just really appreciate the opportunity to testify for this, and I'm happy to answer any questions.

CHAIR LEE: Alright. Questions, Members? No questions. Thank you very much. Next.

COUNTY CLERK: Our next testifier is JD Wyatt. To be followed by Barry Solomon.

MR. JD WYATT, KALIMA O MAUI (testifying on Resolution No. 22-229):

Aloha, Chair Lee. I'm trying to get my video on. It is not taking. Is my audio working?

CHAIR LEE: Perfectly. Perfectly.

MR. WYATT: Okay. I apologize for that. Maybe I'll just go forth. Mahalo, Chair Lee and Councilmembers. My name is JD Wyatt. I'm the Executive Director at Kalima O Maui. I'm testifying in support of Resolution 22-229. And I want to thank you all for what you're doing for hearing my testimony today.

At Kalima O Maui, as you're aware we have custodial and grounds contracts with the County of Maui. And we are seeking a contract amendment of roughly $10,354.29 per month to account for the minimum wage increase from $10.10 to $12 an hour.

For many organizations and companies, I don't know if minimum wage is no longer an issue, you know, for their recruiting, as the wages have drastically went up. But here at Kalima O Maui, I have 60 employees, adults with disabilities, who are earning minimum wage. And those are all members of our crews that work in both custodial and grounds. We have another ten or so adults with disabilities that make minimum wage, but those are in our, some of our internal programs, like our laundry activities and our shredding services.

So, we are just looking, simply looking for the gap of the minimum wage from October 1, through the fiscal year end of June 30. And the total amount of that including, I can itemize, it's about $82,000 in actual wages based on the 60 employees. There's an additional $4266 of worker comp increases based on that increased payroll, and an additional $6739 in payroll tax expenses. And the total of that amount is the 93,188.60. And that's where my monthly number comes from for nine months.

We really would appreciate the support of the Council. My crews are some of the most reliable, wonderful people that you could ever run into and work with. And you know, Kalima O Maui, for decades, has held a C-14 certificate and now those are no longer enforced. But we never used those. We never paid subminimum wages. And certainly, our staff deserves that increase as well. And, you know, we, we didn't have it in our initial proposal to the County. When I recognized that we needed to add that, you know, it had already been approved. So, that's why I'm coming before the County and asking for your support for Resolution 22-229.

CHAIR LEE: Alright. Thank you. Members, questions?

Member Sugimura, then Pro Tem Kama.

COUNCILMEMBER SUGIMURA: Thank you. So, thank you for your testimony. Is there an urgency for this, as you're talking about current wages? I know that the minimum wage increased.

MR. WYATT: Yeah, so, effective October 1st, it did. There is a sense of urgency though. Though we won't be into the majority of the October pay period until our next pay period. So, if the Council needs time to, to discuss that or get any further information from me, I'd be happy to provide, you know, the detailed breakdown. I did send a letter to Karla Peters, the Director of Parks and Rec, with the, with the breakdown of what I'm requesting. So, it would be really fantastic, if there was an approval for that to take place sometime during this month, while we're in the increased month.

COUNCILMEMBER SUGIMURA: Thank you.

MR. WYATT: Thank you.

CHAIR LEE: Pro Tem Kama.

COUNCILMEMBER KAMA: Member Sugimura asked my question, so I got the answer. So, thank you.

CHAIR LEE: Okay. Anyone else? If not, thank you very much.

And Madam Clerk, may we have the next testifier, please?

COUNTY CLERK: Our next testifier is Barry Solomon. To be followed by Lucienne de Naie. Barry Solomon.

CHAIR LEE: The next one.

COUNTY CLERK: Lucienne de Naie.

MS. LUCIENNE DE NAIE (testifying on Resolution Nos. 22-191 and 22-204):

Hello.

CHAIR LEE: Hello again.

MS. DE NAIE: Hello again. It must be afternoon. I'm Lucienne de Naie. I'm testifying on behalf of myself. I'm testifying about two prospective appointments to the boards and commissions for Maui County. I mean, I have to echo Mike Moran. It's like, gosh, it's really hard to just sit there and know what decision is best, when you don't know what your choices were, you know. It's like, we don't appoint our, our community advisory boards for our community plans that way. We don't appoint other important advisory groups that way. But unfortunately, due to our Charter, our boards and commissions are just appointed by this sort of secret process. So, hopefully, the Charter amendment that creates a blue-ribbon committee will pass and will at least have a group of people really out actively looking for qualified people, etc., etc.

But back to these two agenda items. Agenda item 191 is for the planning commission, Mr. Rod Antone. And you know, Rod does serve on the advisory board to the planning commission from Paia-Haiku. So, I guess he wants to go where the action is, and tired of our sleepy little advisory board already after one meeting. But, gosh, you know, Rod's a great guy. I just think that his viewpoint and skill sets are probably pretty well-represented on the planning commission. There's a lot of people on the commission that just feel that the economy trumps everything, and if someone just mentions there's jobs, or there's affordable housing, or whatever, you don't have to really question too much, you know? You need to do a little bit of questioning and do some due diligence, but basically you can just vote yes.

And you know, the commission is empowered to actually ask the tough questions and put tough conditions on projects that are going to need to be mitigated. And, you know, I would sure like to know who else was appointed, as a person who has applied for the planning commission many times in the past, you know? No one ever calls. I know other qualified people who have applied. They, they're never called. So, are these political appointments or are they really high-quality appointments? Because someone's on for five years. It's not like oh, well, they do a bad job, they'll expire in a year. So, I think you should just take that into account.

And as far as the appointment to the water board, yes, it is a very advisory board. But shoots, once again, it's my understanding that we had a highly qualified person put in an application, and that is Luukia Nakanelua, and her first name is Veronica, her official name. But when I just recently took the boards and commissions training from the Center for Hawaiian Law Excellence at UH, she was one of the trainers. Wow, wouldn't it be great to have someone on a board or a commission that actually had that background, who is young and, you know, could give service to our community for a longer time, and who is a female, a smart lady.

So, but you guys don't even know that you had that choice; that there was another highly qualified person who was willing to serve with a great background on water, understands water very well, local Maui girl, very respected family. Her dad, Kyle is the Po'o of the Aha Moku Council. You know, we don't get people like this who are willing to put their name forward every day. We should give them a chance. So, thank you for your consideration.

CHAIR LEE: Thank you. Did you have another one?

MS. DE NAIE: No, those were the two items I believe that I'm signed up for that are under this, unless I'm confused like everybody else.

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

MS. DE NAIE: Thank you.

COUNCILMEMBER SINENCI: Chair?

MS. DE NAIE: I think--

CHAIR LEE: I'm sorry, Shane had his hand up. Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you. I just had a clarifying question for you, Ms. de Naie. You mentioned that Mr. Antone is already serving on which board?

MS. DE NAIE: He's serving on the Advisory Board from Paia-Haiku to the Maui Planning Commission. He's the vice-chair. I'm the chair. He's the vice-chair. He was just appointed vice-chair about, I don't know, a month and a half ago or so. But like I say, maybe he's attracted by the bright lights of the big planning commission.

COUNCILMEMBER SINENCI: Alright. Thank you.

MS. DE NAIE: Okay. Bye-bye

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

Madam Clerk.

COUNTY CLERK: Chair, our next testifier is Brad Sherman. And Mr. Sherman will be followed by Kaitlin Gillespie.

MR. BRAD SHERMAN (testifying on Resolution No. 22-233):

Councilmembers, hello. Thank you for your time. My name is Brad Sherman. I'm offering testimony today in support of Resolution No. 22-233, "REITERATING SUPPORT FOR THE VITAL ROLE OF THE FREE PRESS AND THE RIGHTS OF MAUI COUNTY WORKERS EMPLOYED AT THE LOCAL DAILY NEWSPAPER". We're talking of course about the Maui News, and this resolution frankly could not come at a more appropriate time.

The Maui News, for 17 years, was the place where I worked, and it covered the place that I live, is of course a community institution. The people who report the news, who work with local advertisers, who interact with readers and subscribers, they maintain and grow that institution. The paper and the people are vital for everyone who calls Maui County home. All of that will be put in jeopardy by the changes that are being proposed by Maui News management and executives.

We're going to hear about Ogden Newspapers, the West Virginia-based company that owns the paper. But who owns the business is not the same as who the paper belongs to. The Maui News belong not only to them, it belongs to the people in Maui County. It is in essence a community trust.

And Ogden has come to the contract bargaining table and they proposed a reduction in hours. By definition, that would mean people would be less able to do their work. Reporters would write less. Photographers would take fewer pictures. Fewer phone calls could be answered. Fewer people can ask questions. And at a time when we need more, when we need more engagement and more information. When Maui County needs and deserves more, there will be less.

And Ogden's proposals would not only do that. It would reduce the quantity of what Maui County would receive. Their proposal would also impact quality. The mainland lawyers that Ogden is using for contract bargaining have proposed allowing any work to be outsourced anywhere. The mainland, overseas, to places with no familiarity or understanding of Maui County.

And the result of that could begin with things as eye-rolling as puns about surfing and beaches and the like. And it can move into spelling errors. And it could become bigger factual mistakes. And there could be cultural misunderstandings and offensive errors. And things like that are not what workers aspire to. And it is also not the award-winning journalism that Maui County has received for decades and deserves for decades and generations to come. It is not enough.

The proposals that we're talking about will not serve anyone. They are mistakes. And that's why this resolution that supports people, and that means both Maui News workers and community members everywhere, this resolution that wants to defend a strong newspaper for Maui County is so worthy of passage. And I urge you to give it your support.

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

COUNCILMEMBER PALTIN: . . . time sensitivity. Can you verify?

MR. SHERMAN: Member Paltin, I'm sorry. I couldn't hear the first half of what you said.

COUNCILMEMBER PALTIN: Oh, sorry. I thought you had mentioned the time-sensitivity. I was wondering if you could clarify? Is it your intention you wanted this passed today?

MR. SHERMAN: That would be outstanding if it could pass today. I understand, though, that there is, of course, a process. Contract bargaining is underway. These proposals are on the table now and that is an immediate concern to be sure for everybody.

COUNCILMEMBER PALTIN: Okay. Thank you for clarifying.

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

MR. SHERMAN: Thank you.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Our next testifier is Kaitlin Gillespie. To be followed by Jacqueline Cockett.

MS. KAITLIN GILLESPIE (testifying on Resolution No. 22-233):

Good afternoon, Council. My name is Kaitlin Gillespie. I'm a news field staff representative for the Pacific Media Workers Guild Local 39521, representing workers at the Maui News. I'm actually joining you today from Seattle and I'm also here to testify in support of Resolution No. 22-233. I want to thank the Council for its continued interest in these negotiations. And I'm sorry that we're not here celebrating a strong . . . on behalf of Ogden Newspapers, and the journalists, advertising representatives, and others who keep this award-winning newspaper running.

Unfortunately, people are here for the second time in a couple years because the union workers of the publication face significant threats to their livelihood and the survival of

the newspaper itself. Ogden Newspapers, the West Virginia-based company that owns the Maui News is proposing language that would allow the sweeping ability to outsource work, force already strained workers to take on additional duties well outside of their job description, that would allow the company to cut hours and then by extension wages by 20-25 percent in any given week.

These proposals are unacceptable. Adding insult to injury, the company refuses to be accountable to the workers who would be impacted. Company attorneys refused in a bargaining session last month to answer our committee's basic questions about the language and left the table entirely when workers tried to call in and observe our session.

Prior to my work for the News Guild, I spent ten years as a reporter on the west coast. I am familiar with . . .

CHAIR LEE: Kaitlin? Kaitlin? Kaitlin, you're breaking up.

MS. GILLESPIE: . . . newspaper publishers and CEO's who . . .

CHAIR LEE: Your voice is breaking up.

MS. GILLESPIE: --and I've seen in both seasons of my career the impact that outsource, outsourcing, oh.

CHAIR LEE: Your voice is breaking up.

MS. GILLESPIE: Is that a little better? Can you hear me?

CHAIR LEE: Could you turn your video off? If you turn your video off, maybe we can hear you better.

MS. GILLESPIE: Hello?

CHAIR LEE: Yes.

MS. GILLESPIE: Is that a little better?

CHAIR LEE: Yeah, it sounds a little better. Proceed.

MS. GILLESPIE: Okay. Alright. I've seen in both seasons of my career the impact that outsourcing like what the Maui News wants to pursue has . . . It leads to burnt out reporters, culturally insensitive errors, and a paper that could not possibly provide the

level of coverage its community. Workers of the Maui News, with your support and the support of the community are united in their fight for a contract preserving living wages, adequate staffing, workplace security, and more.

And while these fights are noble enough in and of themselves, this fight is about more than that. One local journalism is under threat. The survival of a functioning democracy hangs in the balance. And that's what workers at the Maui News are fighting for. And this is what this community, this community is fighting for. This community is what workers at the Maui News are fighting for. So, thank you again for your interest and support. I'm sure you'll hear more from us in the coming weeks. In the meantime, I'm happy to answer any immediate questions.

CHAIR LEE: Questions, Members, for Ms. Gillespie? Member King.

COUNCILMEMBER KING: I'll make it quick. Thank you, Chair. Ms. Gillespie, thank you for your testimony. How long has this concern, I mean, this can't be just a brand new concern, can it?

MS. GILLESPIE: So, we've been in negotiations there at the Maui News for a couple of years now. You guys passed a resolution, this Council passed a resolution two years ago with many of these similar outsourcing proposals in mind. Negotiations there stagnated, in part due to challenges connected with the pandemic. So, you're right, these are not new concerns.

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

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

COUNTY CLERK: Our next testifier is Jacqueline Cockett. To be followed by Shay Chan-Hodges.

MS. JACQUELINE COCKETT (testifying on Resolution No. 22-228):

Good afternoon, Chair and Councilmembers. My name is Jacqueline Cockett and I am the program director for the Children's Justice Center here on Maui. I am testifying today in support of Resolution 22-228. Our center utilizes the SANES, the sex assault nurse examiners for the children who we serve at the Children's Justice Center. All children who are suspected victims of child sexual abuse are entitled to a medical evaluation by a healthcare provider with specialized training and expertise. The medical exams are performed, as mentioned before, by only two SANES here in Maui

County, and that's Heather and Dr. Baumstark, who also travel to Lanai and Molokai to perform these specialized medical exams. And they have incurred specialized training and many years of expertise.

Before the end of this year, we will be co-locating with the County. And at our new location, we have a specialized medical room specifically for the children to be examined, non-acute exams, and conducted at this new location.

The SANES are well-deserved to receive an increase in on-call pay as they are clearly dedicated to this work. I have been in this field for over 20 years in the social work field, and to everyone's credit, our team in particular sees the dedication of these two SANES. And without them, as I mentioned earlier, our children would not have that medical evaluation that they are afforded and needed. So, I am requesting that this be passed today. I thank you for your time.

CHAIR LEE: Thank you. Members, questions? If not, thank you very much. May we have the next testifier, please.

COUNTY CLERK: Our next testifier is Shay Chan-Hodges. To be followed by Faith Chase.

MS. SHAY CHAN HODGES (testifying on Resolution No. 22-204):

Aloha, Councilmembers. I'm Shay Chan Hodges and a former member, vice-chair, and chair of the Board of Water Supply. I'm testifying to express concerns about the current nominee to the BWS. In May 2018, the Board of Water Supply sent a letter to then Mayor Arakawa regarding gender diversify for boards and commissions, emphasizing the importance of seeking a balance on all boards. When Mayor Victorino took office, we sent the same letter to him. In the beginning of his term, then, Gladys, then EA Gladys Baisa did make efforts to ensure that our board was balanced. And we really appreciated that.

However, there are now five men and only three women on the BWS. If Dave Jorgensen is approved, the board will be highly unbalanced with two men for every woman. I don't understand at this point why any male nominee would be considered at this time. It seems obvious to me that once one gender has reached five members, all nominees should be of the other gender. And I see no justification for a water board primarily made up of men.

We have more than enough qualified women in our community to fill four or five board seats and unfortunately, as Lucienne described, many of those qualified women have applied to be on the BWS, but haven't been nominated. And those who have been

nominated and approved have proven to be enormous assets to the board and the community, including those now serving; Toni Eaton, Donna Sterling, Juanita Reyher-Colon. These board members have set the standard with a high level of expertise and demonstrated commitment to stewardship of our water, the community, and individual residents.

And the reason I mention the last point is that members of the Board of Water Supply often serve in a quasi-judicial role making decisions when municipal water users have disputes with the Water Department. In these contested cases, the board is often the last resort for residents before they file expensive lawsuits. This process requires a willingness to both listen to the little guy, in the words of current board member Dean Frampton, and to hold the Department of Water Supply staff accountable.

I do have concerns about Mr. Jorgensen's fit for this role. A couple years ago, Councilmember Kama's office contacted me and my husband to see if we could help a Maui resident who was being foreclosed on. That's when we learned that Mr. Jorgensen serves as a court appointed commissioner, a job that I believe pays over $7,000 for a successful foreclosure, which includes removing owners from their homes and auctioning off their houses often for far less than their market value. For me, Mr. Jorgensen's professional choice speaks to whether these residents will get a fair hearing. I'm also unclear how this and his other experience contributes to the Board of Water Supply. I believe that every nominee should have demonstrated skills in areas such as water law, engineering, hydrology, infrastructure finance, cultural practices, or social justice, to name just a few.

Again, we have so many qualified women who would like to serve on this board. As Lucienne said, Luukia Nakanelua is a water attorney who would provide really, really needed expertise. And I know she applied. I do not understand why she was not nominated. And the fact that she wasn't sends a very discouraging message to women and to other qualified residents in our community. I ask you to reject Dave Jorgensen and ask the Mayor to nominate Luukia or one of the other many qualified women in our community to the Board of Water Supply, because we really need them. Mahalo.

CHAIR LEE: Members, questions? Member King.

COUNCILMEMBER KING: Thank you, Chair. Just real quick. Thanks for being here, Shay. The person that you said you asked us to, you know, request the Mayor nominate, is a current applicant to the Board of Water Supply?

MS. CHAN HODGES: She's a current applicant and we reached out to her to ask her if she was still interested, and she is.

COUNCILMEMBER KING: Okay. Thank you. Thank you for being here.

MS. CHAN HODGES: Thank you.

CHAIR LEE: Any other questions? If not, thank you very much. May we have the next testifier please.

COUNTY CLERK: Our next testifier is Faith Chase. To be followed by Robert Collias.

MS. FAITH CHASE (testifying on Resolution No. 22-191, 22-204, and 22-233):

Good afternoon, Chair Lee. Good afternoon, Maui County Council. I first want to . . .

CHAIR LEE: Faith, we can't hear you. Faith. Can't hear you. Did you change your last name? That's what I was thinking. Okay. We'll come back to you, Faith. We can't hear you at all now.

May we have the next testifier.

COUNTY CLERK: Our next testifier is Robert Collias. To be followed by Matthew Thayer.

CHAIR LEE: I think Faith might be able to come back after this. Mr. Collias. Hello, Mr. Collias.

MR. ROBERT COLLIAS (testifying on Resolution No. 22-233):

Good afternoon, County Councilmembers. I have to be honest I have never testified in this forum before. But honestly, in my heart of hearts, I feel it's time to save our daily newspaper, the Maui News. The unbelievable public support we have received recently shows us all as much. I've been a sportswriter for the Maui News since 1990. Ninety-five percent of my time is spent in the field. I talk with community members daily.

I happen to have been named the National Sports Media Association Sportswriter of the Year for the State of Hawaii in 2021. And to do that against bigger publications around the State, not an easy thing to do. But honestly, I wouldn't have had that award or honor without the opportunity that I get to cover our County from Lanai City to Hoolehua, to Hana, to Olinda, to Wailuku, to Kahului. For example, I'll be at the football game tonight with my colleague Matthew Thayer, who I've had the utmost honor to have worked with for my entire career.

Nobody covers Maui County like we do. And local journalists and local employees doing local work is essential for that to continue. Honestly, a lot of our stuff, of our work gets carried by other outlets. For example, scoringlive.com uses my statistics from football games, every single game, for 20 games this year. So, in my opinion, nobody covers Maui County like we do. Nobody. And you know, at one point in my career, we had more than 20 journalists in the newsroom. We had more than 100 overall employees at the newspaper at that same point.

Ogden Newspaper bought us in the year 2000. And for 22, nearly 20 of the 22 years that they have owned us, we've been able to work out fair and, you know, workable contracts. We do understand the state of newspapers worldwide, honestly. But these new proposals and reductions in hours automatically would require a deduction in work, less coverage for our community, of course, but also less service for our community as well.

Like, right now, we already for a lot of our rural routes we have to send newspapers by mail. That is obviously not, that is obviously not great, but anyway, I think that means my time is up. I thank you from the bottom of my heart for letting me talk, and truly appreciate the opportunity.

CHAIR LEE: Thank you, Mr. Collias. Members, do you have any questions? If not, thank you very much. May we have the next testifier, please.

COUNTY CLERK: We can circle back around to Faith Chase.

MS. FAITH CHASE (testifying on Resolution Nos. 22-191, 22-204, 22-227, 22-232 and 22-233):

Aloha, Chair Lee. My apologies.

CHAIR LEE: Hi.

MS. CHASE: I'm on a different improved device. Aloha, Council. I would like to speak. I spoke in Committee as well, but I'd like to speak again against the Rod Antone appointment to the Planning Commission. While he appears to be an incredibly hard worker, I feel like he has too many irons in the fire, and they are strikingly conflicting. So, that's my short report, that's my short report.

I also absolutely in opposed after looking into, by the advice of my counsel actually, after looking deeper into the candidate David Jorgensen. I am opposed to his

appointment to the Board of Water Supply. I had not counted how many wahine and kane are on the Board of Water Supply. I really appreciate my previous testifier, Shay Chan Hodges for pointing that out. Absolutely, that should be a reason enough, especially with the other items that you have on today's agenda that relate to women. I think it's apropos.

I'd like to just say thank you for putting forward the Hawaii State Association of Counties public testimony piece. That was really frustrating. Thank you for realizing that that doesn't serve the public in making whatever adjustments you did to make sure that we have reasonable time to testify.

As far as the 22-232, sustainable tourism practices and certification. I don't actually think I told the office staff that I was going to be testifying on this. But really quickly, this is great. My family has been working in this area for many, many, many, many, many years. We can't even hold accountable the people, the, our previous elected officials that we worked with in the beginning, because they're not around anymore. In fact, they're in jail.

So, this is a huge piece. But let me tell the piece that needs to be the follow through is that you need to send this information as if it's a press packet to Maui Visitors Bureau and Hawaii Tourism Authority. Because just because you do it over here doesn't mean that they're going to follow through, because there's some shady things going on. Nobody's staying on the right page about sustainable tourism. So, when you say sustainable, it doesn't just mean environmental. It means attitude and practices too. Thank you.

I really want to encrust the free press 233. You know, you as a government are required to post notices of your meetings and legalities and legal notices in the classified sections of a paid newspaper that reaches a certain popula. Okay, once you start getting outsourced stories from Virginia or wherever Ogden thinks that they're going to hire sourced, you know, copy, you're going to lose the interest of your public and you are no longer reaching your local population.

So, I say that in the most serious manner. I know there's a lot of different sentimental factors about having a local paper. Those are all my friends talking on here. I worked at the Maui News for eight years. I was able to pull myself out of poverty being a single mom with three daughters, with many issues going on. That was a family, that was an extended family. All these people, our lives, and they are the fabric of our community that work there. And they don't need to struggle any further. We all know what the climate of the workforce is.

But just that one piece about filing legality, filing legals in the classified section is a pretty big one, because you'd have to actually relook at those laws if you are not reaching the public. It needs to be a paid subscription newspaper. So, we have those smaller newspapers that are, you know, Hanaside News and MauiTime and they're generally free and that's great. But this is your one paper that is paid subscription, that reaches that population. And the State would also have to adjust there accordingly too. If you're not reaching the public, because they're not reading it, cause it's not public news.

So, please make some wise decisions today and respect to all of these things. And also, just support the working folk. I really appreciate your time. Thank you.

CHAIR LEE: Thank you, Faith. Questions, Members? If not, thank you very much. May we have the next testifier, please.

COUNTY CLERK: Our next testifier is Matthew Thayer. To be followed by Tara Apo.

MR. MATTHEW THAYER (testifying on Resolution No. 22-233):

Aloha, Councilmembers. My name is Matthew Thayer and I'm speaking in support of Resolution No. 22-233. Thank you for considering the challenges faced by the Maui News and its workers. It is really appreciated. During my 42 years working as a photojournalist at the Maui News, my time in the Council chambers was always spent on the other side of the camera. All of us at the paper would prefer to be covering news rather than being part of it. But in this instance, standing on the sideline would not suffice. The future of the paper that I care so much for is at stake.

We've had some tough negotiations with the company in the past, but there was always the feeling that its people were negotiating in good faith. Our union has worked to help the paper through tough times by agreeing to pay cuts and staff cuts. The current tactics of the company has hired mainland negotiators and the proposals they have put forth seemed designed to break our union and to forever diminish the way this newspaper covers this island and its people.

I'm proud of the people I work with. We have some great young storytellers, reporters and editors, from the pressmen, ad sales staff, and circulation members, we are a team. While the newspaper is not as thick as it used to be and while the newsroom staff has shrunk to nearly a third of what it used to be, we are doing our best. I think it is important that our staffers make a fair wage and that the work is done on this island, not farmed out to the mainland. Thank you for your time and support. I truly miss seeing you folks in person and look forward to seeing you again soon. Aloha.

CHAIR LEE: Thank you, Matt. Members, questions? If not, oh, we have a question from Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Aloha, Mr. Thayer, always good to see you. Forty-two years at the Maui News. And you have certainly been an individual that can endure a lot. Being a Cleveland Browns fan for all these years, I give you a, hats off to you. But . . . years over at the Maui News, can you cite an example of how worker conditions have just deteriorated to this point? I mean, you've seen a lot and now this new ownership, it doesn't sound very promising. Can you just cite an example of how bad conditions are now?

MR. THAYER: Well, you know, I mean, we've, we have a lot of pride in the product and what we do. And we can all remember back to the days when you had to have long arms to read the paper, because it was so big and so full of news. And I would say, you know, seeing it shrink has been really hard. Seeing the news whole. But we understand that, you know, the advertising dollar has been, the pie has been sliced thinner and thinner for the different areas.

You know, how to say things are bad? I mean, we still, we're still getting paid, and we're still doing jobs that we love. But we realize we're standing on the edge of the cliff, and it's crumbling. And how, if we're going to continue to be able to do this, I think it's more that we fear what we're not going to be able to do and what this paper is going to become. We love, I love the paper that I work. It's going to be tough.

COUNCILMEMBER MOLINA: Well, sort of the paper has been an institution for Maui County. And thanks for coming out here to testify. Appreciate your thoughts and all your work, Matt. Aloha.

MR. THAYER: Thank you, Mike. Appreciate it.

CHAIR LEE: Any more questions, Members? If not, thank you again, Matt. Good seeing you.

MR. THAYER: Aloha, folks.

COUNTY CLERK: Chair, our next testifier is Tara Apo. To be followed by Chris Sugidono.

MS. TARA APO (testifying on Resolution No. 22-204):

Hi, Chair Lee and Members of the Council.

CHAIR LEE: Good morning. Hello.

MS. APO: I'm testifying on Resolution 22-204, in regards to the Mayor's appointee for the Board of Water Supply. I strongly encourage you to consider the application of another highly qualified candidate who also applied for a seat on the board, Luukia Nakanelua. If you take a look at her resume, you'll see that she has extensive knowledge and experience with particularly water law and policy, water challenges in Hawaii, the Public Trust, as well as Native Hawaiian Law. She's a graduate of the William S. Richardson School of Law, with certificates in environmental and Native Hawaiian law. And she's currently a Post J.D. Legal Fellow at Ka Huli Ao Center for Excellence in Native Hawaiian Law.

Some of her current work focuses on, and I quote "providing government entities with factual and legal research and other support on a range of issues including Native Hawaiian traditional and customary practices, initiatives and policies impacting access to freshwater, and water leases under HRS Chapter 171". Just last year, she co-taught an emerging Hawaii water law issues class with Kapua Sproat.

What an asset she would be in helping the Board of Water Supply navigate their fiduciary obligations and understand and abide by the laws that govern its operations and duties, who is also culturally grounded and well-versed in the needs of Native Hawaiians, cultural rights, and Native Hawaiian law.

It is also my understanding that the BWS asked specifically for greater gender balance. If approved, the Mayor's appointee would be the sixth male on a board of nine, who's really advancing the opposite of gender balance. Luukia, on the other hand, helps the board achieve this goal. I think it's also very important to have representation from our upcoming generation to represent a full range of ideas, insights, and needs of our people and systems for a changing environment, population, and climate.

I really think you can do better. Her resume speaks for itself. And I encourage you to review her application. You'll find evidence of a very hardworking, passionate, and highly competent young woman with a multitude of skills to offer. Mahalo for this opportunity to testify.

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

COUNTY CLERK: Our next testifier is Chris Sugidono. And Chris is the last to sign up as of right now.

MR. CHRIS SUGIDONO (testifying on Resolution No. 22-233):

Good afternoon, Councilmembers. As you see, my foot is doing a little better. I gotta wear basketball shoes to help for the support. It feels very weird being here, because I've never testified for anything. And so, I guess, the thing I'm testifying is in support of Resolution 22-233, I think it is. So, I can't imagine a more appropriate resolution to testify for.

I guess when you think about the Maui News, I worked there for six years, and it was the first job I took out of college. And really kind of helped me become, you know, who I am today, I think. And I think the two issues that they are facing, at least that I'm kind of hearing, and it's even issues that I think I even dealt with when I was there is the reduction of the number of things; reducing hours, reducing pages, reducing the size. It was kind of crazy when, yeah, like Matt was saying about the size of the paper now, and how it's gradually gotten smaller. And the, you know, this outsourcing issue, because I know that had been talked about previously.

And the thing I think about the most is that I think Member Molina had spoken about Maui News being an institution. And to me, in a lot of ways the people that work there are institutions in themselves it feels like. You know, Rob had mentioned 1990 he started working there. That's when I was born, not to make him feel old, but.

And Lila Fujimoto covering courts. Like, I learned literally everything about courts and police reporting, cops reporting from her. She's basically covered every major court story on this island.

And you know, Melissa Tanji working, you know, being in the County Council, covering, you know, Maui News and government for as long as I can remember. And so, you know, to me, you know, outsourcing any of that work, I mean, you lose all of that institutional knowledge. And just the genuine, you know, cultural awareness and care for our community.

And so, the one other example I was going to mention is that I can't say how many times, you know, we've written stories, when I was there, about whether it was, I remember a story when I did a church, Living Way Church, and they trying to, you know, fund buying their property. And so, you know, we always look for these types of stories to, you know, help publicize their efforts. Whether it's like a restaurant that's opening up or, you know, some of the mom-and-pop shop that's opening. And like the very next day, after the papers come out, they sell out, or they meet their fundraising goal.

You know, a child needs, you know, like Trucker Dukes, like they need, you, later they're asking for the community for some funding to go do some of that. You know, emergency work or to get surgeries and things. And so, like, you know, you are on the call, on the phone with them the next day or they send an email and they're like, you know, in tears or just expressing how grateful they are. And so, to me, you know, if you outsource that type of work, you lose that connection, right? And so, yeah, so I mean, I just wanted to say a couple of words and show my support for who I consider my family at Maui News.

CHAIR LEE: Thank you, Chris. Members, Pro Tem Kama, then Member Paltin.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here, Chris. So, you know, we've, you've probably been listening to all of the testimonies here. And you know, what the reso says is that we just want to be able to support what you folks are trying to do, too. But, and I'm hearing what everybody is saying and it touches me, because the Maui News is an institution, you know, and the people who work there are part of that memory of that institution.

So, what more can we do? Because we can talk about it, we can, but what kind of action needs to take place so that Ogden can get a real clear idea as to where we are coming from as local people, right? Because, you know, we have our own thoughts and ideas about how things need to be and should be done and the most appropriate way of doing it culturally. So, what more things need to be done so that, cause we don't need convincing, they need convincing. So, how do we convince them?

MR. SUGIDONO: Yeah, I was kind of thinking that. At least, you know, I think one thing that, I feel like in my experience, like the success of the newspaper isn't just only in it's coverage. Like, I think everyone realizes there is some business aspect to it.

COUNCILMEMBER KAMA: Oh, yeah.

MR. SUGIDONO: And I think I don't know how much the people working there are involved or have a chance to kind of be a part of that discussion or part of that strategy for the success of the paper. Because, you know, it's not like, you know, this issue with what newspapers are facing isn't specific to Maui News. Newspapers everywhere are facing this. But I think having, you know, like these decisions on a more larger corporate-level, if they're just being handled by them and not just, you know, the people that work there and produce the product that you are providing. I think they need to have a, you know, a greater role, or voice in that process. So, that's my thoughts, I guess.

COUNCILMEMBER KAMA: Thank you, Chris. Thank you, Chair.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Sugidono. I just wanted to thank you and just mention that also your Mahana Ridge story that led to the stop work order. If we outsource folks they won't come hiking and taking pictures and then write the story themself, and then lead to a cleaner bay for all of us. So, thank you for that one.

MR. SUGIDONO: Yes, I remember walking the site with you and a couple of the volunteers, but yeah. And I just wanted to say also that I can't express enough credit to you guys in being able to do this, because sitting in there, my career at Maui News, it's a lot more difficult than, you know, people realize. So, I appreciate your guys work.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thanks for being here, Chris. I just wanted to say that really what you're talking about is, and you embraced my thought about how important the Maui News is, because you represent the heart and soul of the community. And the amount of impact that you have, I just recently went to a Wailuku Hongwanji Sunday, Buddhist Woman's Association meeting, and they were quoting about future plans for the church.

And they brought out Maui News from like the '70s or '60s or something, and they're reading it, you know. And their looking back is what you allow the community to do, and for the future. And there's a bridge that I think if we didn't have the Maui News would be a huge loss. So, thank you very much for all the work you have done and thank you very much for being here. I took a picture of you testifying, since it's your first time and I'll send it to your text message. Thank you.

MR. SUGIDONO: Thank you.

CHAIR LEE: Okay, now we know where you're going to be when you come back in your second life. Reporter for the Maui News.

Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you. I'm not sure, but you know, when I think about what might happen if what we want doesn't occur, and this outsourcing occurs, what happens to all the newspapers that are archived? Because, you know, the archives of the Maui News is actually Maui's history, right? It's Maui's history. And to lose all of that. Because I'm not sure how much they treasure that kind of history for us. I know I would treasure that. I got newspaper articles that go way back, but I keep them, and

now I've learned how to, you know, put them on a computer, digitize them, and you don't have to worry about it. But what happens to those archives?

MR. SUGIDONO: I think they have the copies at the library. I know I used to take out the microfiche. Well, we had one at the paper. But I know for the public, they had to go to the library, the college library. But, so, and I think, I don't know if it was Faith or somebody had, they had done an effort to kind of, to yeah, to archive those. So, it was still in digital format that people can look at. So, yeah, it's always really exciting to see those old school newspapers and things.

COUNCILMEMBER KAMA: Thank you. Thank you, Chair.

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

MR. SUGIDONO: Thank you.

CHAIR LEE: Next testifier.

COUNTY CLERK: Our next testifier is Andrew Martin.

MR. ANDREW MARTIN, PROSECUTING ATTORNEY (testifying on Resolution No. 22-228):

Good afternoon, Chair, Members.

CHAIR LEE: Hi.

PROSECUTING ATTORNEY: Nice to see you all.

CHAIR LEE: Hello.

PROSECUTING ATTORNEY: So, I jumped on real quick here at the end. I wasn't sure how much longer it was going to take to get to the Reso 22-228. I do have a meeting at 3:00 that I need to be in. So, I appreciate you giving me this opportunity. Obviously, we're thankful that you are willing to hear this today. We're hopeful that we might have an opportunity to get this passed on the floor.

As you've heard from the other testifiers, you know, we're looking to use this transfer of funds to our "B" Account so that we can increase pay for our on-call SANE and SAFES. And, you know, they do obviously important work for the community, serving victims at a time when really they are needed most. Victims are at their most vulnerable.

These exams happen often, immediately after they've been sexually assaulted. These individuals are highly trained, they're highly dedicated. They don't do this work for the money, they do not. They do it because they understand how important the work is to the victims and how important it is to the community.

But the thing is that, you know, when you have a shortage of nurses everywhere, when you have inflation that's going through the roof, it becomes a real challenge to attract and maintain nurses to this level work when the on-call pay is $6 an hour. And that, you know, we need to make an improvement there. We need to make a jump.

And you know, I really thank Dr. Baumstark for reaching out to me and letting me know about this situation. I'll be perfectly honest with you, I didn't know what we were paying them per hour until she called. And I asked for an invoice. And I looked at it. And my First Deputy, Mike Kagami, and I just kind of went you got to be kidding me? I don't think it had been adjusted in a decade at least, if not more.

You know, we're not looking to get them up to the, you know, I'd love to get them up to, you know, competitive rates with other areas in the community, but I think this is a reasonable first step to make a meaningful improvement in this on-call pay. I think it will help us retain our SANES.

And hopefully, these three SANES that we have coming on-board that go through this rigorous training, I mean, we'll be able to keep them in the program, attract new people to the work. And I just, I really thank you folks for considering it. I do think it's an urgent matter.

Just since I wrote my original justification to the Mayor's Office for this, as I'm sure has been pointed out to you already, we lost one our, our SANES. So, we're down to two. And even they're on a limited schedule. So, that we're, you know, we're not necessarily able to cover the seven days a week, 24 hours a day now. Certain days we're short. So, thank you all. I'm here to answer any questions you may have. And I really appreciate your consideration.

CHAIR LEE: Thank you. Member King, then Vice-Chair Rawlins-Fernandez, and Pro Tem Kama.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Andrew. That's, it's astounding, $6. So, just to clarify on-call employees are not afforded minimum wage? Is that by State law?

PROSECUTING ATTORNEY: You know, I'm not sure. I'd have to look that up to be honest with you. I'll tell you this, even at $6 an hour, we lead the State.

COUNCILMEMBER KING: Oh, my goodness.

PROSECUTING ATTORNEY: Let that sink in for a minute.

COUNCILMEMBER KING: That is, that's--

PROSECUTING ATTORNEY: Let that sink in.

COUNCILMEMBER KING: You know, I mean, it can't. How can it sink in? It's atrocious.

PROSECUTING ATTORNEY: Yeah, yeah.

COUNCILMEMBER KING: But, so, well that's, I mean that's, right now, you know, we just entered into a $12 minimum wage across the State for the last legislative session. So, that's why I was wondering how someone could be paid $6? Even if they were willing to take it, it just, you know. Can you, can you let us know what that, what the law, you know, the State law is, unless somebody else here knows?

PROSECUTING ATTORNEY: Yeah, and I'm no expert in this area, but I think because it's on-call pay, right? So, they're standby. It's standby pay. I think that's why there's wiggle room there.

COUNCILMEMBER KING: Yeah, another, a lot of other departments standby folks get paid more, because they are standing by.

PROSECUTING ATTORNEY: Yes.

COUNCILMEMBER KING: You know, they'll get paid twice as much as minimum, or three times as much, so. Anyway, thank you for bringing that to our attention.

PROSECUTING ATTORNEY: Absolutely. Thank you.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha, Mr. Martin. Mahalo for your testimony.

PROSECUTING ATTORNEY: Aloha.

VICE-CHAIR RAWLINS-FERNANDEZ: I do plan to make the motion to take this up on the floor today, Members, in case you were wondering. My question is regarding the resolution. It says sexual assault forensic examiners. And in testimony we've been hearing sexual assault nurse examiners. Would you please quickly just share with us the difference?

PROSECUTING ATTORNEY: Absolutely. So, sexual assault forensic examiners is a, it's more of a, it's a broader term. It includes sex assault nurse examiners. On the other islands and even previously here on Maui, we actually had physicians as our examiners as well. So, we use the term "sexual assault forensic examiners", just because it includes all forensic examiners who can do this type of work, including physicians. The terms are interchangeable, and we just use the broader term to encompass everybody. But if you hear SANE or SAFE, it's people doing the exact same type of work.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Martin. Mahalo, Chair.

CHAIR LEE: Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you again for being here, Andrew. So, I was trying to understand what it meant to, what on-call meant? Because in my head, it doesn't make sense for somebody to be on-call for $6 an hour, unless just the call alone is $6 an hour? And so, can you explain that?

PROSECUTING ATTORNEY: So, what we do, yeah, so what we do is we pay them an hourly rate. It's typically over a 12-hour period to basically be available to answer a phone call from the Maui Police Department that there is a need to come to the medical facility and conduct a sexual assault exam. So, on their time off from their regular work as whatever their regular position may be, during their time off, their evenings, their weekends, their holidays, they are on-call. We pay them to basically answer that phone whenever they get the call from MPD and to respond to the medical facility in order to conduct an exam. The exam itself is paid separately. MPD handles that part. We handle the on-call pay.

COUNCILMEMBER KAMA: So, basically, they have to be at their phone and whether or not they answer that call, if they get a call, they still get paid the $6.

PROSECUTING ATTORNEY: Yes.

COUNCILMEMBER KAMA: But should they have to respond to a call, then what would kick in was the cost with them to actually do the exam?

PROSECUTING ATTORNEY: Do the exam, that's correct. And we don't ever have a problem with our nurses not answering the call. They always answer the call.

COUNCILMEMBER KAMA: Okay. Okay, well, thank you. Thank you, Chair.

PROSECUTING ATTORNEY: Thank you.

CHAIR LEE: Anybody else? If not, thank you, Andrew. Appreciate your, your testimony and information.

PROSECUTING ATTORNEY: Thank you very much. I appreciate all your time.

CHAIR LEE: Next testifier.

COUNTY CLERK: Chair, there are no individuals currently signed up to testify on this items, resolutions. And if anyone wants to testify on resolutions, please identify yourself now.

CHAIR LEE: I see one. Jasee, are you going to testify?

COUNTY CLERK: This is the last call for testimony.

MR. JASEE LAW (testifying on Resolution No. 22-233);

Jasee Law, Kula uka. 2233, 22-233, or whatever, that one about the Maui News.

CHAIR LEE: Yes.

MR. LAW: I spoke to Chris Minford, the new editor for that paper about the use of the word "homeless". But what I was calling him about. He was very polite, and open-minded, and fair sounding. And he probably couldn't comment on this one, because he, you know, cause he's the manager there and stuff. But I was surprised to learn that the paper was owned by a West Virginia company. And having spent 25 years of my life in Virginia, I can tell you that West Virginia has a lot of freedom loving people and they love their guns. So, I'm wondering if it's a right-wing conservatives holding NRA membership cards? Are they all from that State? Probably not all, but there's a lot.

But I think you guys know this guy called Manchin. He was like the flip flop of the Senate guys. But anyways, I've heard a lot of political ads on the local radio stations lately. And in the end, they keep saying, and it's a new thing this year, or maybe I haven't been listening to the radio in the past, but they say sponsored by the Hawaii

Republican Party. So, I'm wondering if this newspaper thing is a political attempt to capture or control the few electoral votes of the Hawaii? And then, in West Virginia, they're kind of like democratic. They're conservative. I can't explain it. They're democratic/republicans, kind of like my Councilwoman Yuki Lei down there.

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

COUNTY CLERK: Last call for testimony on resolutions.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes.

COUNCILMEMBER KING: I think Mr. Albert Perez just popped up on the screen.

CHAIR LEE: Okay, Mr. Perez. Go ahead.

MR. ALBERT PEREZ (testifying on Resolution Nos. 22-227, 22-228, 22-230, 22-232, 22-233, 22-234):

Aloha, everybody. Yeah, I'm actually going to deviate from my normal testimony. I want to speak personally about a couple of things. One is that Maui News related resolution. And I don't know if it's a solution but, you know, I don't get the sense that these corporations on the mainland really care about local issues, local traditions. It seems like a drastic step, but I was trying to think of what would change their mind. And maybe it just comes down to money, you know?

But I think the County has a choice of where they place their public notices. And you know, if, if it came down to it, it would probably hurt the remaining employees at the Maui News if the County started to advertise in a different paper, whether it be Maui Times or West Hawaii Today, or I mean, I see ads in the Maui News from Kauai and Oahu and every place else. But somehow if this Council could just let them know that we're very aware of just how much money we spend with that paper, maybe they would think twice about how they treat the local employees. So, I don't know if that is a solution, but it just crossed my mind.

The other thing I want to testify about that I wasn't planning on, but I'm learning about 22-228. And this is a very difficult subject about the SANE or SAFE workers. But it's an urgent matter. And it's shocking to hear how little these essential workers are paid. I didn't know anything about this before today, but it's obvious that action needs to be

taken right away. So, please do pass this resolution on the floor today, so they can get some better pay.

And now I'll move to what I was planning to testify about. So, I see some resolutions related to public testimony 22-227, 230, and 234. And it's not clear to me when I see the agenda whether they are scheduled for adoption, or they are just going to be referred to Committee. So, maybe that could be clarified on future agendas? But I just wanted to reiterate that people should have their choice testifying at the beginning, or before each item, but not both. And I thank Members Sugimura and Lee for proposing changes to the Council Rules that appear to allow that.

Okay, and then, for the other reso I want to testify on, it is 22-232, "URGING THE COUNTY OF MAUI AND THE TOURISM INDUSTRY TO ADOPT SUSTAINABLE TOURISM PRACTICES AND CERTIFICATION". You know, I worked in the energy industry for a while and there are many, many businesses that pursue the energy star certification for their building. There are certifications for regenerative agriculture that you can get. I think that sustainable tourism and yes, even regenerative tourism would be good for the industry, good for the aina, and good for Maui's residents. So, becoming a certified sustainable destination would not only benefit our visitor industry, but it would attract the right kind of visitor. And I think we would all be a lot happier. So, I'll stop there. Mahalo.

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

May we have the next testifier.

COUNTY CLERK: This is a final call for testimony on resolutions, item K on the agenda. Final call.

CHAIR LEE: Members, if there are no objections to closing public testimony and accepting written testimony for resolutions, are there any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Madam Clerk.

COUNTY CLERK: Chair, proceeding with resolutions.

RESOLUTIONS

RESOLUTION
NO. 22-190

RELATING TO THE APPOINTMENT OF GERALD SHIZUO MATSUI TO THE FIRE AND PUBLIC SAFETY COMMISSION FOR THE COUNTY OF MAUI

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO DISCHARGE THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE FROM FURTHER CONSIDERATION OF RESOLUTION 22-190.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, second by Member Sugimura, to discharge this item from the Committee.

Any discussion, Member Molina.

COUNCILMEMBER MOLINA: Yes, Madam Chair. The Council's deadline to approve or disapprove the nominee is October 9, 2022, which is why we need to be able to consider this nomination today to meet that deadline. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR RESOLUTION 22-190 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, to waive the Rules of the Council regarding this item.

Further discussion, Member Molina.

COUNCILMEMBER MOLINA: Madam Chair, same reasons as it was for the discharge. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: All "ayes", that's eight "ayes", one "excused"; motion carries.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTION 22-190.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to adopt Resolution 22-190.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. We discussed Mr. Matsui's nomination this past Tuesday in the GREAT Committee meeting. And Resolution 22-190's purpose is to approve or disapprove his nomination to the Fire and Public Safety Commission for a term expiring March 31, 2026, to fill a vacancy due to the resignation of Dylan Andrion.

And your Committee interviewed Mr. Matsui, who is currently the Maui Health System Management Officer, and previously served as the Maui Health Systems Safety Environmental Care Officer, Hazmat Officer, Emergency Management Officer, Director of Facilities, and a lot of other stuff. And also, he previously worked for the County of Maui.

Certainly, your Committee came away impressed with Mr. Matsui. And with that stated, I am very confident that Mr. Matsui would be a tremendous asset to this commission. I'd like to thank him for his willingness to serve and ask for the Members full support of his nomination. Thank you.

CHAIR LEE: Anymore discussion? Do we need a roll call? All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Madam Clerk.

RESOLUTION
NO. 22-191

RELATING TO THE APPOINTMENT OF
ROD WADE ANTONE TO THE MAUI PLANNING COMMISSION

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO DISCHARGE THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE FROM FURTHER CONSIDERATION OF RESOLUTION 22-191.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to discharge this item.

Any further discussion? Mr. Molina.

COUNCILMEMBER MOLINA: Yes, Madam Chair. The Council's deadline to approve or disapprove the nominee is October 10, 2022, so we need to be able to consider the nomination today in order to meet the deadline. 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 KAMA, KING, MOLINA, PALTIN, SINENCI, SUGIMURA, VICE-CHAIR RAWLINS-FERNANDEZ, AND CHAIR LEE.

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR RESOLUTION 22-191 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, to waive the Rules of the Council regarding this item.

Member Molina, discussion.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Like the previous matter, this is time sensitive which is why we need to consider this matter today. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT RESOLUTION 22-191.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to adopt Resolution 22-191.

Discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. We interviewed Mr. Antone during our GREAT Committee meeting earlier this week on Tuesday, October 4. Mr. Antone is the Mayor's nomination to the Maui Planning Commission for a term expiring March 31, 2027, to fill a vacancy due to the resignation of William Gordon Grieg.

Mr. Antone is currently an independent consultant and was previously employed as a reporter and by the Pacific Disaster Center, Maui Hotel and Lodging Association, and the Maui County Mayor's Office.

Mr. Antone stated that his previous experience as a reporter and his work with the County provide him with sound reasoning when it comes to decision making that affects the public. And he noted that he relies on data and studies rather than impassioned pleas from the public when it comes to decision making.

I believe Mr. Antone will be a good addition to this commission. And if there are any types of potential conflicts, he would certainly do the right thing and potentially recuse himself. So, I'm willing to give him an opportunity to serve. Thank you, Madam Chair.

CHAIR LEE: Further discussion?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO AMEND THE RESOLUTION "BE IT RESOLVED" WHERE IT READS THAT IT APPROVES THE COUNCIL OF THE COUNTY OF MAUI, "1. THAT IT APPROVES THE APPOINTMENT OF ROD ANTONE", FROM APPROVE TO DISAPPROVE.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Been moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to disapprove this nominee.

Discussion, Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think it's, it was stated many times in testimony today that Mr. Antone is a hard worker, that he is a great guy. And his interest that was shared in Committee, as we discussed it, are very well represented on the current Maui Planning Commission. And that he is currently the Vice-Chair of the Paia-Haiku Advisory Committee to the Maui Planning Commission. And so, he does have an opportunity to provide his insights in decision-making position.

And I want to extend my appreciation for, to Mr. Antone for his continued service to the community. And in the "BE IT RESOLVED", the second clause is that the Council expresses its gratitude and appreciation to Mr. Antone for his willingness to be considered. And that would remain in the resolution. Mahalo, Chair.

CHAIR LEE: Anymore discussion?

Member Sugimura and then Member King.

COUNCILMEMBER SUGIMURA: Thank you. Thank you. I'm going to speak in opposition of the amended resolution. I believe that Mr. Antone brings knowledge and experience from many sectors. And that I believe it'll be an added depth to the Maui Planning Commission and I support his nomination. So, I'm speaking against this.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I speak in support of the amendment. And I agree with Vice-Chair Rawlins-Fernandez that, you know, we have a lot, we, a lot of us have a lot of respect for Mr. Antone and known him a while. I think there's a imbalance in the planning commission and that his views and his point of is, you know, direction is well represented. We've been under-represented on the environmental side and people who speak up for the public.

And I just want to say too that I was a little bit disappointed when we did the interview that there was a statement about, you know, listening to public input. But when I pressed Mr. Antone on that, what we heard was, well, sometimes the public needs to be educated. And I think that's a two-way street. I think sometimes the planning commissioners need to listen to the public and be educated on what the public knows, especially when they're not in the district that they have extensive knowledge in. So, I've seen that happen a lot in South Maui District and I just think that we need a better balance on this planning commission since it's supposed to represent the entire island of Maui.

So, it's nothing personal against Mr. Antone. I like him, I have a lot of respect for him. But I think we need to, I think we need to know, as a Council, who else has applied for the planning commission. I would love to see someone like Lucienne de Naie be appointed to the planning commission. I don't know how many other folks like her have been, have applied because we don't get that information sent to us. But we need to make broader decisions based on composite composition of this commission since it makes such important decisions for development in all of our communities on Maui island. So, thank you.

CHAIR LEE: Anymore discussion?

Mr. Sinenci, then Pro Tem Kama.

COUNCILMEMBER SINENCI: Thank you, Chair. I too had the privilege of knowing Mr. Antone, and I have a lot of respect for him. But I'm going to support the motion on the floor mainly because I don't think it's good practice to have consultants to be sitting on these boards and commissions, particularly if they're going to be influenced by, you know, their future clientele . . .

CHAIR LEE: Okay. Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I'm going to be in opposition of this amendment. I heard all the discussion. But I also realized that Mr. Antone brings a lot of historical knowledge with him. And you know, all of our interest here in this Council is wide and varied and, but some of us like some things more than others. I mean, I really like Hawaiian Homes and I like those issues and I want to do it. But not everybody on this Council does too, therefore, but that's not my main interest. I have a lot of interests too.

So, I'd like to be able to allow him the opportunity because he did come to us, he did say I do want to serve. And he did also tell us that he was serving on this other . . . be willing to, be willing to be able to do both if he was allowed. I think I just want to allow him to share, to share with much of what he has to give us. And you know, he's one out of what, nine, nine people on that board? Just like all of us nine, we're not always going to agree, we're not always going to disagree. But collectively, we come out with some pretty good stuff. So, I'm hopeful that nine members of this planning commission will be able to come out with some really good stuff too. Thank you, Chair.

CHAIR LEE: Okay, for the second time, Member Sugimura.

COUNCILMEMBER SUGIMURA: Second and final. So, kind of interesting. Lucienne de Naie, we did appoint her in one of my terms to be on the planning commission--

CHAIR LEE: Okay, let's . . .

COUNCILMEMBER SUGIMURA: --but she withdrew it. That was one of the comments, so.

COUNCILMEMBER PALTIN: Water Board.

COUNCILMEMBER SUGIMURA: Oh, it was Water Board? Anyway, so I just want to say that I believe that if Mr. Antone had a conflict like anybody else, anyone of us, we would recuse ourself. So, you know, it's the quality of the person and their experience and how they can make, you know, overall decisions. And we cannot hope that they fit into boxes of what they can or cannot do in their lifetime. But we do hope it's a accumulation of experience. So, I'm going to, again, speak against this. I stand corrected about Lucienne de Naie. I thought it was this planning commission, but Water Board. So, chances are given. Thank you.

CHAIR LEE: Members, anymore discussion? If not, roll call.

COUNTY CLERK: Resolution 22-191.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: NO.

CHAIR LEE: We can't hear you.

COUNCILMEMBER MOLINA: NO.

COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

COUNTY CLERK: Councilmember Gabe Johnson.

CHAIR LEE: Excused.

(Councilmember Johnson arrived to the meeting at 3:03 p.m.)

COUNCILMEMBER JOHNSON: NO.

I'm sorry, I'm here, Chair. I vote "no".

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, would you mind repeating the motion for Member Johnson?

COUNCILMEMBER SUGIMURA: Can he just pop up like that?

CHAIR LEE: Member Johnson, we're voting on--

COUNCILMEMBER JOHNSON: I'm sorry. I VOTE AYE.

I vote "aye". I beg your pardon.

CHAIR LEE: He changed his vote because he didn't realize where it was.

Okay, next. Next person.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Councilmember Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: NO.

COUNTY CLERK: Councilmember Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: NO.

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

NOES: COUNCILMEMBERS KAMA, MOLINA, SUGIMURA, AND CHAIR LEE.

COUNTY CLERK: That's five "ayes"--

CHAIR LEE: Four, you have five "ayes", so motion carries.

COUNTY CLERK: Four "noes". Motion carries.

CHAIR LEE: Okay. Pardon me? Madam Clerk.

COUNCILMEMBER SUGIMURA: Do you have to bring him into the meeting? He just kind of popped up as a voice. Do you have to bring him into our meeting?

CHAIR LEE: Well, he did. He did vote, so. Let's proceed, Madam Clerk.

COUNCILMEMBER MOLINA: Madam Chair?

COUNTY CLERK: Proceeding with resolution.

COUNCILMEMBER MOLINA: Sorry, Madam Chair?

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: So, just a point of order. With Mr. Johnson's appearance, should we actually recognize him officially at the meeting and wherever he's at for the record?

CHAIR LEE: Oh, okay. Mr. Johnson? Mr. Johnson, can you--

COUNCILMEMBER JOHNSON: Yes, Chair.

CHAIR LEE: --tell us where you are and give us information if you're alone?

COUNCILMEMBER JOHNSON: Yes, I'm alone, I'm alone in New York State. Thank you.

CHAIR LEE: Okay. Timing was impeccable. Alright, shall we proceed?

COUNTY CLERK: Moving on with Resolution 22-204.

VICE-CHAIR RAWLINS-FERNANDEZ: Main motion.

CHAIR LEE: The main motion, as amended. Oh, that's right. The main motion as amended. Any more discussion? And so, we'll have roll call on this as well.

COUNTY CLERK: Reso 22-191. Main motion as amended.

	Councilmember Shane Sinenci.
COUNCILMEMBER SINENCI:	AYE.
COUNTY CLERK:	Councilmember Mike Molina.
COUNCILMEMBER MOLINA:	NO.
COUNTY CLERK:	Councilmember Kelly T. King.
COUNCILMEMBER KING:	AYE.
COUNTY CLERK:	Councilmember Gabe Johnson.
COUNCILMEMBER JOHNSON:	AYE.
COUNTY CLERK:	Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN:	AYE.
COUNTY CLERK:	Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA:	NO.
COUNTY CLERK:	Council Pro Tem Tasha Kama.
COUNCILMEMBER KAMA:	NO.
COUNTY CLERK:	Council Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ:	AYE.

COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: NO.

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

NOES: COUNCILMEMBERS KAMA, MOLINA, SUGIMURA, AND CHAIR LEE.

COUNTY CLERK: That's five "ayes", four "noes"; motion carries.

CHAIR LEE: Next.

RESOLUTION
NO. 22-204

RELATING TO THE APPOINTMENT OF
DAVID MARSHALL JORGENSEN TO THE BOARD OF WATER SUPPLY
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 RESOLUTION 22-204.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Seconded by, moved by Member Molina, seconded by Member Sugimura, to discharge the Committee of this item.

Member Molina, discussion.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The Council's deadline to approve or disapprove this nominee is October 17, 2022. We need to be able to consider the nomination today in order to meet that deadline. Thank you.

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

CHAIR LEE: Everybody's? Alright, Member Johnson?

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.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR RESOLUTION 22-204 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, with regard to the waiver of this item.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Like the reason given for the discharge request, this is a time sensitive matter. Thank you.

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

Member Johnson?

COUNCILMEMBER JOHNSON: 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 RESOLUTION 22-204.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to, I'm sorry, was it discharge? Oh, adopt the Resolution 22-204.

And discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. We also interviewed Mr. Jorgensen during our GREAT Committee meeting on Tuesday, October 4. Mr. Jorgensen is the Mayor's nomination to the Board of Water Supply for a term expiring March 31, 2027, to fill a vacancy due to the removal of Kalikolehua Elizabeth Keanuenueonalanai Storer.

And Mr. Jorgensen is an attorney and partner at Takitani Agaran Jorgensen & Wildman LLP. And he stated he would like to serve on the board to increase community participation on non-profit and government boards and commissions, as he feels its essential to making and helping keep Maui, Maui. In addition to his advocacy work as an attorney, Mr. Jorgensen is also the president of Kalima O Maui, past president of the Boys and Girls Clubs of Maui, and previously served on the Maui Police Commission.

Although Mr. Jorgensen expressed interest in the Liquor Control Commission, he did identify that there may be some instances where he'd have to recuse himself due to potential conflicts with his work. So, he feels like the Board of Water Supply is a better fit for him and noted he would continue to educate himself on the water issues. And I believe Mr. Jorgensen, I think would be a good addition to this board. I'd like to thank him for his willingness to serve. And certainly, if there are conflicts, he would do the right thing. And if any conflicts potentially continue, he would probably do the right thing and resign if that should occur. So, I'll ask for the Members consideration of Mr. Jorgensen. Thank you.

CHAIR LEE: Member Sugimura, discussion.

COUNCILMEMBER SUGIMURA: I know that we had Committee discussion with him, and he said that if there was a conflict, he would recuse himself. So, I trust his judgement. Support, I support Mr. Jorgensen.

CHAIR LEE: Anymore discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

AND I MOVE TO AMEND "BE IT RESOLVED" CLAUSE 1. FROM APPROVED TO DISAPPROVE.

COUNCILMEMBER PALTIN:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Paltin, to amend the motion to disapprove the nominee.

Discussion. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. We heard overwhelming testimony in support of the most qualified candidate that submitted an application for the position on the Board of Water Supply. In Member Sinenci's APT Committee yesterday, we heard a presentation from Dr. Scheuer. That level of legal analysis and experience that we heard at more in plain language for everyone to easily understand is the level of work that Ms. Nakanelua is capable of. She is an expert in water law is what she specializes in. And I think the community, the County, deserves the most qualified applicant to serve on our boards and commissions. It is of the best interest of our County.

In Committee, we did talk about the different potential conflicts, and I did commend Mr. Jorgensen for his . . . advocacy for his clients in representing the timeshares and the different hotels of which the Board of Water Supply is, has currently established a TIG to create a new category that would provide equity in water use, as Dr. Scheuer talked about yesterday in the APT Committee, is using pricing to help regulate for conservation of our public trust resource.

And I, I am not confident that this nominee would be able to take a neutral position on this discussion that the Board of Water Supply is unanimously supporting the direction of. I think it's long overdue that this is explored. And I would hate for this effort to be hampered now that it's moving in this direction. And as, again, we heard in the presentation yesterday, that there are public trust purposes, some of which are of much higher priorities and that is something that Ms. Nakanelua understands. So, I will be supporting the motion to disapprove Mr. Jorgensen. Mahalo, Chair.

CHAIR LEE: Members, I'd like to remind you that we agreed on one minute, so please stay within that one minute for your turn.

Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. I echo what has just been said, and I also speak in support of gender equity. And that, I think, we just received testimony this afternoon that Ms. Nakanelua is still willing and available to serve and that she does provide this kind of guidance to government. So, it's, I mean, it's like we're getting this value for a volunteer, which is volunteer is free. But I mean, volunteer, there's no price on that. I speak in support of the motion. Thank you.

CHAIR LEE: Thank you. Any more discussion?

Member King.

COUNCILMEMBER KING: Thank you, Chair. I, I think Mr. Sinenci had his hand up first.

CHAIR LEE: Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Member King. I'll make it fast. As the Agriculture and Public Resource/Public Trust Committee Chair, I was looking for a more experienced and expertise to sit on this Board of Water Supply. While I do know Mr. Jorgensen, he did say on Tuesday that he was part of the ARDA timeshare group and part of the resort industry, and that he would represent the issues of the hotels. I think if they requested him, Mr. Jorgensen would be able to speak to hotel water rates as a commissioner.

For me, I don't feel that it's good policy for us to put lobbyists as board members. We cannot predict who their future clients will be and the potential to attract clients that may want to influence water policy. I speak in support.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair. I support the amendment. And again, nothing personal against Mr. Jorgensen. I've known Dave for a long time. He's a great member of the community. He volunteers with many nonprofits.

But I'm frankly a little astounded that the Administration would not put someone like Ms. Nakanelua on the Board of Water Supply, you know, to get that gender balance, but also this level of expertise. I mean, to be able to see an application like this and pass someone like this up, I mean, I just don't understand it. But I think we would not even have known had we not inquired.

I mean, in my first term on this Council, there was just basically rubber-stamping, rubber-stamping all the names that came down. And this really shows the need for the Charter amendment for the independent nominating committee, so that you can look at, you know there's a committee that's looking at these names in the context of how many people and who have applied, because we don't get that information on the Council. So, sorry, I went over my minute. But I support the amendment. Thank you.

CHAIR LEE: Thanks. Only by five seconds. Very good.

Member Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I'm sorry, I speak against the amendment because my understanding is Mr. Jorgensen comes from the Kahului District, which would represent the Kahului District on this board. And that was my understanding. So, I'm Kahului. So, I just want to support my Kahului peeps.

CHAIR LEE: Alright, any more discussion?

COUNCILMEMBER SUGIMURA: Let's vote.

CHAIR LEE: Anymore discussion? Ready for the vote? Okay, roll call.

COUNTY CLERK: This is Reso 22-204, amendment to remove approve to disapprove for the appointment of David Marshall Jorgensen.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: NO.

COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: AYE.

COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: AYE.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: NO.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: NO.

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

NOES: COUNCILMEMBERS KAMA, MOLINA, SUGIMURA, AND CHAIR LEE.

COUNTY CLERK: It's five "ayes", four "noes"; motion carries.

CHAIR LEE: The motion, main motion as amended. Any more discussion? If not, roll call.

COUNTY CLERK: Reso 22-204. Main motion as amended.

	Councilmember Shane Sinenci.
COUNCILMEMBER SINENCI:	AYE.
COUNTY CLERK:	Councilmember Mike Molina.
COUNCILMEMBER MOLINA:	NO.
COUNTY CLERK:	Councilmember Kelly T. King.
COUNCILMEMBER KING:	AYE.
COUNTY CLERK:	Councilmember Gabe Johnson.
COUNCILMEMBER JOHNSON:	AYE.
COUNTY CLERK:	Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN:	AYE.
COUNTY CLERK:	Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA:	NO.
COUNTY CLERK:	Council Pro Tem Tasha Kama.
COUNCILMEMBER KAMA:	NO.
COUNTY CLERK:	Council Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ:	AYE.
COUNTY CLERK:	And Council Chair Alice L. Lee.
CHAIR LEE:	NO.

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

NOES: COUNCILMEMBERS KAMA, MOLINA, SUGIMURA, AND CHAIR LEE.

COUNTY CLERK: That's five "ayes", four "noes"; motion carries.

CHAIR LEE: Next.

(Councilmember Johnson was excused from the meeting at 3:21 p.m.)

RESOLUTION
NO. 22-225

APPOINTMENT OF A MEMBER TO THE
URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI

The recommended action is that Resolution No. 22-225 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Any objections to this referral?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: If not, so ordered. Next item.

RESOLUTION
NO. 22-226

REMOVAL OF ROBERT HALE PAHIA FROM
THE KULA AGRICULTURAL PARK COMMITTEE
FOR THE COUNTY OF MAUI

The recommended action is that Resolution No. 22-226 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Madam Chair, I have no objections to this going to Committee.

CHAIR LEE: Any objections to this referral, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Madam Clerk.

RESOLUTION
NO. 22-227

APPROVING FOR INCLUSION IN THE 2023 HAWAI'I STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL RELATING TO PUBLIC TESTIMONY AT OPEN MEETINGS

The recommended action is that Resolution No. 22-227 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Any objections to this referral, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Thank you.

Wait, excuse me one second, Madam Clerk.

Yes?

COUNCILMEMBER PALTIN: On the item 22-227, I thought that the--

CHAIR LEE: It's going to GREAT.

COUNCILMEMBER PALTIN: --the HSAC is voting on their package though, so is it making it the deadline? I mean--

CHAIR LEE: I pulled that back.

COUNCILMEMBER PALTIN: Oh.

CHAIR LEE: I pulled that back because, because we need to discuss this at length in Committee and there may be options.

COUNCILMEMBER PALTIN: Oh, okay. Alright.

CHAIR LEE: We may be able to comply.

COUNCILMEMBER PALTIN: Okay. Thank you for explaining.

CHAIR LEE: Okay. Alright. So, moving onto the budget items.

RESOLUTION
NO. 22-228

AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF THE PROSECUTING ATTORNEY, FISCAL YEAR 2023 BUDGET

CHAIR LEE: Please call up the next one.

RESOLUTION
NO. 22-229

AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PARKS AND RECREATION, FISCAL YEAR 2023 BUDGET

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

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair. Are there any objections to me taking those two up at the same time?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections. So, ordered.

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

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR RESOLUTION 22-228 IN ACCORDANCE WITH RULE 7.G OF THE RULES OF THE COUNCIL, AS WELL AS RESOLUTION 22-229.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Okay, moved by Member, Vice-Chair Rawlins-Fernandez, seconded by who? No, she was pointing to Kelly. Oh, alright. Seconded by Member Kelly King, to waive the Rules of the Council regarding Resos 22-228 and 22-229.

Alright, any discussion on that? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, when this, when Resolution 22-228 was submitted, the County had three trained sexual assault forensic examiners, but we are now down to two, as you also heard in testimony. One issue with the retention is the current hourly rate that has not been adjusted in over a decade. Taking action today will allow the department to increase on-call pay as soon as possible, and recruit and retain individuals for these important positions. And that's the time-sensitivity, because I wish we lived in a world where this wasn't necessary, but unfortunately, we do.

CHAIR LEE: All those in favor--

VICE-CHAIR RAWLINS-FERNANDEZ: For Resolution 22-229, there has been an increase of the minimum pay rate for Kalima O Maui contract. Taking action on this resolution today will enable Department to cover these increased costs expeditiously. Mahalo, Chair.

CHAIR LEE: Anymore discussion? Otherwise, all those in favor of the motion on these two resos, raise your hand and say "aye".

Member Johnson?

VICE-CHAIR RAWLINS-FERNANDEZ: Member Johnson wrote in the chat that he had to leave.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: So, eight "ayes", one "excused" no "noes"; motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo Chair.

I MOVE TO ADOPT RESOLUTION 22-228 AND RESOLUTION 22-229.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Vice-Chair Rawlins-Fernandez, seconded by Member Sugimura, to adopt Resolutions 228, I mean, 22-228 and Resolution 22-229.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the purpose of Resolution 22-228 is to authorize the transfer of an unencumbered appropriation balance in the Department of the Prosecuting Attorney in the amount of $42,000 from Category A (Salaries) to Category B (Operations and Equipment), to increase on-call pay for sexual assault forensic examiners.

The prosecution of sexual assault cases requires a specialized victim centered approach, which includes providing 24/7 access to forensic medical examinations. Sexual assault forensic examiners are on-call 24 hours a day, seven days a week, 365 day a year and provide an important service to our community.

Currently, on-call nurses are paid at a shameful rate of $6 an hour, while on-call nurses and other disciplines much, as much as $25 an hour. This amendment will enable the Department to increase the pay of the remaining examiners and recruit new individuals.

We do have representatives from the Administration that are available to answer any questions that Members have, including Member King's earlier question about on-call rate that the County pays. And I respectfully ask for the Members support of this motion to correct this institutional sexism. Mahalo, Chair.

CHAIR LEE: Thank you. Member King, do you need the information now before the vote?

COUNCILMEMBER KING: No. No, I can wait.

CHAIR LEE: Oh, okay. Alright. Any more discussion? All those in favor of the motion to adopt these resolutions, raise your hand and say "aye".

COUNCILMEMBER KING: "Aye".

CHAIR LEE: Eight. Member Johnson?

VICE-CHAIR RAWLINS-FERNANDEZ: Oh, I'm sorry. Chair, I forgot to do 229.

CHAIR LEE: Oh, I'm, okay. I thought you said both. Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Really quickly.

CHAIR LEE: We're not going to take a vote. That was, we have to hear the discussion on 22, and the motion on 22-229.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. My apologies. And just really quickly, the purpose of the Resolution 22-229 is to authorize the transfer of unencumbered appropriation balance in the Department of Parks and Recreation, Recreation and Support Programs, in the amount of $93,200 from Category A (Salaries) to Category B (Operations and Equipment), for the increased cost of the contract with Kalima O Maui due to an increase in the minimum pay rate. And again, we have representatives from the Administration if there are any questions. Mahalo, Chair.

CHAIR LEE: Alright, any more discussion, Members, on the second resolution? If not, all those in favor of the adopting both resolutions raise your hand and say "aye".

COUNCILMEMBER SUGIMURA: Eight "ayes".

CHAIR LEE: Has Mr. Johnson left the call for the day or just for this item? Okay, I'm going to keep calling his name then, cause I don't know.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, he wrote into the chat.

CHAIR LEE: That?

VICE-CHAIR RAWLINS-FERNANDEZ: He said, "I have to leave the meeting now". So, I guess it's the meeting.

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Madam Clerk.

RESOLUTION
NO. 22-230

AMENDING THE RULES OF THE COUNCIL

The recommended action is that Resolution No. 22-230 be referred to the Government Relations, Ethics, and Transparency Committee.

RESOLUTION
NO. 22-231

APPOINTMENT OF A MEMBER TO THE SOUTH MAUI ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION FOR THE COUNTY OF MAUI

The recommended action is that Resolution No. 22-231 be referred to the Government Relations, Ethics, and Transparency Committee.

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

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objection. Oh, you have a question?

COUNCILMEMBER KING: No, I just have a question. Can we take a quick break? A bathroom break?

CHAIR LEE: Okay, can we wait? Can you take the vote, first on this one? Yeah, they're just referrals. But then we can just complete them.

COUNCILMEMBER KING: No objections.

CHAIR LEE: Okay. No objections to referring these two items.

Member Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. For Resolution 22-230, amending the Rules of the Council. That was introduced by Member Sugimura, I believe. It's a real short amendment that proposes to require taking testimony at the beginning of the meeting. Was the intention to be sent to Committee or can we take that up now?

CHAIR LEE: Her intention--

VICE-CHAIR RAWLINS-FERNANDEZ: I would support taking that up now.

CHAIR LEE: Her intention is to send it to Committee.

COUNCILMEMBER SUGIMURA: I thought we could discuss it along with Chair Lee's bill, so that it could be comprehensive. Cause yours was sent to the GREAT Committee, right, Member Molina?

CHAIR LEE: Yes.

COUNCILMEMBER SUGIMURA: Kind of same subject, so.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thanks.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair Lee's proposal is much more extensive, has a lot more amendments than yours does. Yours is just that one part, which is to take testimony in the beginning of the meeting like our testifiers have been asking us.

CHAIR LEE: I think she knows that. Didn't you ask me to refer this to the GREAT Committee? Yeah. Okay. That's her preference.

COUNCILMEMBER SUGIMURA: I appreciate that, though, Keani. But I think we should talk about it in the GREAT Committee.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay. Mahalo. It is, it belongs to the body now. So, if there is support to take it up now, I support taking it up now. I'd like to adopt it now. I don't really see a reason to wait.

I MOVE TO ADOPT RESOLUTION 22-230.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Is there a second?

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: There is no second. Oh, okay, Member Sinenci.

Okay, you have, you have the floor on your discussion.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members of the public has been consistently asking us to take testimony at the beginning of the meeting on all items. And I don't see any reason. We've been discussing this a lot. And so, I won't go over a minute, because we've talked about it a lot for the past few months. But I don't see any reason to wait, because I support doing that now. Mahalo, Chair.

CHAIR LEE: Anybody else? Member Sinenci, would you like to comment?

COUNCILMEMBER SINENCI: Yeah, I think I'm supportive, Chair, because everybody who's come to the chamber, instead of having them to wait till the item comes up. I like that if we're having the meetings at the chamber, that they can go ahead and testify, and then go to work afterwards.

(Councilmember King was excused at 3:33 p.m.)

CHAIR LEE: Okay. Anybody else? Roll call. Roll call. This is going to be discussed in detail in the GREAT Committee.

COUNTY CLERK: Roll call.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Madam Chair, and I apologize. Before the vote, can I just ask Member Sugimura to just provide a little bit more details?

COUNCILMEMBER SUGIMURA: Yeah. Thank you for asking, Member Molina. I came up with this, because of the discussion that we've been hearing from Albert Perez, actually, and others about wanting to testify in the beginning, and have that option. As well as, you know, what is by law. And I did talk to the Chair about this, because it affects her Committee, no well, affects the Council. And she did tell me that she's pulling back the HSAC bill so that we could have a greater discussion. So, to me, it belongs together. If this body doesn't want to do that, that's fine too. But I think it really belongs together when we do talk about it in Member Molina's Committee so that we can look at it comprehensively. It's sisters.

COUNCILMEMBER MOLINA: Okay, thank you, Madam Chair. You know, I was going to act on it, but I guess out of respect for your concerns and being that in Council you have so many different items, I'm willing to take it into Committee and put it on my docket as soon as possible.

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER MOLINA: So, anyway, so I guess the vote right now is to act on it, so with no disrespect.

I WILL NOT SUPPORT ACTING ON IT TODAY.

Thank you.

CHAIR LEE: Alright. Roll call. We're in roll call.

COUNTY CLERK: Kelly T. King.

CHAIR LEE: EXCUSED.

COUNTY CLERK: Gabe Johnson.

CHAIR LEE: EXCUSED.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: AYE.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: NO.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: NO.

AYES: COUNCILMEMBERS PALTIN, SINENCI, AND VICE-CHAIR RAWLINS-FERNANDEZ.

NOES: COUNCILMEMBERS KAMA, MOLINA, SUGIMURA, AND CHAIR LEE.

EXCUSED: COUNCILMEMBERS JOHNSON AND KING.

COUNTY CLERK: That's three "ayes", four "noes" and two "excused.

CHAIR LEE: Motion fails.

COUNTY CLERK: Motion fails.

CHAIR LEE: Any objections to referring this, as mentioned earlier, to the GREAT Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so moving on.

Madam Clerk.

(Councilmember King returned to the meeting at 3:36 p.m.)

RESOLUTION
NO. 22-232

URGING THE COUNTY OF MAUI AND ITS TOURISM INDUSTRY TO ADOPT SUSTAINABLE TOURISM PRACTICES AND CERTIFICATION

The recommended action is that Resolution No. 22-232 be referred to the Climate Action, Resilience, and Environment Committee.

CHAIR LEE: Okay. Any objection to referring this to the CARE Committee?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER KING: Thank you. I was hoping to, I think Member Molina . . .

CHAIR LEE: No objections. So, ordered.

Next item.

RESOLUTION
NO. 22-233

REITERATING SUPPORT FOR THE VITAL ROLE OF THE FREE PRESS AND THE RIGHTS ON MAUI COUNTY WORKERS EMPLOYED AT THE LOCAL DAILY NEWSPAPER

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you very much. I would request that we take this up, as you heard from testimony and defer Committee referral.

CHAIR LEE: You want to take a motion, make a motion?

COUNCILMEMBER SUGIMURA:

MAKE A MOTION TO DISCHARGE COMMITTEE REFERRAL.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

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

Your discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA: I think we heard from the many employees that came to testify today about the urgency and the need for them to have support from the community. And who they really represent is us, and they need us at this time. So, I'd like to take this up.

CHAIR LEE: Anymore discussion? All those in favor of the discharge, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Member Sugimura.

COUNCILMEMBER SUGIMURA:

I WOULD RECOMMEND WAIVING COMMITTEE REPORT.

CHAIR LEE: Okay, the 7.G.

COUNCILMEMBER SUGIMURA:

7.G.

CHAIR LEE: Okay.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Member Sugimura, seconded by Pro Tem Kama, to waive the committee report for this item.

Discussion, Member--

COUNCILMEMBER KING: Chair, point of order.

CHAIR LEE: Yes.

COUNCILMEMBER KING: This is, I was just curious as to why we need to discharge because it hasn't been sent to Committee yet. And why we need to waive, since it doesn't have force and effect of law? Maybe ask Mr. Raatz if--

CHAIR LEE: That's in her notes, which was prepared by staff.

Mr., or Shelly? Either Shelly or David.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. Councilmember King's points are apt. The body can proceed to act on this resolution without a waiver of committee referral because it does not have the force and effect of law. Thank you.

CHAIR LEE: Okay. Thanks for pointing that out.

COUNCILMEMBER SUGIMURA: Thank you, Ms. King. So, what is the motion?

CHAIR LEE: So, now you're moving to adopt the motion.

COUNCILMEMBER SUGIMURA: Just go straight to it? Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: We should either take a vote or withdraw the motion, so that we can dispose of the live motion . . .

CHAIR LEE: Oh, you mean of the waiver?

COUNCILMEMBER SUGIMURA:

I WITHDRAW THE MOTION, CAUSE IT'S WRONG.

CHAIR LEE: Okay, with, yeah. She's withdrawing the motion.

COUNCILMEMBER SUGIMURA: Okay, we got rid of the live motion.

CHAIR LEE: Okay. David, clarification.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, we already voted on the discharge. The second motion was for the waiver of Rule 7.G of the Rules of the Council. So, that was the motion on the floor and that was what Member Sugimura withdrawing.

COUNCILMEMBER SUGIMURA: We need to--

CHAIR LEE: Wait, wait, wait. Didn't we just say that? We did, right? Okay, she withdrew that. Is there anything else?

COUNCILMEMBER SUGIMURA: We just vote on the resolution.

CHAIR LEE: David, anything else we should be concerned about?

DEPUTY DIRECTOR OF COUNCIL SERVICES: I don't believe so, Chair. Thank you.

CHAIR LEE: So, we can just move to--

COUNCILMEMBER SUGIMURA: Pass the resolution.

CHAIR LEE: --adopt the resolution, right? Okay.

COUNCILMEMBER SUGIMURA: Thank you, Members. So, I move--

VICE-CHAIR RAWLINS-FERNANDEZ: Motion.

COUNCILMEMBER SUGIMURA: Oh. Let me read this, so.

CHAIR LEE: I move, say "I move".

COUNCILMEMBER SUGIMURA:

> I MOVE TO PASS RESOLUTION 22-233, "REITERATING THE SUPPORT FOR THE VITAL ROLE OF THE FREE PRESS AND THE RIGHTS ON MAUI COUNTY WORKERS EMPLOYED AT THE LOCAL DAILY NEWSPAPER".

VICE-CHAIR RAWLINS-FERNANDEZ:

> SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Moved by Member Sugimura, seconded by Vice-Chair Rawlins-Fernandez, to adopt Resolution 22-233.

Discussion, Member Sugimura.

COUNCILMEMBER SUGIMURA:

> SO, BEFORE WE GO INTO THAT MAIN MOTION, I WANTED TO AMEND THE TITLE OF THE RESOLUTION TO READ: "REITERATING SUPPORT FOR THE VITAL ROLE OF THE FREE PRESS AND THE RIGHTS OF (DELETE 'ON') MAUI COUNTY WORKERS EMPLOYED AT THE LOCAL DAILY PAPER". SO, ADD THE WORD "OF" FOR STRESS.

CHAIR LEE: Okay. Substitute "of" for "on".

COUNCILMEMBER SUGIMURA: It's a motion.

CHAIR LEE: Okay, that was kind of housekeeping. But that would be an amendment. Who seconded it?

COUNCILMEMBER PALTIN:

> SECOND.

CHAIR LEE: Okay, Vice-Chair, I mean, not Vice-Chair, but Member Tamara Paltin, seconded that amendment. Any more discussion on that?

COUNCILMEMBER SUGIMURA: I think we heard from many of the employees from Maui News.

CHAIR LEE: No, no, the "of".

COUNCILMEMBER SUGIMURA: Oh. Just to give it stress. But thanks for letting me do that.

CHAIR LEE: Okay. Alright.

COUNCILMEMBER SUGIMURA: It's a typo.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

So, now we're at the main motion as amended. Discussion.

COUNCILMEMBER SUGIMURA: Thank you very much, Members, for allowing this resolution to pass today. I think we heard from the many employees, which I think you will think they're our friends, because we read their name in the Maui News over and over and over. And for the, you know, the vital role, I feel that they play in our community and the depth of our community.

So, I would appreciate all of you supporting it. I think you will. And, and I did this similar resolution two years ago, and they still haven't helped our people. And I don't know how we can help more than, you know, do this. So, please express your support. And I know you all feel the same, you know, for the employees and for fairness. They should have, they should have sold their building to us if they needed money, rather than not, you know.

CHAIR LEE: Okay. Anybody else?

COUNCILMEMBER SUGIMURA: Okay, let's not talk about that. It's not on the agenda.

CHAIR LEE: Anybody else? Member King.

COUNCILMEMBER KING: Did you have your hand up first? Oh, okay. Alright, thank you, Chair. You know, I think it is really important to have a local paper. We haven't had a local paper for a long time, because it's been owned by Ogden Press for a very long time. And I don't know how we rectify that, unless we get somebody local to buy the paper. But, you know, I certainly support better, better conditions for our local workers.

And I just wanted to say that since 19, since the 1990's, when I served on the State Board of Education, we were being told back then, as the paper was starting to shrink, but the best way to get an article in the paper is to write it yourself. And I went to a workshop and that's what we were told. So, we have not had really a lot of good investigative reporting, and we need to get back to that local, so that the articles come from the writers on the Maui News and not from, you know, contributors who have a certain point of view.

But this has been, that's why I ask that question. This is a longstanding problem with our local paper since, and it got worse when it was purchased by a mainland operation. So, I don't know what the answer is. And I, you know, I think that was a question that Member Kama was trying to get to. But, you know, I'm a big fan of locally owned local papers as well. So, I just wanted to point out that that may be the crux of the problem that we're looking at. But, you know, certainly we do all support the folks who live here and work for our local companies. Thank you.

CHAIR LEE: Anymore discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Mahalo, Member Sugimura for introducing this resolution. I wholeheartedly support it. As we've heard in testimony and as the resolution itself states that democracy depends a free press, they're often referred to as the fourth branch of government. We need the press to hold the government accountable.

But we also need the press to share in our community celebrations and successes, tragedies, you know, they're, as Member Kama stated, they're writing the history of Maui County. So, that's also a very vital role. So, I wish we could do more and perhaps we can continue exploring that. Mahalo, Chair.

CHAIR LEE: Okay, anybody else? Member Sugimura.

COUNCILMEMBER SUGIMURA: Second and final, I promise. So, the "BE IT RESOLVED", we're sending this copy to our Congressional team, because there's a Federal legislation about small papers like this and the struggles that they are having nationwide. So, I want to add this to our Congressional team so they understand that we need their help if they can. Thank you.

CHAIR LEE: Anymore discussion? Pro Tem Kama.

COUNCILMEMBER KAMA: So, my understanding in the discussions with our testifiers and what we're doing on the floor right now is that we need somebody to buy it, and then be able to report on the news the way we see it, the way we believe a community newspaper should be doing the news. And if there's anybody out there that would like to buy a newspaper, contact, who are they now? Ogden out in Virginia.

So, but I think Chair, that that's really the crux of the issue, is that we don't own it. We don't own it. And therefore, because we don't own it, we don't have control over it. And that was part of the HSAC's discussion on our last day, is that when it came the tourism issue, we don't own it. But we should own it, and we should take ownership over it. But I don't have the money, but thank you none the less, Chair.

CHAIR LEE: Member Molina has the money.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

COUNCILMEMBER MOLINA: Oh wow. Not me. Thank you, Chair, for recognizing me and I wholeheartedly support the resolution. And certainly, there's something special about the Maui News. It is truly a local institution and synonymous with Maui County. And you know, Madam Chair, you know, many of us who grew up here, we would even use the title "Maui News" to describe someone out there in the community who's spreading gossip or talking news to everybody. Like, eh, you know, he or she is like the Maui News, you know.

But it's that special and intimate to us, this publication. And no disrespect to all of our other fine publications that we have out there. So, I certainly thank Member Sugimura for this resolution. And there is this real intimate connection many of us have to this paper. It's something special. And you know how many people will say, eh, I saw you in the Maui News or I read about you in the Maui News. There's just a special magic to it if you will. So, anyway, okay, I've said enough. I think I went over my minute. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes"; one "excused", Member Johnson; zero "noes". Motion carries.

Madam Clerk.

RESOLUTION
NO. 22-234

AMENDING THE RULES OF THE COUNCIL IN RESPONSE TO ACT 264 (2022), AMENDING THE STATE SUNSHINE LAW

The recommended action is that Resolution No. 22-234 be referred to the Government Relations, Ethics, and Transparency Committee.

CHAIR LEE: Any objections to referring this to the GREAT Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay. So, ordered.

The next resolution.

RESOLUTION
NO. 22-235

AUTHORIZING THE PURCHASE OF LĀHAINA CROSSROADS APARTMENTS AT 767 LUAKINI STREET, LĀHAINA, MAUI, HAWAI'I

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR RESOLUTION 22-235, IN ACCORDANCE WITH RULE 7.G OF THE RULES OF THE COUNCIL.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Member, Vice-Chair Rawlins-Fernandez, second by Member King, to waive the Rules of the Council regarding this item.

Discussion, Member, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, this resolution is similar to Resolution 22-162, which was adopted with a unanimous vote on July 1, 2022, but inadvertently did not include TMKs associated with the property. Passage of this resolution today would allow the County to proceed with the purchase of the property as quickly as possible.

CHAIR LEE: Anymore discussion? No. Okay. All those in favor of the motion, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ADOPT RESOLUTION 22-235.

COUNCILMEMBER KING:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member King, to adopt Resolution 22-235.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the purpose of this resolution is to authorize the County's acquisition of Lāhaina Crossroads Apartments. Resolution 22-162 included TMK (2) 4-6-009:058, which is the apartment building, but omitted TMK (2) 4-6-009:061, which is the parking lot. The resolution before us today would authorize the purchase of both TMKs. We do have representatives from the Administration if there are any questions. I respectfully ask for the Members continued support of this. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

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

So, Members, what do you want to do? It's almost 4:00. Do you want to take a break and come back, or what's the plan? We still have the bills. We still have bills and then other bills on second and final reading. So, you know, if we have a minimal, minimal talking, we can finish by 5:00 probably.

(Councilmember Kama was excused from the meeting at 3:52 p.m.)

COUNTY CLERK: Chair.

CHAIR LEE: Yes.

COUNTY CLERK: We currently have two signed, two testifiers signed up for bills.

CHAIR LEE: For these bills. And then, what about the next bills?

COUNTY CLERK: Several testifiers.

CHAIR LEE: Several testifiers. Okay.

COUNTY CLERK: Over 10.

CHAIR LEE: You want to move onto testimony? Okay, call the testifiers.

COUNTY CLERK: Chair, proceeding with testimony on bills. First person to testify is Lucienne de Naie. To be followed by Faith Chase.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes.

COUNCILMEMBER KING: I think I saw in the chat box a message from Ms. de Naie earlier that she couldn't remain on the call. There were several, a few people who dropped off cause they just couldn't stay.

CHAIR LEE: Okay. Faith Chase.

COUNTY CLERK: Faith Chase. Faith Chase.

CHAIR LEE: Okay, let's move on. Anybody else?

COUNTY CLERK: Ms. Chase is the, the last--

CHAIR LEE: Do you see her on the call?

COUNCILMEMBER KING: She just dropped off on the testifier list.

CHAIR LEE: Alright. Make one last call.

COUNTY CLERK: Final call on testimony on agenda items M. Bills.

CHAIR LEE: Any objections to closing public testimony and accepting written testimony for bills?

COUNTY CLERK: One testifier.

CHAIR LEE: One testifier, Jasee.

MR. JASEE LAU [testifying on Bill 21, CD2, FD2 (2022)]:

Jasee Lau, Kula. I wanted to correct what I said about my Councilor Yuki Lei. She's a conservative democrat. And I think we should send her to West Virginia to talk to those guys to see what she can do.

So, yeah, up in Kula about four or five years ago when I was still allowed to participate in the meetings for the maintenance committee at the Kula Roman Catholic Parish, this guy was supposedly in charge . . . suggested installing LED lighting around the Holy Ghost sanctuary because it was a free program offered by the government. And to my knowledge, he never asked the other parishioners or the neighbors. Normally, I don't promote darkness cause I'm a child of light. But it used to be really awesome to see the shadow of the church steeple against the stars. And the Pueo like the darkness too.

CHAIR LEE: Okay. Thank you.

Any objections to closing public testimony and accepting written testimony for Bills letter M.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

Madam Clerk.

COUNTY CLERK: You want to go through the bills, Chair?

CHAIR LEE: Yes. Bill 118.

COUNTY CLERK: Proceeding with bills.

BILLS

ORDINANCE NO._____
BILL NO.___118___(2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR (COOPERATIVE WATER-RESOURCE MONITORING PROGRAM)

CHAIR LEE: Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO DISCHARGE THE GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE FROM FURTHER CONSIDERATION OF BILL 118 (2022).

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Mr., Member Molina, seconded by Member Sugimura, to discharge this item from the Committee regarding Bill 118.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The agreement period began October 1, 2022, so it's important we take action on this bill as soon as possible. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND KAMA.

CHAIR LEE: We have seven "ayes", two "excused"; motion carries. Excused are Members Tasha Kama and pro, Tasha Kama and Gabe Johnson.

Alright. Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR BILL 118 (2022), IN ACCORDANCE WITH RULE 7.G OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Okay, moved by Member Molina, seconded by Member Sugimura, to waive the Rules of the Council regarding committee referrals and reports.

And further discussion, Mr. Molina.

COUNCILMEMBER MOLINA: Yeah, Madam Chair, just like the discharge matter, it is a time sensitive matter, which is why we'd like to act on this today if possible.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND KAMA.

CHAIR LEE: Seven "ayes", two "excused"; motion carries. Two excused are Pro Tem Kama and Member Johnson.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO PASS BILL 118 (2022) ON FIRST READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to pass Bill 118 on first reading.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Your GREAT Committee received an overview of the bill from the Department of Water Supply, Planning Program Manager Eva Blumenstein during its October 4, GREAT Committee meeting.

As discussed, Bill 118's purpose is to authorize the Mayor to enter into a Joint Funding Agreement with the U.S. Geological Survey, Pacific Islands Water Science Center, U.S. Department of the Interior, and for the Department of Water Supply to continue its cooperative water-resource monitoring program. The agreement period is from October 1, 2022, to September 30, 2023. And the total cost of the agreement is $174,584, of which $139,153 would be contributed by the County and $35,431 would be contributed by the USGS. I ask for the Members support. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND KAMA.

CHAIR LEE: Seven "ayes", two "excused"; motion carries. No "noes". Excused are Pro Tem Kama and Member Johnson.

You folks want a recess now? So, ten minutes? Let's make it twelve. Any objections to, eleven. Recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:59 P.M., AND WAS RECONVENED AT 4:16 P.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBER JOHNSON EXCUSED.)

CHAIR LEE: Will the Maui County Council October 7, 2022, meeting please reconvene.

Madam Clerk, let's pick up where we left off. Oh, before I say that, the goal is to end by 5:00 today and to reconvene on Monday. Reconvene Monday at 9:00. We are anticipating a lot of testimony on Monday. So, and some Members will be in transit. So, which is . . . Yeah. Okay, so, okay, you got that? Start at nine, but we're starting with testimony. Starting with testimony. And then, we anticipate a lot of testimony, because you know, of one or two of the bills.

Yes, Member Paltin.

COUNCILMEMBER PALTIN: I just have an eye doctor appointment at 11:00.

CHAIR LEE: We may be done by 11:00. Yeah, we may be done, really. That's a goal, you know? And that's why we want to--

COUNCILMEMBER KING: I have a, yeah, I'm going to be at the airport by 10:30, so.

CHAIR LEE: Yeah. Yeah, we're going to try our best, okay, so.

VICE-CHAIR RAWLINS-FERNANDEZ: And Chair?

CHAIR LEE: Yes, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: I will be on a flight at 9:15 arriving 9:45, if I'm not delayed. So I will sign on at 9:00, when we start the meeting and then I'll be here hopefully by 10:15.

CHAIR LEE: Okay, good. I think that will work.

Alright. Okay, Madam Clerk, let's pick it up.

COUNTY CLERK: Okay. Chair, continuing with bills, we have Bill 143 (2022).

CHAIR LEE: I did gavel in.

ORDINANCE NO._____
BILL NO.___143___(2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII, FOR THE VICTIM-WITNESS ASSISTANCE PROGRAM GRANT 23-VW-01

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If there are no objections, may we have the Clerk call up Bill 144 (2022), as well.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Madam Clerk.

ORDINANCE NO._____
BILL NO.___144___(2022)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII, FOR A STOP VIOLENCE AGAINST WOMEN FORMULA GRANT

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR BILLS 143 (2022) AND BILL 144 (2022), IN ACCORDANCE WITH RULE 7.G OF THE RULES OF THE COUNCIL.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Did you say 143 and 144?

COUNCILMEMBER SUGIMURA: Yeah, he did.

COUNCILMEMBER MOLINA: Yes, Ma'am.

CHAIR LEE: Alright. It was moved by Member Molina, seconded by Member Sugimura, to waive the Rules of the Council regarding Bills 143 and 144.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. The Department of the Prosecuting Attorney notified us that these bills are time sensitive, as the grant agreements began July 1, 2022. Additionally, funding has already been provided in the Fiscal Year 2023 Budget for both of these agreements, thus the reason for the waiver. Thank you.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", one "excused"; Member Johnson. Motion carries.

Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO PASS BILLS 143 AND 144 (2022) ON FIRST READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: Moved by Member Molina, seconded by Member Sugimura, to pass Bills 143 and 44 on first reading.

Discussion, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Bill 143 authorizes the Mayor to enter into an intergovernmental agreement with the Department of the Attorney General, State of Hawaii, regarding granting of funds for the Victim-Witness Assistance Program. The grant agreement is from July 1, 2022, to June 30, 2023, totaling $64,864, which includes $16,216 in matching funds.

And for Bill 144, it authorizes the Mayor to enter into an intergovernmental agreement with the Department of the Attorney General, State of Hawaii, regarding granting of funds for the STOP Violence Against Women Formula Grant. And the grant agreement is from July 1, 2022, to June 30, 2023, totaling $71,623, which includes $17,906 in matching funds. I ask for the Members support. Thank you.

CHAIR LEE: Any more discussion, Members? Otherwise, all those in favor of passing Bills 143 and 144 on first reading, please raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", one "excused"; Member Johnson. No "noes". Motion carries.

Madam Clerk.

ORDINANCE NO._____
BILL NO.___146___(2022)

A BILL FOR AN ORDINANCE TO ESTABLISH A NEW CHAPTER 3.50, MAUI COUNTY CODE, CREATING AN IMMIGRANT SERVICES DIVISION UNITED STATES PASSPORT APPLICATION ACCEPTANCE FACILITY REVOLVING FUND

The recommended action is that Bill No. 146 (2022) be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: I'm going to take them one by one. Members, any objections to referring this to your BFED Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. Alright, thank you.

Next.

ORDINANCE NO._____
BILL NO.___147___(2022)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE 5315, RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY APPLICANT SELECTION PRIORITY

The recommended action is that Bill No. 147 (2022) be referred to the Affordable Housing Committee.

CHAIR LEE: Any objections to referring this to, Bill 147 to the Affordable Housing Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. Next.

ORDINANCE NO._____
BILL NO.___148___(2022)

A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF HOUSING AND HUMAN CONCERNS (HOME AMERICAN RESCUE PLAN (HOME-ARP) PROGRAM)

CHAIR LEE: Vice-Chair Rawlins-Fernandez, are you taking action on this one?

VICE-CHAIR RAWLINS-FERNANDEZ: I intend to.

CHAIR LEE: Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

I MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE REFERRAL AND REPORT FOR BILL 148 (2022), IN ACCORDANCE WITH THE RULE 7.G OF THE RULES OF THE COUNCIL.

CHAIR LEE: Second. Second somebody.

COUNCILMEMBER KAMA:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Tem Kama, to waive the Rules of the Council regarding Bill 148.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, this amendment adds new grant funding for the Department of Housing and Human Concerns. The sooner it's added to the Fiscal Year Budget, the sooner the program can begin.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; Member Johnson. Motion carries.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILLS 148 (2022).

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Pro Tem Kama, to pass Bill 148 on first reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Members, the purpose of this bill is to amend the Fiscal Year 2023 Budget, Appendix A, Part I, to add a new grant under Department of Housing and Human Concerns, entitled "HOME American Rescue Plan (HOME-ARP) Program", in the amount of $1,977,568. 30,000 is allowed for Administrative costs.

The grant funds will be used for eligible housing projects based on evaluations of projects being done to determine which developer would get these HOME-ARP funds. The funds can only be used for units that would serve households at a lower area median income.

We do have representatives from the Administration that are available to answer questions. And I did receive some questions about the use of the funds and got some information from the Director that the State HHFDC is the agency that is pass through for these Federal funds. HHFDC writes the allocation plan for all the sister islands. Based on an amendment to the plan by HHFDC, our County is tied into the uses identified by the State plan.

HHFDC plan limits HOME AARP, or ARP, sorry, program funds to acquisition, production, or rehabilitation of affordable housing. The plan also requires a competitive process such as an RFP. And unfortunately, the County does not have the option to deviate from the State's plan. So, that's why the program is the way it is. Mahalo, Chair. And mahalo, Director Tsuhako.

CHAIR LEE: Any questions, comments?

Member Paltin.

COUNCILMEMBER PALTIN: Thank you. I just had a question for the Administration. I don't know if it's Director Tsuhako or Director Yoshimura.

CHAIR LEE: I see her on the call, Tsuhako.

COUNCILMEMBER PALTIN: Thank you. Is this the, this is separate from the $8 million Federal one? Or did we just get a lower amount?

DIRECTOR OF HOUSING AND HUMAN CONCERNS LORI TSUHAKO: Councilmember Paltin, this is a separate allocation. But this is specifically for the HOME Investment Program. And normally, that allocation is rotated among the three outer island counties. So, we get it every third year. But this is supplemental funding to that. So, that's why the HHFDC had to do the amendment to their allocation plan for the three outer island counties and limited the applicable uses of this fund. So, it's in addition to. It's not, it's not a replacement.

COUNCILMEMBER PALTIN: Okay. And were we in our year, or it was a rotation to a different year?

DIRECTOR OF HOUSING AND HUMAN CONCERNS: I believe we'll get the funding next year, the every third year rotation. So, this is in addition to that. The funding is part of what's being made available through the Housing Division's procurement for affordable housing fund. So, the strategy with that is to pair our County affordable housing funds with the availability of these Federal funds to encourage the developers to actually build more units that would be limited in eligibility to people who make less money.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Anymore questions, comments?

Director, the HOME Investment Program, is that for rentals?

DIRECTOR OF HOUSING AND HUMAN CONCERNS: Yes, it is. It's largely for rentals because of the AMI's that are limited to it. Usually, it's between 60 percent and below units. So, most of the folks who will qualify for that are renting and not purchasing units.

CHAIR LEE: Okay. Thank you. Alright Members, ready to vote? All those in favor of the motion, raise your hand, say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBER JOHNSON.

CHAIR LEE: Eight "ayes", zero "noes", one "excused"; motion carries. And the excused is Member Johnson.

Thank you, Director.

Madam Clerk.

ORDINANCE NO._____
BILL NO.___149___(2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY CODE, RELATING TO REAL PROPERTY TAX EXEMPTIONS FOR OWNERS OF AFFORDABLE HOMES WITH DEED RESTRICTIONS

The recommended action is that Bill No. 149 (2022) be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Vice-Chair, are these next two items for referral?

ORDINANCE NO._____
BILL NO.___150___(2022)

A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE, RELATING TO THE ESTABLISHMENT OF A PARKING REVENUE FUND

The recommended action is that Bill No. 150 (2022) be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Any objections, Members, to referring Bills 149 and 150 to the BFED Committee?

COUNCILMEMBER SUGIMURA: IT.

CHAIR LEE: IT? IT Committee.

COUNCILMEMBER KING: It says BFED.

CHAIR LEE: Yeah. It's above.

COUNCILMEMBER SUGIMURA: Oh, 150, 151, I'd like to refer to my Committee.

CHAIR LEE: Yes, we're talking 149, 150.

COUNCILMEMBER SUGIMURA: Oh, sorry.

CHAIR LEE: Yeah, so to the Budget, Finance, and Economic Development Committee. No objections, right?

COUNCILMEMBER SUGIMURA: Wait, wait, wait. I want 150. Did you say 150, also? I want 150. It's parking revenue fund, right? I've been hearing the Park Maui in my Committee.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, it's a fund. It's a revolving fund, so it would go to the Budget Committee. But the subject matter of the Park Maui would be in IT. Item, there's that presentation. And she can talk about it, but this is the revolving fund, so it would go to budget.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Okay, so 151 will come to my Committee?

CHAIR LEE: Yes.

ORDINANCE NO._____
BILL NO.___151___(2022)

A BILL FOR AN ORDINANCE AMENDING TITLE 10, MAUI COUNTY CODE, RELATING TO IMPLEMENTATION OF A PARKING AMBASSADOR PROGRAM TO ENFORCE COUNTY AND STATE PARKING RULES AND LAWS, A PAID PARKING SYSTEM, AND PERMIT PARKING ZONES

The recommended action is that Bill No. 151 (2022) be referred to the Infrastructure and Transportation Committee.

COUNCILMEMBER SUGIMURA: Yes.

(Vice-Chair Rawlins-Fernandez was excused from the meeting at 4:31 p.m.)

CHAIR LEE: Any objections to this matter going to the IT Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

ORDINANCE NO._____
BILL NO.___152___(2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023,
AFFORDABLE HOUSING FUND
(PULELEHUA AFFORDABLE HOUSING PROJECT)

The recommended action is that Bill No. 152 (2022) be referred to the Budget, Finance, and Economic Development Committee.

CHAIR LEE: Okay, hold on. Shelly, is action going to be taken on this item? I have here action may be requested on this item. Well, let's just skip over this one and go to 153.

ORDINANCE NO._____
BILL NO.___153___(2022)

A BILL FOR AN ORDINANCE REPEALING CHAPTER 16.16B, MAUI COUNTY
CODE, AND ESTABLISHING A NEW CHAPTER 16.16C, MAUI COUNTY CODE,
RELATING TO THE ENERGY CODE

The recommended action is that Bill No. 153 (2022) be referred to the Climate Action, Resilience, and Environment Committee.

CHAIR LEE: Members, any objections to this item going to the climate committee, CARE Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: No objections.

Okay, so on Bill 152 since the Vice-Chair is not here, does anybody know what the plan was for this one?

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Can we just refer it for now and then--

CHAIR LEE: Do it on Monday?

COUNCILMEMBER KING: Or later on when she comes back.

CHAIR LEE: That's the last one.

COUNCILMEMBER KING: Oh, this is the last one for today? Oh, here she is. 52--

(Vice-Chair Rawlins-Fernandez returned to the meeting at 4:33 p.m.)

VICE-CHAIR RAWLINS-FERNANDEZ: It's going to go to Committee? Is that the question?

CHAIR LEE: Yes. Any objections to referring this item to the BFED Committee?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, so ordered. Alright, Members, we're shooting for 5:00. But we finished the bills and now we're on second and final. So, I'm looking at the possibility of recessing, recessing until tomorrow, I mean till Monday at 9 a.m., where we would begin to take testimony on the second and final bills and then begin to deliberate on them right after.

Member King.

COUNCILMEMBER KING: Yeah, I just wondered, since we have people that seem to have hung around this long, should we just, should we go through as much testimony as we can get through till five?

COUNCILMEMBER SUGIMURA: No, then we gotta take action, huh? Cause of sunshine.

COUNCILMEMBER KING: No, but we, we will, once we get testimony, they won't testify again on Monday.

CHAIR LEE: Well, they can. They can, but--

COUNCILMEMBER KING: No, because it's recessed, so they've already testified on this section. They can't testify again.

CHAIR LEE: You know, we can't close testimony and that's why.

COUNCILMEMBER KING: No, no, I know. More people can, but these people who have been waiting to testify won't be testifying.

CHAIR LEE: Yeah.

COUNCILMEMBER SUGIMURA: Who's been waiting?

CHAIR LEE: Actually, David, do you want to give us the ruling on that one?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. I'm not sure the question that's being posed. But may I ask for clarification?

CHAIR LEE: Okay, if we take testimony now on the bills for second and final reading and then recess till 9:00 a.m. on Monday, can people, the same people, testify again?

DEPUTY DIRECTOR OF COUNCIL SERVICES: No. That reconvened meeting on Monday would be considered the same meeting for Sunshine Law purposes, so anyone who testifies on a bill today would not be able to testify again on Monday on the same bill.

CHAIR LEE: What I just asked? So, you're saying no, they cannot testify.

DEPUTY DIRECTOR OF COUNCIL SERVICES: That's correct.

CHAIR LEE: Okay. You know, sometimes we get the ruling yes, they can, because the testimony is still open. But then sometimes we have today's interpretation is no. But you know what, I'm flexible. Okay. We can ask anybody who is ready to testify on the final, the bills for second and final reading, we can call them up in a moment. But I just wanted to make it, be sure that everybody is clear that we're, that that's the plan for Monday.

Yes, Member Paltin?

COUNCILMEMBER PALTIN: So, to summarize, we're not closing testimony, and we'll start with testimony at 9:00. But if you testify now, you can't testify on Monday, correct.

CHAIR LEE: According to David.

COUNCILMEMBER PALTIN: Okay, got it. Thanks.

CHAIR LEE: Okay?

COUNCILMEMBER KING: So, Chair?

CHAIR LEE: Yes.

COUNCILMEMBER KING: So, if we could just make it, you know, to the folks who have been waiting this long, if you want to testify now, you can testify, you know. If you want to wait till Monday morning, you can wait till Monday morning.

CHAIR LEE: Okay.

COUNCILMEMBER KING: But that's the best way, I think, to honor the time for all the folks who have been waiting this long.

CHAIR LEE: Yes. And I'm just going to that page. So, people still on the call, listening or watching, we're at, we have just finished the regular bills and under the, under M. And so, the next item will be bills for second and final reading under N. as in Nancy. So, any of you who have signed up for any of the bills, or items under N. Second and Final Reading, you have the choice of providing your testimony now or beginning at 9:00 on Monday. But if you provide your testimony now, you can't testify on the same items on Monday.

So, do we have, Madam Clerk, can you call up and see if there's anybody wishing to testify on bills for second and final reading now?

COUNTY CLERK: I'm just going to go through the names in the order that they signed up. First name is Jeff Bagshaw with DOFAW, if you're still on the call?

MR. JEFF BAGSHAW, DIVISION OF FORESTRY AND WILDLIFE [testifying on Bill No. 21, CD2, FD2 (2022)]:

I am. Aloha, Maui County Council. I am Jeff Bagshaw, for the record. Once again, here to speak in favor of Bill 21, not just myself, but for, I can say that my agency also

supports this, because the Division of Forestry and Wildlife first and foremost, as you've heard me testify before and in my written comments, our primary mission is to provide freshwater. And we do that best by protecting native species and ecosystems, native forests, and shrub lands. Those shrub lands and forests are fed by poop from seabirds, to put it frankly.

And why is that important? Because these seabirds are part of our freshwater chain. They are a very important link, as I've testified before. We get about 30 percent of our freshwater on Maui from these forests, as clouds hit the mountain, and cloud capture brings that water to you without ever raining. So, if you want water security, you've got to protect the seabirds and the forest. We can't do that without them.

Previously, I've just done a, I've shared a back-of-the-envelope kind of estimation of replacing the labor of seabirds on Maui at about $11 million annually. They provide that environmental service for us. So, while we appreciate when people say this is going to cost money to convert, yes, it is. But it's time to pay the back water bill. It's time to pay the back rent. We have developed lighting overuse on Maui to the point where we've created a problem and we have to correct it, so that we can protect our water future.

You know, the other costs I can't estimate are the costs of, the amount of money that is generated by turtle souvenirs, because turtles are also affected by over lighting. And of course, one highlight I haven't shared before is that when I was a park ranger at Haleakala National Park, I know that at that time there were 11 to 12 different tour companies that included star watching programs in their services. So, that's another small business that benefits from dark skies. So, if you're just talking about money, I mean, a lot of us like myself have very impassioned memories of 'ua'u calling on the mountainside. If it's really about money, let's talk about the other costs that are being saved.

I will just close by saying that change is possible. We used to think that lead in gasoline was absolutely necessary, and people argued oh, no, it's going to make cars less efficient if you take that out. And here we are all breathing cleaner air today without lead in our gasoline. We can have less lighting in the same way.

And I have to share one really local success story, which is I've been secret shopping for the last, what, since October 1st. I've been in over 40 different mall retails, and I can't find a single bottle of bad sunscreen on the shelves. Maui County can step up. Our folks are willing to make changes to protect our environment, and our resources. Thanks for your time.

CHAIR LEE: Thank you, Jeff. Members, do you have any questions? If not, thank you. So, Jeff, you understand that you wouldn't be testifying on same thing on Monday, right?

MR. BAGSHAW: Yes, of course.

CHAIR LEE: Okay. Thank you. Alright, apparently, we have no other questions. No questions. Thank you for joining us.

Madam Clerk.

COUNTY CLERK: Our next testifier is Mike Moran. Are you still on the call?

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION [testifying on Bill No. 21, CD2, FD2 (2022)]:

Yes, still here. And I understand. I prefer to testify today for the KCA, and not on Monday. I may not be here on Monday, so I'm not going to take that chance. We appreciate another long, hard day by Council. And we appreciate you squeezing us in to give our testimony. We have testified in favor of this bill from the, from the get-go. And we have watched entities chip away at it to go in favor of what humans would like, not necessarily what is needed, but what is preferred at the expense of these seabirds and the turtles.

And I go back so often to Councilmember Tamara mentioning that we're not separate from nature, we're part of nature. And if we're really part of nature, let's do what we can, instead of well, we'll give up something else. There will only be a few more seabirds that will die, or there will only be a few more turtles that will die, till we whittle it down to being ineffective. I think you've made many, many compromises already and we hope that the compromises are done and you pass this bill. And do it for all the reasons we've heard infinitum, from professionals who understand the whole process better than we do as layman, but we are in full support. I'll stop talking so you can move on and you guys can get your day done. Mahalo.

CHAIR LEE: Thank you. Wait, we may have questions. Members? I have a question, Mike. Did you cut your hair today?

MR. MORAN: No, Chair. What I did when you took your last break, I washed it, so it looks like there's a lot less.

CHAIR LEE: Oh, okay. Alright.

MR. MORAN: That's all.

CHAIR LEE: Just checking.

MR. MORAN: No, we're not cutting it. I'm like that old song, I almost cut my hair, but no. Thank you for checking.

CHAIR LEE: Thank you. And thank you for sticking with us today. Thank you very much.

MR. MORAN: A hui hou.

CHAIR LEE: Alright, may we have the next testifier?

COUNTY CLERK: Our next testifier is Mr. Bud Pikrone.

MR. BUD PIKRONE, WAILEA COMMUNITY ASSOCIATION AND WAILEA RESORT ASSOCIATION [testifying on Bill No. 21, CD2, FD2 (2022)]:

I am here. And I'm happy that I was able to get to today, because I wouldn't be able to do it on Monday. My name is Bud Pikrone. I'm the general manager of the Wailea Community Association and also the Wailea Resort Association. And I am here testifying on behalf of the resort association. So, you know, just to update, we are comprised of over 2400 residents, eight hotels, four commercial centers, and three golf courses. All of these members of these association are adamantly opposed to Bill 21 as presented.

And there's many reasons. They're all going to be affected in some way. We believe that the, we've seen that the U.S. Fish and Wildlife Service noted that research hasn't been completed to determine some of these effects. And yet, the bill speaks of thousands of birds, sea turtles, and other reptiles being injured or killed. You know, nobody wants that. But I have only heard of one bird in 30-plus years found in this area injured, and the cause was never really determined.

Do we still need to work on it? Yes, everybody does. I was on an advisory group years ago that developed much of what you see in a current lighting ordinance. And we worked with the mountain, I call it the mountain, but the scientists up there. And Wailea was considered, at that time, an example, although not perfect, but of proper street and walkway lighting. Since then, additional steps to protect the night sky and wildlife have been taken over the years and we continue to improve on lighting and will continue to, establishing communitywide rules for fully shielded lights on homes and commercial buildings, banning spotlights and more.

Most of this we did before the County even put a bill out there, or an ordinance out there, to restrict a lot of these things. We were already doing it. Yet, here we're looking at what seems to be a pretty vague blanket bill that will affect businesses that depend on events. It's not just hotels, although this bill appears to target hotels and tourism, but event companies, caterers, chefs, many other employees that use the extra hours to survive. I know a number of people here, whether they're working in a restaurant or a bartender, that they work these events to make some extra money.

This business will end up going to another island destination and I don't think that's what the people of Maui want: loss of jobs, income, and economic stability in the County. So, please say no or defer this bill so that more serious conversations can be had with the resort communities of Maui. Thank you very much.

CHAIR LEE: Thank you. Any questions, Members?

Member King.

COUNCILMEMBER KING: I saw Member Paltin. Oh, okay. Aloha, Bud. Good to see you.

MR. PIKRONE: Aloha.

COUNCILMEMBER KING: Have you looked through the list of appropriate and compliant lighting that could replace the lighting we're using now?

MR. PIKRONE: I have, and I remember a lot of that that we've, were discussed the last time I went through something like this. And unfortunately, the County at that time said they couldn't pay for the change in lighting. They didn't have the moneys for it. I don't disagree with a lot it, though I'm not sure or convinced that this blue light restriction is.

COUNCILMEMBER KING: No, my question was have you looked through those lists recently?

MR. PIKRONE: Yes.

COUNCILMEMBER KING: Because there's a lot of compliant lighting. No one is trying to shut down your industry. We're trying to get you to use the appropriate lighting and, which exists right now. So, and there are three, you know that there are three years to comply?

MR. PIKRONE: Right. But what I hear from everybody is they are not sure what this all means. You have the different lights, but how does that affect an event where they

might have globe lights, string lights, different things, lighting and that? Obviously, we don't allow the beams anymore. And I don't think that they're allowed in the County anymore.

COUNCILMEMBER KING: There are, there are beams. Just to let you know, there are beams that we've actually got pictures from the luaus on the, on the coast. So, but, you know, I think my time is up, so I'll yield the floor. Thank you, Chair.

CHAIR LEE: Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Pikrone, for your testimony. Since you were saying you are part of the other, the original bill with the shielding, I just was wondering if you could clarify if these events, the temporary events lighting has to comply with that full shielding as well to your knowledge?

MR. PIKRONE: Well, we're thinking, if that's what I'm hearing, excuse me, I'm hearing is right now they may not, because they are temporary lights. They are up there for a few hours like we have rules here that events like that have to end at 10:00 at night. So, they would have to shut down and that. So, right now, they may be a globe light, a, so many inches in diameter that are strung along and light. Those under this, I believe, would not be allowed because they'd have to be fully shielded.

Now, we have permanent structures that we control with full shielding and that, whether they are homes or commercial centers and that. They have to go through our design committees here, who mandate that they have to have fully shielded lighting. And any properties that, any of the hotels that would undergo renovation would have to comply. So, we're moving forward to getting fully shielded lights everywhere. But for events, I don't see where that's important, or necessary.

COUNCILMEMBER PALTIN: Okay. So, but you're not clear if that's the law right now, that temporary lighting has to be fully shielded? You're not--

MR. PIKRONE: That's right, That's what I'm hearing from our partners.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Any more questions, Members?

Member Sugimura. Looks like it's raining outside.

COUNCILMEMBER SUGIMURA: Thank you, Bud, for testifying. And I wondered, because you participated in that previous, I don't know if it was task force or working group that

came up with, you know, whatever the lighting structure is today, do you think that there's needed more discussion within the industry? That's what you're sounding like to me.

MR. PIKRONE: Yeah, because the, originally, it wasn't necessarily geared towards the changes, were more for park lighting, street lighting, that type of lighting was the main concern back then, because what they were concerned with, the scientists, were the bright lights that light up a highway. And that while they're up there, they get a glow from it, a glare. So, that's where the main concern was. It wasn't necessarily on the individual properties or hotels or anything like that. That's why I was saying, we've adopted rules in the resort for that purpose before the County ever did. So, I think it is important to do that. But I think it needs a conversation. That we need to find out what we can do better all the way around. And yes, it may require more shielding and that. Or maybe we can figure out better ways to handle events and lighting . . .

CHAIR LEE: Okay. I think

COUNCILMEMBER SUGIMURA: Temporary lighting. Thank you. Thank you, Mr. Pikrone.

CHAIR LEE: We have time limits.

MR. PIKRONE: Yes. Thank you.

CHAIR LEE: Member Molina, did you have your hand up?

COUNCILMEMBER MOLINA: No, Madam Chair.

CHAIR LEE: Anybody else have their hand up? Okay. Thank you. Thank you, Bud. Appreciate your testimony.

MR. PIKRONE: Thank you. Thank you. I hope you all get home shortly.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Our final caller waiting to testify is Clare Apana.

CHAIR LEE: Ms. Apana, are you on the call? Okay, I thought you said there were 14 people?

COUNTY CLERK: The rest are either going to come on Monday or--

CHAIR LEE: Oh, they're coming back.

COUNTY CLERK: --they've left already.

CHAIR LEE: Okay. Is Clare on the call? One last call for anybody.

COUNTY CLERK: One last call to provide testimony today, otherwise, you can provide testimony on Monday.

CHAIR LEE: Now, this is on bills for second and final reading, yeah. Okay.

COUNTY CLERK: Chair, nobody else has indicated the desire to testify today, this evening.

CHAIR LEE: Okay, so I'm, I'll be seeing all of you at 9:00 on Monday. And we will be taking testimony first. In case you're going to join us a little late, that's fine. Any questions? Any clarification, questions, whatever?

COUNCILMEMBER KING: What time is breakfast?

CHAIR LEE: Well, there's only one Budget Chair here.

VICE-CHAIR RAWLINS-FERNANDEZ: I think Member Molina owed us a lot of lunches, so.

CHAIR LEE: We wouldn't mind Komoda pastries. Okay. Alright, everybody, any last comments or questions before I recess this meeting? If not, this meeting is in recess until Monday morning at 9:00 a.m.

(THE REGULAR MEETING OF *OCTOBER 7, 2022,* WAS RECESSED BY THE CHAIR AT 4:53 P.M., AND WAS RECONVENED BY THE CHAIR ON *OCTOBER 10, 2022,* AT 9:04 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the Council meeting of Friday, 10/7/22, please reconvene. Today is the 10th, October 10, and it is approximately 9:05 a.m.

Members, we are reconvening, so we want to keep this meeting as tight as possible cause Members have various appointments to keep. And so, can we have roll call, Madam Clerk.

ROLL CALL

COUNTY CLERK KATHY L. KAOHU: Councilmember Shane Sinenci.

CHAIR LEE: Uh, oh. You're muted. Shane, you're muted. Cannot hear. Okay, move onto the next one and then we'll catch up on him.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: Good morning, Madam Chair and fellow colleagues, on this Monday morning, October 10, for our recessed meeting, and namaste. For the record, I'm transmitting out of the Council Chambers here in Wailuku. And there are no testifiers at the Paia District Office. Mahalo, Madam Chair.

CHAIR LEE: Thank you.

COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: Somebody else has, is unmuted. Aloha, Chair and colleagues. Aloha kakahiaka and namaste. I think we're still using the greeting from Friday. I do want to just really shortly acknowledge and thank Mark Sheehan for all his work in the community. I went to his memorial yesterday and it was standing room only. But he was a great leader in our community that we lost recently. I am doing the meeting from my home office in South Maui, and we have no testifiers at the South Maui District. Thank you, Chair.

CHAIR LEE: Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

COUNTY CLERK: Councilmember Gabe Johnson.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Excused.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Yes.

VICE-CHAIR RAWLINS-FERNANDEZ: We're taking off. Can I just do mine now? This is Keani.

CHAIR LEE: What was her question?

VICE-CHAIR RAWLINS-FERNANDEZ: We're about to take off.

CHAIR LEE: Okay, do her roll call.

COUNTY CLERK: Council Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Aloha. I am on Molokai now, and on Mokulele, and taking off to Maui. There are no testifiers at the Molokai District Office.

CHAIR LEE: Okay. Thank you.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka. Surf's up. Broadcasting live and direct from the Council Chambers. No testifiers in the Lahaina District Office.

CHAIR LEE: Thank you.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, everybody. Namaste. I just wanted to let you know that besides surf being up, thank you very much God for the rain that we had over the weekend cause we surely need it to control our axis deer. And I look forward to a productive meeting. Thank you.

CHAIR LEE: Thank you.

COUNTY CLERK: Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: Aloha kakahiaka, Chair, and namaste to all of my colleagues. I am here in my workspace in my home, and I am alone. And I am looking, definitely, forward to an expeditious meeting, hoping that by the time Member Rawlins-Fernandez lands, we'll probably be over. Thank you, Chair.

CHAIR LEE: Alright.

COUNTY CLERK: Councilmember Shane Sinenci.

(Vice-Chair Rawlins-Fernandez was excused from the meeting at 9:08 a.m.)

CHAIR LEE: Shane Sinenci. Again, we can't hear you. Just can't hear you. Okay. Alright, he is there, we see him.

COUNTY CLERK: And Council Chair Alice L. Lee.

COUNCILMEMBER KING: Cause it looks like he's muted on your end.

CHAIR LEE: On my end?

COUNCILMEMBER KING: No, on her, his end. He looks like he's--

CHAIR LEE: Yeah. The microphone is red.

And then, for myself, namaste everyone. I am in the chambers, as you can see. And I am present, ready to go.

ROLL CALL

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

EXCUSED: COUNCILMEMBER GABRIEL JOHNSON.

COUNTY CLERK KATHY L. KAOHU: Chair, we have eight Members present, no Members absent, and one Member excused. A quorum is present to conduct the business of the Council.

CHAIR LEE: Thank you. Alright, so we'll just pick up where we left off. Could you just give a brief description or notification of how we will proceed with testimony? And after we finish with testimony, we'll go right into deliberating on the bills under letter N, as in Nancy. And hopefully, we can finish as quickly as possible, because we're going to start to lose Members right before 11:00.

COUNTY CLERK: Thank you, Chair. Moving through the item section N. Bills for Second and Final Reading. Oral and written testimony on any, on any agenda within this section will be accepted. Each testifier will be allowed to speak for up to three minutes on each item. If approved by the presiding officer and announced prior to the oral testimony being taken, the testifier may be allowed one minute to conclude the testimony on the item. The time limits for testimony at the Council meeting may be modified if the modification is initiated by the presiding officer and approved by majority of the Council, provided that a modification would apply equally to all testifiers on all items.

No further oral testimony by the testifier on the item shall be permitted, and individuals request to testify may be deemed withdrawn, if the individual does not answer when called to testify. Any, oh sorry, if the connection between any testifier and the videoconference is lost, the meeting will still continue. Any testifiers that testified on an item on Friday, October 7, will not be allowed to testify a second time on that particular item.

CHAIR LEE: Okay, can you please call the first testifier.

COUNTY CLERK: Our first testifier is Ingrid Coetzee. To be followed by Kelli Lundgren.

MS. INGRID COETZEE, INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES, [testifying on Bill No. 21, CD2, FD2 (2022)]:

Thank you very much. I hope everybody can hear me this time around.

CHAIR LEE: Yes, we can.

MS. COETZEE: Great. Good morning, Chair Lee, Vice-Chair Rawlins-Fernandez, and Members of the Council. My name is Ingrid Coetzee and I'm the Director of Biodiversity, Nature and Health at ICLEA's global Cities Biodiversity Center. And . . . testimony on Bill 21 on behalf of ICLEA. We are losing biodiversity rapidly because of climate change, the destruction of habitats, and many other reasons. And to raise awareness of our biodiversity loss, the convention of migratory species this year is focusing its World Migratory Bird Day campaign specifically on the impacts of light pollution on migratory bird species.

In my testimony, I wish to focus on the significance of the bill before you, as a measure that will be taken by a subnational government, protect biodiversity, which can contribute not just to biodiversity conservation within your County, but specifically also to meeting global biodiversity objectivities. With this goal, Maui County will take a very bold step in reducing the impact of urban development and light pollution on wildlife species such as seabirds, turtles, and many others. And in this regard, your proposed bill supports the principles and objectives of both the conventions on migratory species, as well as the convention on biological diversity.

Importantly, the bill recognizes the important linkages between nature, culture, and history. And this is important for enhancing the well-being and quality of life of people of Hawaii. But also, it will minimize energy consumption. Another thing that I wish to highlight is that in December this year, the world's attention will be focused on the

conference of parties of the convention on biological diversity in Montreal. It is at this conference of parties where the State parties will adopt a new global biodiversity framework and global targets. They will also adopt a new decision on the engagement of cities and subnational governments in the implementation of this framework and global targets.

And by adopting the bill, Maui County will demonstrate to the world its commitment towards taking action at the local level, protects nature, seabirds, and wildlife. I, therefore, respectfully urge the County Council to pass this bill and to bring it within the commitments that are happening at the global level. I thank you for the opportunity to provide this testimony in strong support of Bill 21. Thank you.

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

May we have the next testifier, please.

COUNTY CLERK: Our next testifier is Kelli Lundgren. To be followed by Jay Penniman.

MS. KELLI LUNDGREN [testifying on Bill No. 21, CD2, FD2 (2022)]:

Aloha and namaste, Maui County Council. I'm a resident here on Maui. I'm not a paid lobbyist. I wanted to call in and testify in support of Bill 21. Also, in appreciation for the seabirds and our awareness of them, and honu, and . . . I've had the pleasure of taking my red light on the beach at night and watching some of these turtle nests.

But I also had an idea for you, for this bill. And I wanted to just bring it up and see what you thought. And I'll do it quickly. But I was thinking, if you could create a budget of money, and I'll tell you where it should be funded soon, to what I would call rebate private entities at facilities and potentially public as well, where you can give them a bit of a rebate once they do a retrofit.

I feel like one of the weaknesses in the bill, or detriments to private business is, the cost for them. And I want to say that there's no greater cost than the reduction of seabirds. So, nature itself, I think, should be the priority. But if we can help these businesses by putting together a budget to rebate once they've done a retrofit. So, no new construction.

But what I was thinking you could fund it with this, these new parking fees coming up in the beaches. You know, if we could use that money for nature, for the environment, for ecology, to protect it. If we can help these businesses with a rebate once they retrofitted, and have a kind of first-come, first-serve basis of, you know, and a business

done over 36 months is when they have the time to do the retrofit, I feel like, you know, everybody has, you know, a stake in this. And everybody feels like they've done something great, you know, for the seabirds and for the honu.

So, I'd just like to bring that up with this upcoming potentially new revenue coming in from parking. If you could do something like that, I think the hotels would be receptive to it. And everybody, including and mostly, the seabirds and our wildlife would appreciate it the most. And I appreciate your time. Thanks.

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

COUNTY CLERK: Our next testifier is Jay Penniman. To be followed by Lahela Aiwohi.

MR. JAY PENNIMAN, MAUI NUI SEABIRD RECOVERY PROJECT [testifying on Bill No. 21, CD2, FD2 (2022)]:

Namaste. Aloha kakahiaka, Chair Lee, Vice-Chair Rawlins-Fernandez, Councilmembers. I'm Jay Penniman, manager of the Maui Nui Seabird Recovery Project. By now you all know very well what my organization and I feel about this bill for an ordinance. Ecologically, the impacts of reducing blue content in our lights and effectively shielding lights from being visible from the ocean is hugely beneficial.

There has come to my attention that there's a supposition put forth that the County will be put in jeopardy of being sued by environmental groups by reducing shortwave length content because Ae'o have been shown to have ocular response to those wave lengths our lights will, under this ordinance, be composed of. This is a misinterpretation of the long core, et al. paper of which I am an author. The paper is a theoretical structure for potentially identifying distraction to various specter of light. The paper states at the very beginning and I quote, "composite assessments that give equal weight to a wildlife group response, melatonin suppression, and starlight index showed lowest effects for lamps with low emissions in the shorter wavelengths".

Furthermore, two of Hawaii's premiere environmental groups, the Conservation Council for Hawaii and Center for Biological Diversity are currently working with one of the largest hotel properties on our south shore to address seabird fallout at that property. They have used the same formula to define the reduction of blue light content as is in Bill 21. The property has been cooperating and has already changed their lights to comply with the new short wavelength limits. Seems a bit far-fetched to think that these environmentalists will turn on the County for doing what they are seeking to have a hotel do to reduce seabird fall-out.

Secondly, I think most of you probably have heard of NASA's successful collision of a rocket with an asteroid a few weeks ago. Did you also hear that Maui's Near-Earth Objects Observatory is leading tracking of that asteroid to judge its change in trajectory? Doctor Richard Wainscoat has testified that Maui's blue light scattering has already increased to the point that the north skies are significantly obscured for telescope viewing. Installing the streetlights that were purchased without an environmental assessment or accepting the environmental assessment that was done after the fact and did not consider all the ramifications in installing these lights will only increase the compromising of our dark skies.

I spent a week on Hawaii Island a couple weeks ago, and my wife and I and her family spent time in Hilo and Waikoloa. The lights on both sides of the island primarily conform to the same short wavelength reduction that Bill 21 will implement. There are plenty of tourist events and flourishing hotel properties. I have to wonder if the assertion that tourists and events through, or tourists are going to abandon Maui if we implement Bill 21 as was asserted last week by the hotel association representative. Mahalo for your time.

CHAIR LEE: Thank you, Mr. Penniman. Question from Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Can you clarify which South Maui hotel you were talking about?

MR. PENNIMAN: I don't know, because it is legal action that's going on. I think it's probably better that I not go into that.

COUNCILMEMBER PALTIN: Okay. Can you clarify what Waikoloa hotel you were talking about?

MR. PENNIMAN: Yeah. We were at the Hilton at Waikoloa and traveled around in that area.

COUNCILMEMBER PALTIN: We were at the Hapuna Prince, and they didn't seem to be complying with this bill. The last night, we went in the ocean and from the ocean, the whole hotel looked fully lit up. Do you know what the consequence is on Hawaii Island for non-compliance?

MR. PENNIMAN: I do not.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR LEE: Any other questions, Members?

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Penniman for your dedication to this subject. So, I know that you did a study. Is it accepted by the U.S. Fish and Wildlife as science?

MR. PENNIMAN: Yes.

COUNCILMEMBER SUGIMURA: Your study. It is? Can you give us a date? I read that it's not, so.

MR. PENNIMAN: Well, there's been conflicting information out of Fish and Wildlife Service. Lindsy Asman wrote a letter to the Planning Department, in which she cited her recommendations was the same as Bill 21. And she is Fish and Wildlife Service responsible for Maui Island. DLNR . . .

COUNCILMEMBER SUGIMURA: That person is from Fish and Wildlife and you're saying that they accepted your study? Can you give me that name again who accepted your study?

MR. PENNIMAN: What study are you referring to?

COUNCILMEMBER SUGIMURA: You are the expert as being presented on this bill. And so, I just want to know that your data that you are, we are using from your study, if it has been accepted by the U.S. Fish and Wildlife? Because they are conducting a study right now.

MR. PENNIMAN: We do not have the study. We have not done a study of light distraction of seabirds. We are looking at composite results of other studies. We have one indication, it can't be called a study, because it's a short term and we're not doing the response. When the new lights were put in, the streetlights were put in, in an area in Central Maui, we could look back at our data for fallout. In that same area before the lights were changed, there were ten birds that were fell out. After the lights were changed in the next three years, there were 18 birds that fell out in that area.

COUNCILMEMBER SUGIMURA: What area of Wailuku?

MR. PENNIMAN: Yes, it's the area of, in Wailuku, Kahului area.

COUNCILMEMBER SUGIMURA: So, you're saying the whole district of Wailuku is where the lights are a problem? I mean, I'm trying to, I'm, what I'm trying to figure out is that we're basing this bill a lot on your testimony. So, I'm trying to understand the facts and the data that is going to take us to changing an ordinance that's going to affect all of Maui County, Maui, Molokai and Lanai. And yet the data is, you're saying, please verify.

CHAIR LEE: Member Sugimura, just the clarifying questions, okay?

COUNCILMEMBER SUGIMURA: Okay. So, I want to clarify, where in Wailuku, then, and Kahului is the data of the 18 dead birds? What he said.

MR. PENNIMAN: I'm sorry. I can provide you with a map that will show you where that is. Where those lights are . . .

COUNCILMEMBER SUGIMURA: So 18 birds, we're going to change an ordinance that's going to affect Maui County. Thank you. That's clarifying.

COUNCILMEMBER KING: Member King.

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Mr. Penniman. And you know, obviously, we've heard from other experts as well. You're working with DLNR, DOFAW, on this, I'm assuming because Jeff Bagshaw did say that the Division of Forestry and Wildlife supports the bill. So, he was representing not just himself, but his whole division. Is that correct? You were working with Jeff on this data?

MR. PENNIMAN: That's correct.

COUNCILMEMBER KING: Okay. And I think you did, correct me if I'm wrong, but I think you did already send us a map, a fallout map which was requested earlier by Member Paltin.

MR. PENNIMAN: We sent the complete fallout map that shows where birds fell out over the entire island. We did an analysis of three years prior to the installation of those lights in an area. And then, we looked at how many birds fell out in that area afterwards. And I have not shared that map at this point.

COUNCILMEMBER KING: Okay. But we got the original maps that was requested.

MR. PENNIMAN: You got the original maps that has all the fallout that has happened since 2009.

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

CHAIR LEE: Member Molina, and then Member, Pro Tem Kama.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Just a clarifying question, not so much a clarifying question, more on procedure today. I don't know if it was mentioned Friday, but are we under time limitations in asking clarifying questions of testifiers?

CHAIR LEE: Yeah, one minute.

COUNCILMEMBER MOLINA: One minute. Okay, is there a bell or something that will signal that just so we know?

CHAIR LEE: Right there.

COUNCILMEMBER MOLINA: Okay. Alright, just wanted to make sure. Thank you.

CHAIR LEE: Thank you. Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here, Mr. Penniman. So, my question to you is what kinds of birds fell out of the sky, the namely 18 birds? What were the species of those birds?

MR. PENNIMAN: They're the two species that are primary fallout birds are the ʻuaʻu and the ʻuaʻu kane.

COUNCILMEMBER KAMA: And these are the 18 that fell out of the sky in Central Maui?

MR. PENNIMAN: That is correct.

COUNCILMEMBER KAMA: Thank you.

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

MR. PENNIMAN: Thank you.

COUNTY CLERK: Chair, our next testifier is Lahela Aiwohi. To be followed by Clare Apana.

MS. LAHELA AIWOHI, HAWAII HOTEL ALLIANCE [testifying on Bill No. 21, CD2, FD2 (2022)]:

Aloha, Chair Lee, Vice-Chair Rawlins-Fernandez, who I know is on a plane right now, and to our other County Councilmembers. So, first of all, I appreciate the time that you

guys provide for us and give us the opportunity in testifying. My name is Lahela Aiwohi and I am testifying on behalf of the Hawaii Hotel Alliance in opposition of Bill 21.

As I've testified on a number of occasions on how we should be proceeding in hard proposals that come in front of us, I've always state, one thing I do state consistently is that one of the ways to bring a smoother transition with those proposals that have such drastic impacts on not just the hotel or the visitor industry, but our small local businesses as well is to bring the major stakeholders to the table for discussion to come to a sensible, fair, and balanced solution. By including the major stakeholders in such discussions, solid solutions would be found, which in return will reflect a much smoother transition in getting these bills moved.

HHA is not against implementing more environmentally conscious rules. It is important to us to do what we should, and what can be done to protect our Native Hawaiian seabirds, as well as all other subjects important to our ecosystem.

This bill, as it is currently written, puts a heavy financial burden on our hotels and more so our small local businesses, especially those in the entertainment industry. I don't believe adequate and complete studies were done. And I feel that this bill should be, should be deferred until such studies on the impact of said lights are complete and those studies can be showed and referred to. Bills seem to be getting rushed through without complete and thorough studies. I also believe that we should be doing a little more community outreach on these bills.

Again, HHA strongly opposes Bill 21, but I do ask that this Council consider the creation of a working group to: 1) Educate the group on our existing law. I don't believe that many of our hotels are familiar or even compliant with the existing law that we currently have; 2) Bring the hotels, or all of those not in compliance to become compliant. So, provide an opportunity for our hotels and for any other businesses that aren't compliant with the existing law, give them, provide that opportunity, and the education to bring them compliant; 3) Provide a completed and thorough study; and 4) If we are able, or if we are afforded the ability to do just what I just stated and have the working group, we will strive to assure a solution together. So, mahalo for your time.

CHAIR LEE: Questions, Members? Member Tamara Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Aiwohi. I just wanted to clarify, you are speaking on behalf of the Hotel Alliance about being willing to do a working group and also help to bring folks into compliance with the existing law before the three years?

MS. AIWOHI: Yes.

COUNCILMEMBER PALTIN: And is that true whether or not the bill passes?

MS. AIWOHI: Whether or not the bill passes, yes. I do, you know, like I said, the hotels are, we want to be able to find a solution. We want to show that we can work together. That's one of the main things, that's one of my main purposes that I serve. So, yes. So, whether or not it does pass, we are willing to have that working group so that we can work together on a viable solution.

COUNCILMEMBER PALTIN: Thank you.

CHAIR LEE: Member Molina, then Member Sugimura.

COUNCILMEMBER MOLINA: Sorry, Madam Chair. I think someone else had their hand up first. Might have been Member Sugimura.

CHAIR LEE: Okay, member someone else.

COUNCILMEMBER MOLINA: Sorry, I thought I--

CHAIR LEE: Member Sugimura, were you?

COUNCILMEMBER MOLINA: Oh, okay.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Member Sugimura. Good morning, Ms. Aiwohi. Just to clarify, so you mentioned that, you know, you're part of the hotel lobbyists. How many hotels that, are you aware of that are not in compliance?

MS. AIWOHI: You know, I can get that back to you, or get the number back to you. But I will verify that.

COUNCILMEMBER MOLINA: Okay. That's interesting to hear. You know, this original law has been in effect for, what, 15 years. And Madam Chair, it does make me wonder now, these hotels that are not in compliance, if complaints were filed and if our departments did anything to, you know, reprimand these hotels that were not in compliance? So, thank you for sharing that information with us, Ms. Aiwohi. Thank you, Madam Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Nice seeing you, Lahela. So, you also mentioned small businesses. Can you expound on that?

MS. AIWOHI: Yes. And if you look at the, I reviewed a lot of the written testimony that was submitted maybe last night. But even off the top of my head, a number of the small businesses that would be impacted is those in the entertainment industry. So, we have, I mean, if you look at the hotels, the luaus, we have private events out there. They contract all of those, those events out.

So, when they, when those events are being held, they bring in all the lighting system or they use some that are already there. But most of them have their own lighting system. And if, whether or not it's a private industry that brings in their lighting, or the hotels using their own lighting, either way, it will impact these small local businesses, because they no longer, I mean, corporations will be going elsewhere, basically. So, I know we had testifiers, you know, said that it wouldn't hurt. It will hurt. And I think that through the written testimonies that all of you read through, that you'll see that it will impact them tremendously.

COUNCILMEMBER SUGIMURA: So, one last question. So, when we put together this group, can you also get from your hotels or your entities how many birds and turtles have been affected by their businesses?

MS. AIWOHI: Yes. Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Anybody else? Member King.

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here Ms. Aiwohi. I, we've heard a lot of these same kind of arguments on other environmental bills. On day one of the sunscreen bill, everybody was in the compliance. Pretty much all the retailers have changed out. And that was way less than three years. It was less than a year to get compliance. You folks have over three-and-a-half years to get compliant. So, is there some reason why there's a non-compliance with the existing law, when you had 15 years?

MS. AIWOHI: You know, honestly, I cannot answer that right now. I just do know that not all hotels are in compliance. So, there's still a few that need to be brought up to compliance. But I also feel that we need the opportunity to educate all of, you know, not just the hotels, but also our small business owners before, before this change does happen. Because it is a financial burden. And if there's a way that, you know, because there is a way to help. Okay.

COUNCILMEMBER KING: So, you do have three-and-a-half years. So, I'm glad you're willing to come together. Because it doesn't take the Council for you guys to put together a working group when you already have an existing law that you need to get in compliance with. So, you know, I'm sure the Councilmember, there are Councilmembers who would be willing to help you, but I hope that you guys can, you know, get together whether or not this bill passes, and start addressing the existing law and start addressing where we need to go with the data that's out there. Because, you know, we get this, the commitment to management and then when it's inconvenient, then we get a lot of push back. So, thank you for being here. Really appreciate your willingness to get the industry together and--

MS. AIWOHI: Mahalo, Councilmember King.

CHAIR LEE: Anyone else? If, Member Tasha Kama.

COUNCILMEMBER KAMA: Thank you, Chair. Thank you for being here, Lahela. So, my question to you is how soon would you be able to ramp up such a working group?

MS. AIWOHI: I would say we would be able to get a working group together over the next, I would say maybe three weeks, maybe less. And I would probably put a time frame on that, so that we can kind of come up with a viable solution over the next quarter. So, maybe the next three to four months, have something ready to go or have some plan being able to be submitted on how we can move forward.

COUNCILMEMBER KAMA: So, in putting this working group together, you would put it together with all your stakeholders, small businesses, hotels. Would you need to include someone from this Council in this working group, or no?

MS. AIWOHI: Definitely. Yes. Yes, I would like that. I think that's important.

COUNCILMEMBER KAMA: Okay. Well, thank you so very much. And I look forward to hearing more about your working group and how it's coming along. And hopefully, if there's really no big rush to push this through, I would hope that our Council at the time consider those things. Thank you. Thank you, Chair.

MS. AIWOHI: Mahalo, Councilmember Kama.

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

MS. AIWOHI: Mahalo.

CHAIR LEE: Mahalo. Next testifier.

COUNTY CLERK: Chair, our next testifier is Clare Apana. To be followed by David Henkin.

MS. CLARE APANA [testifying on Bill No. 21, CD2, FD2 (2022)]:

Good morning, Council.

CHAIR LEE: Good morning.

MS. APANA: Good morning. Thank you for the opportunity to testify one more time. I would like to say that I am testifying for myself as a traditional practitioner, and, and also for Malama Kakanilua. We have no financial gain in this bill except to try to protect what is left of our culture, and to stand strongly for the rights that we have as kanaka maoli to protect endangered species that we will not see again if we do not start to do something to protect them.

I am heartened to hear that the hotel industry is on-board to start their working group and to be compliant within the three years. I am dismayed to hear that they are not in compliance with the existing ordinance. You know, they make a lot of money off of our kanaka maoli traditions and practices to ask for changing lights that other counties have already done for years.

I spoke over the weekend to my daughter, who said that her very good friend did the Kauai ordinance, and she was very adamant about this protecting the seabirds with the lighting bill. So, it's not just Maui County being revolutionary and bringing something absolutely brand new out. It is we are behind times. We're following in the footsteps of, and luckily so, that we know that this can work. We know that this works.

And I can't tell you enough, I mean, I spoke to the rangers at Haleakala. They were doing something for the seabirds at Haleakala when I went last month. You know, there is a real disconnect in protection, and using our seabirds as something to show that we care about the environment. This is what they were doing up in at Haleakala, but yet, at the same time, we're willing to let something as small as changing some lighting stop us from protecting these birds in their natural migratory elements. Thank you so very much. I stand in very strong support of Bill 21. Thank you.

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

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Clare. So, I just wanted to clarify that you are not in support of waiting on this bill for the hotels to get together?

MS. APANA: No. I think it's nice that they said that they can be compliant in three years. I think that's what your bill says. I think that really your committee has made a lot of thoughtful changes. And I mean, really, if we look at the other islands, we can see that we're behind times. We're way behind. We do not, I, we do not want to wait any longer. Please pass this bill today. Thank you so much for your work, Councilmember King.

COUNCILMEMBER KING: Mahalo. Mahalo, Chair.

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

COUNTY CLERK: Chair, our next testifier is David Henkin. And David Henkin is the last individual to be signed up for testimony right now.

MR. DAVID HENKIN, EARTHJUSTICE [testifying on Bill No. 21, CD2, FD2 (2022)]:

Aloha, Council, and namaste. And my name is David Henkin. I'm with Earthjustice, and I am registered as a lobbyist because I'm testifying on behalf of the Center for Biological Diversity and Conservation Council for Hawaii. I'm very mindful of the Council's time this morning, so I'll keep it brief. We've been in strong support of this bill. And we appreciate all the hard work that the Council has done to hear from all the stakeholders. I mean, I'm a little surprised to hear from the Hotel Association that they feel that they haven't had an opportunity to be heard or that we need some sort of a . . . communications, a lot of stakeholder involvement. We went up to the Council one time.

CHAIR LEE: Mr. Henkin? Mr. Henkin, we--

MR. HENKIN: Yeah?

CHAIR LEE: Apparently you froze about a few seconds ago. So, could you repeat the last, maybe, three sentences or four sentences?

MR. HENKIN: Oh, I'm sorry. I apologize for freezing. Yeah, so what I was saying is I'm surprised to hear from the Hotel Association that they feel the need for, you know, more stakeholder input, and a working group.

The CARE Committee took this up seven months ago. It went through Committee. There were ample opportunities to testify and get involved. Folks were invited to get involved. It went before the full Council. There were some questions that were raised and so the Council decided to send it back to Committee.

And so, you know, there's been many, many months of deliberation on it. So, there has been ample opportunities for input. This bill then gives the hotel industry and others over three years to come into compliance. I guess if there's some issues that come up during those three years that requires some further tweaking, there's opportunity for the Council to do that.

But you know, there is urgency. Right now, we're in the middle of the seabird fallout season. These lights are attracting and killing endangered seabirds. And you know, the studies that Mr. Penniman referred to, these are peer reviewed scientific studies. They can't get into the scientific publications unless they are thoroughly vetted and peer reviewed. So, there is good science here. You've heard that from every expert on seabirds, and wildlife, and astronomy. You know, this is, this is vitally important that the County be protective of its environment.

And, you know, for the hotel industry and others, there is ample time. I'm trying to think of an outdoor event that couldn't comply with this. It's . . . that you can't have outdoor events. It's saying that your lights need to be low blue light contact. And they need to be down directed and not shine onto the ocean. So, I'm not sure what kind of a luau or other performance can't happen like that. But, you know, again, that work was done in Committee. There were discussions with folks who do these types of events. This is a critically important bill and we encourage the Council to . . .

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

MR. HENKIN: Thank you.

CHAIR LEE: Madam Clerk.

COUNTY CLERK: Chair, no other individuals have signed up to testify on these items. If anyone wishes to testify on bills for second and final reading, please identify yourself now. This is the last call for testimony on these items.

CHAIR LEE: Members, any objections to closing public testimony and accepting written testimony for bills for second and final reading?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered.

COUNTY CLERK: Chair, proceeding with bills for second and final reading.

BILLS – SECOND AND FINAL READING

ORDINANCE NO._____
BILL NO.___21, CD2, FD2___(2022)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING WILDLIFE FROM OUTDOOR LIGHTING AND PRESERVING DARK SKIES

CHAIR LEE: Members, I had hoped that the Vice-Chair would have been here by now. Do you mind taking a ten-minute break?

COUNCILMEMBER KAMA: No, I don't mind, Chair. Let's take a break.

COUNCILMEMBER KING: Chair. Chair, I'm--

COUNCILMEMBER PALTIN: The Sunshine Law.

CHAIR LEE: I'm sorry.

COUNCILMEMBER KING: Yeah, we can't take a break after testimony, unless we leave testimony open, I think is what.

CHAIR LEE: Okay, that, I know. But, we're between a rock and a hard place here.

COUNCILMEMBER KAMA: Take a break.

CHAIR LEE: Okay. Alright, Members, how about we--

COUNCILMEMBER KING: Chair?

CHAIR LEE: --we move to the other bills, the budget bills? Any questions? Any objections?

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes. Member King.

COUNCILMEMBER KING: Thank you. I would, if we, if we are ready to close testimony, I would like to go ahead and start deliberations on Bill 21. And then, I think if we start deliberations, then we can take a break. But if I can get the motion on the floor, that would be helpful.

CHAIR LEE: Okay. Any objections to doing that, Members? If not, let's do that. Where were we, Madam Clerk? You called up the item, so are we ready for a motion, or some kind of action?

COUNTY CLERK: Yes, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO PASS BILL 21, CD2, FD2 (2022) ON SECOND AND FINAL READING.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Okay, moved by, see I'm looking at the screen because I've, my screen is frozen.

COUNCILMEMBER KING: Oh.

CHAIR LEE: That's why I'm looking at the big screen on the wall. So, moved by Member King, seconded by Member Sinenci--

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: --to pass Bill 21 on second and final reading. And at this time, before discussion, David, is it okay for us to take a break now?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair Lee. The advice we've been given by the Office of Information Practices is that you do at least start deliberations. So, if you think you've achieved that, then you can take a break.

CHAIR LEE: Alright, Members, any objections to take a ten-minute recess?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: Okay, ten minutes. So, we come back at, what is that, three plus, 10:07. Okay, 10:07. Meeting in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 9:47 A.M., AND WAS RECONVENED AT 10:13 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR LEE: Will the 10/10 reconvened meeting please reconvene. It is now 10:13. And on the floor, we have a motion to pass Bill 21 on second and final reading.

Discussion, Member King.

COUNCILMEMBER KING: Thank you, Chair. And just to note, we've been to this point before. We've been the, Members, we have spent nine months on this bill. It's been back and forth. There's been plenty of time to comment. We have significant discussion on Bill 21, protecting wildlife from outdoor lighting and preserving dark skies. The timing of this vote is appropriate because last Saturday was World Migratory Bird Day. And this year's theme is "Dim the light for birds at night". This theme was chosen because artificial lighting is increasing globally and is known to adversely affect many bird species.

Last week at the HSAC conference, a slogan got our attention and reminded us of why we're here, do it for our keiki's keiki's keiki's keiki. Fighting climate change and protecting our environment is a long hard fight, and we may not be here to see all the fruits of our labor. But that's okay, because I know each and every one of you is fighting today for our island's future, for our keiki's keiki's keiki's keiki.

Looking back on our work over the past few years, we have taken small steps to correct past wrongs and to prevent future harm. I'm proud of this work this Council has done to help protect the environment, including Mike Molina's work on the plastic bag ban years ago, before this Council was even in session. The fight against styrofoam boogie boards and ice chests, the moratorium on new hotel development, our recent Council's success on passing the plastic foodware ban, the sunscreen bill, and the wetlands bills. These bills came from hard work of the entire Council, back and forth, including many stakeholders. And when seen as a whole, it shows that we listened to the voters, worked with the Administration and made some hard choices to put the good of the environment and our people over the interests of hotels and tourists, while understanding their role in the economy.

With each step forward, we overcame the same fear tactics we face today. The plastic bag ban didn't cause businesses to close and didn't put people out of work. In fact, the same small businesses now make profits off the sale of reusable bags, and they don't have to pay for plastic bags for their customers.

With this, it will be, you know, we hear this over and over again, and we know that the hotel moratorium didn't end construction industry jobs. And this lighting bill won't be the end of the outdoor events at hotels. But hopefully, it will be the end of events near the ocean that entertain tourists at the expense of our environment. It will be the end of hotel events that are violating current lighting restrictions. This relates to another slogan of the HSAC conference, we want Hawaii to be a bad place for bad business.

It's hard to read and listen to testimony from hotels claiming to be champions of Hawaiian culture because they put luaus on for tourists to the masses. They also claim the existing environmental lighting law doesn't apply to them. No one is above the law. Hotels enjoy the rich benefits of occupying our precious oceanfront property and our country's best beaches. With that benefit comes great responsibility.

Today, the hotel events industry has the opportunity to evolve, to become a part of the solution, and to rebrand as environmentally responsible businesses. If they are using lighting that are actually legal under the current law, they could continue using them and have three, over three-and-a-half to upgrade. Shielded compliant lights are widely available, so there's no reason events won't continue to thrive.

But because of our work together, the tourists will be staying in hotels with green upgrades and event, and environmentally friendly lighting. And when they go to the beach, they will bring their reusable bags, mineral sunscreen, reusable utensils and coolers. And then, they will love it, and we will love them.

Finally, today, when we talked to the press, our constituents and our families in the future, when we look back to the work we did together, and hopefully, forever when we see the reef thriving and the streams flowing, our biodiversity thriving everyone will know that we did this for our keiki's keiki's keiki's keiki. I thank the Members of the Council for their work on this bill and I ask you for your continued support. Mahalo.

CHAIR LEE: Thank you. The seconder is Shane Sinenci. Did you have any comments?

COUNCILMEMBER SINENCI: Again, I believe I saw Member Paltin, Chair.

CHAIR LEE: Okay. We can go to you, Member Paltin, if you wish.

COUNCILMEMBER PALTIN: Thank you, Chair.

I WAS GOING TO MOVE TO RECOMMIT.

Just some new information came to my attention, and I just would like, I'm in favor of it, I just would like to work on the verbiage a little bit more.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR LEE: It's been moved by Member Paltin, seconded by Member Sugimura, to recommit this bill.

Discussion, Member Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. You know, I've seen firsthand that some of the hotels do comply with the current lighting ordinance. You know, in walking around the Napili Bay Civic Improvement District, Napili Kai stands out in my mind. I heard from Mr. Bud Pikrone that his area is compliant. But looking from the air and looking from the ocean, it appears that the vast majority of hotels are not compliant, and shoreline properties are not compliant.

And you know, we've heard in other committees how overwhelmed Public Works is and understaffed. And it comes to the burden of the community to complain to get enforcement. And I think that, you know, the lesson that shows me is passing a bill with resistance, without full education, without cooperation isn't going to accomplish our goal. And that, you know, the first step of creating a working group is a good sign. And I'm all onboard for that. And I feel that we need a short-term and a long-term working group. A short-term to get this passed and be veto proofed. And on the long-term to get compliance with the existing law and the future law. So, I'm in support. I just think we need to work on it a little bit more based on the feedback. Thank you.

CHAIR LEE: Any more discussion? Member Sugimura.

COUNCILMEMBER KING: We don't have a motion on the floor yet. We had a motion made, but we had deliberation, but we didn't get a, I didn't hear a second. Did we?

COUNCILMEMBER SUGIMURA: Oh, I had a second. I seconded.

CHAIR LEE: The second to Member Paltin's motion was from Member Sugimura. And the second to your motion was Member Sinenci.

Proceed, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, thank you. So, in addition to what we heard from Lahela this morning, we did get an October 2, 2022, memo, or letter from Eric Miyasato, who is an engineer, and has, is his specialty, lighting. And other businesses that he

said will get impacted by this bill, so that's why maybe the working group would make sense, is McDonalds, Target, Wal-Mart, Krispy Kreme, Foodland, Safeway, Tasty Crust, Stillwell's, Leoda's, Maui Toyota.

I mean, there's a lot of businesses that are probably not aware that this is happening, too. So, I think that a greater discussion is needed. We are hearing from the small businesses that have luaus or those kinds of businesses that are part of the hotel industry, which they sent a lot of testimony, pretty loud and clear. So, more discussion is needed. So, I support this. Thank you.

CHAIR LEE: Any more discussion?

Member King, did you have your hand up? Member King.

COUNCILMEMBER KING: Thank you, Chair. I speak against the motion. I think we've discussed this, and we've had plenty of time for input. I'm heartened that the hotel industry said that they will create a working group to figure out compliance. When we heard exactly these same arguments about all the other bills that I mentioned that were environmental bills, environmental changes to these same groups. And we gave less than a year for compliance with the sunscreen bill, on day one, everyone was compliant.

So, you know, I have confidence that they can create the ways that they're, we, that we have the ability to comply right now with the lighting that's available. If they, they'll have three and a half years. They said they can meet for three weeks and figure this out. Let them do that while they in this waiting period. I've seen the same thing, the same arguments against the Hawaii Clean Energy Initiative, and the 100 percent renewable, you know? Let's keep talking about it. Let's not set these goals until we know exactly how we're going to get there.

We will never get anywhere if we don't set these goals first. And this is a worthy goal. It's been discussed to death. It's got the support of Earthjustice, of the Seabird Recovery Act, of the Dark Skies Group, of the International Biodiversity Community, and of our own DOFAW. So, you know, we heard yesterday that that division supports it. It's not just Jeff Bagshaw. So, let's talk, let's look at, let's respect the data that's coming from our own island. Let's respect the cultural advisors that are saying we need to do this now and stop putting it off.

We have three and a half years for them to figure it out. Or, if it can't be figured out, for the next Council to change it. But you know, every single environmental law that we've passed to date has been figured out, has been complied with to a certain extent.

The lighting bill, of course, we're still trying to get compliance and I'm glad Mr. Molina pointed that out. But I think, you know, strengthening it, this bill will actually help them get into compliance. And I don't think the fact that we have a department that seems to be unable to enforce certain things should make us keep from passing these very important initiatives. Thank you.

CHAIR LEE: Member Kama.

COUNCILMEMBER KAMA: Thank you, Chair. I support this, this motion, Chair, because I think that our people, our constituents, our small business owners need the time to comply. They probably don't even know they're not in compliance, because half the times laws are being passed and people are not paying attention. And the people who should be paying attention are not, just like our farmers, right? We created the Department of Ag because our farmers were too busy to come to this body and plead their case regarding their issues.

Well, we've got small business owners who are in the lighting industry, who are saying the same thing to us. And therefore, we should give them the opportunity to be able to come together and talk about what are all of the impacts to them. And who is really going to benefit from this one piece of legislation that we're trying to rush through. Nine months is not a lot of time, you know. I mean, it's enough time to have a baby. But we're passing legislation that's going to impact people in our, in our County. We're talking about the economy. We're talking about people's jobs. We're talking about more than what we understand to really be. So, I'm in support of this legislation, just to give a little bit more time, just to give time, and that, we have to give. So, thank you, Chair.

CHAIR LEE: Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I'm just wondering if, Chair, we should do a three-member public hearing on this, you know, just to get more input? Although I do support, you know, deferring it, so that we can get this task force and community more engaged and educated.

CHAIR LEE: Okay. Well, we do have this other motion on the floor.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: And then, I see Mr. Molina's hand up.

COUNCILMEMBER MOLINA: Yeah, thank you, Madam Chair. Well, first of all, Madam Chair, I'm just very stunned at the revelation from Ms. Aiwohi about hotels still not in compliance with the existing law, which is why I know when we did the law back 15 years ago, I think part of it was, this was supposed to be complaint driven. And I don't know what happened, if the watchdog groups with the old ordinance, if they were keeping an eye out on things. Because I've heard stories about these bright lights, you know, in the Wailea-Makena area, and other areas of Maui County. And now, I'm hearing things about, even on the Big Island, hotels not being in compliant with the existing law there as well.

So, at some point, I would like to get some feedback from, I guess, it was maybe the Public Works Department that we had tasked with providing some oversight. If there have been any violations or citations given out? So, I think now we're hearing all of this stuff, because now that we have hotels are not being compliant, I think it's opened up now other things. Find out what the heck is going on here. Why are hotels not being compliant? They should know better if this the case, and maybe any other businesses.

So, this could be why some Members may want to send this back to Committee, again. And I thought we had resolved a lot of these issues. But I think this is teaching us a lesson that if laws are going to be passed and especially if it's being initiated by, you know, the science community and environmental community, everybody needs to be on top of this. If there are hotels that are not in compliance, they need to let the County know. Maybe they have.

And so, which is why we need this information back from our own departments to find out if any citations have been given out, any consequences. Because it seems like maybe the consequences are not stiff enough to motivate, you know, some of our hotels, or other shoreline businesses to, you know, get on their, you know, get with it and follow the law.

So, it's kind of disappointing where we're at this point now where we have to consider it being sent back. But if that be the case, hopefully, if it does go back, that we can make a decision this term, before the end of the term, cause I appreciate Member King's efforts with this, and everyone else. But whatever law we pass, we need to make sure that there's enforcement, or people out there, keep an eye on things. Don't let the fox guard the hen house, so to speak. Because you know one hotel is not going to rat out on another if there's some violations. So, this is a stunning revelation for me, Madam Chair. Thank you.

CHAIR LEE: Any others who haven't spoken yet? Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair, for my opportunity. Yeah, I was, I guess, stunned, too, to hear that the hotels haven't been compliant for over 15 years. And then, this kind of 11th-hour proposal to create a group, so. I mean, I think because of their violations, they haven't spoken up for the environment prior. But now with this at the table, now they're going to be speaking up for the environment.

So, I'm not always, I mean, supportive or, you know, I don't have the credence in the industry to, to push this forward. I think three and a half years is a lot of time, and for everybody to become compliant. It's not necessarily, a lot of the hotels already light up their palm trees and light up the trees versus just shining lights up into the air, and that confuses the seabirds. So, I think it's just a matter of, you know, just lighting up the trees and keeping those beams shining out into the ocean . . . the skies, so.

(Councilmember Johnson arrived to the meeting at 10:29 a.m.)

CHAIR LEE: Anybody else? Vice-Chair Rawlins-Fernandez, then Member Johnson.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And I would like to first clear the record that on Friday, I was clear that I wouldn't be able to be in the chambers until about 10:15 being that I was going to be in . . . at 9:45 when that was when my plane was landing is, would have been impossible. But mahalo for that.

I agree with Member Paltin that I think that more work can be done, so that all the concerns will be addressed. And I agree with Member Kama, that oftentimes different stakeholders are not aware of the work that we're doing, and of laws, legislation that will soon become law and impact them directly. However, sometimes legislation needs to become a law before more people know that it's going to affect them.

And I think in the three years that the bill allows for compliance is a lot of time to do working groups. So, I think that perhaps we can do both, that we can pass the law and do a working group to address the concerns. So, I won't be supporting the motion on the floor. But I really do appreciate everyone's commitment to addressing the concerns. Mahalo, Chair.

CHAIR LEE: Member Johnson. Member Johnson.

COUNCILMEMBER JOHNSON: Thank you, Chair. Aloha. Thank you. Can you hear me?

CHAIR LEE: Yes.

COUNCILMEMBER JOHNSON: I speak against the motion. I think Lanai has ʻuaʻu and ʻuaʻu kane. Maui has ʻuaʻu and ʻuaʻu kane, as well. So now is the time to act, not when we

don't have the birds anymore. Light is a form of pollution, and we need to start recognizing it. And the, this body in past, as well as many, many municipalities do regulate against certain types of pollution. I just think it's very forward-thinking that we're looking at this as a type of pollution. So, I stand in strong . . . Thank you, Chair.

CHAIR LEE: Alright anybody else? Thank you. Thank you. Anybody else?

Okay, are you ready for the, oh, Member Molina.

COUNCILMEMBER MOLINA: Yeah, Madam Chair. If I heard in testimony correctly, if this does go back to Committee and a working group is formed with the hotels . . . they would like three months? Cause if that's--

CHAIR LEE: Yes.

COUNCILMEMBER MOLINA: I think that's, personally, I just think that's a little too long. This legislation has been out there. I would think that they can put something together and get some results out of their working group and hopefully, bring it back to us this term, vote on it if that's the case. And it's ironic, you know, upon hearing about some hotels not being in compliance . . . are pushing to have, you know, their own version of a TIG, I guess.

And quick historical analysis, when I did the bill, we did have a representative from the hotel industry at the time. He worked for the Grand Wailea. They did, they were involved . . . I would hope that if it is the will of this body to send, the majority to send it back to Committee that they meet, get their thoughts out, and get it back to us before the end of . . . once and for all. Thank you

CHAIR LEE: Alright, anymore final? Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I wonder if we could ask Corp. Counsel or Public Works how many complaints we've had regarding this issue and who, who was it, was a hotel?

CHAIR LEE: Okay.

COUNCILMEMBER KING: I, I, I--

CHAIR LEE: Okay, we're down to, we're down to--

COUNCILMEMBER SUGIMURA: Okay, we'll vote on the amendment.

CHAIR LEE: --making a vote, you know, taking a vote on this.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR LEE: Any final remarks, anybody, before we call for the question? If not, Madam Clerk, roll call. Everybody knows the motion, right? The motion is to recommit this item.

COUNTY CLERK: Item Bill 21, CD2, FD2 (2022).

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NO.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: NO.

COUNTY CLERK: Councilmember Kelly Takaya King.

COUNCILMEMBER KING: NO.

COUNTY CLERK: Councilmember Gabe Johnson.

CHAIR LEE: Member Johnson? We'll come back to him.

COUNTY CLERK: Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: YES.

COUNCILMEMBER JOHNSON: No. Can you hear me now?

CHAIR LEE: Is your vote no, or yes? Member Johnson, can you repeat your vote?

COUNCILMEMBER JOHNSON: CHAIR, I VOTE NO.

I don't know if you can hear me now. I vote no. Can you hear me?

CHAIR LEE: Yes. Alright, continue Madam Clerk.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: YES.

COUNTY CLERK: Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: NO.

COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: NO.

AYES: COUNCILMEMBERS KAMA, PALTIN, AND SUGIMURA.

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

COUNTY CLERK: That's six "noes", three "ayes", and no "excused".

CHAIR LEE: Okay. Motion fails.

Back to the main motion. Members, you ready for that vote? Madam Clerk.

Member Sinenci.

COUNCILMEMBER SINENCI: Chair, just for my final discussion, I speak in support of Bill 21. Our unique biodiversity is what makes us appealing to both visitors and to residents alike. And we often underestimate the value of a healthy ecosystem and all the benefits that comes with it. Like many other past legislation, change can be difficult at first. But as we've seen from our resilient community, people are creative and end up adapting to that change. I'm confident that the visitor industry will come up with a plan within the next three and a half years.

I wanted to thank Councilmember King for stewarding this bill, and for bringing the science, the scientists, together with our government departments, and for exempting this bill from such things as sports and emergency purposes. Thank you.

CHAIR LEE: Anyone else? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'll be supporting the motion, the main motion on the floor to pass the bill on second . . . As Member Molina pointed out in testimony we heard that a working group could potentially come up with language amendments to the bill that we could consider separately in three months. And those who have testified heard the different Members, who are open to hearing those proposed amendments.

And because the Council is open to hearing those amendments, it's a much cheaper route than going to the courts. And so, instead of suing the County, you've heard the Council say that we're open to amendments. I'm going to support passing the legislation into law today, and hope that really lights a fire for those that are asking for specific amendments, because I'm open to that. I'm not against hearing any amendments to it. And so, yeah, okay, mahalo Chair.

CHAIR LEE: Anybody else? Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, I have an amendment. Chair.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Okay. So, I want to amend this bill to include all residential.

SO, I MOVE TO AMEND SECTION 20.30.070.A.3. *[SIC]*, TO READ:

"3. NON-OCEANFRONT" AND INCLUDE "RESIDENTIAL PROPERTIES" AND DELETE "PRIVATE SINGLE-FAMILY, DUPLEX, TRI PLEX, AND FOUR-PLEX RESIDENTIAL INCANDESCENT LIGHT FIXTURES THAT ARE FULLY SHIELDED", OH, I'M SORRY. YEAH, YEAH, YEAH, SO, THE REST OF THAT PARAGRAPH ACTUALLY.

So, I want to include all residential, and not only, thank you.

COUNCILMEMBER KAMA:

SECOND, FOR DISCUSSION.

CHAIR LEE: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR LEE: Alright, it's been moved by Member Sugimura, seconded by Member, Pro Tem Kama to amend this. And everybody, did you receive that ASF to amend the motion to include all residential properties?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR LEE: Any further discussion?

COUNCILMEMBER SUGIMURA: Thank you. If I could? The way that the bill is written, it allows for certain kinds of residences, I guess. So, I would, I understand the oceanfront, so, because of the turtles, although I don't think turtles are in every single, every single side of our, or every single beach, right? But, so, I'm adding residential properties so that we can include all residences that won't, so not be affected by this bill.

(Councilmember Paltin was excused from the meeting at 10:40 a.m.)

CHAIR LEE: You're talking about exempting all of these properties?

COUNCILMEMBER SUGIMURA: Right, right. Sorry.

CHAIR LEE: Exempting all of these properties.

COUNCILMEMBER SUGIMURA: Yeah, exempting.

CHAIR LEE: Alright, any more discussion, anyone else? Member King.

COUNCILMEMBER KING: Thank you, Chair. I speak against the motion because this will allow huge condos buildings that have residential units in them. Those are some of the problems. I've actually spoken to some of these folks that live in these condos and manage them, and they don't think it's going to be a big problem to comply.

I saw, even though I saw some non-compliant lighting when we were on the Big Island, I saw a lot of compliant lighting in the walkways at the hotel we were staying at. But I think, I think it was worded correctly, we've had our own OCS attorneys and staff go over this bill every time we made an exception. So, I think we should just move ahead with the bill as is, and not throw monkey wrenches into it to have to commit it back to Committee, which we just voted down. So, I'm hoping we can just vote on this and move on.

CHAIR LEE: Anyone else? Alright, ready for the question? Roll call.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NO.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: NO.

COUNTY CLERK: Councilmember Gabe Johnson.

COUNCILMEMBER JOHNSON: NO.

CHAIR LEE: No? He said no.

COUNTY CLERK: Councilmember Tamara Paltin.

CHAIR LEE: Member Paltin? Okay, move on.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: YES.

COUNTY CLERK: Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: YES.

COUNCILMEMBER JOHNSON: No.

CHAIR LEE: Who was the no? Who just? Wow, that was a delayed reaction. We already had your vote. Okay.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

COUNTY CLERK: Chair Alice L. Lee.

CHAIR LEE: NO.

Okay, try Member Paltin again.

COUNTY CLERK: Councilmember Tamara Paltin.

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

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

EXCUSED: COUNCILMEMBER PALTIN.

CHAIR LEE: Alright, motion fails, 4-4.

Yes, Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I have another one.

SO, THIS IS, I MOVE TO AMEND SECTION 20.35.070.A BY ADDING THE FOLLOWING EXEMPTION:

"LIGHTING ON FEDERAL AND STATE PROPERTIES AND ON AREAS UNDER THE JURISDICTION OF THE FEDERAL AND STATE GOVERNMENT, INCLUDING, BUT NOT LIMITED TO, HAWAIIAN HOME LANDS, STATE CONSERVATION DISTRICTS, AIRPORTS, AND HARBORS".

I think Corp. Counsel said early on, when we discussed it in Committee, they brought up this point about Federal and State properties that would not be exempt anymore

because it's been taken out of this bill. So, this is an effort to put it back in and have them exempt.

COUNCILMEMBER KAMA:

SECOND, FOR DISCUSSION.

CHAIR LEE: Okay, moved by Member Sugimura, seconded by Member, Pro Tem Kama, to pass this amendment. Everybody got their ASF to exempt certain entities such as Federal and State properties.

Alright, further discussion? Member Sugimura.

COUNCILMEMBER SUGIMURA: I think I explained it, but--

CHAIR LEE: Okay, that's fine.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR LEE: Let's move on then. Member Sugimura. I mean not Sugi, Sinenci, I meant.

COUNCILMEMBER SINENCI: Oh, just, thank you, Chair. Just for clarification, is this number H, or letter H? I'm not sure if I got the updated one. But it looks like H, lighting on Federal and State properties are exempted.

COUNCILMEMBER SUGIMURA: I think they've been deleted from this bill.

CHAIR LEE: Okay. Member King, can you--

COUNCILMEMBER SUGIMURA: Can I have Corp. Counsel?

CHAIR LEE: --clarify?

COUNCILMEMBER SUGIMURA: Can I have Corp. Counsel?

COUNCILMEMBER KING: Chair, can we ask Mr. James Forrest to explain where we're at?

CHAIR LEE: Alright.

COUNCILMEMBER KING: . . . had any request from Feds or State.

CHAIR LEE: Mr. Forrest, are you on the call? Mr. Forrest? Did you hear the question, Mr. Forrest?

LEGISLATIVE ATTORNEY JAMES FORREST: I did. Thank you, Chair. The question is we didn't receive any requests from the State or Federal government to make this exemption.

COUNCILMEMBER SUGIMURA: My goodness.

LEGISLATIVE ATTORNEY FORREST: That's, I think that's--

CHAIR LEE: No, Mr. Forrest, are they already exempt in the bill?

LEGISLATIVE ATTORNEY FORREST: I'm not quite sure about that. Let me take a look. Sorry, I thought the question was were they consulted.

CHAIR LEE: No, there, the proposal is to exempt Federal and State properties. And so, the question that came up is, are they already exempted in this bill, in this proposed bill?

Do you need some time, Mr. Forrest? Five minutes? Five minutes, ten minutes?

LEGISLATIVE ATTORNEY FORREST: Yes, thanks, Chair. Just five will do.

CHAIR LEE: Okay, meeting in, five minutes, okay. Meeting in recess till 11:02.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:47 A.M., AND WAS RECONVENED AT 10:53 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS PALTIN AND JOHNSON, EXCUSED.)

CHAIR LEE: Will the meeting of 10/10 reconvene, Council meeting please reconvene. And now, where we left off was with OCS staff James Forrest, who was going to check on something for us. Mr. Forrest.

LEGISLATIVE ATTORNEY FORREST: Thank you, Chair. Yeah, it's a little confused because State property is exempt in the section that's related to the sports and events. But the current bill has always deleted letter H, which is the prior exemption for Federal and State properties, okay. And so, the amendment would be to put that language back in.

A few comments on this is that lands such as airports and harbors, their laws are going to preempt our laws. And then, look at the ASF that says the purpose is to avoid possible litigation. That is true. On the other hand, as a, you know, proponent of the

Council's power and local control, it would be consistent with local control not to exempt them, but let them have their, you know, obviously the airports have their rules already, so if there was truly a conflict, that would be hammered out in court.

What I'm saying is that if you exempt them you give up a little bit more of local control. If you exempt them completely, you know, basically, I don't think there's much effect here either way. It's a very narrow exception. So, it's, those are the two options that you guys have.

CHAIR LEE: Alright. Thank you.

Member Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I would like to have Corp. Counsel, if you would, because State and Federal does not only mean airports and harbors. But we're talking about Baldwin High School, St. Anthony, Maui High School, Lihikai, Maui, I mean all the schools, right, Kamehameha, Lahainaluna. It's not only the airports and harbors, but it's all State properties, all Federal properties, and including the brand-new high school now has to make some changes. So, you know, that is the bigger picture, I guess. But if we could have Corp. Counsel. Here's Keola Whittaker, if you wouldn't mind, Chair?

CHAIR LEE: Mr. Whittaker, clarification.

DEPUTY CORPORATION COUNSEL KEOLA WHITTAKER: Thank you, Chair. Councilmember Sugimura is correct, that this is a little bit broader than what's in the bill. So, the existing ordinance does exempt Federal and State properties, including airports and harbors. I presume that your intent is not to regulate the runway lights at the airport. You know, because as Mr. Forrest indicated, that would be preempted. So, we'd rather not hammer this out in the courts. So, this would be a good exemption in . . . the existing law. Thank you.

CHAIR LEE: Anymore discussion on this matter? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Quick question for Mr. Whittaker. Mr. Whittaker, if it's preempted, why would it need go to court? It's preempted.

DEPUTY CORPORATION COUNSEL WHITTAKER: Well, it's in the existing law.

CHAIR LEE: Mr. Whittaker.

DEPUTY CORPORATION COUNSEL WHITTAKER: Thank you. Of course, the enforcement is up to the Public Works Department, right? As we heard earlier today, primarily the way they enforce is through complaints. They receive one complaint about a golf course. So, that's why, you know, we don't see enforcement elsewhere. So, this just clarifies that, you know, they are not going to be enforcing on Federal or State properties where there is preemption at airports and harbors. You could take out State, if you'd like to as a compromise. State law does allow for, you know, additional regulation, and you've already exempted school athletic facilities. But you know, having the Federal exemption in the law is helpful. So, that tells the enforcement division, you know, where they can and cannot enforce.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo for your response, Mr. Whittaker. I guess I still don't understand if it's preempted, then they would be preempted from enforcing, no? If the question is about enforcement.

CHAIR LEE: Mr. Whittaker.

DEPUTY CORPORATION COUNSEL WHITTAKER: So, presuming they don't, so presuming the Public Works Department does not enforce on Federal properties, then the issue may never arise. However, if they are allowed to under the law, you're taking out an existing exemption. The presumption could be made that the intent is to enforce, because you're taking out the same exemption. Jordan Molina won't be the Director forever, and maybe another director could enforce ten years from now. So, it's just adding clarity. But you're right, that if the Public Works Department doesn't enforce at the airports, it won't be an issue.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Whittaker. Mahalo, Chair.

CHAIR LEE: Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. If I may ask the maker of the amendment, Member Sugimura, did you have any Federal or State officials contact you with this concern as to maybe the reason why you want us to consider this amendment?

COUNCILMEMBER SUGIMURA: State.

CHAIR LEE: State.

COUNCILMEMBER MOLINA: State. And who from the State? DOT, DLNR?

COUNCILMEMBER SUGIMURA: So, I did speak with legislative representatives asking what we're doing and why. And concerned about how it would affect, I mean, I know we exempted stadiums and facilities like that based upon the testimony that we got from the sports or MIL. But there's a bigger state out there, which is, I mean, bigger properties outside or, you know, as part of this, and not only the sporting activities. So, yes.

COUNCILMEMBER MOLINA: Okay, so you just talked to elected officials, but not to directors per se. And who are the State representatives for . . .

COUNCILMEMBER SUGIMURA: So, I'd rather not give their names, but I can tell you privately.

COUNCILMEMBER MOLINA: I'd kind of like to hear it on the record, but okay. Thank you, Madam Chair.

COUNCILMEMBER SUGIMURA: I think it came out in the news, right, over the weekend. So, that's what's prompted the conversation.

CHAIR LEE: Member Tasha Kama, and then King.

COUNCILMEMBER KAMA: Thank you, Chair. So, I think I just want to ask the question, where does the Hawaiian Home Lands property fall in all of this? Because they've got community centers on their properties that they use for functions. And they hire event activities, such as Envisions and lighting companies like that when they do their weddings and their luaus and things like. So, where do they land in all of this?

COUNCILMEMBER KING: Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: Yeah, I believe, and Mr. Forrest can, can correct me if I'm wrong, but they're exempted because they are not a hotel. All, all private and nonprofit organizations have been exempted for special events. And the only things that we left in there were hotels and transient vacation accommodations. And that was a motion that was made by Member Sugimura and informed by Member Paltin.

I do have a comment, Chair.

CHAIR LEE: Yes?

COUNCILMEMBER KING: I think we should stop, I mean, this feels like a filibuster, like a stall tactic. And these amendments are Committee work. We've already made up a motion to recommit it that failed. I would like us to not do Committee work here. We've all talked about the fact that when it comes to second and final reading, we should, we should be able to debate it and move it on. And you know, we've already lost a couple of Councilmembers. Let's please get to the point where we can vote on the main motion.

CHAIR LEE: Well, I've checked with Mr. Raatz, and apparently there's no limit on the amount of amendments that can be made.

COUNCILMEMBER KING: I understand that, Chair. I'm just, I'm just asking our Councilmembers, my colleagues to please, you know, respect what we've talked about in the past. We all, all of these things we had an opportunity to add to the, to the, the bill in the past several times, because it's been in Committee over, you know, more than two times. We had this discussion, it's been in Council for first reading twice. And to have these come up at the last minute, when we know that Councilmembers have to leave, just feels a little burdensome on this Council, and in violation of our agreement to not do Committee work at second and final reading. So, I just want to make that plea to everybody. Can we get past this amendment and then move on and vote on the main motion as amended? Or as--

CHAIR LEE: Well, that's going to be up to the Members to do that, because there's no rule against them making amendments, so.

COUNCILMEMBER KING: Call for the question that is on the floor, please.

CHAIR LEE: Discussion is still open, I'm afraid. Member Sugimura had her hand up.

COUNCILMEMBER SUGIMURA: Thank you. I just want to speak for myself that I'm not trying to filibuster this bill, but I'm just trying to make it better, as Tamara Paltin also tried to do the same thing for her motion to recommit. So, I think there's more discussion that needs to be had. I am concerned about our residents. I'm concerned about the small businesses that I read earlier. And Hawaiian Home Lands is State property, so they will be affected, too. And there are a big sweep of impact that this have that I think, this has that I think we're just, I'm just trying to be sensitive to it and asking the motions, asking the Members to join in this discussion, so that we can have a better bill. Thanks.

CHAIR LEE: Any more discussion? If not, roll call.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: NO.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: NO.

COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: NO.

COUNTY CLERK: Councilmember Gabe Johnson.

CHAIR LEE: Come back to him.

COUNTY CLERK: Councilmember Tamara Paltin.

Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: YES.

COUNTY CLERK: Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: NO.

COUNTY CLERK: Council Chair Alice L. Lee.

CHAIR LEE: NO.

AYES: COUNCILMEMBERS KAMA AND SUGIMURA.

NOES: COUNCILMEMBERS KING, MOLINA, SINENCI, VICE-CHAIR RAWLINS-FERNANDEZ, AND CHAIR LEE.

EXCUSED: COUNCILMEMBERS JOHNSON AND PALTIN.

COUNTY CLERK: That's five "noes", three "ayes" *[sic]*, and two "excused", or absent.

CHAIR LEE: Who were the three "ayes"?

COUNTY CLERK: I'm sorry, two "ayes".

CHAIR LEE: Two "ayes" and two "excused". Okay, motion fails.

Now, back to the main motion, I believe. And the main motion is to pass this bill on first reading.

COUNCILMEMBER KING: Second and final.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

Second reading, I'm sorry. Second reading.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. In Section 4, it says "nonprofit organization properties, and County's parks and facilities". If one of the concerns that Member Sugimura has about Hawaiian Homes parks and facilities, I think it can be addressed there, where we amend "County parks and facilities," to "County and Department of Hawaiian Home Lands parks and facilities". Yeah? Okay.

CHAIR LEE: Is that a motion?

VICE-CHAIR RAWLINS-FERNANDEZ: I'm open to hearing what Member King has before I make that a motion, Chair.

CHAIR LEE: Member King.

COUNCILMEMBER KING: I believe, can we ask Mr. Forrest to, to confirm? Because I believe they're already exempt under the fact that they're not a hotel, or a short-term rental, or vacation rental. Anyway, he can explain it probably better.

CHAIR LEE: Mr. Forrest.

LEGISLATIVE ATTORNEY FORREST: Thank you, Chair. Can I have Ms. Rawlins-Fernandez repeat her question?

CHAIR LEE: Can you repeat your question?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. So, in Section 4, that's "20.35.070 Exemptions 4. Lighting for night sporting events and permitted special events". Toward the middle it says, "nonprofit organizations properties, and County and parks facilities". DHHL is not a nonprofit or State Department of Education property's private school properties. So, my thought was to either put DHHL with County parks and facilities. Or, it just says "State Department of Education properties," and not DHHL. So, it doesn't extend to that agency.

CHAIR LEE: Mr. Forrest.

LEGISLATIVE ATTORNEY FORREST: I see what you are doing now. And yes, if it's not clear that Hawaiian Home Lands are covered, then that would accomplish that goal. So, just for clarity, I think that . . . is, if not covered already, then it would be covered, that language would cover it.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Mr. Forrest. Okay. Chair? Okay, I'll make that amendment.

I MOVE TO AMEND SECTION 4, TO INCLUDE "DEPARTMENT OF HAWAIIAN HOME LANDS PARKS AND FACILITIES" WITH THE COUNTY.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Okay, moved by Member, Vice-Chair Rawlins-Fernandez, seconded by Pro Tem Kama, to amend Section 4, to include the exemptions as stated by the Vice-Chair.

Discussion, Vice-Chair.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I think I explained enough. And this would clarify what we had intended to include community centers that are on DHHL land, with the County community centers. It looks like that was what we intended. Mahalo, Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND PALTIN.

CHAIR LEE: Alright, I see one, two, three, seven. Seven "ayes", two "excused"; motion carries.

Now, the motion, the main motion as amended.

Member Sugimura.

COUNCILMEMBER SUGIMURA: So, if we're going to do that, by including Hawaiian Home Lands in that section, as my motion states, was not only for Hawaiian Home Lands, but State conservation districts, airports, harbors, and schools. Include schools, because I think, you know, examples of all the different schools that will be affected by this law, if we're going to try to pass this today, then that's a big concern cause it'll affect budgets for the Legislature or for the State, you know, by having to conform to this new legislation.

CHAIR LEE: Right. But, Member Sugimura, we took that vote. Yeah, we took that vote.

COUNCILMEMBER SUGIMURA: I agree. But if we're going to add Hawaiian Home Lands to that section, because of my motion, which failed, I understand it failed. I'm just saying, now, then add the other State properties that will be affected by it. If we're going to piecemeal things into the law, let's piecemeal it consistently then by adding schools, all public schools.

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. And mahalo, Member Sugimura. In the section that I read in Section 4, it does include schools, "State Department of Education properties". In Section 5, it also includes airports, "aviation obstruction lighting used to enhance visibility of structures to safely navigate aircraft". So, for those two concerns, they seem to be addressed in the bill. Mahalo, Chair.

CHAIR LEE: Vice-Chair, I mean, Member Sugimura.

COUNCILMEMBER SUGIMURA: Yeah, I think that schools were included to address the needs of, or the concerns that was brought forward by MIL. But if it does include all schools, and if it's going to address it so that none of them have to comply with this ordinance, then it would be agreeable to me. Please have somebody legal confirm.

CHAIR LEE: Mr. Forrest? Mr. Forrest. Did you hear the discussion?

LEGISLATIVE ATTORNEY FORREST: I'm sorry, Chair. You lost me there. Can, can--

CHAIR LEE: Ms. Sugimura, can you repeat your question to Mr. Forrest?

COUNCILMEMBER SUGIMURA: I think what Keani had said is that all schools are included as an exemption. I was under the impression that it was primarily the stadiums that would be affected based upon the testimony received in Committee. But if it's all schools, every single school would not be impacted. And I hope we then include St. Anthony and Kamehameha, because they are part of the school system that would be impacted, but they're not State facilities. So, maybe we can include that exemption, private.

CHAIR LEE: Member, member, I mean, not member. Mr. Forrest.

LEGISLATIVE ATTORNEY FORREST: Thank you, Chair. So, yes, Section 4 relates to the sporting events and the special events.

COUNCILMEMBER SUGIMURA: So, only that. Is that what he's confirming?

CHAIR LEE: It includes the special events and sporting events.

COUNCILMEMBER SUGIMURA: Right. That's what I thought. But I meant the whole school.

CHAIR LEE: Mr. Forrest? Mr. Forrest? She asked about the whole school, all activities.

LEGISLATIVE ATTORNEY FORREST: Okay. Thank you, Chair. No, Section 4 does not relate to all school property. It relates to events and sporting events

CHAIR LEE: Alright. I see other hands up.

Member King.

COUNCILMEMBER KING: Thank you, Chair. You know, we've been approached by many school groups in support of our environmental bill, so, I don't think it's a problem. I haven't had any schools contact me. I think Mr. Forrest has about wanting other

activities exempted. Most school events are during the day anyway. But you know, we responded to the complaints that we got about, well, actually we, even before we passed the first version of the bill, we put in those exemptions because that's what we heard asked for. But, you know, we've already addressed a proposal about this. I don't think we should debate, be debating something that we've already voted on. And I'd rather move ahead with, you know, we've, we've passed Vice-Chair Rawlins-Fernandez' proposal, and I hope we can just get back to the main motion now as amended.

CHAIR LEE: Vice-Chair Rawlins-Fernandez, did you have your hand up?

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I did not have my hand up. But I'll add, because I think it was inadvertently missed, that it also includes private schools, to address Member Sugimura's concern that she brought up earlier. Mahalo Chair.

CHAIR LEE: Anybody else? Vice, Pro Tem Kama.

COUNCILMEMBER KAMA: Thank you, Chair. So, my understanding in terms of what I actually heard from Mr. Forrest was that all of our public schools, private schools, charter schools, immersion schools are all exempt from this lighting ordinance. Is that my understanding and my corrected understanding that not the MIL events or the sports events, but the school itself when it does have a graduating event, or some kind of event, that they are not going to be held to these lighting ordinances? And a lot of immersion schools hold their programs at night.

CHAIR LEE: Mr. Forrest.

LEGISLATIVE ATTORNEY FORREST: Thank you, Chair. Yeah, so an event such as a graduation event would be covered under that exemption. And that language, I believe, came from Parks and Recreation. They have a special event process. So, events usually required to have, if they are required to have a permit, that would be part of the permitting process. But yes, so if you have a graduation event at a school property, it will be exempt.

COUNCILMEMBER KAMA: And if the graduation event is not on school property, how is that covered?

LEGISLATIVE ATTORNEY FORREST: Chair, you know, if it's, just to be clear, so if it was on other non-profit property, I think if, it would not be exempt if it was on private property, then they would have to comply with the rules of other private properties has to have. So, if it's on County facilities, or non-profits, then you're covered.

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

CHAIR LEE: Any other questions? If not, let's have the main motion as amended. Roll call.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Chair? Excuse me, Chair?

CHAIR LEE: Yes.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Staff would just point out that the bill has been amended, so under Rule 19.C, you can't take final action today unless you waive Rule 19.C. And that would be, or technically the term is to suspend the Rules under Rule 14.B. Thank you.

CHAIR LEE: Thanks for that clarification.

Member King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO SUSPEND RULE 14, WHAT WAS IT 14?

CHAIR LEE: 19

VICE-CHAIR RAWLINS-FERNANDEZ: 19.

COUNCILMEMBER KING:

19.C.

CHAIR LEE: 19.

COUNCILMEMBER KING: Pass this bill, move on to.

CHAIR LEE: Second?

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

COUNCILMEMBER SINENCI: Second.

CHAIR LEE: Moved by Member King, seconded by Vice-Chair Rawlins-Fernandez, to suspend Rule 19.C. Any more discussion on this? If not, all those, well, roll call.

COUNTY CLERK:	Councilmember Shane Sinenci.
COUNCILMEMBER SINENCI:	AYE.
COUNTY CLERK:	Councilmember Mike Molina.
COUNCILMEMBER MOLINA:	AYE.
COUNTY CLERK:	Councilmember Kelly T. King.
COUNCILMEMBER KING:	AYE.
COUNTY CLERK:	Councilmember Gabe Johnson.
CHAIR LEE:	EXCUSED.
COUNTY CLERK:	Councilmember Tamara Paltin.
CHAIR LEE:	EXCUSED.
COUNTY CLERK:	Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA:	NO.
COUNTY CLERK:	Councilmember Tasha Kama. I mean, I'm sorry, Council Pro Tem Tasha Kama.
COUNCILMEMBER KAMA:	NO.
COUNTY CLERK:	Council Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ:	AYE.
COUNTY CLERK:	Council Chair Alice L. Lee.
CHAIR LEE:	AYE.

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

NOES: COUNCILMEMBERS KAMA AND SUGIMURA.

EXCUSED: COUNCILMEMBERS JOHNSON AND PALTIN.

COUNTY CLERK: That's five "ayes", two "noes", and two "excused"; motion carries.

CHAIR LEE: Alright. So, the Rule has been suspended. And so--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: --we may continue.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair?

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Can we get a clarification on the suspension of Rule 19.C?

CHAIR LEE: Oh, that's right. Mr. Raatz.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. Rule 14.B does specify that six votes are required to suspend the Rules.

CHAIR LEE: Well, I'm afraid that then the motion fails, because we needed six votes, not five.

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes, Member King?

COUNCILMEMBER KING:

I'M GOING TO MAKE ONE MORE ATTEMPT TO GET THIS ACROSS THE FINISH LINE TODAY AND ASK FOR RECONSIDERATION OF THE LAST AMENDMENT THAT WE MADE.

And then they can . . . it's an issue, because it's not really an issue. We're putting it in for clarification, but if we reconsider and take that out, then we should be able to take the vote today, because there won't be any amendment.

CHAIR LEE: Well, is it on the other side that would require the reconsideration?

COUNCILMEMBER KING: I think anybody who voted for it can call for reconsideration.

DEPUTY DIRECTOR OF COUNCIL SERVICES: Yes, Councilmember King is correct.

CHAIR LEE: Okay. Alright. So, we are, there's a motion now for reconsideration. And we need a second. We need a second.

COUNCILMEMBER SINENCI:

SECOND.

CHAIR LEE: Moved by Member King, seconded by Member Sinenci, to reconsider the last vote on--

COUNCILMEMBER KING: Chair?

CHAIR LEE: --on the suspension of Rule 19.C. Yes, Member King.

COUNCILMEMBER KING: No, actually my consideration was to reconsider the last vote, the last amendment that was made by Member Rawlins-Fernandez, because that was a clarifying, you know, we already heard that the State and Federal harbors are exempt and we put that in for clarification. But now that's going to hold the bill up, because now we don't have the other two Members willing to go ahead with the vote today. So, if we just reconsider that amendment, and leave it on the, you know, that could be done at a later date at some point. But if we can reconsider that amendment, then we could vote this bill out today, because there won't be any changes to it.

CHAIR LEE: Alright. Any more discussion? Member Sugimura.

COUNCILMEMBER SUGIMURA: In other words, you are saying that to delete, or the amendment that Keani Rawlins made for clarification on Hawaiian Home, adding Hawaiian Home Lands?

COUNCILMEMBER KING: Correct.

COUNCILMEMBER SUGIMURA: Is that the motion?

CHAIR LEE: Yes.

COUNCILMEMBER KING: Yes.

COUNCILMEMBER SUGIMURA: Okay, I see what you're saying.

CHAIR LEE: Alright, any more discussion? Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'll support the motion and introduce that amendment immediately, so that it can apply. I understand what Member King is explaining, that since we don't have the six votes to suspend Rule 19.C, that since my amendment was the only amendment that was passed that would prohibit us from taking action on second and final today, that we would reconsider that and there would be no amendments to the bill, so that we can pass the bill on second and final without suspending Rule 19.C. So, I'm supportive of this motion. Mahalo, Chair.

CHAIR LEE: Any other comments, before I call on Member Sugimura? Member Sugimura.

COUNCILMEMBER SUGIMURA: So, I'm speaking against the motion because I believe that the amendments that I made are valid in whole, and we're trying to pick and choose, and make it amenable to pass it today. But I don't agree. So, thanks.

CHAIR LEE: Any more discussion? If not, roll call.

COUNTY CLERK:	Councilmember Shane Sinenci.
COUNCILMEMBER SINENCI:	AYE.
COUNTY CLERK:	Councilmember Mike Molina.
COUNCILMEMBER MOLINA:	AYE.
COUNTY CLERK:	Councilmember Kelly T. King.
COUNCILMEMBER KING:	AYE.
COUNTY CLERK:	Councilmember Gabe Johnson.
CHAIR LEE:	EXCUSED.

COUNTY CLERK: Councilmember Tamara Paltin.

CHAIR LEE: EXCUSED.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: NO.

COUNTY CLERK: Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: NO.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

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

NOES: COUNCILMEMBERS KAMA AND SUGIMURA.

EXCUSED: COUNCILMEMBERS JOHNSON AND PALTIN.

COUNTY CLERK: That's five "ayes", two "noes", and two "excused".

CHAIR LEE: Alright, motion fails. Moving back to, I mean, the motion passes to remove the amendment. Now, we go back to the main motion.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I WITHDRAW MY MOTION ON THE FLOOR.

CHAIR LEE: Second? Is there a second? Oh, you can just withdraw.

COUNCILMEMBER SUGIMURA: Oh, you mean that Hawaiian Home Lands one.

COUNCILMEMBER KING:

I WITHDRAW MY SECOND.

CHAIR LEE: Who seconded? Can you withdraw? Was it you, Member King, that made the second?

COUNCILMEMBER KING: I thought I did. But I think, Chair, that it's not required to have a seconder withdraw, as long as the main motion is withdrawn.

CHAIR LEE: Just want to be sure. Mr. Raatz?

DEPUTY DIRECTOR OF COUNCIL SERVICES: As Presiding Officer, you have the call, Chair, on whether you want to recognize the withdrawal or not.

CHAIR LEE: But the question was, if the maker of the motion withdrew, does the seconder have to withdraw?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Thank you, Chair. Technically, the motion belongs to the body, so it's not incumbent to have the seconder agree to the withdrawal.

CHAIR LEE: So, only the person who made the, made the motion can withdraw, and then that sort of nullifies that amendment, motion and amendment?

DEPUTY DIRECTOR OF COUNCIL SERVICES: I believe you, Chair, as the presiding officer, have the authority. We can look up in Robert's the specifics if you'd like, but I know the motion does belong to the body, so it's not a requirement to having

CHAIR LEE: Okay. If you're absolutely sure, then the Chair says that we will move on, and we will remove that motion from the record. Okay. So, if that motion no longer exists, then Mr. Raatz, we're back to the main motion.

DEPUTY DIRECTOR OF COUNCIL SERVICES: That's correct, Chair.

CHAIR LEE: Alright, Members, ready for the main motion?

COUNCILMEMBER KING: Yes.

CHAIR LEE: Alright. Roll call.

COUNTY CLERK:	Councilmember Shane Sinenci.
COUNCILMEMBER SINENCI:	AYE.
COUNTY CLERK:	Councilmember Mike Molina.
COUNCILMEMBER MOLINA:	AYE.
COUNTY CLERK:	Councilmember Kelly T. King.
COUNCILMEMBER KING:	AYE.
COUNTY CLERK:	Councilmember Gabe Johnson.
CHAIR LEE:	EXCUSED.
COUNTY CLERK:	Councilmember Tamara Paltin.
CHAIR LEE:	EXCUSED.
COUNTY CLERK:	Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA:	NO.
COUNTY CLERK:	Council Pro Tem Tasha Kama.
COUNCILMEMBER KAMA:	NO.
COUNTY CLERK:	Council Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ:	AYE.
COUNTY CLERK:	And Council Chair Alice L. Lee.
CHAIR LEE:	AYE.

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

NOES: COUNCILMEMBERS KAMA AND SUGIMURA.

EXCUSED: COUNCILMEMBERS JOHNSON AND PALTIN.

COUNTY CLERK: Five "ayes", two "noes", and two "excused".

CHAIR LEE: Alright, motion passes. That was Bill 21, passed on second and final reading.

COUNCILMEMBER KING: Thank you, Members.

CHAIR LEE: Shall we proceed, Madam Clerk?

COUNCILMEMBER KING: Chair?

CHAIR LEE: Yes, Member King.

COUNCILMEMBER KING: . . . I do have to step off, because I've got to go catch a plane. I don't think you'll have a problem, hopefully, with passing the next four, okay. I see Member Rawlins-Fernandez. But thank you everyone for the discussion, for the vote. I'll see you later. Have a great week.

CHAIR LEE: Okay, have a good trip.

Madam Clerk.

(Councilmember King was excused from the meeting at 11:27 a.m.)

ORDINANCE NO._____
BILL NO.___139___(2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, AFFORDABLE HOUSING FUND (LĀHAINA CROSSROADS APARTMENTS)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 139 ON SECOND AND FINAL READING.

CHAIR LEE: Second somebody.

COUNCILMEMBER KAMA:

SECOND.

CHAIR LEE: Alright. Vice-Chair Rawlins-Fernandez moved to pass Bill 139 on second and final reading, seconded by Pro Tem Kama.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 139 (2022) amends the Fiscal Year 2023 Budget, Appendix A, Part II, to add an appropriation from the Affordable Housing Fund in the amount of $11,000,000 for the acquisition of the Lāhaina Crossroads Apartment.

CHAIR LEE: Anymore discussion--

VICE-CHAIR RAWLINS-FERNANDEZ: Chair--

CHAIR LEE: Oh, okay.

VICE-CHAIR RAWLINS-FERNANDEZ: --at this time, I'd like to proceed with a proposed amendment that the County Clerk will distribute and reopen County Communication 22-247.

NO. 22-247 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR, (dated September 30, 2022)

Transmitting a proposed revised Bill 139 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES – SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, AFFORDABLE HOUSING FUND (LĀHAINA CROSSROADS APARTMENTS)".

VICE-CHAIR RAWLINS-FERNANDEZ:

I MOVE TO SUBSTITUTE BILL 139 (2022) WITH THE BILL ATTACHED TO COUNTY COMMUNICATION 22-247, AND TO FILE COUNTY COMMUNICATION 22-247.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR LEE: Okay, everybody got their ASF's?

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Again, as I spoke to earlier, the only change in the proposed FD1 version of the bill is the insertion of "and TMK (2) 4-6-009:061" after "TMK: (2) 4-6-009:058". This amendment would update the bill to reflect the correct TMKs for the property. So, this would include the parking lot. Mahalo, Chair.

CHAIR LEE: Alright. Anymore discussion? I would imagine we have to, do we have to suspend Rule 19.C as well, with this?

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, the bill was posted on the agenda, so suspension of Rule 19.C is not necessary.

CHAIR LEE: Okay. Is that correct, David?

DEPUTY DIRECTOR OF COUNCIL SERVICES: Yeah, thank you, Chair. Yes, the proposed FD1 version of the bill was attached to County Communication 22-247. It's on the agenda and Rule 19.C wouldn't apply.

CHAIR LEE: Alright, thank you. So, anymore discussion? Roll call.

COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

COUNTY CLERK: Councilmember Kelly T. King.

CHAIR LEE: EXCUSED.

COUNTY CLERK: Councilmember Gabe Johnson.

CHAIR LEE: EXCUSED.

COUNTY CLERK: Councilmember Tamara Paltin.

CHAIR LEE: EXCUSED.

COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

(Councilmember Paltin returned to the meeting at 11:30 a.m.)

COUNCILMEMBER PALTIN: AYE.

CHAIR LEE: Wait, I hear Member Paltin is an "aye". Okay.

COUNTY CLERK: Okay.

Council Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: YES.

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

VICE-CHAIR RAWLINS-FERNANDEZ: AYE.

COUNTY CLERK: And Council Chair Alice L. Lee.

CHAIR LEE: AYE.

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND KING.

COUNTY CLERK: Seven "ayes", and two "noes" *[sic]*; motion carries.

CHAIR LEE: No, no. Two "excused".

COUNTY CLERK: Two "excused". Sorry about that.

CHAIR LEE: Yeah, she came back on.

Alright, where were we?

COUNTY CLERK: Main motion as amended.

CHAIR LEE: We substituted, right?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. No further discussion. We're now on the main motion as amended. Mahalo, Chair.

CHAIR LEE: No further discussion, Members? The main motion as amended. All those in favor, raise your hand and say "aye".

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND KING.

CHAIR LEE: Okay, I see Member Paltin is on the call as well. So, we have, it looks like eight "ayes", one "excused". Oh, I'm sorry, seven "ayes", two "excused". The two "excused" are Members Johnson and King. Motion carries.

Next item. Clerk.

ORDINANCE NO._____
BILL NO.___140___(2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023,
ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS
REVOLVING FUND (MOLOKAI GLASS HOUSE AT MAPULEHU)

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 141 and Bill 142?

MEMBERS VOICED NO OBJECTION.

CHAIR LEE: So, ordered. No objections to calling up Bills 41 *[sic]* and 142 as well.

ORDINANCE NO._____
BILL NO.___141___(2022)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023,
HAWAIIAN CULTURAL RESTORATION REVOLVING FUND

ORDINANCE NO._____
BILL NO.___142___(2022)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF THE PROSECUTING ATTORNEY
(HAWAII CAREER CRIMINAL PROSECUTION PROGRAM)

CHAIR LEE: Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO PASS BILL 140, 141, AND 142 ON SECOND AND FINAL READING.

COUNCILMEMBER MOLINA:

SECOND.

COUNCILMEMBER KAMA: Second.

CHAIR LEE: Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Molina, to pass Bills 140, 141, and 142 on second and final reading.

Discussion, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Bill 140 (2022) amends the Fiscal Year 23 Budget, Appendix A, Part II, to add an appropriation to develop and implement a preservation and access plan for the Molokai Glass House at Mapulehu.

Bill 141 (2022) amends Fiscal Year 2023 Budget, Appendix A, Part II, Hawaiian Cultural Restoration Revolving Fund, by amending the conditional language for the management strategy and restoration of Moku'ula and Mokuhinia.

Bill 142 (2022) amends the Fiscal Year 2023 Budget, Appendix A, Part I, Department of the Prosecuting Attorney, to add a new grant entitled "Hawaii Career Criminal Prosecution Program" in the amount of $144,736 and a 1.0 limited term appointment. I ask for the Members continued support of these items. Mahalo Chair.

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

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

NOES: NONE.

EXCUSED: COUNCILMEMBERS JOHNSON AND KING.

CHAIR LEE: Okay, I see seven "ayes", two "excused"; motion carries. Excused are Members King and Johnson.

And that brings us to the end of the calendar. Everybody have a nice week. Any final comments from anyone? Okay. Meeting adjourned.

ADJOURNMENT

The regular meeting of October 7, 2022, was adjourned by the Chair at 11:35 a.m.

Kathy L. Kaohu

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

221007/lks:jm

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Lynn Britton
P.O. Box 2241, Wailuku, HI 96793; blb@maui.net

October 6, 2022

RE: Resolution 22-206

Aloha Council Chairperson Lee and Maui County Council Members,

Please support Resolution 22-206 authorizing proceedings in eminent domain for the acquisition of the Ma'alaea Mauka/Pohakea Watershed which received unanimous approval last month by the CARES Committee.

It is unfortunate that the new owner of these lands is unwilling to sell the 257 acre parcel to the County. Apparently he may be willing to sell or donate **a small portion** of the land to address erosion and other issues, but keep the remainder in the hopes that he may receive support for developing the remaining land. The community and this Council has already been down that route with the previous owner and determined the entire parcel was worth preserving for future generations. Not only for its valuable scenic views and vistas but to address wildfire and sedimentation impacts on Maalaea Bay. The Pohakea Stormwater Management Plan says the entire parcel is needed to address these impacts.

Let's review: The parcel -project district 12 – is outside of the Urban Growth Boundary in the Maui Island Plan. Hence, only 21 ag. lots are permitted on the land. The developer may dangle the hopes of 'affordable housing' on the parcel but that is unrealistic – the previous owner knew that and was willing to sell the land to the county. And there are 1400 units coming up in Waikapu Country Town and more planned for the Maalaea to Wailuku corridor.

With DLNR State Forestry willing to take ownership and management responsibility for the parcel to combine with the surrounding 4,000 acres of state conservation lands to create a 'forest reserve', it's a win-win for the County and for the Maui community. This initiative will provide Maui County vast resources in preserving the valuable open space and scenic resources, expand the historic Lahaina Pali Trail and create parks and trails for the benefit of Maui's people for years to come. DLNR's commitment of $1 million in Legacy Lands funding toward the purchase demonstrates the value the state puts on preserving these lands.

Please support Resolution 22-206 and move this resolution forward without further delay.

Mahalo!

Sincerely, with Aloha,

Lynn Britton

County Clerk

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From: Peter Martin <Peter@westmauiland.com>
Sent: Thursday, October 6, 2022 9:04 AM
To: County Clerk
Cc: Maggie Martin; Taylo Martin; Dean, Joshua; Glenn Tremble; Grether, Ryan; Brad Sheveland
Subject: VOTE NO on No. 22-98 regarding Resolution 22-206.

Aloha Maui County Council Members,
Please vote no on using eminent domain to steal a the land owned by WMC and Hope Builders .

1. It is kinda rude for Council Member King to not even meet with us and " talk story " before initiating this action .
2. " Thou Shall not Steal " . I do not think our community approves of taking Private Property from its' Citizens against their will . Just cuz the price is by appraisal shows how little knowledge some council members have about real estate . The definition of Value has to do w a willing Seller and willing Buyer . WE DO NOT WANT TO SELL. NOT AT ANY PRICE ! When I proposed and then followed through w the Marriage to this land , I made a commitment to Aina and to God to do what is pono . And I can not be bought with you government money that was taken from our citizens .
3. Please tell me exactly how much of each of you will contribute of your own money to buy this land . Or are you only generous w Maui's hard working folks money ?

Peter Martin
Pres Hope Builders
A Maui Family owned Business

HB , Inc
Faith – Family – Community – Work

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Aloha Council members:

My name is Jeff Bagshaw, and I work for the State of Hawaii's Division of Forestry and Wildlife.

To quote an old musical lyric from "Fiddler On the Roof:"... "Wonder of wonders, miracle of miracles..."

Go into any retail outlet on Maui today and you won't find any petrochemical sunscreens for sale. Early opposition to Maui's first-ever-in -the-nation banning the sale of those products warned it just wasn't possible for change to happen, there would be dire consequences for human health etc, yet here we are in a world getting repaired because of bold action from this Council. I'm not here to once again talk about sunscreens, but I can't help but start off with noting that success and connecting it to the prior debates around Bill 21.

I am in strong support of Bill 21 CD1 FD2 to amend Maui County Chapter 20.35, because it specifies lighting uses that protect wildlife while addressing human needs. Limiting short wavelength content to no more than two percent of blue light content, down-directing lighting and ensuring lights are fully shielded protects native seabirds and marine life, but this also helps protect our fresh water future. It includes a three-year replacement schedule for existing lighting that is problematic as well as prohibitions on new installations of certain bulb types, light wavelengths and direction of illumination. Light pollution is growing exponentially across Maui County, making life for native seabirds and other marine animals more difficult with each passing night.

One concern opponents have raised are the costs of conversion. It's easy to calculate those dollars, but what is more difficult to quantify are environmental services we expect to be free, even to make us money. When the issue of conversion costs are raised, please compare those to the following.

Freshwater is the first: We talk about food-security often, but *water-security* is even more basic unless we're willing to have a future of tankers delivering fresh water to our docks, we have to take care of all the links in the chain that keeps our waters flowing, *now*.

I've previously testified how seabirds are a vital link in nutrient cycling for native forests and shrublands. We get our freshwater from our forests. It may flow in streams, be stored in ponds or come from aquifers and wells, but it is first captured in our native forests. To replace the work of seabirds evenly distributing nutrients in the form of their guano, to keep forests healthy and functioning would require hundreds of thousands of dollars in helicopter time to foliar-spray our native forests. Or it would take thousands of people-hours annually, hiking through the forests with heavy packs, hand-spreading fertilizers. And there are many studies showing how those nutrients even feed our reefs in the right amounts and chemical compositions, to keep corals producing fish for food.

There are about 80.000 acres of native forests on Maui, and Hawai'i Island studies show native trees are superior at "cloud capture." Their leaf, bark and root structures have evolved to capture water from clouds touching them and channeling that water into aquifers, where most of our freshwater resides. About 30% of our freshwater is generated this way, even if it doesn't actually rain. Those native trees need nutrients like all plants, and historically, those nutrients were delivered by seabirds. 'Ōhi'a get about 28% of their nitrogen from marine resources, i.e. seabirds.

DOFAW has no plans and is not prepared to do arial fertilizing, but to do so at the same rate as the seabirds would conservatively cost about $11 million annually for Maui not to mention the carbon footprint of all that helicopter fuel. Right now, we are relying on the free labor of seabirds. And there are

many studies showing how those nutrients even feed our reefs in the right amounts and chemical compositions, to keep corals producing fish for food.

Which leads to another environmental service we capitalize on for free: reef fish and sea turtles. The Hawai'i Visitor Bureau's 2020 Annual Visitor Satisfaction and Activity Survey once again states that roughly 60% of visitors to Maui report they snorkeled or came to Maui specifically to snorkel. The survey doesn't report one thing I can share anecdotally. First time visitors to 'Āhihi- Kina'u Natural Area Reserve will ask me about 30-40% of the time: "Can we see turtles here?" right after "Can we see fish here?" Look at souvenirs sold through any retail outlet large or small. What is one of the top five iconic creatures on tee shirts, stickers, stuffed toys, keychains... sea turtles. How many dollars in profits can be attributed to the presence of these animals and visitors wanting to remember or hope for an experience? As others have testified, over- and badly designed lighting affects all reef animals including fish and turtles.

Modern astronomers can give estimates of the values of dark skies for professional sky-watching, and there are at least a dozen private tour-companies that include star watching in their list of activities/services they provide, which can again, equate to environmental aspects we capitalize on for free. But an incalculable benefit is the ability for residents to be able to look at up and experience seeing stars used in traditional navigation as was done generations ago, and Nainoa Thompson of course used stars, but also relied on seabirds in the last hours of his first voyage as a navigator to Tahiti. The modern definition of a cultural landscape goes beyond archeological features – it includes being able to experience a landscape as our ancestors did to hear seabirds call in the night. "Honolulu City Lights" is a lovely song but rewriting those lyrics to become "Kahului City Lights" would be a sad cultural replacement for the loss of seabirds and the other pieces of the environmental chorus we are losing with in-action.

The latest estimates for sea level rise say we will lose 26-40% of the nesting habitats for seabirds in Papahānaumokuākea Marine National Monument, where 96% of the world's Laysan Albatross currently nest, a species that led early navigators here, which is unique to our islands. We have to start now in preparing for those climate refugees to move back to the lower eight Hawaiian islands. We can make room for them, we can invest in and pay for the free resources we have capitalized on for many years. Its time to pay that back-rent, to take back the night.

Kudos to this committee and the Council for working on this difficult and detailed bill. You've worked through many details and iterations because this is about creating "smart-lighting" instead of over-lighting. Mahalo for all your efforts.

Jeff Bagshaw

Communications and Outreach Specialist

State of Hawaii, Division of Forestry and Wildlife, Maui Nui Branch

Jeff.w.bagshaw@hawaii.gov

(808)264-7891

Just 500 seabirds deliver about 163 pounds of guano per ha/year, foliar (to the leaves of trees) and to reefs. $0.00 costs to people, no carbon footprint.

Replacing their "labor?" ~$733.00 for fertilizer, ~$633.00 for helicopter services per ha/year = ~$1336.00 plus carbon emitted by jet fuel.

Maui has about 80,000 acres of ʻōhiʻa... Feeding them artificially ~$11 million/year.

ʻŌhiʻa get about 28% of their nitrogen from marine resources and native forests generate about 30% of our freshwater.

Maui DOFAW has no plans to do arial fertilizing but we work to support the wildlife that provides environmental services at no charge.

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HAWAI'I HOTEL
ALLIANCE

October 6, 2022

The Honorable Alice L. Lee, Chair
The Honorable Keani Rawlins-Fernandez, Vice-Chair
Maui County Council
Kalana O Maui Building
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

RE: Hawaii Hotel Alliance Opposition to Bill 21 CD2 FD2 (2022)

Aloha Chair Lee, Vice-Chair Rawlins-Fernandez and Members of the County Council,

Mahalo for this opportunity to provide testimony in advance of the Council's October 7, 2022 meeting. The Hawaii Hotel Alliance (HHA)[1] strongly opposes—inclusive of recent amendments—Bill 21. Bill 21 would still force a predominance of the Maui community to undertake onerous and expensive lighting measures that have not been shown to increase wildlife safety but could have potential detriment to human safety. HHA had hoped—upon Bill 21's return to full Council for renewed consideration—that truly substantive changes would have been made at committee level.

Instead of fully recounting our ongoing trepidations word-for-word, we encourage all councilmembers to review our prior testimony and to strongly oppose Bill 21 CD2 FD2.

Maui's lodging industry remains deeply committed to its stewardship role for the environment, but the approach sought here will involve tremendous costs to Maui's government (*i.e.*, taxpayers) and businesses, as well as fraught ability to obtain and determine compliant lighting mechanisms—all for blue light standards lacking scientific consensus.[2] **Critically, the Council would be establishing serious lighting standard burdens that are not broadly substantiated as having demonstrable benefits for Hawaii's native seabird species and other local wildlife.[3]**

Where Bill 21 CD2 FD2 deviates most from prior versions is in its expanded list of exemptions. While some public safety needs are to be excused from these lighting standards, we would be remiss if we did not highlight that the standards would apply to *"[t]emporary hotel and*

[1] https://www.hawaiihotelalliance.com/.
[2] As noted by the U.S. Fish and Wildlife Service (USFWS)—the federal agency responsible for implementing the requirements of the federal Endangered Species Act—in a letter to the County's Deputy Corporation Counsel on July 15, 2022, research regarding the effect of different lighting characteristics on Hawaiian seabirds is ongoing and conclusive results are not yet available.
[3] In addition to Bill 21's adherence to unsubstantiated blue light standards, it would also impose costly and sweeping ancillary standards unsupported by USFWS. For example, "painted surfaces must have matte paint" if "light hits a wall surface" under proposed Section 20.35.060 E.1, which is not a measure recommended by USFWS to protect endangered species.

condominium beach security lighting" and *"[s]afety and security lighting for water features"*—both of which are currently exempt under Maui law. This could increase safety hazards for hotel guests and make it impossible for security staff to implement safety or security lighting at their hotels and resorts—even provisionally to resolve pressing safety matters—given there are well-established human safety benefits of lights with shorter wavelengths (*e.g.*, blue), including that they create greater contrast and enhance peripheral vision. The wellbeing of our lodging guests and employees alike is of the utmost importance, and something that should not be unduly compromised in anything adopted by the Council.

Bill 21 will also place a financial burden on our small local businesses in the entertainment industry that use such lighting, temporarily, to conduct their entertainment shows hired for. Our local hotels contract out multiple shows that attract not just the visitor industry, but our local residents as well. From luaus to concerts as well as private events held on hotel premises and private homeowners, we depend heavily on these small local entertainment businesses.

We continue to see a direct target towards the hotel and visitor industry, yet our hotels are in the forefront working in implementing more environmentally sustainable practices as well as cultural practices and educating our visitors. We currently have a number of hotels who have implemented rules to turn down their lights during season not to have a negative impact on our native Hawaiian seabirds.

For the myriad reasons articulated in each of our testimonies, the Hawaii Hotel Alliance urges the Council's rejection of Bill 21 CD2 FD2—otherwise, the risks and harms brought about will greatly exceed any benefit that may possibly be attained. Please consider more studies be done to bring results and work with the visitor and hotel industry as well as the small business owners that will be impacted if this bill is passed as it is currently written.

Mahalo Nui Loa,

Lahela Aiwohi
Hawaii Hotel Alliance

EARTHJUSTICE

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TESTIMONY IN SUPPORT OF BILL 21, CD 2, FD 2
A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING WILDLIFE FROM OUTDOOR LIGHTING AND PRESERVING DARK SKIES
(Second and Final Reading))

Maui County Council
October 7, 2022
9:00 a.m.

Good morning, Chair Lee, Vice-Chair Rawlins-Fernandez, and members of the Council:

My name is David Lane Henkin, and I am an attorney with Earthjustice.[1] Earthjustice submits this testimony on behalf of the Center for Biological Diversity and Conservation Council for Hawai'i ***in strong support of Bill 21,*** which would amend Maui County's lighting ordinance to increase protections for Hawai'i's threatened and endangered seabirds and sea turtles. Bill 21 is consistent with the best available science on how to minimize harm to imperiled wildlife from artificial lights. Bill 21 also provides clear guidance on how to implement these new lighting requirements with minimal burden on the community. Finally, the current version of Bill 21 addresses all reasonable concerns raised by members of the public and the administration, allowing ample time for compliance and ensuring that emergency services will not be interrupted. For these reasons, we urge the Council to adopt this measure as a win-win for the community and Hawai'i's native wildlife.

Artificial lights in Maui County regularly attract and disorient Hawaiian petrels, band-rumped storm petrels, and Newell's shearwaters as they navigate between the ocean and nesting colonies, resulting in fallout, injury, and death. State and federal wildlife agencies charged with helping to prevent these species from going extinct recognize that artificial light attraction poses an ongoing threat to the species' survival and recovery. Best practices to minimize light attraction, and help prevent extinction, include reducing short wavelength "blue light" in outdoor lighting fixtures, preventing outdoor lighting from shining upward or over the ocean, and eliminating reflective surfaces that bounce light into the sky. Bill 21 would require compliance with these best practices to give our native seabirds the best chance of survival.

To address concerns about increased regulatory burdens for businesses and residents, Bill 21, CD2, FD 2 provides a lengthy phase-in period for the replacement of existing outdoor lighting. *See* Section 7 of Bill 21 (ordinance does not take effect until July 1, 2023); Proposed Section 20.35.070.B (exempting existing lighting for three years after enactment). It also exempts nearly

[1] I am registered as a lobbyist.

MID-PACIFIC 850 RICHARDS STREET, SUITE 400 HONOLULU, HI 96813
T: 808.599.2436 F: 808.521.6841 MPOFFICE@EARTHJUSTICE.ORG WWW.EARTHJUSTICE.ORG

all residential lighting (with the narrow exception of oceanfront properties, which pose the greatest threats to imperiled seabirds and sea turtles). *See* Proposed Section 20.35.070.A.3. The bill further facilitates compliance with the new lighting requirements by adopting the definition of "blue light content" found in Hawai'i County's lighting ordinance.[2] Using the same definition of "blue light content" provides consistency for businesses operating in both locations, and also provides a template for implementation given that Hawai'i County's blue-light content requirement has been on the books for more than a decade. To further assist the public, the bill provides that the director of public works will maintain a list of light fixtures that comply with lighting requirements. *See* Proposed Section 20.35.060.F. These provisions will ensure a smooth transition to seabird friendly lighting in Maui County and reduce any regulatory burdens on the community.

Bill 21 is a crucial step forward for seabird conservation in Maui County and provides a clear path forward for County agencies and businesses, and residences to install seabird and sea turtle friendly lighting. For these reasons, we respectfully urge the Council to pass this bill.

Thank you for the opportunity to provide this testimony in strong support of Bill 21, CD 2, FD 2.

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[2] *Compare* Proposed Section 20.35.060.D *with* Hawai'i County Code § 14-51(a)(9); *see also* Hawai'i County Code § 14-55, Table 14-A (specifying that LED fixtures must have "less than 2% blue light content").

County Clerk

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From: Baer, Jason (OGGRM) <jason.baer@hyatt.com>
Sent: Wednesday, October 5, 2022 9:54 AM
To: County Clerk
Subject: Proposed Bill 21

You don't often get email from jason.baer@hyatt.com. Learn why this is important

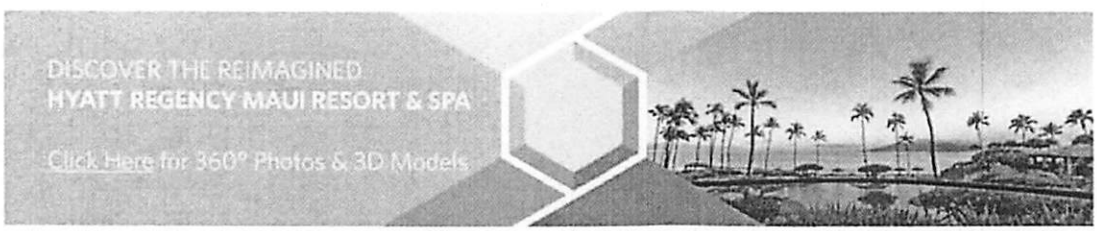
Aloha,

I would like to write in as it relates to Bill 21. This bill in its current state proposes a hardship for myself and the team I support. As it is written, the bill would decimate temporary outdoor events at hotels and this is the primary reason myself and the 25 individuals on my team are employed. This would eliminate jobs of hard working men and women who grew up here on Maui and work to preserve our culture though these temporary events.

Please consider a language change to the Bill that will preserve both outdoor events and the wildlife.

Jason Baer
Director of Sales & Marketing

HYATT REGENCY MAUI RESORT AND SPA
200 Nohea Kai Drive, Lahaina, HI 96761, USA
T: +1 808 667 4922 F: +1 808 667 4497 E: Jason.baer@hyatt.com
hyattregencymaui.com



2022 Four Diamond Resort, *AAA*
2022 100 Best Companies to Work For, *Fortune Magazine*
2021 Top 25 Hotels in Hawaii, *Conde Nast Traveler Readers' Choice*
2021 Best Pacific Rim Cuisine and Best Asian Cuisine, Japengo, *Maui No Ka 'Oi Magazine*
2021 Global Bio-Risk Advisory Council - GBAC STAR™ Accredited Facility
Certified LEED-EBOM Gold and TRUE Zero Waste Pre-Certified, *U.S. Green Building Council*
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From: Beck, Brandon <Brandon.Beck@vacationclub.com>
Sent: Wednesday, October 5, 2022 8:00 AM
To: County Clerk
Subject: Comments on Maui Bill 21.

You don't often get email from brandon.beck@vacationclub.com. Learn why this is important

Aloha Maui County Council,

Ask yourselves how much revenue to the State would you lose if you passed this bill ? I personally know a lot of Banquet employees who would lose their jobs & resorts would lose tons of revenue. Just my thoughts..

Mahalo !

Brandon Beck
Chief Engineer

Hyatt Residence Club Maui, Kā'anapali Beach
T +1 808-662-1005 M +1 971-221-7780
180 Nohea Kai Drive, Lahaina, Hawaii 96761 USA
hyattresidenceclub.com

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From: Tamara A. Paltin
Sent: Wednesday, October 5, 2022 7:38 PM
To: County Clerk
Subject: Fwd: bill 21

Get Outlook for iOS

From: Todd Bernat <heavyt808@yahoo.com>
Sent: Sunday, October 2, 2022 2:46:24 PM
To: Tamara A. Paltin <Tamara.Paltin@mauicounty.us>
Subject: bill 21

You don't often get email from heavyt808@yahoo.com. Learn why this is important

Dear Council Member Paltin-

I am writing to you all with concerns over Bill 21 (re: outdoor lighting and seabirds).

I urge you to vote AGAINST this legislation.

My main request is that you consider the economic impact of the bill. These events that happen outdoors are an important part (if not the most important part) of our convention clients' experience here and integral to attract their business. Undermining the ability to host quality events will drive business away, to other islands if not out of state.

In regards to the tourism industry as a whole, I've been told that conventions bring in an outsized percentage of revenue compared to other guests and tourists. Also, that without the banquets departments that support these convention travelers, the resorts would cease to be viable. The negative impacts this would have on county revenues would be huge.

I myself work on the technical side of this industry. I personally know dozens if not hundreds of people in my field that would lose work if these events cease to happen. Additionally considering the numbers of people that work as talent and entertainers, or directly in banquets and other hotel departments, the amount of people affected island wide would be in the thousands.

Overall, this legislation appears to me to be poorly drafted and making a scapegoat of resort properties and convention events. In my personal experience, I can see stadium lighting for sporting events with it's broad spectrum white light, which gets an exception, from miles away across the valley. The same cannot be said for resort properties, which I barely notice even in close proximity. Also, considering that resorts occupy a small percentage of overall coastal space, and that events only run for a few hours leaving most of the night dark, any restrictions placed on how they operate would have a minimal if any effect to solving the supposed problem.

If the phrase, "a solution in search of a problem" has any meaning, I believe it applies here.
This bill as written will have terrible effects without fixing what it is intended to address.

Please vote AGAINST Bill 21.

Thank you for your attention to these concerns.
Looking forward to a response and your vote,
Sincerely,
Todd Bernat

County Clerk

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2022 OCT -6 PM 12: 52
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COUNTY CLERK

From: Heidi Bigelow <Heidi@westmauiland.com>
Sent: Thursday, October 6, 2022 12:15 PM
To: County Clerk
Subject: Defer Committee Report 22-98 regarding Resolution 22-206

You don't often get email from heidi@westmauiland.com. Learn why this is important

Aloha Chair Lee and Members of the Maui County Council,

I am writing to respectfully ask members to please defer the vote on Item 22-98 until the following matters are fully vetted:

1. Is the County prepared to make the necessary drainage improvements if they become the owners?
2. Does the County know what the drainage and fire solutions are and how much they will cost in addition to the purchase price?
3. Is the County prepared to and have the ability, both financial and man-power to manage these lands? Does the county have the resources to properly manage lands? (One just needs to look at the coastal lands acquired in West Maui at the bypass terminus, in Ukumehame, and Pe'ahi.)
4. Who at the county would be responsible for managing and improving these lands to address offsite (State lands) and onsite drainage? Which Department?
5. Has the County reached out to the state and current land-owner to explore solutions that could be achieved with a public-private partnership?

Mahalo for re-considering your vote on this. Please defer this item until it is fully vetted.

Heidi Bigelow
Project Manager
West Maui Land Company

County Clerk

RECEIVED
2022 OCT -5 AM 8:18
OFFICE OF THE
COUNTY CLERK

From: Matthew Francis Broderick <mfrancisbroderick@gmail.com>
Sent: Tuesday, October 4, 2022 9:20 PM
To: County Clerk
Subject: Written testimony for bin tour legislation

You don't often get email from mfrancisbroderick@gmail.com. Learn why this is important

Aloha I am a resident of Haiku and would like to request that bike tours be regulated to be out of residential areas. Whenever I drive near them I notice the situation feels unsafe as they are driving well below the speed limit and it is also difficult to be around when they are being passed because there are so many cars inconvenienced. Anything that the legislation can do to keep the tours on the crater road would be much appreciated by myself and many other maui residents I have spoken to.

Matthew Broderick
4170 Hana Highway
Haiku Hi 96708

RECEIVED
2022 OCT -7 AM 7:42
OFFICE OF THE
COUNTY CLERK

October 7, 2022

Council Chair Alice Lee
Maui County Council
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

Maui County Council Members

My name is Roy Butteling part owner of Kokua Destination Services LLC. and I am opposed to bill 21 in its current draft. If this bill passes in its current form, it will have a disastrous impact to multiple locally owned business. While the bill extends an exemption to nighttime sporting events, other permitted special events like the Obon Festival, and concerts at the MACC. It does not extend an exemption to hotel special outdoor events, private outdoor events or public luaus. It was my understanding Bill 21 mirrors the Big Island of Hawaii's current outdoor lighting ordinance, which does not affect hotel outdoor event, private outdoor events nor public luaus. I'm very sensitive to protecting local indigenous wildlife, but feel we can properly protect our wildlife and still allow all outdoor events like the Big Island of Hawaii has shown.

I'm concerned the council does not understand how this bill, by outlawing outdoor events, will eliminate hundreds of local entertainment jobs, audio visual jobs, photographer jobs and catering jobs. It will even affect the local small business man whose revenue is reliant on the island's Meeting, Conference and Incentive (MCI) market. The MCI market is the perfect visitor industry market, for Maui. The MCI guest is sensitive to the Hawaiian culture, contribute financially to our local nonprofit organizations and return to the islands on a regular basis.

All I ask is that you consider extending an exemption to hotel outdoor event, all private outdoor events and all public luaus.

Gravely Concerned

Roy Butteling

RECEIVED
2022 OCT -6 AM 8:04
OFFICE OF THE
COUNTY CLERK

October 6, 2022

RE: Committee Report No. 22-98 regarding Resolution 22-206

County Council,

Affordable Housing. What is affordable in Maui? $700k plus? Good luck making that work even with two people earning a decent wage. Then add in children and it is almost unreachable. The Ma'alaea Property poses an excellent opportunity for an affordable housing project that is affordable to the working population in Maui. Over a year ago I have put in multiple bids on condos only to have someone else outbid me. And this is going well over list price which is crazy! How many working-class residents are you willing to lose to the Mainland (replaced by Mainlanders) before anything is done? Do not rob the hard-working residents of your County by blocking this project.

I have also heard that fires could be an issue. Back when Ma'alaea Bay used to be a fishing village, there wasn't such a big wind tunnel in the area as there were trees blocking the wind. I was a wildland firefighter for several years and the worst possible weather event was wind. Wouldn't a community on this property solve that problem? Effectively helping reduce the wind among other things. Overall it would help keep the area safe and protected.

Lastly, eminent domain. From what I know, this is used as a last resort after talks with the owners have failed. The owners have only had the property for a couple of months and how has the communication gone with the owners? Has there been any sit-down meetings? It seems like eminent domain is being rushed through before the upcoming election.

Please consider my above testimony and vote no on Resolution 22-206 authorizing eminent domain in Ma'alaea.

Thank you for your time and consideration.

Sincerely,

Colleen Case

Frustrated First Time Homeowner & Maui resident for 20 years.

County Clerk

RECEIVED

From: Kathy Clarke <kathy@kathyclarkehawaii.com>
Sent: Wednesday, October 5, 2022 11:43 AM
To: County Clerk
Subject: Do not Pass Maui Bill #21 -

2022 OCT -5 PM 12:02

OFFICE OF THE COUNTY CLERK

You don't often get email from kathy@kathyclarkehawaii.com. Learn why this is important

WHY ARE SPORTING EVENTS AND NON-PROFITS THAT ARE NON REVENUE GENERATING ALLOWED TO ALLEGEDLY ENDANGER BIRDS BUT NO ONE ELSE CAN LIGHT UP? WHY ARE THEY SINGLED OUT?
THE MANY SUPPLIERS WHO PROVIDE SERVICES FOR OUT DOOR EVENTS AT HOTELS AND VENUES ARE BEING DISCRIMINATED AGAINST.
CONSIDER THE CONSEQUENCES: Florist, entertainers, décor suppliers, caterers, production companies, technicians and many other event suppliers will be PUT OUT OF BUSINESS. Less Tax revenue for you! LESS VISITOR SPEND ON MAUI
SENSIBLE SOLUTION: Ask the event industry to form a committee to provide ways to minimize potential wildlife impact in a SANE and SENSIBLE way for outdoor events. There ARE solutions that will not shut down an industry.

Maui County Council Bill #21 will SERIOUSLY impact our visitor industry and eliminate REVENUE GENERATING EV ENTS. Passage of this bill in its current form will RESTRICT any and all outdoor up lighting and would require all other lighting fixtures to be properly "shielded" to eliminate light spillage beyond the horizonal plane of the light source. Unlike other industries, theatrical lighting manufacturers do not offer any environmentally-friendly remedial solutions or retro-fit apparatus that would bring lighting fixtures into compliance. So this Bill is tantamount to an outright ban on theatrical lighting at all outdoor evening events at Resorts (more on why just resorts in a moment). And if enacted into law, this Bill will have far-reaching consequences beyond just the ability to light an event space. Without outdoor lighting, there will be no outdoor events, and without outdoor events, there will be no group or destination wedding business.

The Bill carves out narrow exceptions to these restrictions that fly in the face of the expressed purpose of this bill. The exceptions include nighttime sporting events and other permitted special events (like the Obon Festival), and events on non-profit properties (e.g. concerts at the MACC) and on County, State or Federal properties (e.g. the annual Barrio Fiesta, the Maui Fair, etc.), but not for events at hotels or other ocean-side event venues. Clearly, hotels are being targeted when these other "permissible" events produce substantially more artificial atmospheric light than private resort events do. Compare the bright white glaring lights at the War Memorial Stadium sporting event vs mood lighting at a Molokini Gardens event.

Kathy Clarke Hawaii
Destination Management since 1980
808-885-8060 Corp Office
808-885-8045 Fax
808-960-2275 Cell
POB 2245, Kamuela, HI 96743

County Clerk

RECEIVED
2022 OCT -6 AM 8:03
OFFICE OF THE
COUNTY CLERK

From: Tamara A. Paltin
Sent: Wednesday, October 5, 2022 7:38 PM
To: County Clerk
Subject: Fwd: Maui County Council Bill #21

Get Outlook for iOS

From: Kathy Clarke <kathy@kathyclarkehawaii.com>
Sent: Wednesday, October 5, 2022 12:00:33 PM
To: Alice L. Lee <Alice.Lee@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Tasha A. Kama <Tasha.Kama@mauicounty.us>; Gabe Johnson <Gabe.Johnson@mauicounty.us>; Mike J. Molina <Mike.Molina@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>
Subject: Maui County Council Bill #21

Some people who received this message don't often get email from kathy@kathyclarkehawaii.com. Learn why this is important

I am in opposition to Bill #21 and I cannot believe you are promoting this bill with so little consideration for how it will effect the travel industry. Are we going to shut down all our night time luaus? No more revenue generating outdoor events that support HUNDREDS of suppliers in the florist, entertainment, décor, props, production, sound and lighting areas.

Have you thought this through? What do you think the impact will be on hard working Maui Residents with businesses in the event and tourist industry? I guess all the hula dancers will have to get a "real job" – sorry for the sarcasm!

I applaud protecting our wildlife but wouldn't it make more sense if you formed a committee of Industry Professions, Wildlife Naturalists & Event Production professionals to look at *ways to solve this problem* instead of just unilaterally shutting down an entire industry? Remember, we successfully protected the overcrowded Whale Watching industry with rules on distancing and following and approaching. There are effective solutions!

You need to look at the revenue generated by the weddings, corporate events and evening shows that are essential to Maui's economic wellness. If the goal is to shut down the industry and reduce the visitor count, you are on the right track. If that is the goal, just say it out loud!

If not, you are obligated to look at the whole picture, do the homework and find solutions that will protect our wildlife as well as our essential visitor industry. Maui Tourism is also ***A Golden Goose*** that needs to be ***protected!***

Finally, why are the birds hurt at stadiums and non-profit festivals less important than the ones that might be hurt at a luau? Just wondering how this reasoning works! (Oh well, we can sacrifice a few birds for the Home Team but not to keep our local businesses healthy!) BTW, I have NEVER seen a bird fly into one of my outdoor events and I have produced thousands of outdoor events!

If you oppose this bill, Mahalo. If you are in favor, Please Re-Consider. This is important. Bill #21 is not a good solution. Please call me any time if you would like to discuss possible solutions and certain impacts. I would be pleased to meet with you in person, along with Wayne Hikiji from Envisions Entertainment so we can have an *informed* conversation.

Mahalo, Kathy Clarke

Back up from the Events industry:

Maui County Council Bill #21 will SERIOUSLY impact our visitor industry and eliminate REVENUE GENERATING EV ENTS. Passage of this bill in its current form will RESTRICT any and all outdoor up lighting and would require all other lighting fixtures to be properly "shielded" to eliminate light spillage beyond the horizonal plane of the light source. Unlike other industries, theatrical lighting manufacturers do not offer any environmentally-friendly remedial solutions or retro-fit apparatus that would bring lighting fixtures into compliance. So this Bill is tantamount to an outright ban on theatrical

lighting at all outdoor evening events at Resorts (more on why just resorts in a moment). And if enacted into law, this Bill will have far-reaching consequences beyond just the ability to light an event space. Without outdoor lighting, there will be no outdoor events, and without outdoor events, there **will be no group or destination wedding business.**

The Bill carves out narrow exceptions to these restrictions that fly in the face of the expressed purpose of this bill. The exceptions include nighttime sporting events and other permitted special events (like the Obon Festival), and events on non-profit properties (e.g. concerts at the MACC) and on County, State or Federal properties (e.g. the annual Barrio Fiesta, the Maui Fair, etc.), but not for events at hotels or other ocean-side event venues. Clearly, hotels are being targeted when these other "permissible" events produce substantially more artificial atmospheric light than private resort events do. Compare the bright white glaring lights at the War Memorial Stadium sporting event vs mood lighting on a hotel lawn.

Kathy Clarke Hawaii
Destination Management since 1980
808-885-8060 Corp Office
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808-960-2275 Cell
POB 2245, Kamuela, HI 96743

Kathy Clarke Hawaii
808-885-8060 Corp Office
808-885-8045 Fax
808-960-2275 Cell
POB 2245, Kamuela, HI 96743

County Clerk

RECEIVED
2022 OCT -6 AM 10:34
OFFICE OF THE
COUNTY CLERK

From: Jinny Deanyap <jdeanyap@yahoo.com>
Sent: Thursday, October 6, 2022 8:59 AM
To: County Clerk
Subject: Reference Committee Report No. 22-98 regarding Resolution 22-206

You don't often get email from jdeanyap@yahoo.com. Learn why this is important

Aloha,

I support the amazing possibility of having affordable housing in Ma'alaea. I ask that the council delay any action on Resolution 22-206 authorizing eminent domain. Please explore the option to provide our locals with housing. Its a major crisis, we are all aware, do not turn your back on a opportunity that is available now! not later, not in 20+ years, its available now!

Mahalo,
Jinny Dean-Yap

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2022 OCT -6 AM 8:04
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Josh DeSilva <josh@desilvadmc.com>
Sent: Thursday, October 6, 2022 12:25 AM
To: County Clerk
Subject: BILL 21 SEEKING LIMITING OUTDOOR LIGHTING

You don't often get email from josh@desilvadmc.com. Learn why this is important

Aloha,

I am writing to encourage reconsideration of Bill 21 intended to limit outdoor lighting at events on hotel and resort properties. Further discussion, clarification and testimony is required before passing a bill of this nature. Luau, corporate group events, fundraisers, weddings and other special events are consistently held outdoors here in Hawaii. Restricting or eliminating outdoor lighting at these types of events poses safety concerns as well as potentially severe negative economic consequences for a significant number of hardworking locally owned small business and not just large hotels. The ripple effects of this bill, whether intended or not will be significant and must be further reviewed before final passage.

We understand the need to protect our treasured wildlife, including our seabirds and turtles. Limiting temporary outdoor events when there has been no proven nexus to the loss of wildlife does not make for good legislation. We stand ready to work with the Maui County Council and the County government to identify alternative legislation that strikes a better balance and protects our wildlife and our friends in the event industry.

This bill would essentially prohibit any and all outdoor up lighting at hotel venues designed to be used for evening events and would require all other lighting fixtures to be properly "shielded" to eliminate light spillage beyond the horizonal plane of the light source. Unlike other industries, theatrical lighting manufacturers do not offer any environmentally friendly remedial solutions or retrofit apparatus that would bring lighting fixtures into compliance. This Bill is tantamount to an outright ban on theatrical lighting at all outdoor evening events at resorts and hotels. Meeting and event planners often select Hawaii as their preferred destination on the basis of our amazing weather, which allows for outdoor events year-round. If enacted into law, this Bill will have far-reaching consequences beyond just the ability to light an event space. Without outdoor lighting, there will be no outdoor events, and without outdoor events, there will be no group or destination wedding business resulting in very real economic loss. Maui needs to keep our hospitality industry strong so that workers can put food on the table, pay rent/mortgage, utilities and all the costs associated with living on Maui.

The Bill carves out narrow exceptions to these restrictions that fly in the face of the expressed purpose of this bill. The exceptions include nighttime sporting events and other permitted special events (like the Obon Festival), and events on non-profit properties (e.g. concerts at the MACC) and on County, State or Federal properties (e.g. the annual Barrio Fiesta, the Maui Fair, etc.), but not for events at hotels or other ocean-side event venues. Clearly, hotels are being targeted when these other "permissible" events produce substantially more artificial atmospheric light than private resort events do. Compare the bright white glaring lights at the War Memorial Stadium sporting event vs mood lighting at a hotel outdoor venue.

Clearly the Bill's author, council member Kelly King, and her supporters are unaware of, or unconcerned with, the special events industry, and are either misguided about, or simply wish to ignore, the devastating impact this draconian outdoor lighting ban would have on tourism, the resorts, and the special events industry. Please reconsider the passage of this bill until we can have a fair and proper discussion of its potential impacts.

Warm regards,

Josh DeSilva, DMCP | President
DeSilva Meeting Consultants, a DMC Network Company
P.O. Box 1056| Haiku, HI 96708
Main Office 808.575.5400 | Direct 808.357.1825
josh@desilvadmc.com | www.desilvadmc.com

The DMC Network has more accredited DMCs (ADMC) than any other DMC Consortium.

September 29, 2022

Testimony: Council Meeting set for October 7, 2022

Use of roads by automobiles, motorcycles and bicycles can be hazardous especially to bicycle riders because of bicycle speed limitation and instability for maneuvering within traffic.

"Can automobiles, motorcycles and bicycles continue to share the same road?"

Sharing the road has always been a concern for the safety of bicycle riders but we have accepted this risk because there has been no viable alternative and the number of accidents experienced was "tolerable". Now that roads are much improved (smoother ride and higher speeds), cars are much improved (smoother ride, better stability and higher speeds), and bicycles are much improved (better stability and able to achieve higher speeds only limited by a rider's skill and physical ability) we are faced again with the question:

"Can automobiles, motorcycles and bicycles continue to share the same road?"

The answer is "No". Some communities acknowledge this by creating bike lanes to ensure minimum separation between human powered vehicles (bicycles), and gas and electric powered vehicles (mainly cars). This was not done just to influence increased use of bicycles but also presumes that bike lanes are inherently safer especially for the bicycle rider. However, when bike lanes do not/cannot exist (ex: Baldwin Ave, Omaopio Rd and Old Haleakala Highway), allowing use of bicycles on hilly curving country roads that lack distance between bikes and cars increases accident risk because of higher speeds riding downhill as well as unstable maneuvering going up or down hill.

The negative impact to businesses (limiting or prohibiting bike touring) is not at issue. The concern is simply whether the council will accept the number of accidents (and deaths) that occur each year compared to accident mitigation measures.

Recommendations

1. Prohibit human powered vehicles (bicycles) on all roads with no bike lanes and the legal speed limit is greater than 35 MPH.
2. Limit use of human powered vehicles on all roads with a grade of 15% or higher. Allow use when traffic flow is low and the potential accident rate is at an "acceptable risk level".
3. Allow use of human powered vehicles on roads with bike lanes and the legal speed limit is equal to or less than 35 MPH.
4. Consider the demographics of bicycle accidents. Are accidents caused by whom, what, where, when, why, how? Adjust mitigation efforts accordingly.
5. Educate bike riders to the following:
    a. Understand risks.
    b. Share responsibility for road safety. "Share the road" applies to bikes, too. Ride single file. Move over to allow bigger and faster vehicles through (same courtesy as highways).
    c. Take precaution. As Maui drivers tend to favor trucks and SUVs, these bigger more robust vehicles increase road danger.

d. Know views may be obstructed. Narrow country roads can have blind curves as well as vegetation growth.
e. Be extra careful navigating unfamiliar roads.

6. Require bike touring businesses that use public roads for profit have a standard customer orientation emphasizing cautions, bike safety and road courtesy.

Clarence and Lenora Dun
200 Ohaoha Pl.
Makawao, HI 96768
Email: clarence.dun@gmail.com

RECEIVED
2022 OCT -3 AM 9:30
OFFICE OF THE
COUNTY CLERK

County Clerk

RECEIVED
2022 OCT -5 AM 8:18
OFFICE OF THE
COUNTY CLERK

From: Mauibandb <mauibandb@aol.com>
Sent: Tuesday, October 4, 2022 5:38 PM
To: County Clerk
Subject: Bill 21 the Lighting Bill do not support

You don't often get email from mauibandb@aol.com. Learn why this is important

Dear Council members,

This is a self destructive bill supported by those who have no skin in the game, except destroying others livelihood gives them power. There are thousands of Hawaii residents who pay their mortgages by serving various functions at outdoor events. My guess more human lives will be more detrimentally affected permanently, than a few sea birds temporarily.

It is hard enough making a living on this Island. This is foolish. You government politicians and bureaucrats have no skin in the game. Pruning your feathers as do gooders for the environment. But it is shibai! You just want to rob the hotels and their employees of their livelihood. Therefore you do not get to decide on such draconian ordinances.

Do not support this foolish bill.

You are acting like a bunch of power grabbing politicians. I saw your proposed amendments to the charter. 10 confusing misleading amendments, not even Maui's brightest can easily discern any hidden undesirable consequences. They all spell take away the balance of power of the county give all to the almighty council they know better than anyone! How arrogant. Sickening, you need to see your arrogance in the mirror.

Sincerely
Thomas Fairbanks
Wailuku

Try email marketing for free today!

County Clerk

From: Katherine Friedlander <katherine.friedlander@gmail.com>
Sent: Wednesday, October 5, 2022 9:19 PM
To: County Clerk; Alice L. Lee; Keani N. Rawlins; Tasha A. Kama; Gabe Johnson; Kelly King; Mike J. Molina; Tamara A. Paltin; Shane M. Sinenci; Yukilei Sugimura; Mayors.Office@co.maui.us
Subject: Please vote "NO" on Resolution 22-206 authorizing eminent domain in Ma'alaea

Some people who received this message don't often get email from katherine.friedlander@gmail.com. Learn why this is important

Good evening, Mayor Victorino and Maui County Council Members:

Please vote "NO" on Resolution 22-206 authorizing eminent domain in Ma'alaea.

Per published Maui County Annual Reports: "The purpose of Maui County Council is to make legislative decisions in a fair and efficient manner, on behalf of the people of the County of Maui".

Taking the Holomua Ma'alaea property by eminent domain does not have the best interest of Maui County residents and their tax dollars at the forefront. West Maui Construction has already started planning ways in which they can fix the storm-water issues long term. Why would the County spend millions of taxpayer dollars to purchase by eminent domain a property the County will then need to invest additional millions into to address the environment concerns?

The property is owned by a local company that employs hard working, local residents. West Maui Construction is not only going to help address the problem but also build additional workforce homes which our Island and residents desperately need. All of this will be done by West Maui Construction, at no expense to taxpayers. I highly recommend you work with West Maui Construction and not against them for the benefit of Maui County residents. Taking this property by eminent domain is not a fair or efficient legislative decision.

Best regards,

Katherine

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COUNTY CLERK

RECEIVED
2022 OCT -6 AM 10:34
OFFICE OF THE
COUNTY CLERK

October 5, 2022

To The Honorable Tamara Paltin:

I am at a loss for words that the Maui County Council is considering passing Bill 21. CD1, FD1 (2022). The bill will single handedly destroy the Wedding and Event business on Maui. It feels like the council is trying to destroy the tourism business and those that work in it. Tourism is what keeps Maui thriving. I am an absolute advocate for controlled tourism but this is not the way to handle it. I do not think that this bill has been thought through at all.

I understand the concerns for the birds. The bill makes no sense. Hawaii Island has implemented an outdoor lighting ordinance that is working. Why not just apply the same reasoning to Maui?

Our guests come to Maui to enjoy the oceanfront locations for weddings and events. Millions of dollars are brought in that help keep our local economy healthy.

This bill would stop all of those events from happening and basically crush hundreds of people's livelihood. No more oceanfront Luaus, weddings, concerts.

Hawaii is constantly named as the worst place in the country to do business. Let's not confirm that with the passing of this law.

PLEASE DO NOT PASS THIS BILL!!!!!!

Respectfully,

Bev Gannon

Beverly Gannon
Bev Gannon Restaurants
Hali'imaile General Store, Celebrations Catering
Tel: 808-572-4946 · Fax: 808-572-2725
Cell: 808 870-2225

bev@bevgannonrestaurants.com

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2022 OCT -6 PM 1:23
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HAWAI'I HOTEL ALLIANCE

October 6, 2022

Gerard C. Gibson
President

The Honorable Alice L. Lee, Chair
The Honorable Keani Rawlins-Fernandez, Vice-Chair
Maui County Council
Kalana O Maui Building
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

RE: Testimony of Hawaii Hotel Alliance in Opposition to Bill 21, CD1, FD1 (2022)

Aloha Chair Lee, Vice-Chair Rawlins-Fernandez and Members of the County Council,

Mahalo for this opportunity to provide testimony on behalf of Hawai'i Hotel Alliance regarding the proposed changes to outdoor lighting requirements, Bill 21, CD1, FD1 (2022). Maui's lodging industry is steadfastly committed to protecting endangered native seabirds, including by minimizing lighting. However, for the reasons we will expand upon below, Bill 21 remains deeply flawed, and we must regretfully oppose the measure.

Bill 21, CD1, FD1 Arbitrarily Singles Out Outdoor Events Held at Hotels
As amended, the bill would impose a series of vague and expansive new rules for temporary lighting at outdoor events, but for reasons the proponents of the amendment failed to explain, it would only apply to events at hotels and visitor accommodations.

Said another way, the Council wants to hold hotels to a standard that it is unwilling to impose at facilities owned and operated by Maui County.

In recent testimony, a community member correctly noted that it's hard to see how such an uneven application of the new rules will contribute to meaningful protection for endangered seabirds. Under the current bill, an event at a hotel will have to follow one set of regulations, and a nonprofit next door or a county facility down the road will be exempt from the same rules.

Another community member rightly testified, "To single out special events on hotel property would not only be unfair, but detrimental to all events tied to our number one economy...from concerts to even the luaus."

Conflicts with Prevailing Expert Opinion:
State and federal agencies with expertise on what constitutes appropriate measures to protect endangered seabirds have developed corresponding light minimization guidelines. Importantly, these guidelines were

included in Appendix E to the Kauai Seabird Habitat Conservation Plan (KSHCP, or Plan)[1]—a Plan prepared in 2020 by the U.S. Fish and Wildlife Service (USFWS) and the Hawaii Department of Land and Natural Resources (DLNR). This Appendix includes requirements relating to the placement, angling and shielding of lights, as well as other key lighting mitigation measures. At the time the KSHCP was prepared, several groups asked the agencies to also impose light spectrum requirements similar to those found in Bill 21, CD1, FD1. It is important to underscore the experts at these agencies declined to do so.

Bill 21, CD1, FD1 Ignores Established Safety Parameters:
The wellbeing of our lodging guests and employees alike is of the utmost importance, and something that should not be unduly compromised in anything adopted by the County via Bill 21, CD1, FD1. There are human safety benefits of lights with shorter wavelengths, including that they create greater contrast and enhance peripheral vision—yet Bill 21, CD1, FD1 does not properly account for this critical dynamic. Conversely, recognition of human safety needs is present within state and federal agency light minimization guidelines for protecting endangered seabirds, and the KSHCP itself requires appropriate lighting level stipulations for particular light functions—recognizing the standards prepared by the Illuminating Engineering Society of North America (IESNA). More specifically, the IESNA standards provide light level recommendations for several applications, including parking lots, walkways and roads—again, something for which Bill 21, CD1, FD1 does not properly account. The County should not be requiring light levels be less than these recognized and patterned illumination standards for human safety, which Bill 21, CD1, FD1 would concerningly do.

Exacerbating these concerns is the fact that Bill 21, CD1, FD1 would newly apply its provisions to *"[t]emporary hotel and condominium beach security lighting"* and *"[s]afety and security lighting for water features,"* which were previously exempt in broad scope. This could increase safety hazards for hotel guests and make it impossible for security staff to implement safety or security lighting at their hotels and resorts, even temporarily to resolve pressing safety matters.

Bill 21, CD1, FD1 Contains Unworkable, Unsubstantiated Provisions:
A critical requirement within Bill 21, CD1, FD1 would be that all outdoor lighting fixtures must *"limit short wavelength content to no more than two percent of blue light content"* (with *"blue light content"* defined as *"the ratio of the amount of energy emitted by the outdoor light fixture between 400 and 500 nm divided by the amount of energy between 400 and 700 nm"*). Such a standard would be impossible for most—if not all—residents and businesses to adhere to.

The short wavelength content measurement specified in Bill 21, CD1, FD1 is not something that is typically provided by light bulb and fixture manufacturers, nor is it included on the labels for their products, so one would be unable to determine if new lights they purchase effectively comply with the law. Most businesses and residents lack the equipment and expertise that would be necessary to perform the calculations necessary to determine compliance, all while state and federal agencies have yet to determine if there is scientific support to suggest this requirement is beneficial for seabirds. State and federal agencies knowledgeable about endangered seabird protection have not recommended adopting this for all outdoor lighting, which means Bill 21, CD1, FD1 is again a troubling outlier.

Moreover, requiring all (except neon) outdoor lights to be filtered light emitting diode bulbs (LEDs) is concerning because LED filters are not commonly used and are not widely available. Per the County's Deputy Corporation Counsel,[2] there is only one vendor who arguably sells such filters, yet every outdoor light in the County would require one—presenting cost trepidations, supply anxieties, and even worries

[1] *See* Attachment, *"KSHCP Appendix E."*

[2] *See* Memorandum, *"Ordinance on Protecting Seabirds from Outdoor Lighting Bill No. 21 CD1 (2022)"* (May 24, 2022).

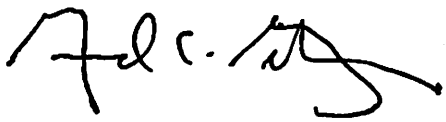
over such a product voiding light manufacturer warranties given this alteration of intended use. All for a practice outside of what experts would constitute as necessary.

Further, Bill 21, CD1, FD1 would take effect immediately for all new or newly replaced lighting fixtures, and provide only a three-year grace period for existing fixtures. Given the numerous compliance challenges present, this would create immediate difficulties for businesses such as hotels and resorts with large numbers of outdoor lighting fixtures. And even a three-year period may not be enough time to comply, particularly with stipulations like those for blue light content and filtering that are stymied by present manufacturer specifications and availabilities.

In conclusion, rather than rushing Bill 21, CD1, FD1 to a final vote over the objections of community members and businesses, we would respectfully suggest the bill should be returned to committee for further revisions reflecting the foregoing and the guidance of state and federal experts who are responsible for protecting endangered species.

One logical option would be for Maui to adopt requirements similar to those included in the KSHCP's Appendix E, which reflects mindful policies established by subject-matter experts from USFWS and DLNR. Another option would be to impose a correlated color temperature requirement, as the State imposes on its own agencies (this measurement is typically included on LED light bulb labels).[3] Any new requirements should also preserve existing exemptions and allow enough lead time for compliance.

Mahalo Nui Loa,



Gerard C. Gibson
President
Hawai'i Hotel Alliance

[3] *See* Hawaii Revised Statutes Section 201-8.5.

APPENDIX E: Guidelines for Adjusting Lighting at Facilities

1. Guidelines for Adjusting Lighting at Facilities

This appendix provides detailed guidelines to inform minimization measures that can be customized to address an array of possible lighting issues at Participant facilities. A lighting minimization plan to achieve the maximum extent practicable will be included in each Participant PIP.

These guidelines represent best available science at the time of KSHCP permit issuance. Over the life the plan, likely new information and new technologies will be available, and this appendix may be updated accordingly.

Not all lighting guidelines are appropriate for all types of facilities. Some represent long term, infrastructure solutions, and others may be implemented on a seasonal basis.

1.1. Deactivate Non-Essential Lights

Prioritization of seabird and honu light attraction minimization measures involves evaluating light needs to determine if non-essential lights can be deactivated during the seabird fallout season (September 15 to December 15) and turtle nesting season (May 15-December 15). Deactivating the lights avoids the potential for light attraction that those lights could otherwise cause. Turning off a subset of lights, both unshielded and shielded, during the fallout season (September 15 to December 15) can assist with minimizing the risk of seabird light attraction, if those lights are not necessary. In their PIPs, Applicants must provide rationale for any facility lights that cannot be deactivated during seabird fallout season, and detail what other minimization practices will be implemented on lights that will remain illuminated. The regulatory agencies will review the evaluation and justification as provided in applicant PIPs.

Similarly, turning out lights that shine directly on beaches during the turtle nesting season (May 15-December 15) can prevent hatchling disorientation. Avoid use of the following lamp styles on beachside or shore perpendicular to sides of a structure: private balcony lights, up lights; decorative lighting, not necessary for human safety or security; pond lights; and beach lighting. Timers or other similar devices should be used to ensure the selected lights remain off during the turtle nesting season. This measure may require the installation of independent light switches. Conversely, to prevent accidental activation, light fixtures can be removed for lights that will no longer be needed at a facility.

1.2. Install Full Cut-off Light Fixtures

A full cut-off fixture refers to a light fixture which that does not shine light above a 90 degree horizontal plane. For lights necessary to be activated, full cut-off fixtures provide an effective measure to achieve light minimization because they prevent light from shining directly upward.

These types of lights house the light bulb up within the fixture so that no bulb protrudes below (**Figure 1**). Such fixtures must be mounted at appropriate angle so they point directly down to the ground. Many light manufacturers provide light fixture information along with the light specifications to indicate if a fixture is a full cut-off design. The International Dark Sky Association (www.darksky.org) is a good source for information on full cut-off lights and provides additional references to light engineering resources and light manufactures.

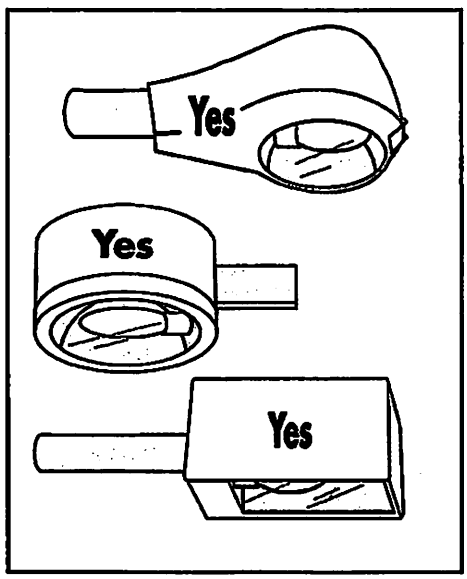


Figure 1: Examples of full cut-off light fixtures. Source: www.darksky.org.

Along shorelines, exterior fixtures on the seaward (makai) and the shore perpendicular sides of the building (and on the landward side of the building if they are visible from the beach) should be down-lit fixtures, fully shielded and full cut-off, louvered, or recessed fixtures that do not have reflective inner surfaces. These fixtures should use low wattage bulbs (e.g.,< 50w). All exterior fixtures on the landward (mauka) side of the building should be directed downward only (Witherington & Martin 2003).

1.3. Shielding Light Fixtures

This minimization measure aims to achieve the functional equivalent of a full cut-off light fixture by installing a shield, visor, hood or similar on an existing light fixture to prevent light from shining upward and reducing trespass. In addition to the shielding, to achieve the functional equivalent of a full cut-off fixture, a light fixture should be adjusted so that it points directly down perpendicular to the ground to create a level, horizontal plane between the fixture and the ground, and have the bulb housed within the light fixture (**Figures 2 & 3**). Reed

et al. (1985) suggest that in areas where other light sources are rare, the shielding of principal lights would likely have a larger effect in decreasing seabird light attraction.

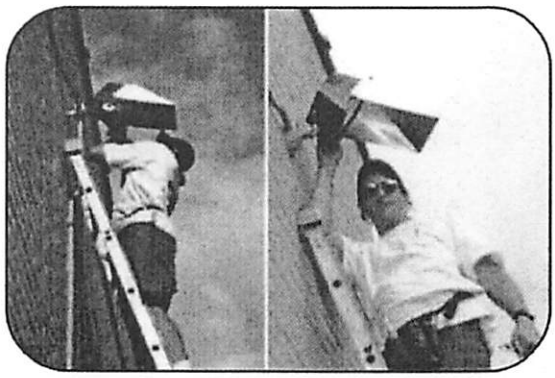


Figure 2: Installation of an appropriately sized floodlight shield. Source: www.darksky.org.

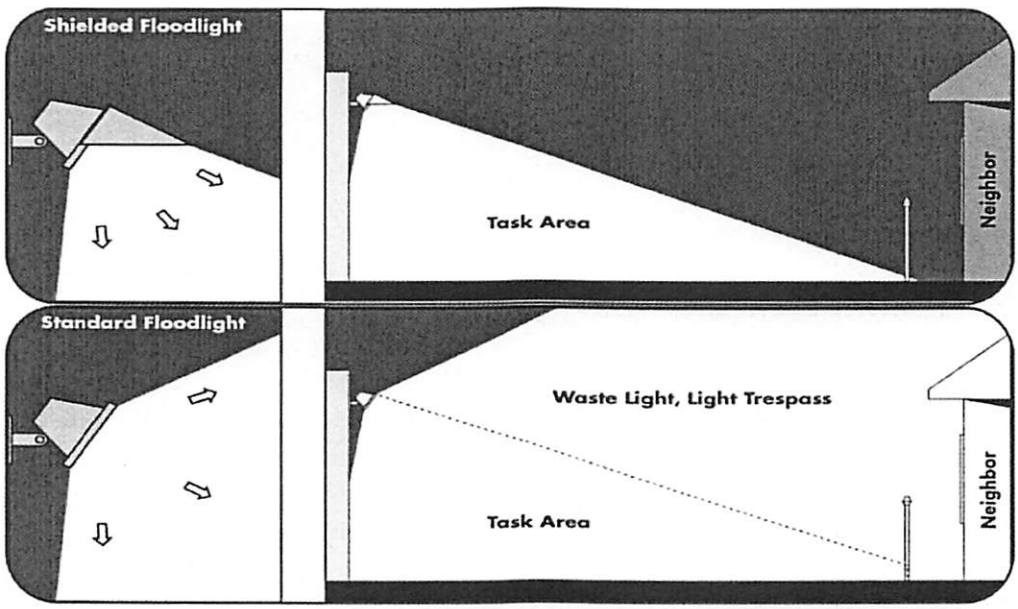


Figure 3: Before and after effects of shielding and light management designed to minimize light attraction risk to seabirds and to decrease light pollution. Source: www.darksky.org.

1.4. Angle Lights Downward

Angling and repositioning lights presents a potential alternative to shielding or replacing light fixtures and may be sufficient to make lights fully cut-off and eliminate light shining horizontally and vertically (**Figure 4**). To achieve the functional equivalent of a full cut-off fixture, a light fixture should be adjusted so that it points directly down perpendicular to the ground to create

a level, horizontal plane between the fixture and the ground, and have the bulb housed within the light fixture. Tree strap downlights may be used to minimize seabird light attraction unless turtles may be present on the adjacent beach.

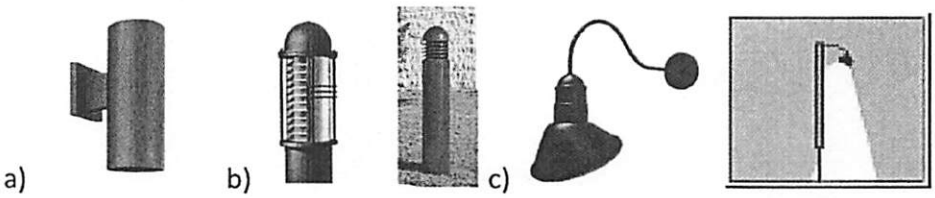


Figure 1-: (a) Wall mount cylinder down-light, (b) bollards with downward-directed louvers, and (c) sign lights angled downward. From http://myfwc.com/media/418417/SeaTurtle_LightingGuidelines.pdf **(FWC 2011).**

1.5. Place Lights Under Eaves

Light fixtures placed under building eaves can achieve the functional equivalent of a full cut-off fixture. The architectural eave acts as shield to prevent light from shining directly upward.

1.6. Shift Lighting According to the Moon Phase

This minimization measure addresses lighting for which the need, or purpose, for the lighting can be shifted in timing each year to coincide with the moon phase. Because a reduction in light attraction has been correlated with the full phase of the moon (Reed et al. 1985; Telfer et al. 1987) lights for essential functions, and for which that function can be shifted in timing, should coincide with the full phase of the moon and avoid the dark phase of the moon. It is important to note that a full moon that is obscured by heavy cloud cover could simulate the dark phase of the moon. By not activating those lights during the dark phase of the moon the effect of those lights is reduced. Examples of activities that could be minimized with this measure include scheduling of night time events, such as festivals or sporting events.

1.7. Install Motion Sensors for Motion-activated Lighting

Motion sensors switch lights on only when triggered, thereby limiting the time that the light stays on and reducing its potential for seabird light attraction. If a sensor light is required for security purposes, the light equipped with the sensor should be at low light levels. For example, Light Emitting Diode (LED) streetlights and parking lot lights can be activated when needed and dim when no activity is detected nearby. However for those fixtures, full cut-off designs or the functional equivalents are recommended because of the possibility of light attraction occurring when the motion-sensor light is activated or in the event that the motion sensor equipment malfunctions and the light remains on.

Where motion sensors are impractical (eg at sporting events), stadium lights should be turned off as soon as the public leaves the stadium.

1.8. Decrease Lighting Levels

This measure addresses lowering light intensity levels (e.g., measured in lumens) while still meeting the need to safely complete tasks and serve the purpose of the light. Guidance on standards for the appropriate lighting level for a particular light function should be followed as provided by the appropriate agency or professional and technical organization. For example the Illuminating Engineering Society of North America (IESNA) provides recommendations for light levels for several applications including parking lots, walkways, and roads. In addition individual entities may have standards and best practices for lighting needs.

For many applications where lighting is needed, brighter lighting may not always provide the best lighting for the needed function. It is often the case where reduced lighting levels can provide for the needed function of the lighting. For example, for security purposes overly bright lights tend to create blind spots, or very dark shadows, outside the lit area that preclude effective visibility. Well placed, but reduced lighting can provide for more effective security. Therefore, when Participants seek to enhance onsite visibility for security, while reducing risk to seabirds, the appropriate reduction of light levels (along with shielding and re-angling lights) forms a starting point to accomplish both purposes.

1.9. Decrease Visibility of Interior Lights

Facilities with large and/or numerous windows, tall building profiles, or large glass facades may also pose a risk of light attraction to Covered Seabirds on Kaua'i. The following measures are based, in part, on efforts in cities in Canada and the mainland USA to decrease harmful effects of buildings on birds and apply to seabirds in that they can decrease the amount of light escaping from within buildings (City of Toronto 2007; Evans Ogden 2002):

- Install screens or shades over large windows that are lowered nightly during the fallout season;
- Modify buildings and decrease or eliminate light glow from within a facility;
- Create glass opacity to prevent the escape of internal light. Tinted glass or film with a visible light transmittance value of 45 percent or less should be applied to all windows and doors within line of sight of the beach;
- Install physical screens outside a building;
- Install landscaping in front of large windows;
- Close all window blinds after daylight hours until sunrise;
- Stagger the operation of lights in the evening or morning hours so that not all lights are turned on at once; and
- Maximize the number of offices or indoor rooms that turn off all lights after sunset;

- Place reminder notices on switches to turn out lights or draw curtains/blinds in oceanfront rooms. This should include coastal areas that are on the perpendicular sides of the structure;

    a. Turn off room and lanai lighting that are not needed;

    b. Relocate moveable lamps away from windows that are visible from the beach; and

    c. Close opaque curtains or blinds after dark to block inside light from shining outside.

1.10. Use Light-less Technologies

Where conditions and facility needs permit, technologies that do not use light, such as closed-circuit television (CCT) with infrared illuminators, may be effectively employed to "see" at night thus enabling some of the lights to be turned off. For example, any fenced areas or the dark sides of facilities can be monitored with CCT so that lights do not need to be used or installed.

1.11. Plant Vegetation Around Lights to Reduce Light Visibility

Trees and shrubs can be planted so that they over-arch lights or shield side visibility of lights along the coast or along a ridge, for example. Whether the lights are mounted on 20-foot poles, walkways, or within landscaped areas, having adjacent or overarching vegetation would further reduce the risk of seabird light attraction that any residual light scatter may pose. Long-term planning and maintenance of screening vegetation is encouraged, where appropriate to the uses and needs of the affected lights.

1.12. Lower Height of Lights

Light that is low in height has potential to reduce the effect of light attraction because lower lights may be less visible to passing seabirds. Installing ground-level lighting, such as along walkways, and reducing pole height can decrease light waste and trespass.

1.13. Use Longer Light Wavelengths

In coastal areas, use of acceptable lights such as: LPS 18w, 35w, red, orange or amber LEDs (true red, orange or amber diodes, but not filters), true red neon, and other lighting sources that produce light wavelengths of 560 nm or longer (Witherington et al. 2014). Long wavelength lights, e.g., those that produce light that measures greater than 560 nanometers on

a spectroscope, are required for all construction visible from and adjacent to sea turtle nesting beaches. Turtles are most sensitive to short wavelengths of light, probably because they live in a marine environment that filters out long wavelengths. Green turtles are least attracted to longer wavelength light in the yellow-orange to red end of the spectrum (630 to 700 nm) (Witherington and Martin 2000). In the absence of other light sources, however, turtles may still be attracted to long wavelength light.

Filters designed to exclude transmission of short wavelengths (<570nm) can be fitted to high pressure sodium (HPS) vapor lights. Such filters have been found to be effective at avoiding disruption of nesting females (Salmon, 2006) but even filtered HPS light has been found to attract hatchlings, although not as strongly as unfiltered HPS lights (Sella et al, 2006). Filtering alone is thus not sufficient to avoid attraction and disruption of hatchling orientation. Bright white light fixtures, such as metal halide, halogen, fluorescent, mercury vapor and incandescent lamps, are not approved for beachside or shore perpendicular sides of a structure. Limited use of shorter wavelength lights may be approved in areas where direct and indirect light or glow could not possibly be visible from the beach due to installation of opaque "light fencing" (see below).

County Clerk

RECEIVED
2022 OCT -4 PM 2:53
OFFICE OF THE
COUNTY CLERK

From: RCI Maui <rci@maui.net>
Sent: Tuesday, October 4, 2022 2:10 PM
To: County Clerk
Subject: Bill to regulate bike tours

You don't often get email from rci@maui.net. Learn why this is important

Dear Council Members,

We have lived on Crater Rd. in Kula for over 25 years. In that time, we have seen what was once a peaceful and desirable neighborhood become a dangerous and frustrating place to live. Initially, the bike tours were not much of a nuisance, but over the years they have become a nightmare. We live on a straight-away where the view comes into sight and I can not tell you how many accidents have happened in front of our home because the bikers are distracted. Also, because of this straight-away, drivers tend to speed up and pass bikers and other cars, creating a perilous situation for anyone who is walking, running, pulling out of a driveway, etc. Accidents happens so regularly that we actually keep orange safety cones readily handy so that we can alert traffic when an accident happens near us.

Except for the bike tour companies, I believe 99% of the people Upcountry are against having bike tours ride through residential neighborhoods. The Bill that has been proposed is a good one and will go along way in keeping our children, our pets, ourselves and our visitors safer.

Mahalo for your time,

Rici Guild and Frank B. Shaner
17607 Crater Rd.
Email: rci@maui.net
Ph: 808-280-5789

County Clerk

RECEIVED
2022 OCT -6 AM 10: 33
OFFICE OF THE
COUNTY CLERK

From: Kamuela Guth <kamuela.guth@gmail.com>
Sent: Thursday, October 6, 2022 8:11 AM
To: County Clerk
Subject: Committee Report No. 22-98 regarding Resolution 22-206

You don't often get email from kamuela.guth@gmail.com. Learn why this is important

Please vote no on *Resolution 22-206* authorizing eminent domain in Ma'alaea.

- Maui desperately needs housing. I know too many people whose kids are moving to the mainland because they can't afford to stay here. For families who are here, they get outbid on homes by mainlanders and have little hope for long-term roots here. Please don't block this project before it even starts and take away homeownership from Maui's hardworking families. The opportunity to create housing dies if the County takes this land for open space.

- Eminent domain is not the right solution, at least not at this time. It's a measure not intended for this scenario. I ask you today, to please wait and give this workforce housing project a chance.

- Today's eminent domain vote would not only prevent affordable homes from being built, but it would also leave the decades-long stormwater issues unresolved. Runoff from the Pohakea Watershed and destruction of our marine habitats has been an issue for years and it's time to fix it. The County too, has a neglected stormwater basin that contributes to the runoff into Ma'alaea Bay. Why not work together on protecting the land and the ocean? I ask you to vote no on this measure.

- The developers are motivated and committed to work with the County and the State to successfully fix the stormwater issues long-term. Emergency preparedness is a key element and environmental improvements are what will help the resiliency of our community and island. Let the developers fix it at their cost and please don't waste local taxpayer dollars.

- If the County seizes the land and keeps it as open space, we are still at risk for major fires, leaving our community vulnerable. This project is an opportunity to make the area safe and more resilient from catastrophic fires, and other risks of climate change. Let the developer resolve this issue, through public-private partnership, to keep our community safe.

Mahalo,

Kamuela Guth
M: 808.357.8398

October 5, 2022

RECEIVED
2022 OCT -6 AM 8:04
OFFICE OF THE
COUNTY CLERK

Council of the County of Maui
Testimony in Support of Resolution 22-206

Dear Chairperson Lee and Council members,

Please promote public trust and support Resolution 22-206 to begin the process of eminent domain, and work to ensure acquisition of the 257 acres of Ma'alaea Mauka for public benefit. This action is necessary because good faith and time consuming negotiations by the County to purchase these lands for conservation, public use and watershed protection purposes were undermined at the last moment by a backroom deal. The important reasons to protect the mountainside and watershed transcend those of development, and recognize the interconnectedness of the health of the watershed with the health of the bay. In addition, the well-being an environment with open spaces promotes in the psyche of the people of Maui is priceless.

We support the use of eminent domain to acquire the natural lands of Ma'alaea Mauka and protect the watershed. Please adopt Resolution 22-206.

Mahalo for your time.

Mahalo nui loa,

Lora Harbo and David Liebersbach
Ma'alaea community members

County Clerk

RECEIVED
2022 OCT -6 AM 10:33
OFFICE OF THE
COUNTY CLERK

From: Barry Helle <bhelle@waileablue.com>
Sent: Thursday, October 6, 2022 8:43 AM
To: County Clerk
Subject: Opposition to Bill 21, CD1, FD1 (2022) Protecting Wildlife from Outdoor Lighting

You don't often get email from bhelle@waileablue.com. Learn why this is important

Aloha Chairperson Lee and Maui County Council Members,

I am writing today in opposition to Bill 21 as written. Temporary events using temporary lighting and staging on commercial properties such as hotels should not be prohibited. I don't believe the County Council should be allowing similar activities on government property but prohibit it on commercial property if the zoning designation would allow it. There are certain elements of our economic base that are going to be harmed by this selective restriction. There are members of our working community who can, and probably will, lose their jobs because of this restriction.

I can understand controlling the lighting associated with permanent structures. I do not understand the need to extend the lighting restrictions beyond that to temporary outdoor events. There will be severe consequences unnecessarily put on many businesses because of these restrictions. Outdoor parties and weddings are a major attraction for Maui. Both visitors and locals alike savor these types of events. Not being able to conduct these types of activities at hotels, restaurants and other commercial sites will be a big loss.

I urge you to vote no on Bill 21.

Barry Helle
General Manager
Wailea Blue Golf Course
100 Wailea Ike Drive Suite #4
Wailea, Maui, Hawaii 96753
PH: 808-875-5140

Wailea Blue
Golf Course

RECEIVED
2022 OCT -6 AM 10:33
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Roxann Hendrickson <roxann@hawaiimeetings.com>
Sent: Thursday, October 6, 2022 8:03 AM
To: County Clerk
Subject: Testimony for Proposed Maui Bill 21

You don't often get email from roxann@hawaiimeetings.com. Learn why this is important

Re: Proposed Maui Bill 21

Dear Maui County Council Members,

We share your love and concern for Maui's ʻĀina and all native creatures, particularly sea birds and turtles in this case. However, our island economy is not ready for Proposed Bill 21. We need time for deep study, collaboration, and resourcefulness to create a custom-fit solution for our island home, community, and hospitality industry.

Innovation is required to meet the lighting fixture requirement you seek to make law. If you push this bill through right now, it will have immediate and devastating financial effects on the hospitality industry and our economy. The events industry is still recovering from the devastation the pandemic caused our businesses for the past three years. A measure as seemingly simple as Proposed Bill 21 would be a huge setback. We ask that you refrain from passing this bill and look to the source for an alternate, win-win solution.

How do we do this? It is time for us to look at Chapter 5 of Hawai'i Revised Statutes: Hawai'i Law of The Aloha Spirit.

"Aloha Spirit is the coordination of mind and heart within each person. It brings each person to the self. Each person must think and emote good feelings to others. In the contemplation of the life force, 'Aloha', these values should be considered:

- **Akahai**, meaning kindness to be expressed with tenderness;
- **Lōkahi**, meaning unity, to be expressed with harmony;
- **'Olu'olu**, meaning agreeable to be expressed with pleasantness;
- **Ha'aha'a**, meaning humility, to be expressed with modesty;
- **Ahonui**, meaning patience, to be expressed with perseverance."

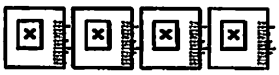
Please do not pass Proposed Bill 21. Instead, let's work together in the spirit of aloha to find the right solution so that we can thrive economically while also protecting and regenerating the life of our land. Let Maui be an example of true global leadership in our modern world.

Respectfully,

Roxann

Roxann Momilani Hendrickson, CMP, DES, CIS
VP, Experience, Hawaii Meetings + Events

P 808-244-7600 M 808-870-1035 E roxann@hawaiimeetings.com
W https://www.hawaiimeetings.com/



DMC . Experiential Events . EventTech

County Clerk

RECEIVED
2022 OCT -3 PM 2:18
OFFICE OF THE
COUNTY CLERK

From: Sandra Holt <divineunity9@aol.com>
Sent: Monday, October 3, 2022 11:28 AM
To: County Clerk
Subject: Written testimony on bill to regulate Mt. Haleakala bike tours : Oct 7, 2022 reading

You don't often get email from divineunity9@aol.com. Learn why this is important

To County Council Members:

Please vote to keep bike riders as well as cars and pedestrians safe by keeping bike tours on Haleakalā Crater Road, State Route 378, above mile marker 3.0.

I live on Olinda Rd just above the intersection with Makawao Rd, and at the point where Olinda becomes Baldwin.

The hill is very steep, and both cars as well as bikes race down at very high speeds (way above the speed limit). The road has no shoulder, no bike lane, and is fairly narrow.

In the last few months, during days that I have been at home, two separate bike accidents from tours have occurred in this area. One required an ambulance. Both occurred because the riders were going very fast, and in each separate incident, the rider veered off the road and fell.

Driving down Baldwin there are many turns in the road, no shoulders, no way for riders to veer off the road and no way for cars to pass safely.

The consequence is long lines of cars piled up behind riders, then cars attempting to pass in unsafe spots.

Riders, knowing cars are piling up behind them, feel pressured to go faster than they normally would or can handle safely.

There is no safe way to continue these bike tours on roads such as Baldwin, Kokomo, Olinda, etc…

Please be proactive, so we do not wait for a fatality to make the change to regulate the bike tours.

Thank you,

Sandra Holt

Sent from my iPhone

RECEIVED
2022 OCT -5 PM 3:03
OFFICE OF THE
COUNTY CLERK

From: Jack Hufstetler <jack@theatrixhawaii.com>
Sent: Wednesday, October 5, 2022 2:59 PM
To: County Clerk; steering@hawaiieventscoalition.com
Subject: Testimony for Maui Lighting Bill

You don't often get email from jack@theatrixhawaii.com. Learn why this is important

Hi County Clerk,

I am the owner of Theatrix Hawaii - Maui. I want to make it clear that I am in **OPPOSITION to BILL 21.** We do many of the outdoor events on Maui and around the islands. The passing of this bill will have a **CATASTROPHIC IMPACT** on the event industry of Maui. Maui may loose as more than 50% of the corporate event business. Here are the main points you should consider

- Corporations that come to Maui **NEED** to have a Business Meeting, Gala Dinner, and a minimum of 2 Outdoor Events. If they are not permitted to have outdoor events, this means the Corporation would **NOT COME!** This would impact the Hotel occupancy, rental cars, excursions, and all the event companies. I don't think the sponsors of this bill **UNDERSTAND.**
- Event Companies like ours will **GO OUT OF BUSINESS** after we have already barely made it through **COVID.** Thousands of employees would be let **GO.** We can't take another devastating decision like this.
- The science you are using is **FLAWED.** There is **NO WAY** they can determine lights are causing an issue with **BIRDS!** It is **IMPOSSIBLE** to prevent outdoor lighting and **EVENTS** are less than **1%** of **ALL** outdoor lighting. Event Lighting is not **CAUSING** birds to be confused. The **TRUTH** is they **DON'T KNOW** and are **BLAMING** it on **LIGHTING.**
- Lawsuits - You can **NOT** allow some to have event lighting and **BAN** others. This is targeting private companies that work in hotels while allowing other private companies that work on private and public land to continue. I don't think the birds can tell between private, public, or Hotels. This bill allows the MACC to continue having concerts outdoors but bans the rest. This is crazy and ripe for lawsuits.

In summation, this bill will further damage the already COVID impacted Event Industry in a catastrophic way. This bill would put thousands of jobs at risk and push hundreds of millions of dollars to other states or other countries. This bill is a direct attack on the visitor industry.

Mahalo,

Jack L. Hufstetler
THEATRIX HAWAII
Business Manager & Owner
Mobile 808 216-3456

www.theatrix.com

Oahu
94-410 Koaki Street / Waipahu, HI 96797
P: 808.836.5647 / F: 808.836.5657

Maui

215 Wakea Ave, #106 / Kahului, HI 96732
P: 808.879.9292 / F: 808.836.5657

RECEIVED
2022 OCT -3 AM 9:30
OFFICE OF THE
COUNTY CLERK

Date: October 3, 2022
To: Maui County Council
RE: Resolution 22-206

Aloha Chairperson Alice Lee and Maui County Council Members,

The Ma'alaea Village Association (MVA) and our 200+ members support Resolution 22-206 to authorize proceedings in eminent domain for the acquisition of the Ma'alaea Mauka/Pohakea Watershed. This resolution passed the Sept 14, 2022 CARES Committee by unanimous approval.

We commend the Maui County Council and Mayor Michael Victorino for funding the acquisition of the 257 acre Ma'alaea Mauka in the Pohakea Watershed with open space funds. This is exactly the purpose for which the open space fund was created.

It is unfortunate that the new owner of these lands has made clear that he is unwilling to sell the 257 acre parcel to the County. All reasonable efforts of an amicable sale/purchase agreement appear to have been exhausted and this appears to be the only remaining alternative. Therefore, MVA whole-heartedly supports Resolution 22-206 to initiate eminent domain designation to complete the property acquisition by the County.

MVA and our predecessor, Ma'alaea Community Association have been involved in efforts to preserve the 257 acre parcel for decades. The reasons for preserving this land are numerous – ranging from the priority of restoring Ma'alaea Bay to preserving the open space and scenic resources to addressing wildfire and traffic issues at this main access point to West Maui.

In this effort we have partnered with Maui nonprofits including Kihei Community Association, Sierra Club Maui and Maui Nui Marine Resource Council (MNMRC), the Hawaii Land Trust and Trust for Public Land. We value the commitment of the Dept. of Land & Natural Resources (DNLR) Division of Forestry and Wildlife to take ownership and manage these lands to create a "Forest Reserve" with the surrounding 4,000 acres of state conservation lands. This initiative will provide Maui County vast resources in preserving the valuable open space and scenic resources, expand the historic Lahaina Pali Trail and create parks and trails for the benefit of Maui's people for years to come. DLNR's commitment of $1 million in Legacy Lands funding toward the purchase demonstrates the value the state puts on preserving these lands.

It is critical that the entire 257 acre parcel be acquired, and that it be done promptly within FY23 since the funding has been approved in that budget.

Please support Resolution 22-206 and move this resolution forward. The public benefits and conservation reasons for acquiring this property are well-documented and leave little left to be said.

Sincerely,

Lyndon Ibele
President, Ma'alaea Village Association

Ma'alaea Village Association
P. O. Box 2122, Wailuku, HI 96793
maalaeavillageassociation@gmail.com

County Clerk

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2022 OCT -5 AM 8:18
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COUNTY CLERK

From: Michael Johnson <kahunapule@gmx.com>
Sent: Tuesday, October 4, 2022 4:17 PM
To: County Clerk
Subject: Testimony against bill 145 (2022), bicycle tour restrictions

You don't often get email from kahunapule@gmx.com. Learn why this is important <https://aka.ms/LearnAboutSenderIdentification>

Honorable Maui County council members:

It seems to me that bill 145 is an overreaction that will cause more problems than it solves. I don't operate any bicycle tours, and am not paid by anyone who does. However, it grieves me to see them unfairly treated, and possibly driven out of business because of a bill that really is more about some people being annoyed by a short delay while waiting to pass a group of bicyclists than it is about public safety. The bill makes many false assumptions. I think we should think more seriously about widening roads, including a usable shoulder or bike lane, especially on popular bike routes like the Haleakala Highway.

I ride my own bicycle up and down the Haleakala Highway regularly for exercise. I have seen thousands of bicyclists on that road: locals, serious athletes pedaling uphill and downhill, and bicycle group tourists going downhill. In my hundreds of hours riding, I have seen some very bad driving by motor vehicle operators, including 2 that almost hit me. I have never seen any of the serious athletes or locals cause a problem with their bikes. I have seen a few cases of bad riding by downhill bicycle tourists, but most are reasonably careful. Once I stopped to render first aid to a bicycle tourist who crashed and flipped over a guard rail. He had painful, but not life-threatening or permanent injuries. That one case happened to be in a place and manner that would still be allowed by bill 145. You can't legislate away stupidity on the part of a rider or a driver. You can, however, improve the roads and enforce existing traffic laws.

In summary, bill 145 probably won't improve public safety measurably, probably will do real economic and social harm to local people, probably will reduce visitor's enjoyment of their vacations, and probably won't even totally solve the problems of road rage, drunk and distracted driving, and traffic congestion.

--

Aloha,
Michael Johnson
26 HIWALANI LOOP • MAKAWAO HI 96768-8747

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October 7, 2022

To: Maui County Council

From: Cheryl King, MSc.
Maui Nui Seabird Recovery Project

Aloha Members of the Maui County Council. My name is Cheryl King, a Seabird Biology Technician with the Maui Nui Seabird Recovery Project. I'm also a marine biologist who works on numerous native and endangered wildlife conservation projects, including specializing in sea turtles. As you've learned from my previous testimonies, I've seen the harmful impacts from artificial light pollution here on Maui and in other places I've worked. This is a well-documented issue, which you're all now well aware of. Since light pollution also impacts human health and our night skies, it's definitely time to do something to address it before Maui County gets even brighter.

The easiest thing we can all do to help our native wildlife is to simply ponder our own outdoor lighting to see how to make it safer for nature. And, passing this important legislation is a wonderful way to set an example and show how much the Maui County community cares and wants to make a positive difference for the island animals we are co-existing with. Dark skies save lives!
Please support Bill 21!

Mahalo Nui Loa!

~Cheryl King, MSc.

County Clerk

From: funkybuddha <markklemen@gmail.com>
Sent: Tuesday, October 4, 2022 8:21 AM
To: County Clerk
Subject: BILL TO REGULATE BIKE TOURS- comment from a Kula resident

You don't often get email from markklemen@gmail.com. Learn why this is important

Aloha,

I am a longtime Kula resident and I have personally witnessed the dangers of the downhill bike tours as well as the daily delays they cause for residents.

These riders are rarely equipped for the physical requirements of riding at high speeds down the highway. Many handle their bikes as though they are riding for the first time in their adult lives...
Most adults are probably unable to do such riding in the best of circumstances. But, we have no dedicated bike areas and, for much of the distance they currently ride, no shoulder on the road at all!
The compromise to end the tours above the residential areas of Kula makes sense for everyone and will keep tourists safe!

It is not helpful to have people visit our island and go home injured and with stories of trauma.
It is also unfair to the residents of Kula and Maui to so frequently have to sit in traffic and wait for the support vans and riders to find a safe shoulder to move out of the way of traffic.
This has caused problems for residents for years and it really isnt fair as there is only one road for us to get places.

Mahalo for your time and attention :)

- Mark Klemen, Kula

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COUNTY CLERK

County Clerk

From: I <laurieinhawaiinei@gmail.com>
Sent: Wednesday, October 5, 2022 11:37 PM
To: County Clerk
Subject: Testimony in Support of Bill 145, to Establish Limits and Restrictions for Commercial Bicycle-Tour Businesses

You don't often get email from laurieinhawaiinei@gmail.com. Learn why this is important

Aloha Councilmembers,

I am writing to encourage you to pass the bill to regulate bike tours. I am asking on behalf of myself and the thousands of people who live and/or work upcountry. The bike tours, both unguided and guided, are extremely dangerous for both Maui residents and the bike tourists. For example, just today, as I was driving home a man on an unguided bike tour suddenly swerved across both lanes of traffic, right in front of me, ending up on the makai side of the highway where he got off his bike to rest or take a picture or something. Fortunately, I was able to slow down enough so as not to hit him, but it almost gave me a heart attack! I was by myself and it happened so fast and was so unexpected I didn't get a picture.

As of this writing, the online petition urging restricting bike tours to the area above mile marker 3.0 on Haleakalā Crater Road has well over 1500 signatures. See https://www.change.org/MakeMauiRoadsSafe. Below are some recent comments that people have added when signing the petition.

Mahalo for your consideration and your support.

Aloha,
LaurieinHawaiinei@gmail.com

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Reasons for signing

I'm signing because...

Leilani Miranda
Cause I can't stand them

Tracy Lamon
I want to reflect on an article in the Maui News a few months back. A bike accident visitor sued the county for neglect of allowing the bike company to operate with out regulation. So we as residents are suffering this expense. These tours should not be on public roads period . They should be back up in the national park , let the feds regulate and insure it . There are zero benefits to Maui residents by having them on our roadways.

Michelle Nakagawa
Makawao Avenue and Baldwin Avenue have got to be added to these restrictions! Both roads are too narrow for both cars and groups of bike riders to share. These bike groups cause dangerous driving conditions for all involved!

Stephanie Austin
Both Baldwin Avenue and Kokomo Rd. are ENTIRELY UNSUITABLE for bike tours, escorted or not. They are both narrow country roads, each with many many blind curves, and each with long sections which have NO shoulder whatsoever!B
They are very dangerous for both bike rider and vehicles; these roads should not be used at all for bicycle tours. Each could have bike paths developed parallel to the roads, at great expense most likely due to difficult terrain.

G. H. Kuba
Safety is a big concern as well as thinking of drivers getting their keiki to school or going to work! Mahalo!

Barbara Bezdicek
It is so SO needed.

Joanna Barnes

Share the Road is good in theory, but fact is both drivers and bikers are unsafe together on Makawao Ave. between Baldwin and Kokomo.

Ron Rawson
Hazardous to life,and limb. Few riders pay attention and few drivers have the time or patience to follow. Limit or stop these dangerous activities.

Ania Wood
As an upcountry resident I'm tired of these excessive bike tours, they are dangerous and a nuisance on roads we use for daily commutes. I'm not anti-bike, but occasional road bikers who ride all the time know how to share the road, unlike these hoards of wobbly bike novices. Leaving them the upper part of the mountain above mile marker 3 feels like a very fair compromise between these tour companies and the residents whose tax dollars pay for the law suits these bikers start against Maui county.

Leslie Crawford
Tourist groups are out of control.

Christine Martin
Because of the safety of all the bikers, and the public!

Whitney butcher
I am signing because I have witnessed multiple accidents, some I wonder if they even made it alive or able to function afterwards. It is so dangerous.

Valerie Mizner
I worry about cyclist's safety and that of drivers.

Tara Koenigs
This is outrageous. It is extremely dangerous I am curious to know the number of accidents because of it . Keep both drivers and cyclists safe and allow them to fully enjoy the tours in correct areas , not local traffic road ways . I'm always scared of hitting them and I can't go 5 mph behind them it doesn't make sense . This getting passed will be a huge improvement for Maui

Jessi Beck
I live upcountry Maui and the bike companies are not operating safely in my opinion. Seriously dangerous.

Nina Cherry
This is a very dangerous "sport" and us taxpayers are paying for the liability claims and lawsuits. This does not help us one whit on Maui – it is frustrating to be behind a tour –with bikers wobbling all over the road. My friend did the tour when she visited (78 years old) and had not been on a big in likely 50 years. I'm sure the few people who have these tour jobs can find something else to do that is not costing us so much in terms of bad advertising (dead or paralyzed people) and lawsuits. And not to mention that high frustration levels of being behind these guys when you have to get somewhere for work or child care related wikiwiki.

Christine Dweirin
I have been behind bike tours and it's impossible to pass and very dangerous. I've been behind one biker as they went down coming up to Kokomo Rd., almost ran into them. Very dangerous.

Virginia Van Pelt
I feel these bikers are putting themselves at risk and as a res ident of Maui it's nerve racking to drive around them and would hate to hit one of them, something needs to be done.

Judy Doucette
I've lived in Kokomo fir 30 years, I drive these roads and have had many near tragedies. Not safe!!

Lloyd Fischel
The tourism industry is way out of control. Every venue has a maximum fir safety. Our roads have reached the maximum and the bike riding business is a dangerous component.

Brooks Maguire
I have encountered dangerous situations as a driver and seen riders create dangerous situations for themselves and others with no safe way to share the road! PLEASE protect ALL Of us from this unnecessary problem!

Paul Ruff
For years biker traffic has blocked roads making it extremely dangerous to drive down the mountain.. Its time stop the insanity . People WILL get hurt ..

Isabella K Powell
I believe these bike tours are dangerous and should not be allowed.

Susan Hansen
There have been too many accidents and close calls. It's especially difficult to drive in the curvy, wooded, residential areas

Joanna borreta
I feel that it is so dangerous to have bike tours and to keep people safe

Steve Wilson
Without regulation, companies remain free to expand services and others to start. It's a matter of public safety.

Andrea Perkins
The bike tours have significantly and negatively effected my safety and quality of life.

Zena Kreider
I am fed up with these bike tours!

Jennifer Martin
The downside of these tours is a lot greater than the upside. I think they should stop. They've slowed me way down and created dangerous circumstances around me more times than I can count.

Jenna Dorius
I almost killed a woman when she skidded across the road because Maliko gulch area has crazy curves and turns. It was raining (they still change you full price if it's raining to cancel, so most just go when it's raining and soo dangerous) when I say I stopped inches from running this woman over, it's not an understatement. She was hysterical with pain and I was a mess because I almost killed her. When I asked the cop what would happen to me if I had killed her, he said nothing would happen to me because she had crossed the yellow line. It's all so messed up. They put these people life on the line AND OURS and no one is held accountable. CLOSE IT DOWN!!

County Clerk

RECEIVED
2022 OCT -5 AM 10: 44
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From: Tamara A. Paltin
Sent: Wednesday, October 5, 2022 10:35 AM
To: County Clerk
Subject: Fwd: Proposed Maui County Outdoor Lighting Ordinance
Attachments: 2020-Chapter10 - Maui Data Book on Visitor Industry .pdf

Get Outlook for iOS

From: Aleta Lee <aleta@Epiclightingllc.com>
Sent: Wednesday, October 5, 2022 9:18:22 AM
To: Tamara A. Paltin <Tamara.Paltin@mauicounty.us>
Subject: RE: Proposed Maui County Outdoor Lighting Ordinance

You don't often get email from aleta@epiclightingllc.com. Learn why this is important

Aloha Maui County Council Member Tamara Paltin

I am emailing you today to express my sincere frustration with your current proposed Outdoor Lighting Ordinance.

While I absolutely support our natural environment and the native animals that reside within our beautiful State, I am forced to ask you to reconsider your outdoor lighting ordinance and ask that you "table it" until a full Economic Impact study is conducted.

I sincerely question if you have taken the economic impact of your proposed outdoor lighting ordinance into consideration. *For your convenience - Attached you will find the 2019 Maui County Data Book in Visitors to Maui County by Month which clearly outlines the percentage of revenue generated on each island from tourism and while it doesn't indicate the Event industry specifically, it does outline the percentage of visitors that attend Live music/stage shows (concerts), luaus which are traditionally held as night time events/activities.

Based on this alone it is very apparent that your proposed Outdoor Lighting Ordinance will financially impact not only the Corporate Event industry, but also the outdoor entertainment, Luau's, concerts, and destination weddings industries as well.

While you strive to save the petrels, you are effectively crippling an entire event related industry that employs thousands of Maui County residents and will do irreparable damage too many small businesses based right here on Maui.
Have you even considered that we have just spent over a year of Covid related shut downs to our industry? Many companies were forced to close permanently, and those small businesses that didn't close took on EIDL loans in order to survive, praying that our industry would make a comeback and enable us to continue to operate and keep our employees.

Are you aware of the fact that the Event industry has a season as well? Well, we do and this happens pretty consistently every year (obviously not including Covid shut down years). Event Season runs as follows:

- Corporate Event season which runs Jan 4 thru July 11.
- Destination Weddings & other Private events July 5 thru December 20
- Corporate Events return September 1 thru December 20

Based on our own small event lighting company which specializes in sustainable outdoor event and stage lighting, 80% of our business is directly related to outdoor event lighting. Our company Epic Lighting LLC, currently employs 4 year round full time, 2 year round part time and 6 seasonal full-time employees (*Seasonal defined as Jan 1 through July 30 and Sept 1 thru Dec 20). Need I mention that our company members & employees have families that we support?

How many other companies will be forced to lay off or close because of your proposal? Wasn't the Covid shutdowns hard enough economically on our families? We are struggling to stay afloat and we battle daily the rising cost of rent, food, gas, and now your ordinance? Who exactly are you representing? Because currently while I voted for the majority of you, I feel that you are not in touch with what the average resident of Maui County is dealing with.

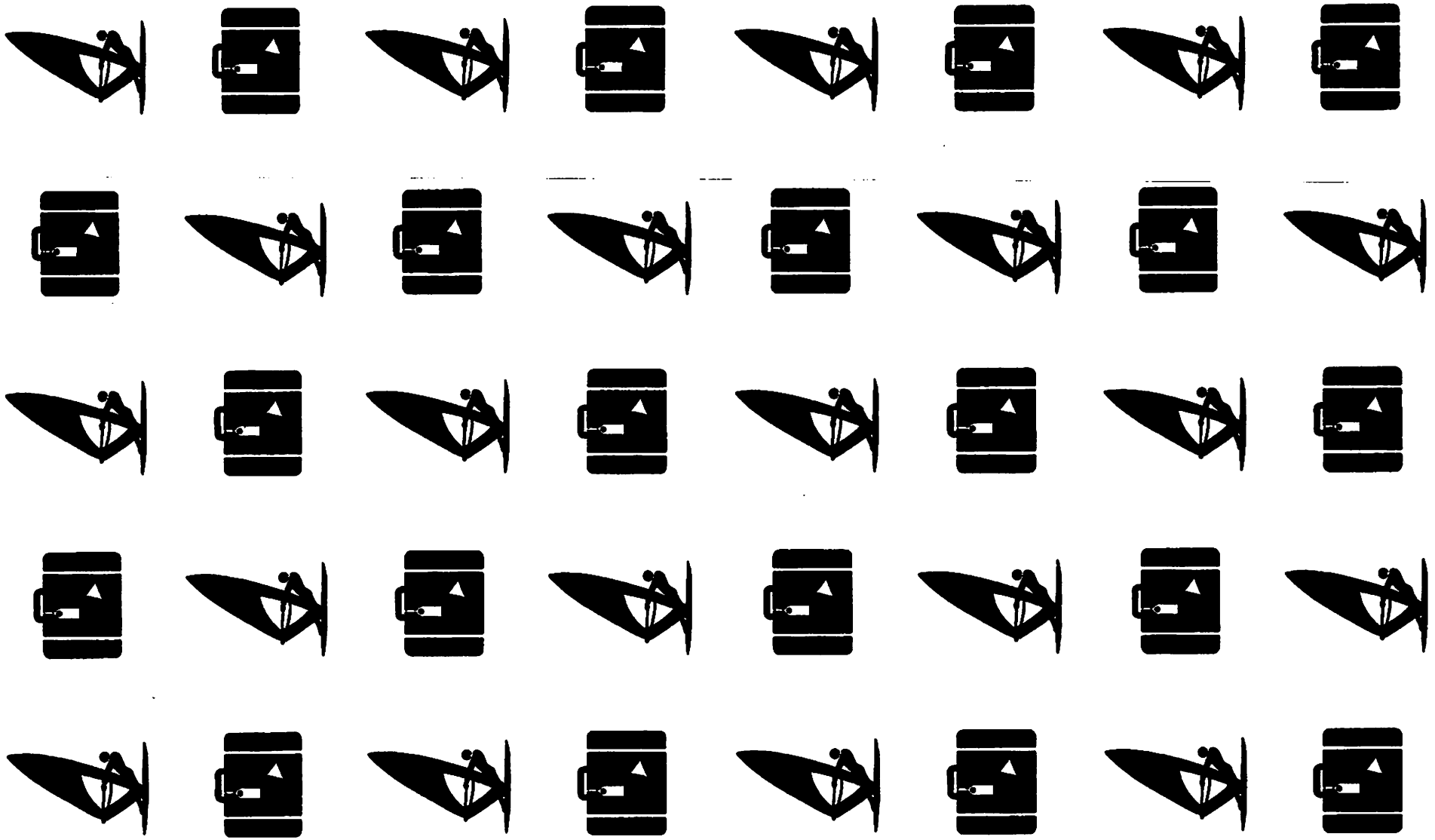
In closing I ask again that you table your Outdoor lighting Ordinance until the following can occur:

- Full Economic Impact Study
- Full Lighting Impact on Petrel & turtle study to include the impact from street lights, night time construction lights, outdoor County sponsored night time events, Youth Sporting events held at night.
- Hire an actual Lighting Specialist to assist with the study
- Hire a Risk management assessment team to determine the hazards of inadequate lighting of public access areas and who will be held responsible for the injuries due to inadequate outdoor lighting.

I thank you for your time, and wish you well as you reconsider tabling your proposal

Regards
Aleta M. Lee
Epic Lighting LLC
M: (808)-280-3524
E: Aleta@Epiclightingllc.com
Web: www.Epiclightingllc.com

Visitor Industry & Recreation



Section 10

VISITOR INDUSTRY & RECREATION

This section presents statistics on numbers of visitors, visitor plant inventory, and visitor expenditures. In addition you will find information about recreation on the islands including attendance at recreational events, and visitors to Maui County attractions.

Information on tourism is supplied primarily by the Hawai'i Tourism Authority. They have assumed the collection and analysis of visitor data since 2009.

2019 was a record year in terms of tourism: 2,963,564 visitor arrivals in Maui County.

10.1.1

VISITORS TO MAUI COUNTY BY MONTH

Arrivals by air

2019	Maui	Moloka'i	Lāna'i	Maui County
All Visitors				
January	233,422	5,567	6,425	237,371
February	221,603	5,542	6,208	225,795
March	271,934	4,948	8,984	277,578
April	247,984	4,395	5,395	251,418
May	251,665	5,008	6,580	255,552
June	295,926	5,776	9,020	300,512
July	307,834	6,665	9,190	313,046
August	273,638	4,860	7,739	278,345
September	210,108	5,323	5,770	213,449
October	238,043	4,314	6,439	241,527
November	232,330	4,472	5,368	235,686
December	275,419	6,163	7,004	280,852
Total	**3,059,905**	**63,035**	**84,103**	**3,111,131**
Domestic Visitors				
January	181,168	4,228	4,364	184,777
February	173,398	3,738	4,470	177,113
March	220,739	3,620	4,836	224,362
April	209,546	3,347	4,404	212,706
May	225,088	3,722	5,236	228,562
June	262,763	3,726	5,668	266,224
July	275,731	4,168	5,621	279,368
August	243,943	3,594	5,246	247,020
September	182,373	2,933	4,287	184,858
October	204,416	3,093	4,503	207,356
November	194,777	3,170	4,362	197,977
December	235,855	4,964	5,803	240,464
Total	**2,609,798**	**44,304**	**58,799**	**2,650,787**
International Visitors				
January	52,254	1,338	2,061	52,593
February	48,205	1,804	1,738	48,683
March	51,194	1,328	4,128	53,217
April	38,439	1,048	991	38,712
May	26,576	1,286	1,345	26,990
June	33,163	2,050	3,352	34,288
July	32,103	2,497	3,569	33,678
August	29,694	1,266	2,493	31,325
September	27,734	2,390	1,483	28,591
October	33,626	1,221	1,935	34,171
November	37,553	1,302	1,006	37,709
December	39,565	1,199	1,201	40,388
Total	**450,107**	**18,730**	**25,304**	**460,345**

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.1.2

LENGTH OF STAY AND AVERAGE DAILY CENSUS BY ISLAND, MAUI COUNTY

Arrivals by air

	2015	2016	2017	2018	2019
Length of Stay (days)					
All Visitors					
Maui	8.19	8.14	8.05	8.07	7.92
Moloka'i	4.42	4.84	4.76	4.83	4.54
Lāna'i	2.79	3.51	3.40	3.41	3.20
Domestic					
Maui	8.42	8.32	8.22	8.21	8.02
Moloka'i	5.12	5.52	5.67	5.88	5.70
Lāna'i	3.18	3.96	4.01	4.08	3.95
International					
Maui	7.12	7.31	7.19	7.36	7.32
Moloka'i	2.06	2.79	2.52	2.14	1.79
Lāna'i	1.56	1.91	1.61	1.67	1.47
Average Daily Census					
All Visitors					
Maui	56,981	58,599	60,506	64,473	66,363
Moloka'i	784	779	763	780	783
Lāna'i	446	604	599	701	738
Domestic					
Maui	48,089	49,365	51,130	54,747	57,341
Moloka'i	699	667	646	683	691
Lāna'i	386	533	527	607	636
International					
Maui	8,893	9,234	9,376	9,727	9,022
Moloka'i	84	112	117	96	92
Lāna'i	60	71	72	95	102

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.1.3

AVERAGE DAILY VISITOR CENSUS BY COUNTY

Average number of visitors present in each county on any given day
Arrivals by air

Year	Maui	Hawai'i	Kaua'i	O'ahu	State
1988	33,870	10,690	16,400	80,450	141,410
1989	44,020	17,760	19,140	88,750	169,670
1990	37,657	16,698	17,378	82,783	154,516
1991	37,060	17,535	17,720	75,008	147,323
1992	41,854	19,297	13,516	77,999	152,666
1993	42,132	18,974	8,283	78,108	147,498
1994	42,933	18,902	13,268	81,526	156,630
1995	42,751	18,547	14,439	81,362	157,098
1996	42,724	19,337	15,615	81,054	158,730
1997	43,383	21,656	15,999	76,150	157,188
1998	42,864	23,993	17,909	72,623	157,389
1999	43,992	22,736	18,214	79,497	164,439
2000	43,854	21,831	18,041	84,911	168,637
2001	40,651	21,064	16,830	79,702	158,247
2002	41,795	21,811	17,046	79,545	160,195
2003	44,510	21,934	17,828	76,776	161,048
2004	45,517	23,376	18,869	83,718	171,481
2005	48,414	27,768	19,675	89,588	185,445
2006	51,034	28,336	20,903	89,167	189,441
2007	51,222	27,891	22,207	88,092	189,412
2008	46,038	24,842	19,855	81,751	172,487
2009	42,864	23,204	18,690	80,324	165,082
2010	47,421	24,773	19,548	86,207	177,949
2011	49,481	26,550	20,814	88,979	185,824
2012	52,401	28,559	22,318	97,989	201,267
2013	54,233	29,255	23,334	96,054	202,876
2014	55,988	30,172	23,617	96,440	206,217
2015	58,211	31,408	24,533	99,782	213,934
2016	59,982	31,845	24,842	101,006	217,675
2017	61,868	35,412	26,364	105,141	228,785
2018	65,954	35,024	28,463	110,901	240,341
2019	67,885	35,556	27,695	114,596	245,733

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.1.4

DOMESTIC VISITOR ARRIVALS FROM TOP U.S. CBSAS
MAUI COUNTY

Arrivals by air

2019	Maui	Moloka'i	Lāna'i	County	State
Anchorage	15,796	787	222	16,470	61,598
Atlanta	20,469	423	752	20,847	58,246
Austin	17,965	342	478	18,219	44,983
Bakersfield	6,045	86	112	6,126	18,307
Baltimore	9,444	222	220	9,613	29,713
Bellingham	7,157	130	92	7,246	16,667
Boise City	13,044	245	275	13,310	36,152
Boston	22,448	404	621	22,783	58,947
Bremerton	6,399	143	95	6,548	22,354
Charlotte	7,227	122	266	7,335	18,953
Chicago	61,120	955	1,572	61,978	135,075
Cincinnati	8,590	138	199	8,690	19,511
Cleveland	6,989	140	213	7,092	16,073
Colorado Springs	6,705	135	166	6,834	23,315
Dallas	50,631	664	1,389	51,373	123,234
Denver	47,857	730	1,028	48,560	119,357
Detroit	16,927	288	414	17,156	38,791
Eugene	7,540	149	120	7,669	19,979
Fresno	10,240	164	183	10,367	27,048
Houston	29,444	432	850	29,840	80,373
Indianapolis	8,700	124	150	8,797	20,568
Kansas City	12,980	208	344	13,168	32,635
Las Vegas	26,139	529	701	26,716	89,654
Los Angeles	254,705	3,249	5,840	259,050	777,048
Miami	12,481	274	499	12,735	33,404
Minneapolis	30,159	413	645	30,570	78,563
Modesto	8,368	118	138	8,475	20,065
New York	70,735	1,269	2,633	72,135	179,873
Ogden	10,787	145	249	10,977	34,661
Olympia	6,842	121	113	6,948	19,970

CONTINUES ON THE NEXT PAGE

10.1.4

CONTINUED

2019	Maui	Moloka'i	Lāna'i	County	State
Orlando	7,362	146	239	7,489	21,813
Oxnard	20,825	250	453	21,120	56,167
Philadelphia	19,447	406	543	19,723	47,416
Phoenix	67,395	938	1,531	68,335	171,534
Pittsburgh	6,577	104	210	6,673	16,617
Portland	82,505	1,356	1,359	83,816	213,886
Provo	10,772	180	213	10,994	40,413
Reno	11,413	158	187	11,559	29,060
Riverside-San Bernardino	53,311	716	1,064	54,112	160,614
Sacramento	75,998	992	1,095	76,771	178,160
Salem	8,262	141	122	8,395	21,457
Salinas	7,077	96	109	7,177	19,737
Salt Lake City	22,365	297	488	22,735	68,664
San Antonio	9,341	203	296	9,514	31,064
San Diego	79,146	1,187	1,597	80,312	239,046
San Francisco	220,199	2,412	3,763	222,897	605,467
San Jose	91,595	745	1,362	92,413	247,714
San Luis Obispo	7,153	160	132	7,278	18,837
Santa Cruz	10,813	192	175	11,010	29,434
Santa Maria	8,144	147	184	8,321	24,136
Santa Rosa	17,744	221	269	17,950	42,996
Seattle	146,918	2,411	2,392	149,372	410,664
Spokane	11,866	190	185	12,029	30,735
St. Louis	13,073	200	436	13,274	31,528
Stockton	12,920	155	191	13,075	35,466
Tampa	8,173	173	277	8,306	22,740
Tucson	8,621	169	218	8,739	25,598
Vallejo	12,064	159	174	12,223	34,889
Virginia Beach	3,750	126	126	3,833	18,967
Washington D.C.	31,087	614	964	31,672	103,301

CBSA: Core Based Statistics Area

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT, AND U.S. CENSUS BUREAU.

10.1.5

VISITOR ARRIVALS
MAUI COUNTY

Year	International	Domestic	By Ship[1]	Total
1994	531,610	1,808,906	NA	2,340,516
1995	564,092	1,762,705	NA	2,326,797
1996	586,576	1,732,034	NA	2,318,610
1997	542,018	1,788,366	NA	2,330,384
1998	527,950	1,776,165	33,093	2,304,115
1999	480,471	1,866,531	41,840	2,347,002
2000	470,035	1,834,631	32,288	2,336,954
2001	418,518	1,685,960	41,288	2,145,766
2002	369,324	1,770,103	58,853	2,198,280
2003	296,273	1,900,174	43,514	2,239,961
2004	270,029	1,937,797	69,427	2,277,253
2005	265,749	2,080,731	43,514	2,389,994
2006	299,679	2,198,555	106,039	2,567,136
2007	297,230	2,224,813	125,331	2,638,809
2008	278,532	1,850,510	105,148	2,234,190
2009	243,909	1,688,448	95,056	2,027,413
2010	294,572	1,828,063	99,483	2,222,118
2011	342,427	1,868,986	121,382	2,332,795
2012	400,611	1,952,718	264,113	2,617,442
2013	442,842	1,958,891	275,066	2,676,799
2014*	445,057	2,011,878	228,992	2,456,935
2015	463,377	2,115,934	228,674	2,579,311
2016	470,232	2,207,858	216,250	2,678,089
2017	482,997	2,303,733	255,846	2,786,729
2018	490,187	2,473,377	251,749	2,963,564
2019	460,345	2,650,787	273,050	3,111,131

1. Visitor arrivals by ships until 2011. Visitor arrivals by ships and by air starting in 2012.
NA: Not available

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.1.6

NATION OF RESIDENCE OF VISITORS TO MAUI COUNTY

Arrivals by air

2019	Maui	Moloka'i	Lāna'i
Total	**3,059,905**	**63,035**	**84,103**
United States	**2,449,124**	**42,603**	**59,810**
Canada	**276,825**	**4,840**	**5,700**
Asia	**101,325**	**3,679**	**3,824**
China	19,387	718	847
Hong Kong	815	127	47
Japan	46,684	1,941	2,300
Korea	29,303	846	499
Singapore	1,207	1	1
Taiwan	3,928	46	130
Oceania	**60,582**	**4,680**	**6,129**
Australia	50,563	4,195	5,197
New Zealand	10,018	484	932
Europe	**60,596**	**1,772**	**1,630**
United Kingdom	14,751	287	530
France	8,341	151	385
Germany	23,802	776	293
Italy	5,753	110	64
Switzerland	7,949	448	359
Latin America	**9,024**	**308**	**569**
Argentina	2,195	39	361
Brazil	3,268	88	93
Mexico	3,561	181	115
Other	**102,430**	**5,153**	**6,440**

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.1.7

TOTAL AIR SEATS OPERATED TO KAHULUI AIRPORT

	2016	2017	2018	2019
TOTAL SEATS	**2,334,832**	**2,329,750**	**2,626,225**	**2,895,680**
Scheduled	2,332,192	2,328,461	2,622,292	2,892,014
Charter	2,640	1,289	3,933	3,666
DOMESTIC SEATS	**2,124,832**	**2,124,475**	**2,407,806**	**2,672,036**
Scheduled Seats	2,122,192	2,123,186	2,403,873	2,668,370
Charter Seats	2,640	1,289	3,933	3,666
US West	**1,989,765**	**1,982,732**	**2,186,558**	**2,449,879**
Anchorage	11,982	11,448	11,607	15,900
Bellingham	13,906	13,674	13,515	8,904
Denver	36,335	37,518	61,685	116,740
Denver	0	0	0	1890
Los Angeles	600,975	626,990	637,353	643,928
Oakland	153,147	151,314	131,832	215,080
Phoenix	110,700	99,416	95,316	94,400
Portland	102,175	98,898	168,940	178,854
Sacramento	59,458	58,035	58,035	109,281
Salt Lake City	0	2,486	16,498	16,783
San Diego	72,001	61,533	106,426	127,020
San Francisco	403,513	409,835	457,662	463,447
San Jose	147,609	136,568	144,631	159,796
Seattle	277,964	275,017	283,058	297,316
US East	**132,427**	**140,454**	**217,315**	**218,491**
Chicago	21,672	21,520	74,984	70,252
Dallas	110,755	118,934	142,331	148,239
INTERNATIONAL SEATS	**210,000**	**205,275**	**218,419**	**223,644**
Canada	**210,000**	**205,275**	**218,419**	**223,644**
Calgary	39,456	40,859	48,171	45,607
Edmonton	14,574	10,480	10,480	8,646
Vancouver	155,970	153,936	159,768	169,391

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.1.8

HOTEL OCCUPANCY AND ROOM RATES
MAUI ISLAND

Month, 2019	Occupancy	Average Daily Rate ($)	Revenue per Available Room ($)
January	75.6%	438.99	331.88
February	80.4%	437.36	351.64
March	78.4%	424.51	332.82
April	78.9%	387.16	305.47
May	76.3%	345.33	263.49
June	80.9%	393.58	318.41
July	82.2%	436.41	358.73
August	78.6%	389.23	305.93
September	72.7%	318.62	231.64
October	76.3%	328.62	250.74
November	74.9%	354.19	265.29
December	76.8%	540.05	414.76
Total	**77.7%**	**$399.50**	**$310.41**

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.2.1

CLASS OF VISITOR ACCOMMODATION UNITS BY ISLAND

	2015	2016	2017	2018	2019
Maui					
Budget (up to $100)	1.9%	1.6%	1.5%	1.1%	0.8%
Standard ($101 to $250)	19.2%	18.7%	18.9%	17.6%	18.1%
Deluxe ($251 to $500)	25.2%	23.4%	25.9%	20.2%	25.2%
Luxury (over $500 per night)	53.8%	56.3%	53.7%	61.1%	55.9%
Moloka'i					
Budget (up to $100)	6.2%	6.7%	7.2%	6.1%	2.2%
Standard ($101 to $250)	85.6%	88.9%	88.0%	89.8%	93.5%
Deluxe ($251 to $500)	8.2%	4.4%	3.6%	3.1%	3.8%
Luxury (over $500 per night)	0.0%	0.0%	1.2%	1.0%	0.5%
Lāna'i					
Budget (up to $100)	0.0%	0.0%	0.0%	0.0%	0.0%
Standard ($101 to $250)	4.5%	4.5%	2.6%	1.8%	2.6%
Deluxe ($251 to $500)	26.3%	26.3%	3.9%	0.0%	3.9%
Luxury (over $500 per night)	69.2%	69.2%	93.4%	98.2%	93.4%
Hawai'i Island					
Budget (up to $100)	9.9%	8.9%	9.6%	10.1%	10.6%
Standard ($101 to $250)	32.9%	27.0%	19.7%	21.3%	23.4%
Deluxe ($251 to $500)	36.5%	43.5%	41.5%	38.8%	35.3%
Luxury (over $500 per night)	20.6%	20.6%	29.2%	29.7%	30.7%
Kaua'i					
Budget (up to $100)	2.7%	2.1%	4.2%	2.4%	2.4%
Standard ($101 to $250)	33.7%	31.8%	35.8%	33.7%	32.5%
Deluxe ($251 to $500)	26.6%	29.7%	20.5%	20.9%	23.4%
Luxury (over $500 per night)	37.0%	36.4%	39.5%	43.0%	41.8%
O'ahu					
Budget (up to $100)	3.1%	2.8%	2.3%	5.4%	2.4%
Standard ($101 to $250)	32.2%	28.6%	25.4%	26.1%	29.6%
Deluxe ($251 to $500)	36.1%	39.2%	42.9%	35.1%	33.5%
Luxury (over $500 per night)	28.6%	29.4%	29.4%	33.5%	34.5%
Statewide					
Budget (up to $100)	3.8%	3.5%	3.4%	4.9%	3.2%
Standard ($101 to $250)	29.4%	26.4%	24.0%	24.3%	26.5%
Deluxe ($251 to $500)	32.6%	35.4%	36.9%	30.9%	30.7%
Luxury (over $500 per night)	34.1%	34.6%	35.7%	39.9%	39.7%

Note: Totals may not sum to 100% due to rounding.

SOURCE: HAWAI'I TOURISM AUTHORITY, VISITOR PLANT INVENTORY.

10.2.2

VISITOR PLANT INVENTORY
BY ISLAND AND TYPE, MAUI COUNTY

	2016		2017		2018		2019	
	Prop	Units	Prop	Units	Prop	Units	Prop	Units
Maui								
Apartment/Hotel	0	15	0	15	0	15	0	15
Bed & Breakfast	46	187	42	168	38	159	34	136
Condo Hotel	52	4,317	52	4,402	53	4,189	56	4,334
Hostel	3	48	3	48	3	48	3	62
Hotel	35	8,245	34	7,742	31	7,372	30	7,295
Individual Unit	376	5,469	323	5,472	220	5,912	207	5,749
Timeshare	22	3,160	22	3,379	23	3,648	29	3,655
Other	2	24	2	24	2	24	3	48
Total	**536**	**21,465**	**478**	**21,250**	**370**	**21,367**	**362**	**21,294**
Moloka'i								
Apartment/Hotel	0	0	0	0	0	0	0	0
Bed & Breakfast	1	1	1	1	1	1	2	2
Condo Hotel	2	73	2	71	2	70	2	70
Hostel	0	0	0	0	0	0	0	0
Hotel	0	0	0	0	0	0	0	0
Individual Unit	14	101	19	165	19	166	28	171
Timeshare	1	7	1	7	1	7	1	7
Other	0	0	0	0	0	0	0	0
Total	**18**	**182**	**23**	**244**	**23**	**244**	**33**	**250**
Lāna'i								
Apartment/Hotel	0	0	0	0	0	0	0	0
Bed & Breakfast	0	0	0	0	0	0	0	0
Condo Hotel	0	0	0	0	0	0	0	0
Hostel	0	0	0	0	0	0	0	0
Hotel	2	247	2	224	1	213	2	224
Individual Unit	2	5	2	5	2	5	2	5
Timeshare	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	**4**	**252**	**4**	**229**	**3**	**218**	**4**	**229**

Prop: Number of properties

SOURCE: HAWAI'I TOURISM AUTHORITY, VISITOR PLANT INVENTORY.

10.2.3

SUMMARY OF VISITOR PLANT INVENTORY BY AREA AND TYPE, MAUI ISLAND

Area/Type, 2019	Properties	Units
Hāna		
Bed & Breakfast	1	2
Condo Hotel	1	17
Hotel	1	71
Individual Unit	8	17
Other	1	4
Kahului-Wailuku		
Apartment/Hotel	1	15
Bed & Breakfast	4	22
Hostel	2	44
Hotel	5	487
Individual Unit	9	26
Kula-Makawao		
Bed & Breakfast	12	43
Hotel	2	14
Individual Unit	6	21
Other	1	24
West Maui		
Bed & Breakfast	6	25
Condo Hotel	33	2,790
Hostel	1	18
Hotel	12	3,612
Individual Unit	74	2,349
Timeshare	19	3,115
Other	1	20
Ma'alaea		
Bed & Breakfast	1	5
Individual Unit	5	235
Wailea-Kihei		
Bed & Breakfast	10	39
Condo Hotel	22	1,527
Hotel	10	3,111
Individual Unit	105	3,101
Timeshare	10	540

SOURCE: HAWAI'I TOURISM AUTHORITY, VISITOR PLANT INVENTORY.

10.2.4

VISITOR PLANT INVENTORY
MAUI COUNTY

Year	Available Units
1987	13,849
1988	15,168
1989	15,708
1990	17,869
1991	18,702
1992	19,290
1993	19,127
1994	18,804
1995	NA
1996	17,824
1997	18,552
1998	18,650
1999	18,609
2000	18,270
2001	18,234
2002	17,992
2003	18,303
2004	18,445
2005	19,220
2006	19,571
2007	19,879
2008	19,653
2009	20,151
2010	20,383
2011	21,745
2012	20,441
2013	18,691
2014	18,694
2015	21,413
2016	21,899
2017	21,723
2018	21,829
2019	21,773

NA: Not available

SOURCE: HAWAI'I TOURISM AUTHORITY, VISITOR PLANT INVENTORY.

10.3.1

DAILY EXPENDITURES PER PERSON BY ISLAND

Arrivals by air

2019	Maui	Moloka'i	Lāna'i	Hawai'i	Kaua'i	O'ahu
Total Spending	**$211.70**	**$125.97**	**$478.78**	**$178.45**	**$188.84**	**$194.60**
Lodging	**104.81**	**53.71**	**297.40**	**74.68**	**88.41**	**87.31**
Total Food and Beverage	**42.81**	**22.34**	**98.78**	**39.26**	**39.58**	**41.27**
Restaurants	27.84	12.47	92.02	26.27	24.73	26.94
Dinner shows and cruises	5.08	0.10	0.87	2.66	4.00	5.63
Groceries and snacks	9.89	9.77	5.88	10.32	10.84	8.71
Entertainment & Recreation	**17.38**	**8.65**	**32.58**	**17.26**	**20.00**	**19.25**
Total Transportation	**21.78**	**31.20**	**19.57**	**26.20**	**21.21**	**17.11**
Interisland airfare	2.30	11.14	13.94	4.82	2.47	1.53
Ground transportation	0.68	0.45	1.70	0.63	0.43	2.04
Rental vehicles	17.62	18.79	3.71	18.26	17.41	12.21
Gasoline, parking, etc.	1.18	0.82	0.22	2.49	0.91	1.33
Total Shopping	**18.15**	**6.45**	**13.91**	**14.87**	**13.80**	**22.47**
Fashion and clothing	7.43	1.89	9.61	5.32	5.71	8.14
Jewelry and watches	2.96	0.43	0.99	2.00	2.07	3.26
Cosmetics, perfume	0.44	0.01	0.16	0.33	0.14	0.49
Leather goods	1.07	0.08	0.64	0.16	0.13	2.01
Hawai'i food products	2.24	1.47	0.82	3.85	2.38	3.35
Souvenirs	4.03	2.57	1.69	3.21	3.36	5.22
All Other Expenses	**6.77**	**3.62**	**16.54**	**6.18**	**5.84**	**7.20**

Note: Sums may not add up to total due to rounding.

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.3.2

CRUISE VISITOR PER PERSON PER DAY SPENDING BY ISLAND

2019	Maui	Hawai'i	Kaua'i	O'ahu	State
Total Spending	**$74.89**	**$71.37**	**$64.91**	**$133.32**	**$239.95**
Lodging	**9.52**	**7.11**	**8.59**	**45.68**	**20.88**
Total Food and Beverage	**9.72**	**7.62**	**6.36**	**25.65**	**13.95**
Restaurants	6.72	4.93	4.16	18.01	9.60
Dinner shows	1.32	0.48	1.12	3.67	1.86
Groceries and snacks	1.68	2.21	1.08	3.97	2.49
Entertainment and Recreation	**2.17**	**2.22**	**2.24**	**4.94**	**3.14**
Shore Tour	**24.51**	**27.97**	**29.33**	**18.09**	**24.19**
Total Transportation	**7.89**	**6.84**	**5.70**	**12.74**	**8.89**
Interisland airfare	1.77	1.67	1.52	2.25	1.88
Ground transportation	2.05	2.12	1.07	4.70	2.77
Rental car, moped	3.58	2.67	2.80	4.97	3.70
Other transportation	0.48	0.38	0.32	0.82	0.55
Total Shopping	**17.34**	**16.52**	**10.50**	**22.53**	**17.71**
Fashion and clothing	6.25	4.25	3.16	8.73	6.03
Jewelry and watches	3.29	2.30	1.77	4.41	3.14
Cosmetics, perfume	1.11	0.40	0.14	0.77	0.64
Leather goods	0.48	1.82	0.15	0.86	0.90
Hawai'i food products	1.59	2.92	1.30	2.52	2.20
Souvenirs	4.62	4.82	3.97	5.24	4.80
All Other Spending Outside Ship	**3.73**	**3.09**	**2.18**	**3.69**	**3.29**

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.3.3

SUMMARY VISITOR CHARACTERISTICS
MAUI COUNTY

Arrivals by air

2019	Total	Domestic	International
Islands Visited			
O'ahu	798,410	549,874	248,536
Maui County	3,111,131	2,650,787	460,345
Maui	3,059,905	2,609,798	450,107
Maui Only	2,043,912	1,858,375	185,537
Moloka'i	63,035	44,304	18,730
Moloka'i Only	8,335	7,963	372
Lāna'i	84,103	58,799	25,304
Lāna'i Only	12,460	12,149	311
Kaua'i	343,246	267,794	75,453
Hawai'i Island	380,876	276,554	104,322
Kona	333,115	238,719	94,396
Hilo	223,123	153,618	69,505
Visit Status			
First-Time (%)	30.65	28.39	43.63
Repeat (%)	69.35	71.61	56.37
Average Number of Trips	5.34	5.67	3.45
Party Size			
Average Party Size	2.27	2.26	2.33
Accommodations			
Hotel	1,674,849	1,410,409	264,441
Hotel Only	1,304,585	1,121,348	183,237
Condo	841,915	696,878	145,037
Condo Only	660,069	558,922	101,147
Timeshare	309,322	282,414	26,908
Timeshare Only	232,907	216,667	16,240
Rental House	290,719	243,714	47,005
Hostel	36,098	23,048	13,051
Camp Site, Beach	30,974	22,248	8,726
Bed & Breakfast	45,112	35,440	9,673
Cruise Ship	117,274	94,676	22,597
Friends or Relatives	201,666	180,441	21,225

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.3.4

SUMMARY VISITOR CHARACTERISTICS BY ISLAND, MAUI COUNTY

Arrivals by air

2019	Maui	Moloka'i	Lāna'i
Islands Visited			
O'ahu	774,785	37,856	42,293
Maui County	3,059,905	63,035	84,103
Maui	3,059,905	40,305	54,353
Moloka'i	40,305	63,035	17,702
Lāna'i	54,353	17,702	84,103
Kaua'i	335,114	20,446	26,192
Hawai'i Island	369,599	24,797	31,453
Kona	322,745	22,979	29,180
Hilo	217,909	18,704	24,041
Island only	2,043,912	8,335	12,460
Visit Status			
First-Time (%)	30.66	34.41	37.02
Repeat (%)	69.34	65.59	62.98
Average Number of Trips	5.32	5.78	5.13
Party Size			
Average Party Size	2.27	2.04	2.20
Accommodations			
Hotel	1,645,724	34,287	55,772
Hotel Only	1,281,997	18,824	41,167
Condo	833,059	14,410	12,339
Condo Only	654,275	8,739	8,708
Timeshare	306,364	3,894	5,031
Timeshare Only	230,829	2,304	3,485
Rental House	284,021	9,366	8,191
Hostel	35,679	947	1,016
Camp Site, Beach	30,569	2,141	2,226
Bed & Breakfast	44,358	2,817	2,555
Cruise Ship	116,833	6,021	6,962
Friends or Relatives	193,004	10,217	8,639

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.3.5

TOTAL CRUISE PASSENGERS BY MMA
MAUI COUNTY

	Visitors	US West	US East	Canada	Oceania	Europe	Other	Hawai'i Residents	Total
2014									
Maui	228,992	62,528	86,832	32,208	17,353	9,731	20,340	4,241	233,233
Moloka'i	2,847	1,292	667	313	201	50	324	70	2,917
Lāna'i	4,593	2,106	896	316	493	217	565	72	4,665
2015									
Maui	228,674	58,572	91,830	27,810	23,414	10,653	16,395	3,702	232,376
Moloka'i	3,140	1,461	912	337	174	112	144	72	3,212
Lāna'i	4,858	2,041	1,612	365	331	183	326	59	4,917
2016									
Maui	216,250	58,076	84,281	22,350	27,284	7,889	16,369	3,596	219,846
Moloka'i	3,523	1,486	892	211	299	125	509	0	3,523
Lāna'i	5,052	2,063	1,471	459	489	126	444	0	5,052
2017									
Maui	236,901	62,393	98,570	20,055	29,710	8,696	17,476	2,566	239,467
Moloka'i	3,173	1,346	804	275	380	38	330	0	3,173
Lāna'i	4,685	2,020	1,187	407	489	69	513	0	4,685
2018									
Maui	237,713	62,181	103,067	23,882	20,583	9,239	18,760	3,808	241,521
Moloka'i	2,911	1,396	944	114	112	101	244	0	2,911
Lāna'i	4,551	1,980	1,548	292	111	104	515	73	4,624
2019									
Maui	255,221	70,325	101,460	30,203	19,314	11,365	22,553	4,008	259,229
Moloka'i	3,647	1,397	1,440	240	118	219	231	14	3,661
Lāna'i	5,697	2,470	1,993	371	158	202	502	14	5,711

MMA: Major Market Area

SOURCE: HAWAI'I TOURISM AUTHORITY, ANNUAL VISITOR RESEARCH REPORT.

10.3.6

CRUISE AND PASSENGER SHIP SCHEDULE
KAHULUI AND LAHAINA HARBORS

	Ships Scheduled	
	2020	2021
Kahului Harbor		
January	4	0
February	5	0
March	5	0
April	10	0
May	3	5
June	4	4
July	4	4
August	5	5
September	8	5
October	8	8
November	5	7
December	5	5
Total	**66**	**43**
Lahaina Small Boat Harbor		
January	3	0
February	5	0
March	8	0
April	9	0
May	7	4
June	1	1
July	0	0
August	0	0
September	7	4
October	7	6
November	6	4
December	4	3
Total	**57**	**22**

Note: Schedules are tentative.

SOURCE: HAWAI'I STATE DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION, MAUI PASSENGER AND CRUISE VESSELS SCHEDULE; HAWAI'I STATE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF BOATING & OCEAN RECREATION, SCHEDULE OF PASSENGER/CRUISE VESSELS; HAWAII.PORTCALL.COM

10.4.1

ACTIVITY PARTICIPATION BY VISITOR CATEGORY
MAUI ISLAND

2019	US West	US East	Japan	Canada
All Sightseeing	**95.0%**	**96.4%**	**92.2%**	**96.8%**
On own (Self-guided)	83.8%	81.2%	63.3%	86.5%
Scenic views / natural landmarks	56.0%	65.0%	28.7%	61.4%
Boat / submarine / whale	32.0%	40.2%	13.0%	30.4%
Visit towns	57.6%	57.5%	27.8%	60.9%
Limo / van / bus tour	4.6%	13.8%	8.7%	6.3%
Helicopter / airplane	4.7%	7.5%	1.8%	5.5%
Movie / TV film location	0.9%	1.1%	2.6%	0.8%
All Recreation	**97.2%**	**96.7%**	**90.5%**	**98.8%**
Beach / sunbathing	87.4%	84.8%	60.1%	92.6%
Swimming in the ocean	71.8%	67.1%	30.5%	80.4%
Snorkel	55.1%	47.1%	22.6%	59.6%
Parks / botanical gardens	29.9%	37.1%	13.9%	33.2%
Running / jogging / fitness walk	29.3%	26.8%	12.1%	29.9%
Backpacking / camping	1.4%	2.0%	0.0%	2.4%
Bodyboard / standup paddleboard	15.1%	8.8%	5.2%	18.0%
Spa	11.7%	11.5%	3.4%	8.0%
Golf	8.1%	7.3%	3.4%	8.6%
Agritourism	10.8%	11.7%	13.9%	8.0%
Canoeing / kayak	4.2%	3.9%	0.9%	3.1%
Surfing	6.5%	6.1%	0.0%	10.6%
Scuba diving	4.1%	3.9%	1.8%	2.7%
Fishing	3.0%	3.0%	0.0%	2.5%
Jet ski / parasail	2.7%	1.7%	0.9%	1.1%
Sports event / tournament	2.2%	2.3%	0.9%	2.0%
Windsurf / kitesurf	0.5%	0.4%	1.7%	0.6%
Zip-lining	7.3%	6.1%	3.5%	3.9%
Hiking	42.2%	45.8%	11.3%	45.0%
Horseback riding	1.1%	1.6%	4.4%	1.1%
All Entertainment / Dining	**98.4%**	**97.9%**	**89.6%**	**98.6%**
Family restaurant	60.4%	54.8%	18.3%	62.9%
Fine dining	60.3%	60.3%	32.2%	47.8%
Prepared own meals	55.5%	41.5%	22.6%	73.6%
Café / coffee house	44.5%	40.7%	41.7%	48.7%
Live music / stage show	29.4%	33.2%	13.9%	27.5%

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CONTINUED

2019	US West	US East	Japan	Canada
Lunch / sunset / dinner / evening cruise	23.3%	28.1%	10.4%	20.9%
Fast food	28.3%	27.3%	33.0%	37.5%
Ethnic dining	26.8%	29.3%	5.2%	23.6%
Nightclub / dancing / bar / karaoke	6.2%	6.9%	2.7%	5.6%
Food truck	27.4%	27.4%	7.0%	34.7%
All Shopping	**96.2%**	**95.8%**	**90.4%**	**96.7%**
Local shops / artisans	68.4%	71.1%	18.2%	65.9%
Supermarkets	71.1%	62.1%	54.8%	76.0%
Convenience stores	46.5%	45.2%	31.2%	49.9%
Malls / department stores	43.3%	37.3%	63.6%	54.2%
Hotel / resort stores	35.0%	37.8%	31.3%	26.9%
Farmer's market	30.9%	24.8%	10.5%	38.5%
Designer boutiques	19.9%	18.8%	13.8%	19.7%
Discount / outlet stores	20.3%	16.2%	18.2%	27.9%
Swap meet / flea market	14.8%	11.3%	4.3%	19.7%
Duty free stores	3.7%	3.0%	13.1%	5.0%
All Culture	**64.1%**	**67.8%**	**44.5%**	**62.9%**
Luau / Polynesian show / hula show	26.9%	39.4%	7.8%	30.8%
Other historic site	20.6%	22.5%	24.4%	18.9%
Museum / art gallery	20.9%	16.4%	3.5%	18.1%
Art / craft fair	17.0%	12.3%	0.9%	13.8%
Festivals / events	4.0%	3.5%	0.9%	3.3%
Play / concert / theatre	4.8%	2.6%	0.9%	3.7%
Lessons, ukulele / hula / canoeing	6.5%	6.1%	2.6%	6.9%
Historic military site	3.7%	5.1%	13.9%	3.7%
All Transportation	**94.7%**	**96.5%**	**93.0%**	**96.0%**
Rental car	87.4%	83.7%	42.4%	88.1%
Airport shuttle	11.1%	12.0%	20.9%	13.7%
Tour bus / tour van	4.7%	14.7%	21.7%	6.9%
Taxi / limousine	3.3%	6.5%	15.6%	6.9%
Public bus	2.1%	2.3%	6.1%	3.8%
Trolley	3.3%	2.5%	21.0%	4.2%
Ride share	10.5%	12.5%	6.0%	9.7%
Bicycle rental	1.2%	1.8%	2.6%	1.7%

SOURCE: HAWAI'I TOURISM AUTHORITY, VISITOR SATISFACTION AND ACTIVITY REPORT.

10.4.2

EXCELLENT SATISFACTION RATINGS BY ISLAND
U.S. AND JAPAN VISITORS

	Maui	Moloka'i	Lāna'i	Hawai'i	Kaua'i	O'ahu
U.S. Visitors						
2015	70.6%	56.2%	55.5%	59.7%	74.0%	57.2%
2016	88.8%	81.0%	74.3%	82.3%	92.8%	78.5%
2017	89.8%	93.9%	89.5%	84.4%	92.8%	81.8%
2018	89.5%	87.6%	86.4%	87.2%	89.0%	79.4%
2019	90.3%	83.4%	87.0%	89.8%	91.3%	80.1%
Japan Visitors						
2015	56.6%	39.9%	30.8%	52.0%	49.9%	56.6%
2016	75.1%	66.0%	60.3%	74.6%	70.4%	76.5%
2017	75.0%	65.8%	56.7%	77.5%	82.3%	77.6%
2018	76.6%	34.0%	37.8%	82.2%	78.7%	72.2%
2019	82.1%	82.8%	65.8%	85.8%	80.3%	76.6%

SOURCE: HAWAI'I TOURISM AUTHORITY, VISITOR SATISFACTION AND ACTIVITY REPORT.

10.4.3

OVERALL ISLAND EXPERIENCE BY MMA AND ISLAND
MAUI COUNTY

2019	US Total	US West	US East	Japan	Canada
Maui					
Excellent	90.3%	89.4%	91.8%	82.1%	90.9%
Above Average	8.8%	9.6%	7.5%	17.2%	7.8%
Below Average	0.8%	0.9%	0.6%	0.8%	1.2%
Poor	0.1%	0.1%	0.2%	0.0%	0.0%
Moloka'i					
Excellent	83.4%	81.7%	86.4%	82.8%	80.3%
Above Average	13.8%	14.8%	12.0%	17.2%	17.8%
Below Average	2.4%	2.9%	1.6%	0.0%	0.0%
Poor	0.4%	0.6%	0.0%	0.0%	1.9%
Lāna'i					
Excellent	87.0%	84.7%	89.9%	65.8%	80.0%
Above Average	10.4%	11.3%	9.2%	34.2%	18.5%
Below Average	2.5%	3.9%	0.6%	0.0%	1.5%
Poor	0.1%	0.0%	0.3%	0.0%	0.0%

MMA: Major Market Area

SOURCE: HAWAI'I TOURISM AUTHORITY, VISITOR SATISFACTION AND ACTIVITY REPORT.

10.4.4

VISITORS BY INCOME LEVEL AND MMA
MAUI COUNTY

Income[1]	US West	US East	Canada
Under $40,000	6.1%	5.8%	6.9%
$40,000 to $59,999	7.3%	8.1%	8.6%
$60,000 to $79,999	9.8%	10.5%	10.3%
$80,000 to $99,999	9.7%	10.5%	11.0%
$100,000 to $124,999	13.9%	14.4%	14.2%
$125,000 to $149,999	12.2%	11.5%	13.1%
$150,000 to $174,999	9.3%	8.9%	9.7%
$175,000 to $199,999	6.7%	6.0%	6.6%
$200,000 to $249,999	9.2%	8.1%	7.6%
$250,000 or more	15.7%	16.2%	12.0%

Income[1]	Europe	Oceania
Under $40,000	17.2%	9.4%
$40,000 to $59,999	14.6%	9.8%
$60,000 to $79,999	13.1%	11.5%
$80,000 to $99,999	12.9%	12.0%
$100,000 to $124,999	10.7%	13.2%
$125,000 to $149,999	8.3%	12.2%
$150,000 to $174,999	6.4%	8.6%
$175,000 to $199,999	4.2%	7.1%
$200,000 to $249,999	4.6%	7.2%
$250,000 or more	8.0%	9.0%

1. All in U.S. dollars.

MMA: Major Market Area

SOURCE: HAWAI'I TOURISM AUTHORITY, 2019 VISITOR SATISFACTION AND ACTIVITY REPORT.

10.4.5

VISITATION DECISION TIMETABLE
MAUI COUNTY

Visitors, 2019	More than 1 year	6 to 12 months	3 to 6 months	2 to 3 months	1 to 2 months	Less than 1 month
U.S. West						
Decide to take vacation/pleasure trip	16.8%	26.4%	23.2%	12.1%	10.5%	11.0%
Decide to visit Hawai'i	17.0%	24.7%	22.5%	12.6%	10.3%	12.7%
Decide on which islands to visit	11.1%	23.8%	22.6%	12.7%	11.3%	18.6%
Set date for the trip	8.3%	24.0%	24.8%	14.3%	11.6%	17.0%
Begin booking your trip	4.6%	22.1%	26.8%	16.7%	13.0%	16.7%
U.S. East						
Decide to take vacation/pleasure trip	24.6%	31.6%	21.2%	9.3%	6.5%	6.7%
Decide to visit Hawai'i	24.8%	30.6%	20.2%	10.3%	6.7%	7.4%
Decide on which islands to visit	15.7%	30.3%	22.5%	11.0%	8.3%	12.2%
Set date for the trip	13.8%	31.8%	23.5%	11.9%	9.0%	9.9%
Begin booking your trip	9.6%	30.7%	25.3%	14.8%	9.7%	9.8%
Canada						
Decide to take vacation/pleasure trip	18.1%	29.8%	24.1%	11.5%	8.0%	8.4%
Decide to visit Hawai'i	17.2%	26.4%	24.7%	12.7%	8.8%	10.2%
Decide on which islands to visit	9.9%	25.7%	23.2%	15.4%	10.4%	15.4%
Set date for the trip	8.4%	27.5%	25.1%	15.7%	11.3%	12.1%
Begin booking your trip	5.2%	26.2%	26.1%	17.0%	12.7%	12.8%
Europe						
Decide to take vacation/pleasure trip	26.5%	37.9%	16.9%	6.8%	5.8%	6.1%
Decide to visit Hawai'i	24.6%	35.3%	18.6%	9.2%	5.8%	6.5%
Decide on which islands to visit	15.6%	34.9%	18.8%	11.7%	7.2%	11.8%
Set date for the trip	14.9%	37.2%	21.2%	10.2%	6.8%	9.6%
Begin booking your trip	11.0%	36.9%	22.0%	12.2%	8.5%	9.4%

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10.4.5

CONTINUED

Visitors, 2019	More than 1 year	10 to 12 months	7 to 9 months	4 to 6 months	1 to 3 months	Less than 1 month
Japan						
Decide to take vacation/pleasure trip	12.4%	23.8%	29.8%	18.8%	10.3%	5.0%
Decide to visit Hawai'i	9.7%	21.9%	30.5%	20.2%	12.1%	5.6%
Decide on which islands to visit	7.6%	20.5%	30.9%	21.5%	12.6%	6.9%
Set date for the trip	3.4%	18.1%	29.6%	23.1%	17.7%	8.2%
Begin booking your trip	2.6%	15.4%	29.4%	25.6%	18.4%	8.6%
Korea						
Decide to take vacation/pleasure trip	4.9%	26.1%	28.6%	18.1%	12.9%	9.4%
Decide to visit Hawai'i	4.4%	22.9%	29.6%	19.7%	13.1%	10.3%
Decide on which islands to visit	2.2%	20.1%	27.2%	19.4%	16.0%	15.2%
Set date for the trip	1.8%	22.3%	28.1%	19.9%	15.6%	12.3%
Begin booking your trip	0.9%	19.2%	27.2%	19.0%	19.1%	14.6%
China						
Decide to take vacation/pleasure trip	6.7%	14.6%	23.3%	24.0%	16.2%	15.2%
Decide to visit Hawai'i	4.8%	11.9%	22.7%	22.9%	18.3%	19.4%
Decide on which islands to visit	3.1%	9.9%	18.6%	24.0%	19.2%	25.3%
Set date for the trip	3.1%	9.9%	16.8%	25.1%	22.0%	23.2%
Begin booking your trip	2.7%	8.1%	14.9%	24.2%	20.5%	29.6%
Oceania						
Decide to take vacation/pleasure trip	24.2%	41.4%	20.1%	6.5%	3.5%	4.3%
Decide to visit Hawai'i	21.4%	39.9%	21.3%	7.6%	4.4%	5.4%
Decide on which islands to visit	15.0%	39.1%	20.8%	10.7%	5.3%	9.1%
Set date for the trip	14.7%	41.7%	21.6%	9.8%	4.6%	7.6%
Begin booking your trip	11.9%	40.8%	23.1%	12.5%	5.9%	5.8%

SOURCE: HAWAI'I TOURISM AUTHORITY, VISITOR SATISFACTION AND ACTIVITY REPORT.

10.5.1

ATTENDANCE AT MUSEUMS AND OTHER CULTURAL ATTRACTIONS MAUI COUNTY

Attraction	2017	2018	2019
Maui			
Alexander & Baldwin Sugar Museum	36,621	32,025	26,088
Aquarium Maui / Maui Ocean Center	340,107	365,939	442,496
Haleakala National Park	1,112,390	1,044,084	994,394
Haleki'i-Pihana Heiaus State Monument	NA	NA	NA
Hāna Cultural Center	385	468	601
Hawaiian Islands Humpback Whale Sanctuary*	7,000	9,000	10,000
'Iao Valley State Monument	NA	NA	NA
Kula Botanical Garden	23,500	22,750	26,650
Lahaina Restoration Foundation	25,152	27,671	26,214
Baldwin Missionary Home Museum	14,340	15,300	14,110
Hale Pa'i Printing House	228	413	293
Wo Hing Temple Museum	10,584	11,958	11,811
Maui Historical Society Bailey House Museum	11,884	16,974	NA
The Whale Center of Hawai'i	NA	NA	NA
Moloka'i			
Kalaupapa National Historical Park	76,512	72,146	69,401
Lana'i			
Lana'i Culture & Heritage Center	11,258	8,461	10,208

NA: Not available. * Data are estimates.

SOURCE: HAWAI'I STATE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM, RESEARCH AND ECONOMIC ANALYSIS DIVISION, STATE OF HAWAI'I DATA BOOK.

10.5.2

NATIONAL AND STATE HISTORIC SITES
MAUI COUNTY

2020	Maui	Kaho'olawe	Lāna'i	Moloka'i
Listed Hawai'i Register	75	1	1	158
Listed National Register	40	1	2	26
Nominated Hawai'i Register	0	0	0	0

As of June 19. Categories are not exclusive. A site may be listed on both Hawai'i Register and National Register.

SOURCE: HAWAI'I STATE DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE HISTORIC PRESERVATION DIVISION.

10.5.3

NATIONAL, STATE, AND COUNTY PARKS
MAUI COUNTY

	2015	2016	2017	2018	2019
National Parks					
Number	2	2	2	2	2
Acreage	44,043	44,043	44,044	44,044	44,044
Visits	1,284,663	1,335,085	1,188,902	1,116,230	1,063,795
State Parks and Historic Sites					
Number	10	10	10	10	10
Acreage	560.2	564	560	560	560
County Parks					
Number	146	149	150	149	159
Acreage	2,177	2,492	2,506	2,548	2,543

NA: Not available

SOURCE: U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, PACIFIC ISLANDS SUPPORT OFFICE; HAWAI'I STATE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF STATE PARKS; COUNTY PARKS AND RECREATION DEPARTMENTS. COMPILED BY THE HAWAI'I STATE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM.

10.5.4

COMMUNITY CENTERS
MAUI COUNTY

Name	Location	Maximum Capacity	Tables	Chairs	Kitchen	Public Parking
Eddie Tam Memorial	Makawao	380	33	390	yes	39
Ha'ikū	Ha'ikū	272	40	242	yes	48
Hāli'imaile Annex	Hāli'imaile	60	9	58	yes	2
Hāna	Hāna	140	25	114	yes	Unmarked
Helene Hall	Hāna	304	24	240	no	20
Kahului	Kahului	200	8	64	yes	30
Kalama Park Extension	Kīhei	250	12	12	yes	Unmarked
Kenolio	Kīhei	175	13	62	yes	64
Kēōkea	Kula	108	11	80	yes	37
Kīhei	Kīhei	600	38	30	yes	149
Kilohana	Kaunakakai	150	5	20	yes	20
Kualapu'u	Kualapu'u	97	9	72	yes	100
Kula	Kula	180	61	134	yes	64
Lahaina Civic Center	Lahaina	322	23	322	yes	150
Lāna'i	Lāna'i City	200	26	100	yes	64
Maunaloa	Maunaloa	170	25	170	yes	Unmarked
Mayor Hannibal Tavares	Pukalani	755	50	506	yes	141
Mitchell Pau'ole	Kaunakakai	246	22	160	yes	21
Old Kalama Park Pavilion	Kīhei	80	12	0	no	79
Pā'ia	Pā'ia	324	29	221	yes	37
Waikapū	Waikapu	100	8	80	yes	8
Wailuku	Wailuku	500	8	96	yes	84

SOURCE: COUNTY OF MAUI, DEPARTMENT OF PARKS AND RECREATION.

10.5.5

SEATING CAPACITIES OF SELECTED FACILITIES
MAUI COUNTY

Facility	Capacity
Stadiums, Auditoriums, and Gymnasiums	
War Memorial Complex	
Track & Football Stadium	20,000
Gym	2,892
Baseball Stadium	1,200
Kamehameha School Stadium	2,200
Maui High Gym	2,000
Kamahameha High School Gym	1,800
Baldwin High Auditorium	1,183
Kamehameha Middle School Gym	700
Wailuku Gym	600
Seabury Hall Gym	400
Civic Centers and Theaters	
Maui Arts & Cultural Center	
Amphitheater	4,000
Castle Theater	1,200
Gallery	400
Theater Stage	400
McCoy Theater	248
Community Hall	230
Classroom C	16
Lahaina Civic Center Convention Hall	2,400
Maui Theatre	680
'Iao Theater	400
UH Maui College Student Center Lounge	100
Maui Academy of Performing Arts	60
Churches	
First Assembly of God Maui (Pu'unene Avenue)	2,000
First Assembly of God (Kane Street)	500
St. Anthony Church	500
Makawao Union Church	350
First Assembly of God Maui (Kula)	250
First Assembly of God Maui (Moloka'i)	200
Makawao Union Church Hall	200
St. John Episcopal Church	200
'Iao Congegational	175
'Iao Congegational Hall	100
St. John Episcopal Church Hall	100

SOURCE: OFFICIALS OF THE FACILITIES.

10.6.1

DOG LICENSES ISSUED BY ISLAND

Year	State Total	Maui[1]	Moloka'i	Lana'i	Hawai'i	Kaua'i	O'ahu
1993	27,586	2,427	46	26	4,006	1,000	20,081
1994	29,010	3,171	57	26	4,099	2,172	19,485
1995	28,442	1,446	48	82	4,911	1,925	20,030
1996	30,376	699	58	32	5,381	2,961	21,245
1997	28,395	1,378	80	33	5,871	1,320	19,713
1998	28,645	649	83	35	5,777	2,240	19,861
1999	32,137	4,473	84	29	6,311	1,201	20,039
2000	31,147	4,587	25	57	5,627	785	20,066
2001	31,068	4,285	NA	NA	5,919	2,103	18,761
2002	30,909	4,420	30	50	6,809	1,848	17,752
2003	29,519	2,901	47	12	6,786	3,100	16,673
2004	50,180	3,977	30	25	8,085	1,942	36,121
2005	53,415	4,621	30	24	10,454	2,648	35,638
2006	50,440	4,282	27	17	8,836	2,115	35,163
2007	50,403	4,997	27	9	6,504	3,900	34,966
2008	50,919	7,009	32	16	6,186	2,547	35,129
2009	52,623	5,039	36	25	7,881	4,513	35,129
2010	51,072	4,683	61	65	7,353	4,113	34,797
2011	49,763	4,880	24	22	6,647	4,454	33,736
2012	NA	4,042	NA	NA	6,205	2,664	32,892
2013	42,904	3,978	26	54	6,292	3,709	32,970
2014	NA	4,034	NA	NA	7,050	1,595	32,474
2015	NA	3,701	NA	NA	7,399	3,345	30,983
2016	NA	3,520	NA	NA	8,203	1,370	30,560
2017	NA	3,988	NA	NA	7,804	2,893	30,692
2018	NA	4,061	NA	NA	5,738	NA	28,961
2019	NA	4,197	NA	NA	NA	NA	NA
2020	NA	3,498	NA	NA	NA	NA	NA

1. For the years 1995-1998, the number of registrations issued by the Maui Humane Society was not included in the count.
NA: Not available.

SOURCE: COMPILED BY THE HAWAII STATE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM; MAUI HUMANE SOCIETY.

10.6.2

ANIMAL ACQUISITIONS AND DISPOSITIONS
MAUI HUMANE SOCIETY

	FY 2019-2020			FY 2020-2021		
	Dogs	Cats	Other	Dogs	Cats	Other
Area						
Ha'ikū	142	160	32	122	234	12
Hāna	97	55	0	48	41	0
Kahului	271	487	97	192	642	54
Kīhei	202	382	100	123	612	67
Kula	105	163	23	71	154	6
Lahaina	130	211	17	113	336	18
Lāna'i	4	0	0	0	8	0
Makawao	176	232	33	106	222	31
Moloka'i	33	0	0	1	3	0
Pā'ia	44	36	13	55	44	4
Wailuku	258	522	69	259	685	44
Other	36	35	20	38	62	13
Total	**1,498**	**2,283**	**404**	**1,128**	**3,043**	**249**
Intake	**1,548**	**2,576**	**425**	**1,183**	**3355**	**264**
Owner Surrender	470	548	177	373	589	98
Stray	995	1,734	218	728	2410	147
Seized	31	1	0	20	21	2
Other Live Intake	2	0	9	7	23	2
Total Live Intake	**1,498**	**2,283**	**404**	**1,128**	**3043**	**249**
Dead on arrival	24	232	2	14	224	2
Owner requested euthanasia	26	61	19	41	88	13
Live Release	**1,466**	**2,035**	**325**	**1,048**	**2354**	**163**
Adoption	632	1,180	270	416	1159	124
Return to field	0	438	0	0	609	0
Return to owner	591	145	53	504	147	38
Transfer	243	272	2	128	439	1
Outcome	**1,506**	**2,381**	**427**	**1,096**	**2968**	**233**
Euthanasia	34	296	77	41	549	65
Other Outcome	6	50	25	7	65	5

SOURCE: MAUI HUMANE SOCIETY.

10.6.3

INCIDENTS, INVESTIGATIONS, AND VIOLATIONS
MAUI HUMANE SOCIETY

FY 2020-21	Ha'ikū	Hāna	Kahului	Kīhei	Kula	Lahaina	Makawao	Pā'ia	Wailuku	Total
Enforcement	50	4	43	64	30	22	50	7	59	329
Livestock	2	0	0	0	4	0	3	1	1	11
Protective Custody	0	0	1	3	0	3	0	1	2	10
Stray	129	22	405	270	99	207	219	53	408	1812
Transport	4	12	62	15	2	15	12	3	175	300
Total Incidents	**185**	**38**	**511**	**352**	**135**	**247**	**284**	**65**	**645**	**2462**
Bite / Scratch	16	0	12	20	11	18	17	5	28	127
Cruelty / Neglect	43	8	65	58	26	35	68	14	64	381
Welfare Check	26	2	19	19	13	10	30	6	53	178
Total Investigations	**85**	**10**	**96**	**97**	**50**	**63**	**115**	**25**	**145**	**686**
Abandonment	0	0	0	1	0	0	0	0	0	1
Cruelty to Animals	0	0	0	1	0	0	0	0	0	1
DDNC*	0	0	0	0	1	0	0	0	0	1
Dog Attack	0	0	3	4	2	1	3	0	6	19
Excessive Barking	0	1	0	0	0	0	0	0	0	1
Inhumane Manner	0	0	2	0	0	0	0	4	3	9
Leash Law	4	12	16	11	11	10	15	8	29	116
License	0	0	1	0	0	0	1	0	2	4
Livestock at Large	0	0	0	0	1	0	0	0	0	1
Nuisance	1	0	0	0	0	0	0	0	0	1
Total Violations	**5**	**13**	**22**	**17**	**15**	**11**	**19**	**12**	**40**	**154**

* DDNC: Dangerous Dog (Non-Compliance) - Mandatory Training.

SOURCE: MAUI HUMANE SOCIETY.

County Clerk

RECEIVED
2022 OCT -6 AM 10:33
OFFICE OF THE
COUNTY CLERK

From: Ali Martin <Ali@westmauiland.com>
Sent: Thursday, October 6, 2022 8:40 AM
To: County Clerk
Subject: TESTIMONY: NO Committee Report No. 22-98 regarding Resolution 22-206

You don't often get email from ali@westmauiland.com. Learn why this is important

VOTE NO on *Committee Report No. 22-98* regarding *Resolution 22-206*

Dear Council Members,

I humbly ask you to vote NO on Resolution 22-206. Please, do not use Eminent Domain to seize the Ma'alaea land from the current owner. Instead, work with the current owners. Eminent Domain is an extreme action by government. To use Eminent Domain for this land, at this time, and before using your best efforts to work with the current owner, is an abuse of government power and just wrong. So please, any concerns about the use of this land, first talk to the land owner. They are open to working with you. Don't fight each other. Work together. Vote NO.

Thank you for listening.

Ali Linder

County Clerk

RECEIVED
2022 OCT -4 PM 2:53
OFFICE OF THE
COUNTY CLERK

From: Maile Lopes <mailemagdalena@gmail.com>
Sent: Tuesday, October 4, 2022 2:19 PM
To: County Clerk
Subject: Bike Tours on Crater Road

[You don't often get email from mailemagdalena@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

The bike tours in crater road are a hazard to both locals and tourists, the only people they are benefiting are the tour owners and their pockets. I have see far too many accidents and nearly had a woman crash though my windshield loosing control of her bike. As a local it makes driving to and from our house incredibly frustrating and dangerous as the bike tours take up so much of the already small lanes. How many people have to end up in the hospital before we put an end to this?

The speeding is also crazy! I've nearly been hit by people going 50+ by my house going around other person. This is a residential road and should be treated like so.

Mahalo,

Maile

County Clerk

From: Bob Lowell <bob@kokuaservicesllc.com>
Sent: Wednesday, October 5, 2022 11:57 AM
To: County Clerk
Subject: 2ND AND FINAL READING FOR BILL 21 SEEKING TO PROHIBIT TEMPORARY OUTDOOR EVENTS ON HOTEL PROPERTIES

You don't often get email from bob@kokuaservicesllc.com. Learn why this is important

Aloha Kākou,

I am writing in support of our hospitality and special events industry and suppliers, of which my company is a part of. We all truly wish to malama aina and malama sea birds, but in a way that is fair and equitable across the board.

This Bill would essentially prohibit any and all outdoor up-lighting and would require all other lighting fixtures to be properly "shielded" to eliminate light spillage beyond the horizontal plane of the light source. Unlike other industries, theatrical lighting manufacturers do not offer any environmentally-friendly remedial solutions or retro-fit apparatus that would bring lighting fixtures into compliance. So this Bill is tantamount to an outright ban on theatrical lighting at all outdoor evening events at our Maui resorts and event venues. And if enacted into law, this Bill will have far-reaching consequences beyond just the ability to light an event space. Without outdoor lighting, there will be no outdoor evening events, and without outdoor events, there will be no group or destination wedding business, which we are all just getting back to business after the last 2.4 years of pandemic restrictions.

If local sporting and local social events are exempt from the restrictions in the Bill, then anyone familiar with what we do for our corporate special events would see it as same same. Please take more time to hear us out and offer possible compromises or solutions, so we can all imua together responsibly and equitably. Malama pono!

Me ke aloha pumehana,
Bob

Robert Lowell
principal

Kōkua Destination Services, LLC

Cell: +1 (808) 344-8506
Email: bob@kokuaservicesllc.com
www.kokuaservicesllc.com
1075 Makawao Avenue, #297 Makawao, HI 96768

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County Clerk

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2022 OCT -5 AM 8:18
OFFICE OF THE
COUNTY CLERK

From: Shelley Maddigan <Shelley@kula.us>
Sent: Wednesday, October 5, 2022 12:38 AM
To: County Clerk
Subject: Bikes on Haleakala crater rd.

[You don't often get email from shelley@kula.us. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

As a resident on Haleakala Hwy I support rules and regulations on bike companies. This industry is unsafe for bikers as well as drivers. If the roads were improved to include safe bike lanes I may not object so completely. As it stands now there is no safe way for cars and the bike traffic to exist safely.
I strongly support the proposed changes to this industry.

Mahalo
Shelley Maddigan
17649 Haleakala Hwy
Kula Hi. 96790

Sent from my iPhone

County Clerk

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2022 OCT -6 AM 10:33

COUNTY CLERK

From: Mark Matsuda <m-matsuda@hawaii.rr.com>
Sent: Thursday, October 6, 2022 8:15 AM
To: County Clerk
Subject: Written Testimony - Maui County Council Meeting - Oct. 7, 2022 (Committee Report 22-98 - Resolution 22-206)

You don't often get email from m-matsuda@hawaii.rr.com. Learn why this is important

Aloha Chair Lee and Council Members,

I do not support Resolution 22-206 authorizing eminent domain in Ma'alaea. Eminent domain is not the right solution. The County should be working with the land owner as well as adjacent landowners on solutions to the drainage issues to help protect the ocean. If the Council truly wishes to address this issue in the most efficient (both time and money) way possible, it should be in partnership with the land owner and not by seizing the entire 257 acre parcel.

Thank you.

Mark Matsuda

County Clerk

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2022 OCT -6 AM 8:03

OFFICE OF THE
COUNTY CLERK

From: Tamara A. Paltin
Sent: Wednesday, October 5, 2022 7:39 PM
To: County Clerk
Subject: Fwd: Bill No. 21, CD2, FD1 (2022)

Get Outlook for iOS

From: Jessica Sands Hoffmann <jessicasands@mac.com>
Sent: Friday, September 30, 2022 1:20:34 PM
To: Tamara A. Paltin <Tamara.Paltin@mauicounty.us>
Subject: Bill No. 21, CD2, FD1 (2022)

You don't often get email from jessicasands@mac.com. Learn why this is important

Kika Inc.
1021 Pueo Street
Honolulu, HI 96816
(808) 735-2800
kika@kikainc.com

30th September 2022

Dear Ms. Paltin,

Thank you for the opportunity to express my concern about the negative impact Bill No. 21, CD2, FD1 (2022) will have on my business. I am a production company that relies vastly on outdoor events. After going through a horrific 2020 and 2021, 2022 is starting to see a light at the end of the tunnel. My company employs local talent and the passing of the above mentioned bill would be devastating to our industry. It has been my experience that tourists choose to come to Hawaii for its many outdoor experiences. Hotel and Resort events being one of them. Please consider allowing outdoor events at Hotels and Resorts to continue without these destructive measures.

Sincerely,

Kika Matsumoto

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2022 OCT -6 AM 10:34

OFFICE OF THE
COUNTY CLERK

County of Maui
County Council

Testimony RE Resolution 22-206 Eminent Domain in Ma'alaea

I am testifying against Resolution 22-206 which is another attempt by Council to enact another no-growth initiative. This only confirms the hypocracy of those on Council who advocate affordable housing, but continue to land and opportunities for affordable housing from the table. Case in point, the purchase of A&B's Waiale project, a parcel in Lahiaina planned for multifamily development, Maui Lani's Phase 9 stalled by the Planning Department and numerous others.

The statement by a previous testifier that housing development on the subject Maalaea property could not possibly contain it's own runoff is rubbish. Retaining all storm drainage within the site is a matter of law.

The environmental argument about runoff into Maalaea Bay can be remediated by the State DLNR through measures it has already proposed for the extreme south end of the property where the runoff from State land occurs. This land can easily be divided off and leased or donated to the State for environmental control purposes.

I am testifying on behalf of my children and grandchildren who can not afford to live on Maui at today's housing prices. Housing prices here are a matter of both cost to build, cost of land, and most importantly, supply and demand. It is just wrong to not allow more housing to be built where there is no negative impact on the environment of adjacent properties.

Sincerely,

Steve Miller

808-281-2942 1

October 2, 2022

RECEIVED
2022 OCT -3 AM 9:30
OFFICE OF THE
COUNTY CLERK

Aloha Councilmembers,

RE: Bill No. 21, CD2, FD2, (2022)

Below is my written testimony, as I am unable to testify on 10/7/22 due to a prior commitment on the mainland (35th Class Reunion of Baldwin High School – Class of 1987).

I am very disappointed that the CARE committee did not consult any engineers or architects for the design consideration of this Bill. As currently written, there will be many issues that will affect the entire County of Maui.

1. Lighting does not exempt signage or define what is and isn't allowed. The following and more will be affected:
    a. McDonalds, Target, Walmart, Krispy Kreme, Foodland, Safeway, etc.
    b. Cupies, Tasty Crust, Stillwells, Leodas, etc.
2. All outdoor retail establishments will be affected by the ineffective color rendition of the less than 2% blue content light source.
    a. Maui Toyota, BMW Maui, Honda, etc.
    b. Shops at Wailea, Kaahumanu Shopping Center, Maui Mall
    c. Lahaina Cannery
3. All Schools and State/Federal properties will have to change area lights.
    a. Baldwin High, St. Anthony, Maui High, Lihikai, Maui Waena, Kula Elementary, Kamehameha Maui, Lahainaluna, the Brand New Kihei High School, etc.
4. The Film industry must follow all ordinances for the County of Maui; this will affect all outdoor lighting for filming for television and movies.
5. There is no exemption for battery powered lights, so using a flashlight outdoor could technically be cited.
    a. Existing solar area lights would have to comply. This includes the temporary parking lot for the County of Maui at Wells Park and Baldwin High School parking lot (solar).
6. Underwater Life Safety for larger water features will be hindered by use of the filtered light, where color rendition is important for safety.

7. Bill exempts 'affordable housing projects/buildings' but doesn't exempt non-affordable housing projects/buildings. If the concern is about wildlife, then why the discrepancy?
8. Outdoor work in construction yards will be affected by lower color rendition of light in workspace; there will be safety issues using rotating cutting tools and more due to the inability to differentiate safety color makers.
9. Filtered 2% blue content light is not used or recommended by U.S. Fish & Wildlife in turtle nesting areas, so use of this filtered light in these areas will affect wildlife. Only amber and red is allowed near nesting areas for turtles.
10. This bill forces all businesses, State properties and Federal properties to comply within 3 years with little consideration on how private entities and State/Federal will pay for the change, as compared to other locales.

These are just the highlights. There are many more issues with this bill that will affect various walks of life for the people of Maui as it is written in its current form.

A better ordinance could be written that considers both wildlife and design/construction, but unfortunately, this Bill fails to do so, and the cost implications will be in the millions.

I ask that this bill be sent back to the CARE committee, and within the CARE committee a charrette be established that includes Wildlife, Engineers, Architects, and Business industry leaders who care about Maui in ALL aspects.

Aloha,
Eric Miyasato

RECEIVED
2022 OCT -5 PM 3:00
OFFICE OF THE
COUNTY CLERK

From: Gregg Nelson <gm@napilikai.com>
Sent: Wednesday, October 5, 2022 2:27 PM
To: County Clerk
Subject: Bill 21

You don't often get email from gm@napilikai.com. Learn why this is important

Dear Chair Lee and Council members,

I am emailing you to request your vote of no on the upcoming final reading for Bill 21, CD1 (2022) Protecting Wildlife from Outdoor Lighting. As I read through the difficult language in the proposed legislation, I couldn't help but think that once again some members of the Council have attempted to target the visitor industry, primarily resorts, restaurants and event companies. This bill seems to single out the industry by greatly restricting or completely prohibiting many forms of night lighting that is required to properly and successfully conduct our business. Our industry certainly supports efforts to protect wildlife throughout our County but this Bill over reaches and is unnecessarily restrictive.

In related testimonies, I read that Hawaii County addressed this same subject with a bill that was far more reasonable and balanced and it works for all concerned. Why can't we create something similar here on Maui rather than coming down so hard and restrictive on the industry. I encourage the Council members to vote no on Bill 21, take additional time to work with key stakeholder members of the industry and to create a piece of legislation that we all can support.

Your consideration is greatly appreciated.

Mahalo
Gregg Nelson
General Manager
Napili Kai Beach Resort
Napili Maui

RECEIVED

2022 OCT -6 AM 8:03

OFFICE OF THE
COUNTY CLERK

October 7, 2022

Honorable Council Chair Alice Lee

Maui County Council

200 South High Street, 8th Floor Wailuku, Hawaii 96793

RE: Opposition to Bill 21, CD1, FD1 (2022) Protecting Wildlife from Outdoor Lighting

Aloha honorable Chair Lee and members of the Council,

Thank you for your precious time and dedicated work to make and keep Maui an environmentally responsible island to live.

In reference to Bill 21, I am strongly opposed in its current format. As a treasurer of a local association, associate of an environmentally responsible hotel chain and an avid protector of the ocean, this Bill does not properly address Hawaiian Cultural Luaus on Hotel grounds, private hotel parking security lighting, infrequent outdoor hotel catering events, private safety roadway lighting like Ka'anapali Parkway, etc.

It does not address the different classes of lighting as defined in Article 9 Section 14-51 . Outdoor Lighting which intern affect the safety as addressed in Class II lighting.

Please note this Bill penalizes hotels with Hawaiian Cultural Luaus that replaced existing lighting with more energy efficient lighting which was installed after January 25, 2007. Even resolved that an exemption is made, Section 20.35.070 "B" on page 5, the lighting will be prohibited in three years. As we have a common goal not to have misdirected lighting for the simple reason of not having the Luau lighting entering our guest rooms above, we have the same goals and share the same passions.

As spotlights are utilized at the Hotel Hawaiian Cultural Luaus. they would fall under 20.35.060 section 5 for non-compliance with "....shining above the horizontal". This type of lighting would need an exemption, including the replacement of all existing, to be addressed as we are constantly looking for more efficient lighting and ways to efficiently utilize stored solar power.

As discussed previously, Class II lighting would need to be exempted as a safety factor for all. As I'm sure you can agree, it would be very concerning for our 2nd shift associates walking over a ½ mile to a dark dirt parking lot at 1am.

Additionally, hotel external restaurants will need to be addressed and a suitable reasonable solution found.

There is much work to be done and I am diligently part of the solution for our island's wildlife sake.

Sincerely and with Aloha,

David Olney

County Clerk

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2022 OCT -6 AM 10: 33
OFFICE OF THE
COUNTY CLERK

From: Bobbie Patnode <bobbiepatnode@fastmail.fm>
Sent: Thursday, October 6, 2022 8:09 AM
To: County Clerk
Subject: Testimony in support of CR 22-101

You don't often get email from bobbiepatnode@fastmail.fm. Learn why this is important

Aloha Chair Lee and Councilmembers-

I am writing in support of CR 22-101.

Thank you for the excellent work done in the GREAT committee to craft this bill.

This enables Maui County to regulate the location of bike tours and unguided rental bikes, keeping them separated from residential areas on roads not built with bike lanes. This will greatly improve safety on our upcountry roads.

There is a small error in the bill and the committee report. The GREAT committee voted to allow bike tours above the three-mile marker on Crater Road, not from MM zero to MM three. Please vote to include this correction.

The Kula community has been working to create a safer Crater Road and Haleakala Highway since for more than fifteen years. In 2007 community meetings were held when the community could no longer tolerate the unsafe conditions when the tours and loose riders were mixed in with residential and tourist traffic. In 2008 the Kula community asked for Council support to fund a study. We participated in the 2010 Kimura study. We organized a working group in the Kula Community Association and Maui Bike Alliance to prioritize their recommendations and met with the Director of Public Works. We have created bills and testified numerous times over the last 15 years to allow for greater safety on these roads, but no Council took action. Due to inaction, Maui has had to settle with a woman who is paralyzed due to a bike accident.

This bill allows bike companies to continue to operate away from the residential area. On Monday, I sat at the top of my driveway, ½ mile up Crater Road, at 8:10 AM while two full visitor bike tours separated by eight unescorted visitor riders went by before I could pull out. I then had to follow this string of two vans and 34 riders, frequently only going at 12 mph, for the next few miles not even being able to pass in a passing section, due to being blocked by the tours. Six cars were stacked up behind the tours. The bike companies tell us they regulate their

spacing, but they cannot. With the passage of this bill, these tours would not be preventing our residents from getting to work, school or anything else and would prevent the very unsafe situations we are faced with every day.

Please pass this bill. Please give our residents back our roads.
Thank you.

Bobbie Patnode

Maui Hotel & Lodging
ASSOCIATION

RECEIVED
2022 OCT -6 AM 11: 58
OFFICE OF THE
COUNTY CLERK

October 7, 2022

Council Chair Alice Lee
Maui County Council
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

RE: Opposition to Bill 21, CD1, FD1 (2022) Protecting Wildlife from Outdoor Lighting

Aloha Chair Lee and members of the Council,

The Maui Hotel & Lodging Association (MHLA) is the legislative arm of the visitor industry for Maui County. We represent over 180 property and allied business members and more than 22,000 workers.

MHLA is strongly opposed to Bill 21 in its current format. The Bill is not anything like the Hawaii Island Bill that it purports to be. [Please refer to attachment, Hawaii County Code, Article 9, Section 14-50] During testimony on September 20, when several groups were sharing their concerns about the future inability to have temporary outdoor lighted events at hotel properties, we were told that event companies don't have any problems adhering to the Hawaii Island outdoor lighting ordinance. Upon further research, it has been found that the Hawaii Island Outdoor Lighting Ordinance, found in Hawaii County Code, Article 9, is *NOTHING* like the proposed Maui bill. Article 9 refers only to infrastructure-type lighting. Although it specifically states that it's not limited to the categories of lights listed, the lighting fixtures mentioned address only infrastructure lighting. Hence, the context of the Code is about restricting infrastructure lighting. Additionally, there is no specific mention of temporary events, nor is there any mention of where they can and cannot be held. Temporary events are held at locations across Hawaii island without breaking laws. This is as it should be. They are *temporary* events along with temporary stages, lighting, seating, and tents, and as such, they should not have to comply with permanent lighting ordinances.

MHLA is asking for the Maui Bill to be stated more simply, as is the Hawaii Island Outdoor Lighting Code, and with the removal of lighting restrictions for all temporary events. The layers of exemptions and exceptions will make it hard for businesses to interpret and comply with Bill 21 in its current format. Additionally, enforcement of such an ambiguous bill will be even more difficult.

Thank you for the opportunity to testify,

Lisa Paulson
Executive Director, Maui Hotel & Lodging Association

85 N. Church Street, Wailuku HI 96793 | P.808-244-8625 F. 808-244-3094 | info@mauihla.org | www.mauihla.org

Article 9. Outdoor Lighting.

Section 14-50. Applicability and scope of article.

(a) This article shall apply to the installation of all outdoor lighting fixtures within the County.

(b) The provisions of this article, including provisions for the imposition upon any person of the penalties by fine for any violation of this article, shall not be construed to exclude the operation of applicable State statutes or other County ordinances. In the case of conflict with other County ordinances, the stricter ordinance shall apply.

(1988, ord 88-122, sec 3.)

Section 14-51. Definitions.

(a) As used in this article, unless the context clearly indicates otherwise:

(1) "Outdoor lighting fixture" means any outdoor artificial lighting device, fixture, lamp, or other similar device, permanently installed or portable, which is intended to provide illumination for either visibility or decorative effects. Such device shall include, but not be limited to, search, spot, and flood lighting used for:

(A) Buildings and structures;
(B) Recreational facilities;
(C) Parking lots;
(D) Landscape lighting;
(E) Business and advertising signs;
(F) Roadways;
(G) Walkways.

(2) "Class I lighting" means all outdoor lighting used for, but not limited to, outdoor sales and eating areas, assembly or repair areas, advertising or business signs, recreational facilities, and other similar applications in which color rendition is important.

(3) "Class II lighting" means all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, outdoor security, and other similar applications in which general illumination of the grounds is the primary concern.

(4) "Class III lighting" means any outdoor lighting used for decorative effects. It includes, but is not limited to, waterfall and pond lighting and architectural highlighting for buildings and landscapes.

(5) "Building official" means the director of public works or the director's designated representative.

(6) "Individual" means any private individual, governmental entity, tenant, lessee, owner, or any commercial entity including, but not limited to, companies, partnerships, joint ventures, or corporations.

(7) "Fully shielded" means that the outdoor lighting fixture is constructed so that all of the light emitted by the fixture is projected below the horizontal plane of the lowest point of the fixture.
(8) "Partially shielded" means that the outdoor lighting fixture is constructed so that at least ninety percent of the light emitted by the fixture is projected below the horizontal plane of the lowest point of the fixture.
(9) "Blue light content" means the ratio of the amount of energy emitted by the outdoor light fixture between 400 and 500 nm divided by the amount of energy between 400 and 700 nm.
(10) "Traffic color compliant" means the 1931 CIE x y color coordinates of the outdoor light fixture is outside of any of the traffic signal color boxes as defined by ITE ST-052 500/AGS-PM/1105.

(1988, ord 88-122, sec 3; am 2001, ord 01-108, sec 1; am 2011, ord 11-18, sec 1.)

Section 14-52. General requirements.

(a) Standard fixture. All class types of outdoor light fixtures shall follow the requirements set forth in Table 14-A.
(b) Shielding. All outdoor lights shall be shielded pursuant to the requirements set forth in Table 14-A.
(c) Hours of operation. All outdoor light fixtures shall be subject to the hours of operation as required by Table 14-A.
(d) Mercury vapor lights prohibited. Mercury vapor lamps shall not be used for any new outdoor lighting installations or for the replacement of any existing installation. All existing mercury vapor outdoor lighting fixtures shall be removed by August 17, 1998.
(e) Blue light content. The blue light content of the outdoor light fixture shall be pursuant to the requirements set forth in Table 14-A.
(f) Traffic color compliant. The color of the outdoor light fixture shall be pursuant to the requirements set forth in Table 14-A.

(1988, ord 88-122, sec 3; am 2011, ord 11-18, sec 2.)

Section 14-53. Exemptions.

(a) Existing light fixtures. All outdoor light fixtures planned and approved by the County or existing and legally installed prior to September 1, 1988, are exempt from the installation and shielding requirements of this article, except that when existing outdoor light fixtures become inoperable, the outdoor light fixtures which replace them shall comply with the requirements of this article.
(b) Fossil fuel light. All outdoor light fixtures producing light directly by the combustion of fossil fuels, such as kerosene and gasoline, shall be exempt from the requirements of this article.
(c) Holiday decorative lighting. Low wattage fixtures used for holiday decorations shall be exempt from the requirements of this article.

(d) Residential incandescent illumination. Private residential incandescent light fixtures which are fully shielded or have a lumen output of less than eight thousand one hundred lumens for each acre of property that is intended to be illuminated shall be exempt from the requirements of this article.
(e) Business signs. Outdoor advertising signs, if constructed of translucent material, and illuminated totally from within and colored with an opaque background using translucent letters or symbols, shall be exempt from the requirements of this article, except that the hours of operation shall be the same as those for Class I outdoor lighting.
(f) Searchlights. Searchlights used for advertising purposes shall be exempt from the requirements of this article, except that the operation of such lights is limited to the hours of 6:00 p.m. to 10:00 p.m.
(g) Emergency lighting. Emergency lighting required for public safety is exempt from the requirements of this article.

(1988, ord 88-122, sec 3.)

Section 14-54. Submission of plans.

(a) All outdoor lighting fixtures shall be installed in conformance with the provisions of this article and those of the electrical code of the County as applicable and subject to the appropriate permit and inspection requirements thereof. The applicant for any permit required by the County for work involving nonexempt outdoor light fixtures shall submit to the building official proof that the proposed work will comply with the article requirements. The submission shall contain, but not be limited to, the following:
    (1) The location of the site where the outdoor light fixtures will be installed;
    (2) Plans indicating the type(s) of outdoor light fixtures to be used and their location on the premises;
    (3) A description of the outdoor light fixtures including, but not limited to, manufacturer's catalog cuts and drawings.
(b) The plans and descriptions required by subsection (a) sufficiently complete to enable the building official to readily determine whether compliance with the requirements of this article will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices or fixtures proposed, the applicant shall be required to submit further proof of compliance. Furthermore, any design, material, or method of installation not specifically forbidden by this article may be used, provided any such alternate has first been approved by the building official. The building official may approve any such proposed alternate provided:
    (1) It is at least approximately equivalent to the applicable specific requirements of this article; and
    (2) It is otherwise satisfactory and complies with the intent of this article.

(1988, ord 88-122, sec 3.)

Section 14-55. Tables.

Table 14-A		
Lamp Type	**Shielding Requirement**	**Operation Restrictions**
Class I		
Low pressure sodium	Fully shielded	None
Low pressure sodium	Partially shielded	Existing fixtures only. New installations as of October 2010 prohibited
Others above 4,050 lumens	Fully shielded	Off from 11:00 p.m. to sunrise*
Others above 4,050 lumens	Fully shielded	Off from 11:00 p.m. to sunrise*
LED fixtures with less than 2% blue light content	Fully shielded	Off at 11:00 p.m. to sunrise*
Class II		
Low pressure sodium		
90 watts or less	None	Existing fixtures only. New installations as of October 2010 prohibited
greater than 90 watts	Partially shielded	Existing fixtures only. New installations as of October 2010 prohibited
Low pressure sodium	Fully shielded	None
LED fixtures with less than 2% blue light content and traffic color compliant	Fully shielded	None
Others above 4,050 lumens		Prohibited
Others below 4,050 lumens		Prohibited
Class III		
Low pressure sodium	Fully shielded	None
Others above 4,050 lumens		Prohibited
Others below 4,050 lumens	Fully shielded	Off from 11:00 p.m. to sunrise*
Neon	None	Off from 11:00 pm to sunrise*

*These lights may remain on after 11:00 p.m. if bona fide business or recreational activities are taking place.

(1988, ord 88-122, sec 3; am 2011, ord 11-18, sec 3; am 2013, ord 13-60, sec 2.)

Section 14-55.1. Penalty.

Any person violating any provision of this article shall, upon conviction, be punished by a fine not to exceed $500. Such person shall be deemed guilty of a separate offense for each and every day any violation of this article is committed. Furthermore, payment of such a fine shall not relieve the individual from the responsibility of correcting the violative condition, nor shall it preclude the County from instituting any action for its removal.
(1988, ord 88-122, sec 3.)

Article 10. Exceptional Trees.

Section 14-56. Intent.

In accordance with section 58-2, Hawai'i Revised Statutes, to safeguard exceptional trees from destruction due to land development, the County desires to enact protective regulations to preserve exceptional trees within the County.
(1984, ord 84-22, sec 1.)

Section 14-57. Definitions.

For purposes of this article, "exceptional trees" means a tree or grove of trees with historic or cultural value, or which by reason of its age, rarity, location, size, aesthetic quality, or endemic status has been designated by the council as worthy of preservation. The term exceptional trees does not apply to trees planted for commercial forestry operations. Exceptional trees may be designated generally by biotaxy or individually by location or class.
(1984, ord 84-22, sec 1.)

Section 14-58. Arborist advisory committee.

There shall be an arborist advisory committee consisting of six members who shall be appointed by the mayor. The committee shall include the following: the planning director, or the director's designee; one member who shall be actively employed in the practice of landscape architecture; and four other members selected on the basis of active participation in programs of community beautification, or research or organization in the ecological sciences, including ethnobotany, or Hawaiiana.
(1984, ord 84-22, sec 1; am 1992, ord 92-12, sec 1.)

Section 14-59. Powers and duties.

The arborist advisory committee shall have the following powers and duties:

(a) To research, prepare and recommend to the council exceptional trees to be protected by County ordinance or regulation.
(b) To advise property owners relative to the preservation and enhancement of exceptional trees.
(c) To recommend to the council appropriate protective ordinance, regulations and procedures.
(d) To review all actions deemed by the council to endanger exceptional trees.

(1984, ord 84-22, sec 1.)

County Clerk

RECEIVED
2022 OCT -7 AM 7:42
OFFICE OF THE
COUNTY CLERK

From: Keoki Pfaeltzer <kepfaeltzer@icloud.com>
Sent: Thursday, October 6, 2022 9:38 PM
To: County Clerk
Subject: Ma'alaea Mauka

[You don't often get email from kepfaeltzer@icloud.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha Chair Lee and all members of the Maui County Council. My name is Keoki Pfaeltzer and I am a lifelong resident of Ma'alaea. I am writing you today to show my support for Resolution 22-206. The procurement of the whole parcel of land referred to as Ma'alaea Mauka is essential to the health of this fragile ecosystem. Growing up in Ma'alaea I have seen the changes that have occurred over the years and the detrimental effects it has on the nearby reefs and ocean ecosystems. Sediment runoff during storms causes brown water that is intensifying as time goes along. The edible limu varieties are non existent in this present day. As a child I can remember our ocean being like a refrigerator with anything you would need right out in front. The resources that the ocean provide are dwindling and we need to do something asap. This "something" can begin with the acquisition of Ma'alaea Mauka. From the precious watershed of Pohakea to the waters makai, we need to preserve this area for the health of this aina so that generations to come can experience the same things that I have for years and years. Mahalo Nui for your time and consideration.

County Clerk

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2022 OCT -5 AM 8:18
OFFICE OF THE
COUNTY CLERK

From: Porter, Vicki <Vicki.Porter@marriott.com>
Sent: Wednesday, October 5, 2022 5:19 AM
To: County Clerk
Subject: Testimony for Bill 21

You don't often get email from vicki.porter@marriott.com. Learn why this is important

Aloha,
I am writing to you in opposition of Bill 21 with regards to hosting outdoor events at hotels.
As a Meetings & Special Events Manager at the Ritz Carlton Maui-Kapalua, I work with customers from all over the world.
They bring in their guests to experience the beauty of the islands, while conducting their business and celebrate.
The main experience is being outdoors in the beautiful weather and scenery of Maui.
The beauty of the island, along with the hospitality that Maui offers, is a huge draw for our customers.
Not being able to hold evening events outside, would greatly impact what we have to offer, resulting in financial impact for the Ritz, Maui County, the Ladies and Gentleman who work here and our tax dollars.

At the Ritz, we work very hard to ensure proper lighting is used for evening events and we always end by 10pm.
We absolutely value the environment, the wildlife and Hawaiian culture.
There has got to be a way to work together besides banning outdoor events.
I only hope that the council, community and businesses can find it, so it works for everyone.
Mahalo~

Me Ke Aloha Pumehana,
(With Warmest Regards),

Vicki S. Porter, CMP
Sr. Meetings & Special Events Manager
The Ritz-Carlton Maui, Kapalua
Direct: 808.268.6359
vicki.porter@ritzcarlton.com

Mai ka la hiki a ka la kau... ka la maikai a Kapalua... From the rising sun to the setting sun... a perfect day in Kapalua.

This communication contains information from The Ritz-Carlton Hotel Company, L.L.C. that may be confidential. Except for personal use by the intended recipient, or as expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing and or using it. If you have received this communication in error, please immediately delete it and all copies and promptly notify the sender. Nothing in this communication is intended to operate as electronic signature under applicable law.

County Clerk

From: Jonathan Redenbaugh <upcountryemergencyphysicians@gmail.com>
Sent: Tuesday, October 4, 2022 1:05 PM
To: County Clerk
Subject: Haleakala bike tours

You don't often get email from upcountryemergencyphysicians@gmail.com. Learn why this is important

As a resident of Kula, I frequently observe near accidents involving the bike tour patrons. From swerving into the road, to not stopping at the bottom of crater road, turning into Kula lodge without signaling, and just stopping in the middle of the road to take a selfie I've seen too many dangerous activities to ignore.

I also have a completely different view and first hand account of the dangers of the tours. I am a cyclist and emergency physician and used to work at Maui memorial medical center. I have seen just about every injury as a direct result of poor oversight and lack of regulation. From road rashes, lacerations and broken bones to head injuries, collapsed lungs, splenic lacerations and even an ovarian torsion there are tremendous numbers of biking injuries that come through the ED and urgent care from the bike tours.

The upcountry roads are not safe for bike tours. Even a seasoned cyclist can get injured, but the lack of shoulders and protection from cars creates a dangerous situation for novices that cannot continue. Until road improvements have been made, the bike tours need to stop.

Thank you,
JB Redenbaugh

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2022 OCT -6 AM 8:03
OFFICE OF THE
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RIZZO PACIFIC STAGING, LLC
Serving Maui since 1991

Maui County
October 5 2022

RE: Bill 21, CD1, FD1 (2022), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE, RELATING TO PROTECTING SEABIRDS FROM OUTDOOR LIGHTING"

While it is noble to address the safety of God's creatures here on Maui, your exemption of football stadium lighting vs outdoor event lighting in my opinion is not very well thought out.
In fact, it's ludicrous. If this bill passes, you'd effectively be shutting down the Live Event Industry here on Maui diverting hundreds of millions of dollars in revenue to the outer islands and quite possibly out of the state. Additionally, the passing of this bill would negatively impact many established local businesses, workers and their families right here on Maui.
You'd be desecrating the lives of many Maui residents and their Ohana, all under the guise of protecting seabirds.

Are you aware of the amount of luminous flux being generated, reflected and emitted into the night sky from stadium lighting and how it currently and over the decades negatively effects our seabirds? That amount of light is quite staggering.

As a long time Makawao resident, I am aware of the light pollution being generated by upcountry high school football stadiums. You can see the sky glowing from Kahului.
I can see the sky above War Memorial Stadium and Kahului glowing from Makawao.

Going after outdoor evening events seems a little suspicious. Have you ever seen an outdoor corporate event at night? The amount of light being emitted into the night sky is negligible compared to your stadium lights exemptions, (and the MACC) which makes the passing of your bill – a little suspicious if you are in fact seriously concerned about "protecting native Hawaiian seabirds from becoming disoriented by artificial light".

Please reconsider this bill and the impact it will have on the livelihood of many of Maui's residents and the local economy.

Either pass a bill to make the skies completely dark and express your true motives, or please rethink who receives an exemption and the justification, who does not receive one and why.

Thank you for your time.

Respectfully submitted –

Frank Rizzo
Proprietor

RECEIVED
2022 OCT -5 PM 4:39
OFFICE OF THE
COUNTY CLERK

From: Kellie Schipper <kschipper808@gmail.com>
Sent: Wednesday, October 5, 2022 4:26 PM
To: County Clerk
Subject: VOTE NO Committee Report No. 22-98 regarding Resolution 22-206

You don't often get email from kschipper808@gmail.com. Learn why this is important

Please vote no on *Resolution 22-206* authorizing eminent domain in Ma'alaea.

- Maui desperately needs housing. I know too many people whose kids are moving to the mainland because they can't afford to stay here. For families who are here, they get outbid on homes by mainlanders and have little hope for long-term roots here. Please don't block this project before it even starts and take away homeownership from Maui's hardworking families. The opportunity to create housing dies if the County takes this land for open space.

- Eminent domain is not the right solution, at least not at this time. It's a measure not intended for this scenario. I ask you today, to please wait and give this workforce housing project a chance.

- Today's eminent domain vote would not only prevent affordable homes from being built, but it would also leave the decades-long stormwater issues unresolved. Runoff from the Pohakea Watershed and destruction of our marine habitats has been an issue for years and it's time to fix it. The County too, has a neglected stormwater basin that contributes to the runoff into Ma'alaea Bay. Why not work together on protecting the land and the ocean? I ask you to vote no on this measure.

- The developers are motivated and committed to work with the County and the State to successfully fix the stormwater issues long-term. Emergency preparedness is a key element and environmental improvements are what will help the resiliency of our community and island. Let the developers fix it at their cost and please don't waste local taxpayer dollars.

- If the County seizes the land and keeps it as open space, we are still at risk for major fires, leaving our community vulnerable. This project is an opportunity to make the area safe and more resilient from catastrophic fires, and other risks of climate change. Let the developer resolve this issue, through public-private partnership, to keep our community safe.

RECEIVED

2022 OCT -6 AM 8:03

OFFICE OF THE
COUNTY CLERK

County Clerk

From: Madison-Paige Simek <mpsimek@gmail.com>
Sent: Wednesday, October 5, 2022 9:04 PM
To: County Clerk
Subject: Bill to regulate bike tours

[You don't often get email from mpsimek@gmail.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Aloha
My name is Madison simek and I would like to Express my support and the bill to regulate the bike tours on Maui.

I personally have seen so many close calls, almost been hit by passing bikers and several of these incidents involved young children.

I agree with the suggestion that the language in the Bill Needs to be tweaked and bike tours should not be allowed to continue passed mile marker 3.0 of state rout 378.

Mahalo for taking the time to consider my testimony, truly hope changes are made to keep Maui safe.

Madison Paige simek
808-866-8902

County Clerk

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2022 OCT -6 AM 8:04
OFFICE OF THE
COUNTY CLERK

From: Christopher Sutherland <chris@upcountryelectric.com>
Sent: Thursday, October 6, 2022 6:37 AM
To: County Clerk
Subject: Resolution 22-206

You don't often get email from chris@upcountryelectric.com. Learn why this is important

To Maui Council members,

Please vote no on resolution 22-206 authorizing eminent domain at Maalaea. Affordable housing is perhaps the largest issue facing Maui County.

This parcel is well suited for development of critically needed affordable housing. Please encourage development of affordable housing. Taking this land under eminent domain will be a blow to affordable housing in Maui County. We request that you vote no on this resolution.

Chris and Irene Sutherland
75 hoolai st
Makawao hi 96768

Sent from my Verizon, Samsung Galaxy smartphone

County Clerk

RECEIVED
2022 OCT -6 AM 10:34
OFFICE OF THE
COUNTY CLERK

From: arlenet t <arlat54@gmail.com>
Sent: Thursday, October 6, 2022 8:48 AM
To: County Clerk
Subject: Testimony regarding Resolution 22-206 – Maalaea Eminent Domain

You don't often get email from arlat54@gmail.com. Learn why this is important

Testimony regarding Resolution 22-206 – Maalaea Eminent Domain.

Aloha Councilmembers:

Please carefully consider authorizing eminent domain taking in Ma'alaea and vote NO on *Resolution 22-206*

I spent a lot of "growing up" time at my grandparent's home in Maalaea. My mother grew up there in what was once a thriving fishing village and the vision to bring local families back to the area is heartwarming. Maui's local residents need housing and the lack of inventory is a large contributing factor preventing that. Yet it seems so many proposed workforce housing projects are killed by special interest opposition. I question whether the County seizing the land and keeping it as open space is our best option to address any of the stated current issues (runoff, brush fires and lack of housing inventory)?

The Spencer's were successful in making homes available for our local families. They had hoped that the Maalaea project would be a continuation of their efforts but were blocked for decades by opposition with their own interests in mind. Open space by the County would still leave us at risk for major brush fires. The taking does not address how the County proposes to address stormwater issues nor does it work towards addressing our housing inventory challenges.

A recent news article reported Councilmember Sugimura referring to "reports and science" as the rationale for the Council's proposed Resolution to the taking of property in Maalaea. The new owners are motivated and committed to working with the County and the State to successfully fix the stormwater issues long-term and work towards helping bring home ownership opportunities to our residents and I am hopeful the Council will work with them towards addressing the primary concerns.

Eminent domain is not the right solution, at least not at this time. Please wait and give the new owners and this workforce housing project a chance. I believe the opportunity to address the current issues AND create housing dies if the County takes this land. Please don't block this project before it even starts.

Thank you for your time and consideration.

Arlene Torricer
Arlat54@gmail.com

County Clerk

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2022 OCT -6 AM 8:04
OFFICE OF THE
COUNTY CLERK

From: Jonas Troxell <jonas@hopebuildershawaii.com>
Sent: Thursday, October 6, 2022 6:20 AM
To: County Clerk
Subject: Ma'alaea opportunity

You don't often get email from jonas@hopebuildershawaii.com. Learn why this is important

Aloha Maui County representatives,

Please stop voting no to every opportunity that could have a significant impact on the need for affordable/workforce housing.
Just because you all have a comfortable lifestyle, with a secure home and secure employment/bank accounts. Not all are as fortunate.

Pushing aside the public need and resorting to "Eminent domain" to stop what could be a positive change is no way to show care and compassion for your constituents that you represent.

Many developments have occurred w minimal impact on environmental surroundings. In many cases housing developments help mitigate the risk of fire/wastewater run-off issues that plague many open space areas.

If the County seizes the land and keeps it as open space, we are still at risk for major fires, leaving our community vulnerable. This project is an opportunity to make the area safe and more resilient from catastrophic fires, and other risks of climate change. Let the developer resolve this issue, through public-private partnership, to keep our community safe.

Sincerely,
Jonas Troxell

County Clerk

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2022 OCT -6 AM 10:33
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From: yigit unlu <yigitunlu11@gmail.com>
Sent: Thursday, October 6, 2022 8:04 AM
To: County Clerk
Subject: Testimony -Agenda item 22-98 - Eminent Domain Ma-alaea

You don't often get email from yigitunlu11@gmail.com. Learn why this is important

I am strongly opposed to this council spending our money under the cloak of "preservation' for this area .
Existing situation for this location ;
-It is clearly producing frequent fires.
-Its existing drainage is clearly threatening Ma'alaea waters with every rain .
What exactly are we preserving ?

Why can't this council see what will be proposed by the developer and work together to achieve sustainable development?

All of you will agree that Maui County has control on what can be built in this location, if Maui County does not like what is proposed ,it can be rejected till it is acceptable.

IT IS HIGHLY IRRESPONSIBLE TO EMINENT DOMAIN PRIVATE PROPERTY WITH OUR TAX MONEY ESSPECIALLY WHEN THERE ARE OTHER TOOLS AVAILABLE TO YOU IN THIS INSTANCE. PLEASE WORK WITH THE DEVELOPER TO ACHIEVE SUSTAINABLE DEVELOPMENT FOR THIS AREA .

Yigit Unlu
Mobile : 808 463 7039

MAUI OCEAN CENTER

Our Mission: To foster understanding, wonder and respect for Hawaii's marine life.

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2022 OCT -4 AM 9:17
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10/04/22

TESTIMONY SUPPORTING MAUI COUNTY COUNCIL RESOLUTION 22-206 AS PRESENTED IN COUNTY COMMUNICATIONS # 22-98 "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF APPROXIMATELY 257 ACRES AT MA'ALAEA MAUKA/POHAKEA WATERSHED, MAUI, HAWAI'I FOR PRESERVATION

Dear Honorable Chair and Committee Members,

My name is Tapani Vuori and I strongly support Resolution 22-206.

Excessive sedimentation and excessive nutrients are the number 1 and 2 reasons for near shore marine eco system degradation. Both of these conditions have been present in Ma'alaea for decades and as a result our embayment is classified as a 303d, impaired body of water, by DOH/EPA for specifically for these two

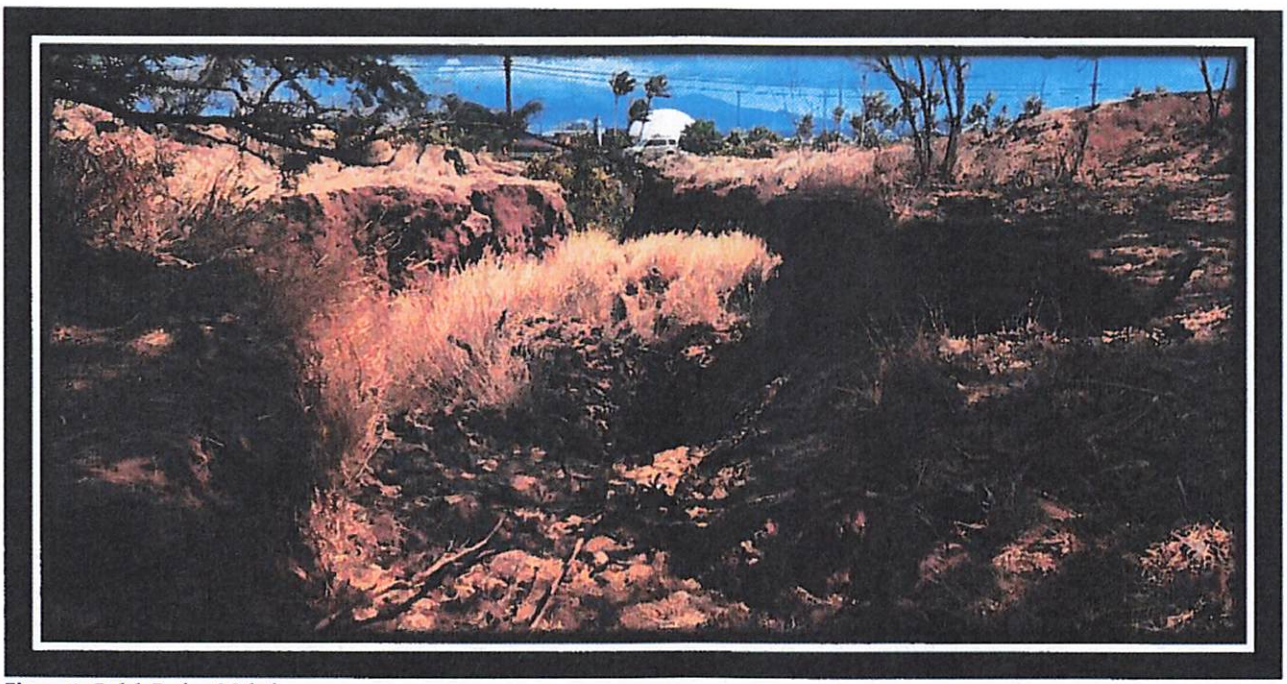

Figure 1 Gulch Facing Makai

reasons. Coral Reef coverage in the Bay is estimated less than 8% when in 1975 it was estimated to be +75% and Limu has become much harder to find. I wanted to specifically share these photos with you all so you can actually see the damage with your own eyes; words and data will go only so far and often fail to touch us like photos can.

First four photos show the damage on land from one gulch out of several on this particular land (TMK: (2) 3-6-001:018). Hawaii Legacy Land Commissioners visited the site in March 2022 and witnessed first hand the condition of the land and saw how deep the gulches were; 30'+ in this particular gulch. Figure 4 shows the large storm drain ingress almost completely blocked with debris and earth.

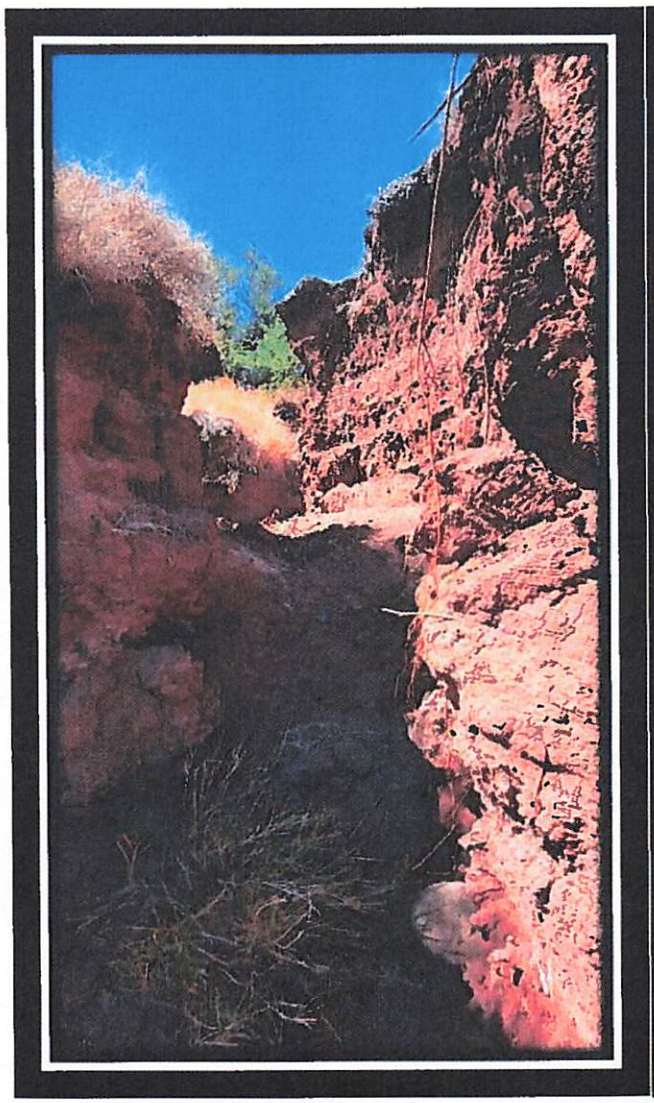

Figure 2 Gulch Facing Mauka A

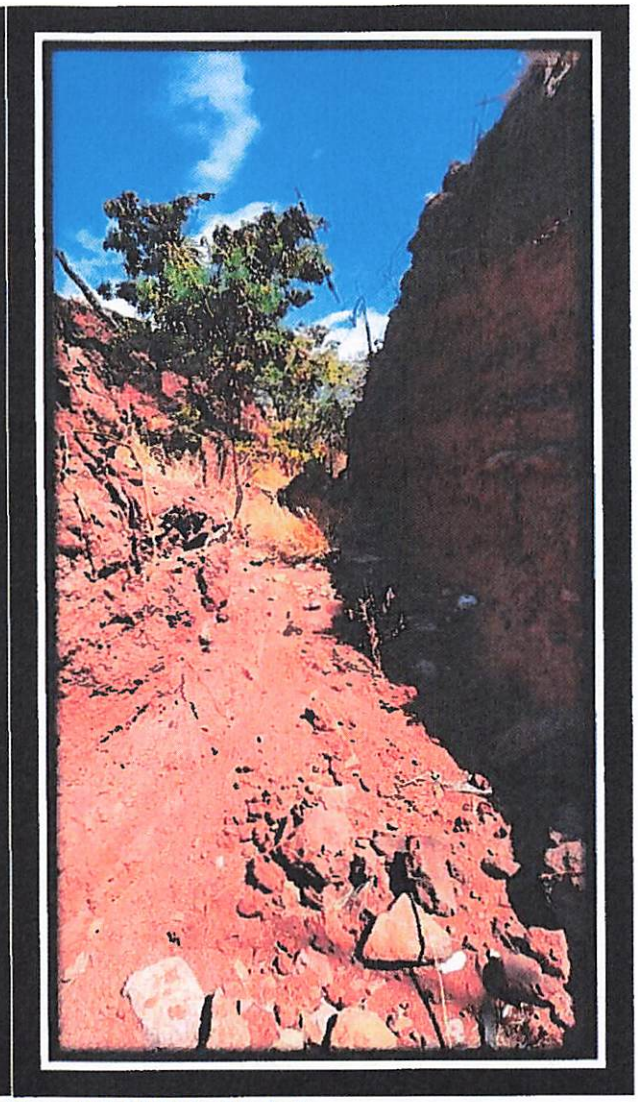

Figure 3 Gulch Facing Mauka B

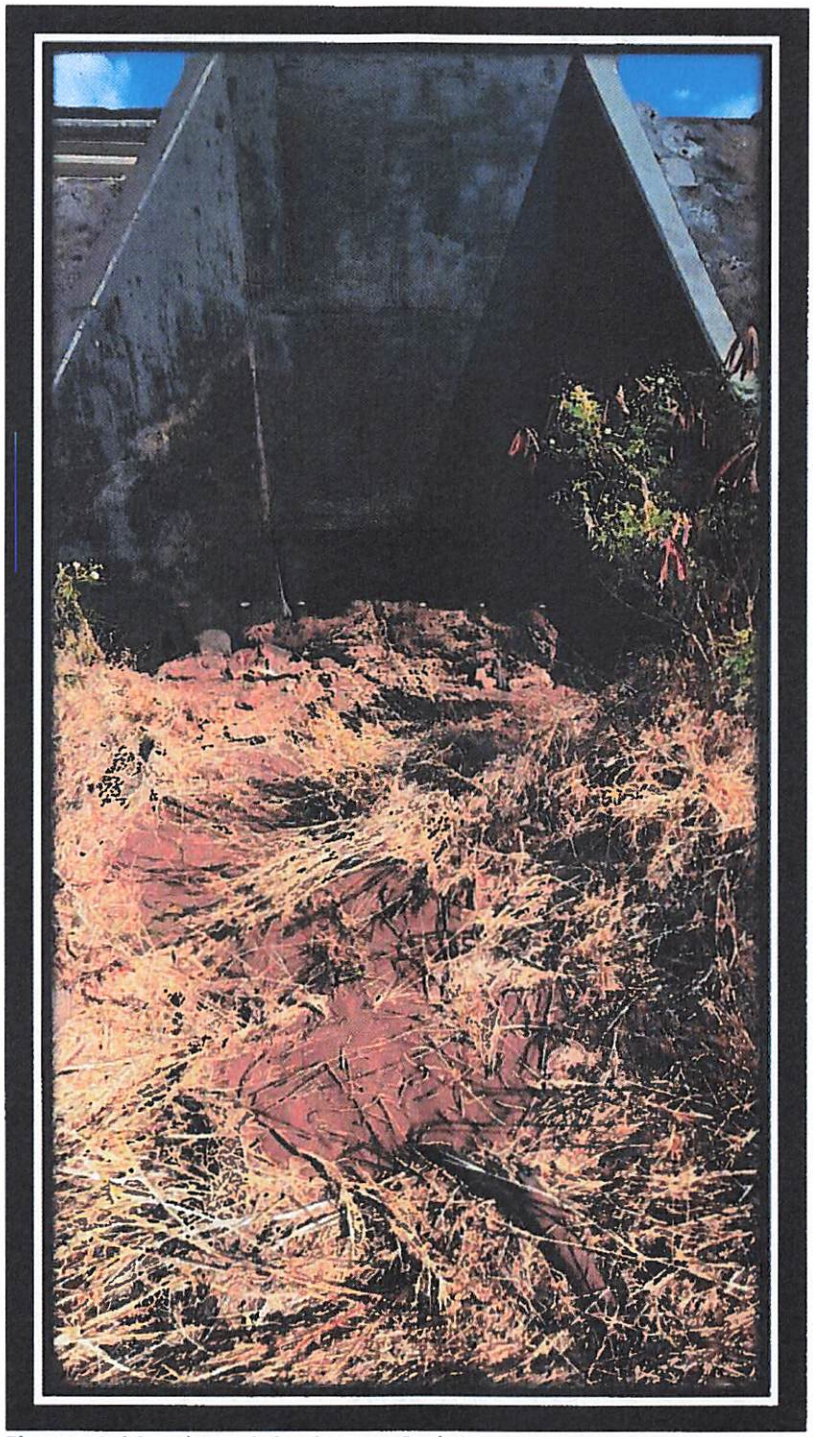

Figure 4 Gulch Facing Makai at the Storm Drain Ingress

The remaining four photos show what happens downstream when there is a storm event impacting the Ma'alaea Harbor and the Bay. This particular storm event happened in December of 2018. I have been involved with Ma'alaea community since 2002 and I have witnessed many of these events over that time span. To me personally it seems like the severity of these brown out conditions have increased over the years.

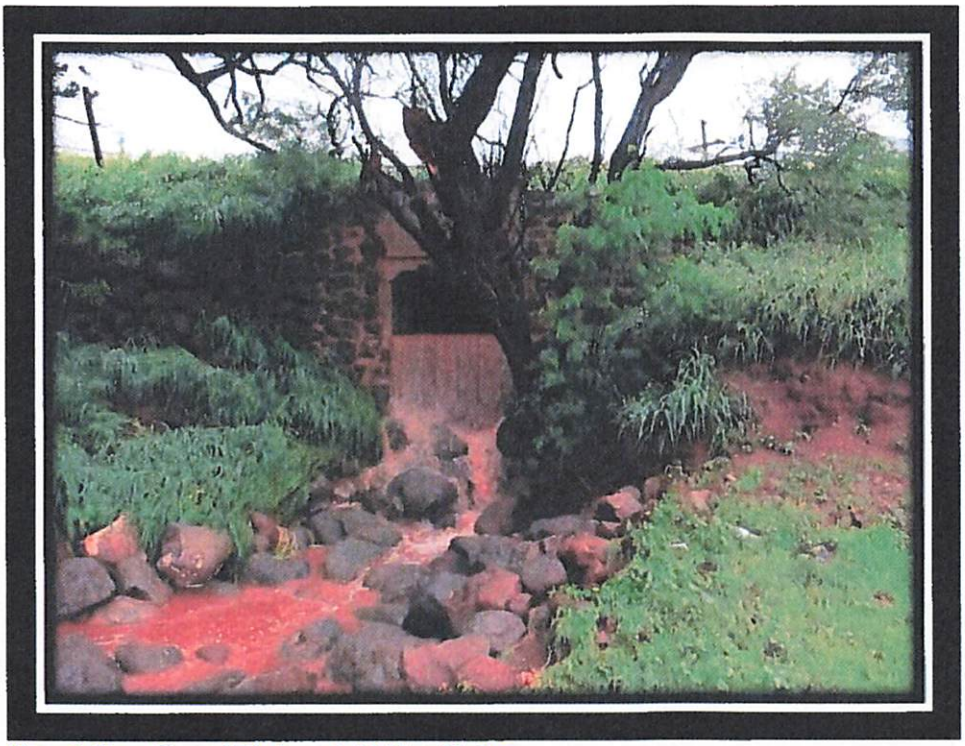

Figure 5 Storm Channel Discharge to Ma'alaea Harbor

Figure 6 Sedimentation Overflow Ma'alaea Harbor at the Boat Ramp

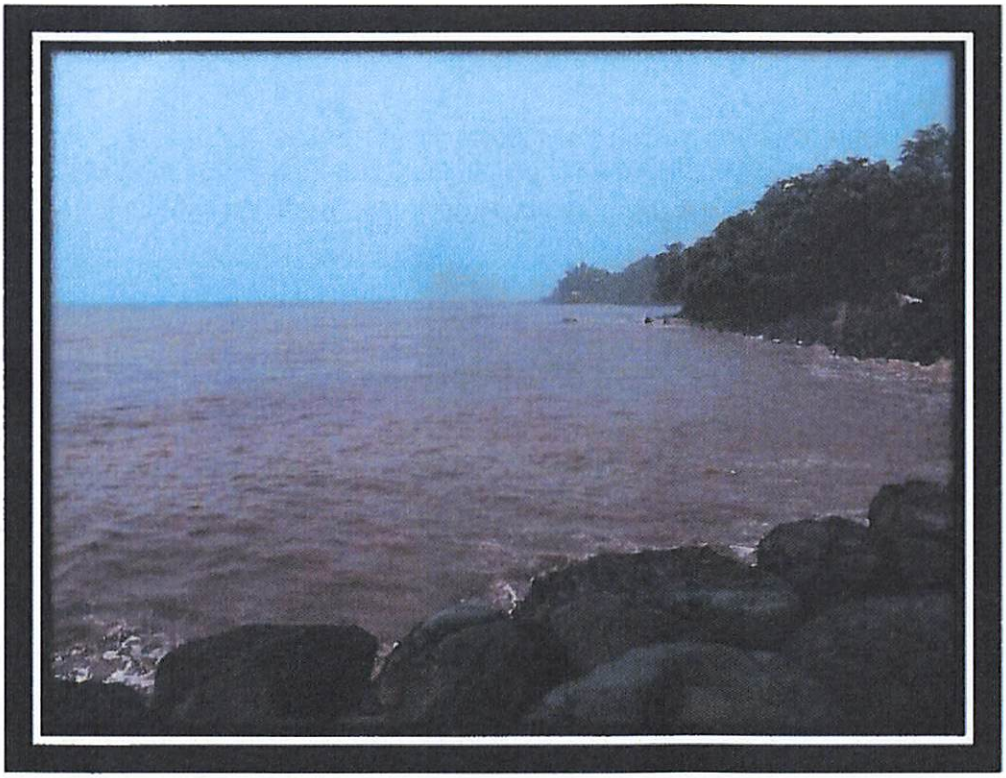

Figure 7 Brown Out Condition - Sedimentation Overflow Ma'alaea Bay at Harbor Groin

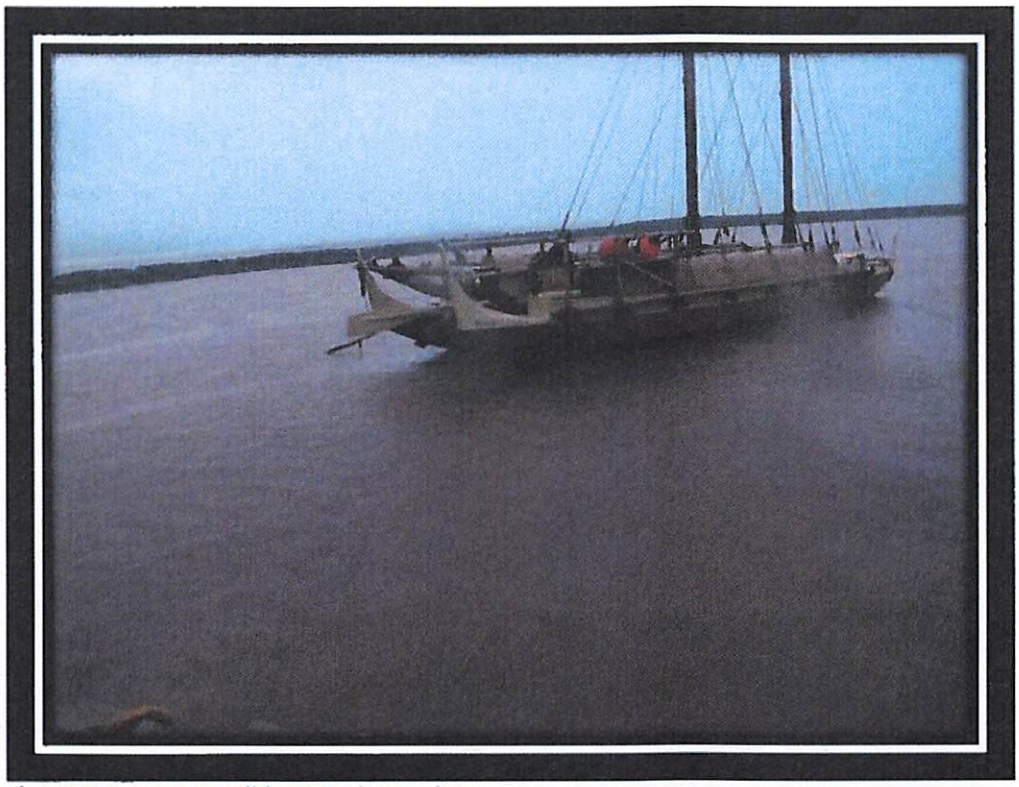

Figure 8 Brown Out Condition - Ma'alaea Harbor

There are many peer reviewed science reports demonstrating the importance of land-sea interactions. Many of the papers cited here are co-authored by Robert H. Richmond, a pre-eminent research professor at UH Manoa Kewalo Marine Laboratory. If one is inclined to learn more about this topic I highly recommend the below papers.

https://www.sciencedirect.com/science/article/pii/B9780128140031000265

http://www.kewalo.hawaii.edu/docs/richmond/2003Wolanski.pdf

http://www.kewalo.hawaii.edu/docs/richmond/2009Wolanski.pdf

https://academic.oup.com/bioscience/article/57/7/598/238531?login=false

https://academic.oup.com/bioscience/article/57/7/598/238531

This particular land area in question is the main source for excessive sedimentation degrading the near shore marine eco systems in Ma'alaea. It needs to stop if we ever wish to see vibrant near shore marine eco system recover in our Community. I urge Maui County Council to pursue any and all avenues to secure this land for the public trust and restoration of the watershed. Thank you.

Aloha,

Tapani Vuori
c.808.561.2022
tvuori@mauioceancenter.com

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2022 OCT -6 PM 12:53
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10/06/22

TESTIMONY SUPPORTING BILL 21 CD2, FD2 PROTECTING WILDLIFE FROM OUTDOOR LIGHTING AND PRESERVING DARK SKIES

Dear Honorable Chair and Committee Members,

I strongly support Bill 21, CD2, FD2.

I am a Board member at Ma'alaea Triangle Association (MTA) which represents all the commercial business in the Ma'alaea Triangle commercial area. We have a parking lot that contains 756 parking stalls and 27 light poles most being 30' high. These light poles were installed about 25 years ago when the commercial area was developed and are end of life with outdated lighting technology that is not energy efficient and not very seabird friendly. We have now contracted with a lighting manufacturer that is able to deliver to our specifications; < 2% blue light content, < 3,000K, and shielded light fixtures. This technology meeting the above specifications is readily available. They are completely PV + battery operated. Our new lights will be 18' tall. We expect to receive the lighting hardware by the end of Q4,2022 and install them by the end of Q1, 2023.

I wanted to share this project with Maui County Council considering this issue as here we have a private organization that recognizes the importance of this issue and is making the decision on its own to lead with a solution that is not only seabird and sea turtle friendly but also most energy efficient and it is happening now. The astronomers will also appreciate more clarity in the night skies. I urge the Maui County Council to continue to be forward looking and continue to be the agent for positive change in and for our Community. Thank you for your time and consideration.

Aloha,

Tapani Vuori
c.808.561.2022
tvuori@mauioceancenter.com

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COUNTY CLERK

WEIL & ASSOCIATES
P.O. BOX 25487
HONOLULU, HAWAII 96825 USA
808.955.1400

October 5, 2022

Re: Maui Council Bill 21 related to Seabirds and Bio-Diversity

Good morning,

I am writing to you as a concerned business owner of one of the largest Destination Management Companies in the State. The proposed bill will be devastating for the island of Maui and will discourage large corporate clients from holding their events on Maui.

Please allow me to share the following information for your consideration:

My company has handled Salesforce, ServiceNow, and SAP for many years in addition to many other Fortune 100 and 500 companies. The three companies mentioned are annual customers to Maui who operate large programs (500+ attendees and in the case of SAP, approximately 5,000 guests buying out 6 hotels in Wailea). When these programs select Maui as their destination, they look for multiple things including ease of travel, number of airline seats, quality and size of hotels, activity opportunities, as well as festive evening events for their attendees. The ability to host events outside is huge and can be as simple as an oceanfront welcome party or luau or a concert with the likes of Katy Perry or Bruno Mars on stage. These customers do not want to be in a ballroom or an enclosed facility – they can go to Detroit and do this. These events all require adequate lighting. We already have many rules and regulations that aren't currently imposed in other competitive destinations such as Mexico and the Caribbean that we battle against. Having just one more reason for companies to move their events to these destinations will have serious impact on our economy.

In closing, if this bill passes, much of the high end corporate and incentive business will find other destinations that are easier to do business. Can Maui afford this kind of economic impact? We understand that there might be times of year where we modify our lighting designs. However, placing a ban on outdoor lighting that enhances Maui's already beautiful venues makes no sense. We have all worked hard to rebuild tourism post Covid and if this bill is passed, it will be devastating to an already fragile economy.

Sincerely,

Debbie Weil-Manuma

Debbie Weil-Manuma
President

County Clerk

From: Steve Wilson <stevew1809@icloud.com>
Sent: Monday, October 3, 2022 5:31 PM
To: County Clerk
Subject: Bike tour regulation

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COUNTY CLERK

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To whom all it concerns...

We all know that the heavy foot of tourism is leaving a deep footprint on Maui in many ways. Nothing has alerted us to this fact that the recent shutdown during Covid.

In all reality, it's not going to get any better unless we act proactively to curb the increasing side effects of this activity that includes traffic congestion, personal injuries and even tragic deaths, not to even mention the degradation of the quality of life caused by severe overtourism. Will be soon see bike tours on the Hāna Highway?

It's sad, but it seems that entrepreneurs seem to always find a way around hurdles, and we need to regulate this activity before it gets too far out of hand. And it will if it isn't curbed.

The permitted area should be on Haleakalā Crater Road, State Route 378, above mile marker 3.0, where there is an existing pullout above any residential areas. The bike tours would end there. It's believed this is a good compromise because it would minimize conflict with Maui drivers, make for safer bike tours, and allow the tours to continue as regular van tours that could still patronize the merchants in Makawao and Pā'ia.

- Bike tours should not be allowed below the 3.0 mile marker on Haleakalā Crater Road, on Haleakalā Highway, or on Kekaulike Avenue. We already know these areas are prone to vehicular accidents.

Respectfully,
Steve Wilson
780 Hāna Highway.

Sent from my iPhone