

# ENVIRONMENTAL, AGRICULTURAL, AND CULTURAL PRESERVATION COMMITTEE

Council of the County of Maui

## MINUTES

November 21, 2019

### Council Chamber

**CONVENE:** 9:02 a.m.

**PRESENT:** VOTING MEMBERS:

Councilmember Shane M. Sinenci, Chair  
Councilmember Tasha Kama, Vice-Chair  
Councilmember Kelly T. King  
Councilmember Alice L. Lee (left at 10:26 a.m.)  
Councilmember Michael J. Molina  
Councilmember Tamara Paltin  
Councilmember Yuki Lei K. Sugimura (arrived at 9:10 a.m.)

**STAFF:**

Kasie Apo Takayama, Legislative Analyst  
Nicole Siegel, Committee Secretary  
Chester Carson, Legislative Analyst (trainee) (*seated in gallery*)

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)  
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)  
Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:**

Edward S. Kushi, Jr., First Deputy Corporation Counsel, Department of the Corporation Counsel

**OTHERS:**

Sherry Duong, Executive Director, Maui Visitors Bureau  
Leanne Pletcher, Director of Public Relations & Marketing, Maui Visitors Bureau

Moke Bergau (via telephone conference bridge, Hana Council Office)

Others (2)

**PRESS:**

*Akaku: Maui Community Television, Inc.*

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CHAIR SINENCI: . . .(*gavel*). . . Aloha mai kakou, and welcome to the Environmental, Agricultural, and Cultural Preservation Committee meeting. It's Thursday, November 21, 2019. It's 9:02 in the morning, and will the meeting please begin? For

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our members out in TV land, just to let you know that we've switched, so the EACP with the EDB meeting, so that's why we're here this morning. Before we get started, I'm Shane Sinenci, the Committee Chair. May I please ask that everyone silence their cell phones and noise-making devices? Thank you. Introductions for our Members present today, we have our Committee Vice-Chair Tasha Kama. Aloha.

VICE-CHAIR KAMA: Aloha kakahiaka, Chair.

CHAIR SINENCI: Aloha kakahiaka.

VICE-CHAIR KAMA: Aloha kakahiaka.

CHAIR SINENCI: From Lahaina ma, Tamara Paltin. Aloha.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR SINENCI: Aloha. From Wailuku, we also have Member Alice Lee. Welcome.

COUNCILMEMBER LEE: Thank you. And from Ireland, we say dia dhuit.

CHAIR SINENCI: Dia dhuit.

COUNCILMEMBER LEE: Dia dhuit.

CHAIR SINENCI: Welcome. And from Upcountry, we have Member Michael Molina. Aloha.

COUNCILMEMBER MOLINA: Aloha, Mr. Chairman.

CHAIR SINENCI: And finally we have our Council Chair Kelly King.

COUNCILMEMBER KING: Aloha kakahiaka.

CHAIR SINENCI: Aloha.

COUNCILMEMBER KING: Boy, I leave for a week and you guys change the whole schedule around.

CHAIR SINENCI: Right, yeah. See what happens, the Galapagos. So, we also have Mr. Riki Hokama and Ms. Keani Rawlins-Fernandez, who are non-voting Members. For our representatives with us today, we have from Corporation Counsel, Mr. Ed Kushi. For Staff members we have Ms. Kasie Apo Takayama, our Legislative Analyst; Ms. Nicole Siegel, our Committee Secretary. And in our District Offices, we have Mavis Oliveira-Medeiros; excuse me, Denise Fernandez at the Lanai District Office; and Ms. Zhantell Lindo at our Molokai District Office. So, Members, we have one item today with two resolutions, the Visitor Impacts to County Environmental and Infrastructural Resources. We'll begin with testimony. For individuals testifying in

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the Chamber, please sign up at the desk just outside the Chamber door. If testifying from one of the remote testimony sites, please sign up with District Office Staff. Testimony will be limited to the item on the agenda today. And pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes. When testifying, please state your name, and the name of any organization you may be representing. Pursuant to the Rules of the Council, if you are a paid lobbyist, please inform the Committee. So, we have established a connection to Council District Offices. So, Ms. Apo Takayama, would you like to call the first testifier?

**. . . BEGIN PUBLIC TESTIMONY . . .**

MS. APO TAKAYAMA: Chair, currently, we do not have anyone signed up in the Council Chamber to testify, but I believe we have one in Hana.

CHAIR SINENCI: Just in Hana? Okay. So, we'll go to our Hana Office. Ms. Mavis Oliveira-Medeiros, do you have a testifier there?

MS. OLIVEIRA-MEDEIROS: Aloha, Chair. I have one testifier, Moke Bergau.

MR. BERGAU: Good morning, Mr. Chair, Councilmembers. My name is Moke Bergau from lower Nahiku. I'm addressing the issue on the Visitor Impacts to County Environmental and Infrastructure Resources, yeah, EACP-6, yeah. The resolution is...it's kind of, on item two, it's kind of a vague language that's put forward. It only addresses the fee, possibility to address the financial impacts only. I am here to address the spiritual condition and the physical condition of the rural communities. It does not address any of those issues in this statement...on this item. All it does is address the fee, impact fees. And I have ohana in the mainland. Are they visitors? Are they being impacted? Are they affected by the impact fees? I don't see any of the \_\_\_\_\_ take on this. The visitors count, I don't see. I do believe on this resolution it should be added somewhere in this language, a cap on the industry. It should be here to consider in the future. And mahalo again for taking this into consideration. My name is Moke Bergau. I'm from lower Nahiku. Aloha.

CHAIR SINENCI: Aloha, Mr. Bergau. Members, do we have any questions for Mr. Bergau?

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: We have one from Chair King.

COUNCILMEMBER KING: Yeah, actually I just wanted to ask what version he's looking at because the version that I have on Granicus does mention culture and environment . . . *(inaudible)* . . .

MS. OLIVEIRA-MEDEIROS: Shane, you're going to have to repeat the question.

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COUNCILMEMBER KING: So, can you just find out if he's looking at the same version that we have?

CHAIR SINENCI: Okay. Ms. Oliveira, the question was if he's looking at the same reso that's on Granicus? Because the reso on Granicus has both cultural and --

COUNCILMEMBER KING: And environmental --

CHAIR SINENCI: --and environmental --

COUNCILMEMBER KING: --references.

CHAIR SINENCI: --references in the bill.

COUNCILMEMBER KING: It's the one dated 11/13.

MS. OLIVEIRA-MEDEIROS: Shane, I believe he addressing number two.

CHAIR SINENCI: On impact fees, yeah.

MR. BERGAU: Yes.

CHAIR SINENCI: Okay. And so in the...1.c of the be it resolved it states, share a portion of the proceeds generated from impact fees with the counties to supplement the budgets of agencies impacted by tourism such as those dealing with parks and recreation, fire protection and rescue, ocean safety, emergency services, law enforcement.

COUNCILMEMBER KING: Okay, I apologize, Chair. I think I'm looking at the wrong...I was looking at the 11/13 version, the November 13.

CHAIR SINENCI: Eleven 13 version.

COUNCILMEMBER KING: Maybe I'm looking at the wrong one.

CHAIR SINENCI: Okay, yeah. There is a November 13<sup>th</sup> version.

COUNCILMEMBER KING: Reso. Is that the one that you're looking at?

CHAIR SINENCI: Yeah.

COUNCILMEMBER KING: 'Cause I only see two items under the be it resolved. There's only two items so I'm not sure what you're talking about, about impact fees. There's nothing about impact fees.

MR. BERGAU: Mr. Chair?

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CHAIR SINENCI: Go ahead. You want to respond, Mr. Bergau?

MR. BERGAU: Yes. I was just concerned about this impact fees being established and the distribution of it. It really doesn't addresses the impact itself. It only addresses the fee that causes...the impact causes. It'll escalate 'cause of the cap of numbers that's involved in this. It's a number issue. It's not the impact itself. That's all I'm addressing, sir. Thank you.

CHAIR SINENCI: Thank you, Mr. Bergau. And yes, for the resolution that's on today's Committee meeting, it's...we're just urging...the reso urges the State Legislature to establish impact fees for visitors. So, and then we'll go into it further. We have one more question from Member Lee.

COUNCILMEMBER KING: Okay, Chair. Can I just state for the record, I don't see that version of it under two. I don't see impact fees listed on my version of the reso on Granicus. So, I don't know if you have a hard copy.

VICE-CHAIR KAMA: There's 1.a, b, c.

CHAIR SINENCI: Okay, Ms. Nicole, can we get copies?

VICE-CHAIR KAMA: And then there's two.

CHAIR SINENCI: Okay, we'll get copies for you from...

COUNCILMEMBER KING: Okay.

CHAIR SINENCI: And then in the meantime, we'll take Ms. Lee's question.

COUNCILMEMBER LEE: Thank you, Chair. Mr. Bergau? Hi, can you hear me? I'm Alice Lee, I'd like to ask you a question, if you don't mind. 'Cause I thought I heard you say something about you were concerned about these fees because they would also affect local travelers. Is that what I heard?

CHAIR SINENCI: Mr. Bergau, the question from Member Lee is that if the impact fees would affect local travelers. Was that your question?

MR. BERGAU: That's correct, sir.

COUNCILMEMBER LEE: Thank you. I just needed that clarification because I have that same concern. Thank you.

CHAIR SINENCI: Okay. She shares your sentiments. We also have a question from Member Paltin.

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COUNCILMEMBER PALTIN: Aloha, Mr. Bergau. This is Tamara Paltin. I just was...wanted to clarify that your sentiment is that you don't support the impact fees. You just want there to be less tourists to where a point that it's a manageable number. You don't want to put a impact fee to make that occur?

CHAIR SINENCI: Mr. Bergau, the question is if you support the impact fees, or are you stating that you want to limit the numbers of visitors?

MR. BERGAU: Yes, thank you for the question, ma'am. The impact fees should not be an urgent thing on this. It should be the consideration of the impact itself. And that is why I threw in...I added that. It should be added to take a look at this capping thing, especially on Maui. Oahu, I don't know how, what can do about that. But we still have a thing on Maui that we'd like to preserve. And numbers that seems to be the only issue here, that's impacting Hana. Mahalo.

COUNCILMEMBER PALTIN: I just wanted to clarify what you think that would look like, capping people, like you know, having a bouncer at the Hana entrance, or I mean I'm not sure. I understand what you want, but I'm not sure how you want it implemented.

CHAIR SINENCI: Mr. Bergau, the...go ahead.

MR. BERGAU: Go ahead. Yes, you know, I'm just here to testify here. And this agenda's up. And I appreciate the question. But I made...I'm not in the position of extending out planning this. I only know the physical thing that's happening here. And there's a lot of consideration in it, you know. But this...with the adding this fee, which is cool. I agree with the fees. But we cannot make it a priority, or another cause for it, yeah. It has to be that physical impact. That's all the statement that I'm making. Thank you.

COUNCILMEMBER PALTIN: Thank you, Mr. Bergau, for your clarification.

MR. BERGAU: You're welcome.

CHAIR SINENCI: Any other questions? Seeing none, thank you. Ms. Apo Takayama?

MS. APO TAKAYAMA: Chair, currently, we don't have anyone signed up in our District Offices, or in the Council Chamber.

CHAIR SINENCI: Okay. Thank you. So, Members, if there are no objections, we'll close testimony this morning.

COUNCILMEMBERS: No objections.

**. . . END OF PUBLIC TESTIMONY . . .**

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CHAIR SINENCI: Okay. Thank you.

**EACP-6 VISITOR IMPACTS TO COUNTY ENVIRONMENTAL AND INFRASTRUCTURAL RESOURCES (CC 17-231)**

CHAIR SINENCI: Okay. So, moving on, again, Members, we have one item, Visitor Impacts to County Environmental and Infrastructural Resources. The agenda is the County Communication 17-231. It was originally from Councilmember Elle K. Cochran relating to Visitor Impacts to County Environmental and Infrastructural Resources. The correspondence dated November 13, 2019, from the Committee Chair, transmitting a proposed resolution entitled, "URGING THE STATE LEGISLATURE TO ESTABLISH IMPACT FEES FOR TOURISTS." The purpose of the proposed resolution is to urge Hawaii State Legislature to establish impact fees for tourists; b, add the impact fee to the cost of every airline ticket and cruise ship ticket purchased by visitors to the islands; and c, share a portion of the proceeds generated from the tourist impact fees with the counties to supplement the budgets of county departments and agencies that are impacted by tourism, such as those dealing with parks and recreation, fire protection and rescue, ocean safety, emergency services, and law enforcement. Three, correspondence dated November 13, 2019, from the Committee Chair, transmitting a proposed resolution entitled, "URGING THE STATE LEGISLATURE TO REQUIRE TOUR, AIRLINE, AND CRUISE OPERATORS TO SHOW VISITORS AN INFORMATIONAL VIDEO UPON ENTERING THE STATE, OR BEFORE EMBARKING ON ACTIVITIES." The purpose of the proposed resolution is to urge the Hawaii State Legislature to enact legislation to require tour, airline, and cruise operators to show visitors an informational video upon entering the State or embarking on tour activities. So, Members, we began our discussion on this topic on June 18<sup>th</sup> with the panel and lots of good discussion, and acknowledging the fact that Maui is at a tipping point in terms of visitors. On July 2<sup>nd</sup> and August 20<sup>th</sup>, we took up the topic again and had more informational...informative discussions. I wanted to follow up that discussion and continue the momentum with the attached resolutions encouraging action from the State Legislature. I'd like to start with the second resolution listed on today's meeting agenda which seeks to address visitor safety by urging the State Legislature to require tour, airline, and cruise operators to show informational safety videos. There is a great need for this safety information, and it's literally a matter of life and death. Last year, *Honolulu Civil Beat* reported nearly one tourist dies each week while engaged in common vacation activities like swimming, snorkeling, hiking, and going on scenic drives. The State of Hawaii Department of Health records...well, it shows that the following, over the past decade the rate of drowning for visitors was 13 times the national average, and 10 times the rate for residents with snorkeling the leading activity associated with drowning. Visitors represent 55 percent of the 682 ocean drownings from 2008 to 2017. And from 2009 to 2017, 81 percent of the 362 spinal cord injuries occurring during that time were incurred by visitors, with 142 of the injuries resulting from ocean waves. I also want to let the Committee know that we modeled our resolution after the City and County of Honolulu. Their council has also taken up this item as well. Today we have with us

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Sherry Duong, Executive Director of Maui Visitors Bureau. She'll be showing us four visitor educational videos they produced last year. So, if there are no objections...oh, all right. Thank you, Member Paltin. We'd like to recognize Ms. Yuki Lei Sugimura. Thank you for joining us.

COUNCILMEMBER SUGIMURA: Thank you, thank you.

CHAIR SINENCI: Yeah. So, if there are no objections, the Chair would like to designate Ms. Duong. And she also has with her Ms. Leanne Pletcher as a resource person, pursuant to Rule 18(A) of the Rules of the Council.

COUNCILMEMBERS: No objections.

CHAIR SINENCI: No objections? Okay. So, to get our discussion started on the...

VICE-CHAIR KAMA: Should we get popcorn? Nah, nah.

CHAIR SINENCI: Okay, we also have hard copies of their presentation that we're going to pass out. Okay.

MS. DUONG: (*PowerPoint Presentation*) All right. Well, thank you very much, Chair, for having us here today. We're really excited. You know, given the increase in the residential population and the visitors that we've had in recent, you know, we've seen the toll that it's taken on --

CHAIR SINENCI: Sherry?

MS. DUONG: --its resources...

CHAIR SINENCI: Just a little, just closer to the mic.

MS. DUONG: A little closer?

CHAIR SINENCI: Yeah.

MS. DUONG: I always thought I had a loud voice, but I guess not. How's that? Okay, great.

CHAIR SINENCI: Perfect.

MS. DUONG: Thanks. As I was saying, you know, we've seen the toll that it's taken on its resources and so, you know, in light of this, the visitor industry has had a paradigm shift in the last several years in, you know, how we are marketing our efforts to now managing tourism. So, you know, wherever you go in Hawaii, and whether that be here on Maui, Kauai, Oahu, Hawaii Island, you know, what you're going to hear about is sustainable and responsible tourism. It's no longer just about the quantity of visitors coming in to our islands, but the quality of the visitors and those who value



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the same things that we believe in. We just got back from, returned from the HTA Fall Tourism Conference on Hawaii Island. And you know, the message was very loud and clear over there that, you know, it's not quantity any more but sustainable and responsible tourism. And it's not just to our North America visitors, but this message was also conveyed to all of our international contractors as well that they need to share this message and educate their visitors in the international markets when they come here to Hawaii as well. So, you know, although MVB can't build another road, or we can't, you know, regulate the illegal rentals, what we can do is continue to educate our visitors and help manage that through our effective marketing. So, it's, you know, I'm really happy to share these videos with you today. Maui County was the first county to produce these videos, and because of its success, other counties followed suit with HVCB, our corporate office, producing a Statewide video that is now shown. So, if...I'll go ahead and show these videos then to you. Okay, like I said, these were videos here were the first ones that were produced, and it's all about safe and sustainable tourism. We finished these videos at the end of last year, and the campaign that we pushed these out to ran from December to June of this year. We're happy to say that these videos have been shown through resort communications through their TV channels, through...we partnered with the Outlets of Maui shuttle and Polynesian Adventures Tours. So, the visitors as they're in the shuttle tour, they're seeing these videos, through Spectrum TV so it's in all the hotel channels on Maui. Maui signature events that we help and support, they are now...have a link to these videos on to their communications and their confirmations when they send 'em out to their guests. And the...and it's very exciting. And you've been talking about them being on the airlines. They are now on the airlines. It's being shown on Southwest, Hawaiian Airlines, and we just found out at the conference that Alaska and United Airlines are now a part of it that's showing it. And the international airline of all, Nippon Airlines, are showing these as they're flying into Hawaii. So, it's a huge step. It's something that we've been trying for a long time to get videos onto an airline, and now we are making those little baby steps happen. So, now I'm told I have to go to YouTube. Okay, escape out of here. And they're all here? Okay. Okay, great, thank you. ...*(Video starts)*... When you're here in Hawaii, you have to think about it from a Hawaiian perspective. And the Hawaiian perspective is that this is our ohana. We need to interact with it in that way. We need to give the land the same respect we would give somebody we love. Not only are we entering someone else's land, someone else's property, but we're actually like stepping on and walking in a living beat. I think that concept of asking for permission is probably the most important one that we have. You know, I'd rather ask for permission than beg for forgiveness. The old environmental credo still stands, right. We want to take only pictures, leave only footprints. And if we can take that mentality back and spread those ideas around the world, then the world would be a much better place. ...*(Video ends)*... That's our culture video. And that is actually the one that is viewed the most. Okay. ...*(Video starts)*... So, the problem with illegal rentals is twofold. One, for the visitor themselves, and the other for the locals. We know situations where visitors were scammed by unpermitted vacation rentals. There is one where they paid their bill in advance, arrived on Maui, and found that the property wasn't a vacation rental at all. And another situation where it was a completely different property than what had

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been advertised. On the other side, it really impacts us locally because these illegal vacation rentals could be renting to locals. For the visitor themselves, they risk their deposit, their stay. You think that you're coming to this beautiful place, and it doesn't turn out the way that you had hoped. My advice to visitors is to just do your diligence, you know. Do a quick Google search. If there's anything that seems fishy about the rental that you're trying to book, just double-check it. There's so many different options for places to stay here on Maui, and we just want you to enjoy your stay. . . .(Video ends). . . Okay. . . .(Video starts). . . We encourage visitors to do what we call travel pono. Travel in a way that is positive for the thousands of miles of ocean that surround us. Reefs cover less than 1 percent of our earth surface, but have over 25 percent of the marine life. So, we have a really important job to protect this reef that's here. These are micro plastics. And this is what happens to your water bottle once it ends up in the ocean. Wildlife is very much interacting with the plastic that goes into our ocean, probably trigger fish bites, and maybe a small shark. The other really important thing is choose sunscreens that don't have toxic chemicals. Look at the label, and choose those that are only active ingredients of zinc oxide and/or titanium dioxide. The more people who experience what the ocean has to offer, I think the healthier our planet is going to be. . . .(Video ends). . . And our last video is ocean safety. . . .(Video starts). . . When you look out, you see a beautiful blue ocean, calm seas, and a lot of times people don't see the beast that's hidden within that beauty. And it doesn't necessarily mean big waves. It can deal with strong currents, strong winds. There's many dangers that exist, and the most important thing is always try and swim where there's a lifeguard. Something that Uncle Archie shared with me that I still carry today was be present in our environment and take some time to assess the conditions. Know and be aware of the wind, the current, where the waves are breaking, a safe place to enter and exit the water. See if there's any lifeguard warnings posted on the beach. If you're ever worried about the conditions or nervous at all, talk to a lifeguard. Mother Nature is always in control. It's about understanding Mother Nature, respecting Mother Nature. And that will allow you to have the most fun for the giving activity that you're doing. . . .(Video ends). . . So, year to date we have about 4 million views, impressions on these videos that have been shared. So, we're very quite happy with them. And we just received approval, and I shared this with Chair already, that we are going to produce a specific video for the road to Hana that is going to address the concerns that the Hana community has.

CHAIR SINENCI: Thank you, Ms. Duong. I had a question. Is it a minute or 30 seconds, those?

MS. DUONG: Yeah, so each video when it was originally produced are a minute each. And since then we've taken it so there's a 30-second clip that can be utilized, and a 15 as well.

CHAIR SINENCI: Okay, thank you. I'll take the liberty for the first couple questions. You also mentioned, can you speak to the cost of producing them? And then also beyond the cost of actually, you know, giving out the videos and having them played at different establishments.

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MS DUONG: So, when we were in the consumption...or phase of producing these videos, it happened that HVCB, our corporate office, was going to be producing videos for themselves as well on island. We took that advantage and collaborated with them to reduce our cost on producing those videos. So, each video when it was produced, it was roughly about \$10,000. So, for the four videos, it's \$10,000 for the 1-minute, 30-second, and the 15-second versions. And then the cost to distribute it is...was roughly about 120,000. And that was to put it through our Facebook, through the Instagram, and through geotagging. So, typically, yes, you can put anything on Facebook and it doesn't cost you money, but if you're targeting a particular audience, that needs to be a paid boost, is what we called it. And so, that's what we're doing. When we say geotagging, we were targeting visitors that were arriving into Maui. When they turned on their phones and, you know, the videos came up right away 'cause it was targeting visitors that were coming into the island that had a location of more than 125 miles away from this island typically. So, that was very effective that they were seeing these videos when they landed into the islands.

CHAIR SINENCI: I'll open up the floor to questions. We have a question from Ms. Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. So, I don't know if it's a question or maybe a constructive criticism. For the illegal rentals, I think it could be helpful 'cause just putting the information that there's illegal rentals without giving them a website or a location to check if their rentals is legal or not, is...that's the next step, you know. And I think the County Department of Planning website has a list of legal rentals. So, I'm not sure if that can just be added on like as words, like check out this site and the link for all the legal rentals on Maui. And then it makes it like easier for them instead of like, oh, I wonder if my rental is legal? I don't know. How would I find that out? And then if they're so inclined, they can just go to that link maybe and check if their...the one that they chose is on the list. And then for the plastics one in our environment, personally I would try to add, please don't walk on our reefs. The advent of those rubber bootie, even the name, reef walker shoes, is so detrimental to our coral reefs because if you buy these reef walker shoes, what do you think they're for, you know. And then...so, it's...our reefs are living things and people walking and standing on it is detrimental. And for the ocean safety one, those are great watermen. The only thing I would say is more like practical advice. When you say strong winds are dangerous, like the average person doesn't know what's dangerous in the ocean about strong winds. Like, what is the danger of strong winds in the ocean? And basically, it's when you rent a standup paddle, you could be blown off shore to another island or out to sea, and I don't think somebody that's not maa to the ocean conditions around Maui would make that kind of connection like why is strong winds dangerous, you know. And then if you fall in the water, strong winds would cause a lot of chop so, you know, maybe we're looking for you and we can't see your head because of all the chop in the ocean. Another practical common sense information that I wish could be conveyed to ocean enthusiasts that are not maa to the ocean is, you know, generally speaking, if people are surfing, you don't want to be out there snorkeling. In the winter, mostly north-facing shores are for surfing, and in the summer they're for

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snorkeling and vice versa because from being on the frontline, I cannot tell you how much times people show up with their snorkeling gear when it's four to six feet, you know, or vice versa. They'll come with a boogie and surf board, and it's snorkeling conditions. So, it's like that...ho, that basic level of knowledge that's lacking. And if we could get that information out because the number of lifeguarded beaches are so small. And people, even our own residents, don't understand the difference, you know, between County and State and all of that. And so, you know, a lot of times when I was at the beach, they're like this is the first time I've seen a lifeguard on the whole time I've been here, or something, you know. So, it's not that...personal responsibilities is really important in...for ocean enthusiasts. And I'm not sure, it felt a little bit tame. I always feel like the ocean videos are tame. No mention of spinal injuries which is a big thing, like everybody that becomes paralyzed due to spinal injuries, you know, they never knew that that was even a possibility, you know. And then it's the same thing with swimming pools, you know. That's why they tell you don't dive in on the shallow end. And that's like super common knowledge. But it's not common knowledge that you could go to the beach one day and never walk again for the rest of your life. And if people knew that, I think they would not be so frivolous. And from my experience, majority of the spinal injuries happen in small days because when it's super big, people are like they can feel the power. But when it's small, they just, you know, lackadaisical on the dive in and bang their head because they don't know if it's the reef bottom, like folks will just run in and think it's sandy all the way and there's reef. Or they'll dive in and not realize there's a rock there. It's not a swimming pool. It's natural environment.

MS. DUONG: Well, thank you for all the suggestions. And I know Leanne was furiously writing down there, so we'll take those and see if we can maybe make some edits and, you know, to the video. That's great. But I also wanted to share, too, that our ocean video that we have that's played at the airport has some of those concerns that you're talking about. But we're also going to be updating that video as well, too, in 2020. Through HTA they had given us some funds for that to, through VASH, to redo that video. So, when we start that conversation, we'll be sure to reach out to you.

COUNCILMEMBER PALTIN: Thank you. And then, you know, for the ones where you're putting it on Facebook, maybe it can just be the written blurb above like, or a link, you know, this is the County Department of Planning website of all the permitted legal vacation rentals, right. It doesn't need to be necessarily a full, new video, but just if it can be added on somehow.

MS. DUONG: Yes, it's good to give 'em a link to where to go to. Thank you.

CHAIR SINENCI: Mahalo, Member Paltin. Thank you for your lifeguarding experience. I was just reminded that growing up, just our kupuna just said, never turn your back on the ocean. So, just some basic manao, values that we've been brought up with. Member Sugimura?

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COUNCILMEMBER SUGIMURA: Yeah, thank you. Thank you, Chair. I'm glad to hear the Hana video is going to get done. And our Chair has a lot of input from the community. And we're going to take that up, yeah, one day. I think that there's legislation in the future that we can look towards. But what I wanted to say is I want to congratulate you because this has evolved. I remember I think in our first...my first budget year, same as Member King, this came up about how to educate the visitors. And the discussion came up about over-tourism. And one of the suggestions was to do this video through the Office of Economic Development. And I can see where it's evolved, and at that point from my recollection, the following year when you did it, was trying to figure out how to get this on every single airlines. And we couldn't because from what I understood, communication with MVB, it was Maui-specific. So, it wasn't the HCVB [sic]...is that who took it over now? To give it the Statewide seal of the message for all the visitors to hear. So, congratulations on taking this to the steps and keeping at it. I did see it at the...this presentation at the Chamber morning breakfast that they had. And I was impressed with what you've done. So, I just want to commend you on that and for sticking with the message as it is a message throughout the State that we heard at the...at our HSAC Conference, too, with Mufi Hannemann when he spoke to us in I think the opening day. So, your plans are, with the Hana one, do you have anything you could share with us? 'Cause I think that's such an important message.

MS. DUONG: Well, we're still in the planning stages right now. And we've had some conversations with Chair Sinenci. And so as we're starting to build a storyboard as to what this video is, we'll, you know, we'll be a little bit more clear. We do know that this video is going to be more specific than the other videos because the fact that it's not just a overarching destination piece, but rather a specific, very specific, road to Hana like these are, you know. Again, we want to make sure that it's done in a way that is still...not a pointing-finger-kind of a video, but rather an educational. And it'll still keep, you know, finding the balance to share that road with both visitors and residents.

COUNCILMEMBER SUGIMURA: Yeah, thank you. But congratulations. You've taken it and stuck with it, and now it has a Statewide message. So, appreciate you sharing. Thank you.

MS. DUONG: Thank you. And I'd really like to thank the Council here for all of this as well, too, because we couldn't have done it without your support. So, thank you very much.

CHAIR SINENCI: Thank you.

COUNCILMEMBER LEE: Chair?

CHAIR SINENCI: Ms. Lee?

COUNCILMEMBER LEE: May I make a suggestion?

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CHAIR SINENCI: Yes.

COUNCILMEMBER LEE: You know, there was a movie made years ago. And so, for the road to Hana movie, you might consider driving Aunty's Daisy, driving Aunty Daisy.

CHAIR SINENCI: That's a good...okay. See, you're getting your ideas already. Thank you, Member Lee. Member Molina?

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman. Good morning, Sherry. Good morning, Leanne. Thanks for showing us the videos. I like them. The video on the rental, though, personally I think should be harder-hitting because...I mean it's nice to have the nice soft music in the background, but I'm trying to look at it as a visitor coming to Maui potentially trying to save money and the option of supporting an illegal vacation rental. So, I think maybe more should be said in it about this is what you're supporting if you patronize an illegal renter, you know. You have less long-term inventory, long-term rentals for our locals, our working people. Then there's the liability risk factor, too. I mean if you get hurt on the property of an illegal vacation rental, then what, you know, versus somebody who's permitted. And this industry illegals do not help our community. So, if that message could come out harder-hitting to the visitor and make them really think. And like it said in the video, what you see on the computer and the pictures and whatnot, and then you go there, it's a different story. So, in my mind I think they should be harder-hitting. Maybe with something really aggressive and to really catch the viewer's attention 'cause...I mean it looked too nice, but too soft. It just didn't convince me that I should go with somebody legal. So, that's just my thought. But otherwise, the other videos were fine. So, really hammer that point out about don't support these illegals. We don't need this kind of business in Maui, you know. And, of course too, now the visitors may be crooked themselves so, you know. So, that factor, I don't know how you control that aspect. But for those who may not be...some of the more naïve visitors who may not know any better and who may not be aware, especially the visitors from out of country, too, and that they could be taken advantage of, you know, by illegals as well. So, anyway just my thoughts, my two cents.

MS. DUONG: Thank you.

COUNCILMEMBER MOLINA: Thank you.

CHAIR SINENCI: Thank you, Member Molina. Maybe some, like a horror movie music.

COUNCILMEMBER MOLINA: Yeah, yeah. . . *(inaudible)*. . .

CHAIR SINENCI: Jaws, Jaws. Member King, Chair King, you had some questions?

COUNCILMEMBER KING: Yeah, I have some comments. And it's hard for me to sit here and listen to how excited everybody is because I proposed this for the last two years in the last term and didn't get support on the Council. But I'm glad you're doing it now. It's

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just been very long coming. What I'd like to see in pursuant to Member Molina's comments is the videos more focused on the impact that people are having because the rental, the illegal rental one focused on what's going to happen to you if you maybe rent a place, and it's not what was presented to you. There's nothing in there about what you're doing to the island, or the residents on the island, when you rent an illegal short-term rental. And we've recognized that on the Council by trying to sharpen our pencil, you know, increase the fees and things. The reason why we're addressing this is because of the impact it's having on rents and on the prices of housing. And, you know, I just came back from a week and a half, as you all know, in the Galapagos. They are worlds ahead of us on this. They figured this out decades ago about messaging at the airport. You can't go anywhere without the message of don't bring anything onto the beach. Don't take anything off of the beach. And that's one of the messages. I mean the other day when we had that little scare in the Chamber, it was a package that a tourist had sent back of coral and volcanic rock. And so, and that message needs to be...you know, you don't take things off the island, as much as you don't step on the reef. And I think it needs to be more about the impact that the tourists are having on our island paradise, and our home, and our residence, and less about what's going to happen to you if you do these things because to me people are always going to take risks. And the people that are doing it are risk-takers. So, they're not going to really listen to something that says, well, maybe you'll end up with, you know, a shack that doesn't look like the picture on the computer. But, you know, just coming from an area like the Galapagos where everywhere you go they're talking about the impact you're having on their wildlife, on their endangered species issues, they've managed to preserve 95 percent of their endemic species, while we've lost 50 percent here. And so, one of the things I did at the beginning of this year is I sat down with Mufi Hannemann and talked to him about this. And the whole tourism industry is finally getting on board with this. You know, some of us have been talking about it for years. But one of the things that he said, he agreed with, is that we have to be marketing to a different type of tourist. We want those eco-tourists who care about the island, don't just care about themselves, and maybe they'll get a raw deal if they rent something illegal. But care about the impact they're having when they come here and they do those things, when they walk on the reef, when they wear the wrong sunscreen, when they take our coral or our volcanic rocks. So, that's what I'd like to see. You know, yes, it is a stronger message. But it's directing towards the type of tourists that we want to bring onto our island. We don't want people who are just looking for a great deal. We don't want people who don't care about our environment and who are, you know, who will stick, you know, a few pieces of coral and rocks into their luggage because they don't think it's going to hurt anything. It does in the long run hurt us. So, that's...and when I was looking at your proposed resolution, Chair, and my first thought was the part about the video that, where you said, whereas a thoughtful, well-produced informational video could help visitors become more aware of the State's environment and culture, and then you talked about the visitor industry producing a safety video, but critics have regarded it as inadequate. And one of the other parts that I see as being necessary, and especially with the rental, the illegal rental video, is that needs to be used not on the plane because on the plane, they've already booked where they're going. They're already set

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to go. They're going to come in. They're going to check in to wherever they booked. They don't come on the island, decide where to stay. So, that needs to be part of the marketing material that you send out when you're advertising Maui to these different groups. You know, so think about the messaging, what messaging is going to be most effective when because I don't think that thing about illegal rentals makes any sense to show on the plane once people are coming. But the measures that, where we're at right now, we're trying to catch up. We're trying to not lose any more of our environment. You know, we've already lost a large part of it. And we're trying to...we've got groups that are trying to preserve our clean waters. We can't afford to be, you know, to be promoting just for the impact it's going to have on the tourists. We have to make them know the impact it's having on us. And that's when I think it's going to be the most effective because on those trips to the Galapagos, you don't get tourists who go there and don't care about the environment. You don't get that because that messaging is in everything that goes out, the advertises that area, and those trips. So, they get the people who care about the environment. They get the people who want to preserve. Nobody takes plastic onto the islands when they're on those tours. Everybody's got a water bottle. So, anyway, I just...I want to really make that point that we're not just doing this to satisfy a requirement. We need to do this to really make people understand what the impact is that they're having. And we want those tourists who are going to come here, maybe spend a little bit extra money to not have that impact. And there are people out there like that. You know, there's a couple million people who come here and we're...over the years what I've been hearing is that we've been losing...we've been increasing the numbers of tourists, but losing the dollars. The dollars have been going down, and the numbers of people have been going up. So, I think that's one of the things we need to reverse too. It's that let's reverse the number of people...let's decrease the number of people who come here and increase the quality of the tourists that we get. So, that we get those eco-tourists who really want to enjoy Maui for what we're advertising it as. Thank you, Chair.

CHAIR SINENCI: Thank you, Chair King, for those words. And we do want to --

MS. DUONG: Can I...

CHAIR SINENCI: --recognize and appreciate the past work that has been put to get to this stage.

COUNCILMEMBER KING: Thank you.

CHAIR SINENCI: Ms. Duong?

MS. DUONG: Yes, thank you, Chair King, for your comments there. I just wanted to piggyback on, you know, the industry as a whole, we've been talking about it, and we talked even more so at the HTA Conference is that you're absolutely correct. We are going after the higher spending, you know, as opposed to the quantity. And we are targeting the visitors who are wanting to come here and to give back to the community. We're doing it, you know, through our campaigns. We're doing it even in



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our own office, too, where we are, as part of our County funds with the incentive program that we have, that we provide to groups that, you know, we no longer just give you an incentive because you chose Maui. But your group has to do something to give back to the community here in terms of some sort of a cleanup or beach, or something like that. So, yes, we are on that path to doing that. So, thank you. As far as the videos that's being shown on the plane, those are not the Maui-specific ones. We are not able to put a specific island video on there. Those are the videos that was produced by HVCB. That is Statewide that has the overarching message of all of the concerns that we have right now. So, that is...instead of just...so, they're not seeing the \_\_\_\_\_ renting and all that. So, but they're seeing videos that are...these are the things that you should do when you are here on, coming into the Hawaiian Islands. HVCB has produced a video that is a prearrival that is shown when they are thinking of Hawaii and when they are starting to book their Hawaii trip. And those videos are called the Hawaii Rooted. And that has the message of, you know, of what we're talking about here as well. So, thank you.

COUNCILMEMBER KING: Okay. So, you're showing the impacts of...I mean that's one of the things I didn't see in that video about the illegal rentals is the real impact that they're having on the island. You know, so you're talking about the risk to the tourists for booking something illegal, but you're not talking about the impact that they're having on our community. So, those are the things that I think are really going to engender bringing the type of people who care about us to visit Maui.

MS. DUONG: Thank you.

CHAIR SINENCI: Thank you. Member Kama, ka manao loa?

VICE-CHAIR KAMA: I just want to thank them for doing the videos. I'm glad that we've got something going. And I know you've waited a long time. And I'm grateful that this Council decided to go forward with getting those videos onto the planes and out to our tourists. But I agree 'cause I think that was the testimony of Mr. Bergau. He was looking at everything geared towards the tourist, and nothing geared towards the local people, their concerns and taking their interests at heart. So, I think Chair King said it well, and I tend to agree with that that...and at some point in time, it sounds kind of weird to say that we're going after the high-quality spenders because then it becomes like economic racism almost, you know, that we want certain class, but we don't want that class. But we're going to get whoever comes, and whoever comes we still have to treat them with aloha. So, thank you, Chair. Thank you.

CHAIR SINENCI: Thank you. Any other questions, comments, Members?

COUNCILMEMBER SUGIMURA: Chair?

CHAIR SINENCI: Member Sugimura?

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COUNCILMEMBER SUGIMURA: Yeah, I wonder if you could also share with us one day the ones that are being...or were produced by HCVB [sic] that's more Statewide-specific. I think that may have a similar but different message.

MS. DUONG: We're going to see if we can pull it up here.

MS. PLETCHER: I think we lost our Internet.

CHAIR SINENCI: Members, we'll take a quick recess. Call of the Chair. . . .(gavel). . .

**RECESS: 9:55 a.m.**

**RECONVENE: 10:05 a.m.**

CHAIR SINENCI: . . .(gavel). . . Will the EACP meeting of November 21<sup>st</sup> please come back to order. It's 10:05 a.m. And for the record, we have Member King, Molina, Lee, Paltin, and Sugimura. Okay, so we're going to go ahead and show the video at this time, Ms. Duong?

MS. DUONG: Yeah, so these are the videos that were produced by HVCB, Hawaii Visitors and Convention Bureau, Statewide, that are being shown on the planes now. So, this is the first one. Here we go. . . .(Video starts). . . When you're here in Hawaii, you have to think about it from a Hawaiian perspective. . . .(Hawaiian chanting and singing). . . So, an oli is done to ask permission. We have a custom here in Hawaii of asking permission to enter a place. It really is wise to do so because you're not assuming. Once you ask that permission to be invited to be there, oh, all kinds of doors can open. I hope that they take away a little bit of that passion and love that they experience here in Hawaii and carry that with them to their home and share that with their community and family in hopes that they, too, will want to experience the beauty of the culture, the history, the people, and of course, the aina. . . .(Video ends). . . .(Video starts). . . You have to think about it from a Hawaiian perspective. And the Hawaiian perspective is that this is our ohana. Before you go hiking, ensure that it's a public trail that you can access. If you're going to be hiking in a place where you're unsure if it's safe or legal to access, make sure you consult with a local guide that has a lot of experience in the area that you're going to. There's some really hot areas. There's some really cold areas, so just make sure you're prepared for any kind of conditions. Proper footwear is really important. Having a light jacket, having rain protection. When you're hiking, stay on the trail. Never enter places without permission. You know, the old environmental credo still stands, right. We want to take only pictures, leave only footprints. If we can take that mentality back and spread those ideas around the world, then the world will be a much better place. . . .(Video ends). . . .(Video starts). . . We encourage visitors to do what we call travel pono. Travel in a way that is positive for the thousands of miles of ocean that surround us. So, we have a really important job to protect this reef that's here. I'm extremely passionate about the ocean because the best moments of my life have been with these beautiful marine animals that I actively work to protect. And there's a

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number of things that you can do to help protect them as well. These are micro plastics, and this is what happens to your water bottle once it ends up in the ocean. So, when you go to the beach, travel with your own reusable water bottle or your own reusable bag. The other really important thing is choose sunscreens that don't have toxic chemicals. "Reef safe" is actually a marketing term. Any sunscreen brand can just slap on "reef safe" even if it still has harmful chemicals in it. Look at the label and choose those that are only active ingredients of zinc oxide and/or titanium dioxide. And the more people who experience what the ocean has to offer, I think the healthier our planet is going to be. . . .(Video ends). . . .(Video starts). . . The ocean revives all of us. When you look out and you see a beautiful blue ocean, calm seas, and a lot of times people don't see the beast that's hidden within that beauty. You can easily identify simple things like rip currents, shore breaks, rocks. Look for any hazard signs that are in the area that indicate some of the hazards or some of the currents. Know and be aware of the wind, the current, where the waves are breaking, a safe place to enter and exit the water. Make sure you let somebody know, or at least have a partner with you going out with you all the time. And the most important thing is always try and swim where there's a lifeguard. If you're unsure, don't be afraid to ask people. People here are super-informational. It's about understanding Mother Nature, respecting Mother Nature. We want people to be safe and enjoy themselves. . . .(Video ends). . .

MS. DUONG: So, those are the four videos that are shown on the airlines that I shared with you earlier.

CHAIR SINENCI: Thank you, Ms. Duong. Comments? Member Paltin?

COUNCILMEMBER PALTIN: Thanks, Chair. Just, you know, on the ocean safety one, from experience a lot of times when people are getting the bad information, it's from the concierge or the snorkel rental place because a lot of the people that work in those fields have just moved here themselves. If they ask the people that are actually at the beach that are knowledgeable or real local people, that's better. I don't know how you could convey that in a movie. I mean I had all sorts of people come, try to snorkel at Fleming's in the winter, and I'm like who told you to come here? Oh, the concierge, or the guy renting me snorkel. I'm like did he look and talk like you? And I'm like, he's like, yeah. And I'm like, well, maybe don't listen to that guy then, you know. So, that's a difficulty I don't know how you would overcome. But when you say everyone is super-knowledgeable, everyone that's lived here for many years and gone in and out of the ocean is knowledgeable. But for west side where we have such a low unemployment rate and people are coming, moving here and they think that's a great job, but they don't have the knowledge. You know, they'll send people to wrong locations all the time. And so, it's...I don't know how...if they can screen their concierge folks better 'cause it's not something you just read in a book, like oh, go to this place. You know, if you're going to read *Maui Revealed*, that's a problem in and of itself, so.

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CHAIR SINENCI: Thank you, Member Paltin. Sherry, was the same filmmaker did these as well?

MS. DUONG: Yes. So, that was Nella Media, I believe, that produced all of the videos.

CHAIR SINENCI: Okay, thank you.

MS. DUONG: A Hawaii-based company.

CHAIR SINENCI: Hawaii-based media company.

MS. DUONG: Yes.

CHAIR SINENCI: Okay, thank you. Thank you for that. So, Members, moving on did everybody get to look over the resolution? And so, thank you for being here. Mahalo. Members, the Chair will entertain a motion to recommend the passage on first reading [sic] of the first proposed resolution entitled, "URGING THE STATE LEGISLATURE TO REQUIRE TOUR, AIRLINE, AND CRUISE OPERATORS TO SHOW VISITORS AN INFORMATIONAL VIDEO UPON ENTERING THE STATE, OR BEFORE EMBARKING ON ACTIVITIES," to be sent to Council for passage on first reading, and to allow Staff to make any non-substantive changes.

VICE-CHAIR KAMA: So moved.

COUNCILMEMBER LEE: Second.

CHAIR SINENCI: We have a motion, first by Tasha Kama, and a second by Member Lee. Okay. Moved and seconded. And, so...okay.

COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Any...Chair King? Go ahead.

COUNCILMEMBER KING: Thank you. I'd like to propose an amendment. I'm going to start first with the title. I think it's a little problematic asking to show this...to show a video before embarking on activities because, you know, then, I mean the activities could be all-inclusive. So, then you're requiring that to be shown before a snorkel cruise or a dinner show. I'm not sure what activities means, but I just wanted to make a...propose an amendment so that it says, Urging the State Legislature to Require Tour, Airline, and Cruise Operators to Show Visitors an Informational Video on Safe and Sustainable Tourism Upon Entering the State. And I think the reason why it needs to be a little more specific is because a lot of the airlines currently do show informational videos of different kinds. And so, I just don't want someone to look at this, the State legislators to look at this and say, well, we're already doing that so we don't really need to address it. So, but I think specifically what we're talking about here is safety and sustainability. That's my first amendment.

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CHAIR SINENCI: Okay.

COUNCILMEMBER MOLINA: Second.

CHAIR SINENCI: Is there a second? Okay. So, moved by Chair King, seconded by Member Molina. Any discussion on it? Okay. Member Paltin?

COUNCILMEMBER PALTIN: So, I'm not sure like when you're talking about the "require the tour," is that the part that was connected to the "embarking on activities?" Like are they talking about the bicycle tour, or the snorkel tour? Is that the "before embarking on activities" part that you were connecting originally?

CHAIR SINENCI: So...

COUNCILMEMBER PALTIN: As your intention? 'Cause I think the amendment is to remove the "before embarking on activities." So, then if that...I think that that part relates to the tour part, "Urging the State Legislature to Require Tour" because...

COUNCILMEMBER KING: Tour operators.

COUNCILMEMBER PALTIN: Yeah, tour operators. 'Cause I mean when you enter the State, that's mostly through airline or cruise. A tour operator doesn't generally help you to enter the State, I guess, unless it's, you know, maybe JTB, or something --

COUNCILMEMBER KING: Yeah, I think that's --

COUNCILMEMBER PALTIN: --where you do the package deals.

COUNCILMEMBER KING: --what it's referring to is the organized tours.

COUNCILMEMBER PALTIN: Oh, okay.

COUNCILMEMBER KING: 'Cause they bring people into the State. They're the ones with the flags in the airport that have the big groups.

COUNCILMEMBER PALTIN: So, that's what you are referring to, is tour, not like tour operators, snorkel tours?

CHAIR SINENCI: I believe so. The intention of the title was to stay similar with the other councils who are also passing similar resos.

COUNCILMEMBER PALTIN: Okay.

CHAIR SINENCI: And so we wanted to have kind of a united front with the language with other county councils.

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COUNCILMEMBER PALTIN: Okay, thank you for that clarification. Then would changing it to just “video upon entering the State about sustainability,” would that be too much of a difference? Or it’s still along the same lines, you think?

CHAIR SINENCI: I believe...and I think the intention from Chair King was we already show the videos and by adding “safe and sustainable tourism” that it could technically be broadened to include, you know, more ecotourism.

COUNCILMEMBER KING: Yeah, I think we already...I mean we all sit on flights. We see informational videos all the time. But they’re not necessarily about safety and sustainability. So, the whole point of this resolution is to focus on that aspect of tourism.

COUNCILMEMBER PALTIN: Okay, thank you for the clarification.

CHAIR SINENCI: Member Paltin, did you want to still include the entering...“before embarking on activities?”

COUNCILMEMBER PALTIN: I don’t think so if we’re talking about tours like --

CHAIR SINENCI: Okay.

COUNCILMEMBER PALTIN: --JTB, or Merry Merry China [sic], or Crazy Wind, whatever, the ones that bring in I guess non-English-speaking groups into the State maybe. I thought we were talking about tour operators like snorkel boat tours and stuff, and then the activities part made sense. But if we’re not specifically talking about that, then it makes more sense to do it upon entering the State.

CHAIR SINENCI: Okay. Member Kama, you had some comments?

VICE-CHAIR KAMA: I was just...okay, so the tour thing in the reso is okay. Nobody wants to amend something that says like organized tour. I just want to make sure I got that right. And then, and it says “and to show visitors the safety and sustainable informational video upon entering the State.” So, is there a way...I was just thinking about what Chair King said earlier about sometimes we want them to have the information before they arrive as opposed to when they’re already here. So, would maybe “prior to entering the State” be better? I don’t know. I’m just throwing that out if the intent is to also, you know, give the information prior to.

CHAIR SINENCI: Do we have consensus or discussion on that?

COUNCILMEMBER KING: Yeah, I mean that’s fine. I think the idea is that this is one aspect that we’re asking the State Legislature to do. The things I was talking about earlier with the Maui Visitors Bureau, especially the one on illegal rentals --

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VICE-CHAIR KAMA: Yeah . . .(*inaudible*). . .

COUNCILMEMBER KING: --I was making the point that that needs to be part of their marketing package before people book their trips. Once they get on the plane is when we want them to know about safety and sustainability. But it's too late to, you know, once they get on the plane, it's too late for them to change where they're staying.

VICE-CHAIR KAMA: Okay, I'm good. It's good. Thank you, Chair.

CHAIR SINENCI: Okay. So, Members, the amendment on the floor is, Urging the State Legislature to Require Tour, Airline, and Cruise Operators to Show Visitors an Informational Video on Safe and Sustainable Tourism Prior to Entering the State. Consensus on...oh, we'll call for the vote? All in favor, say "aye."

COUNCILMEMBERS: Aye.

CHAIR SINENCI: Okay, so that's seven "ayes," zero "noes" on the amendment.

**VOTE: AYES: Chair Sinenci, Vice-Chair Kama, Councilmembers King, Lee, Molina, Paltin, and Sugimura.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: APPROVE amendment.**

CHAIR SINENCI: And then we'll go to the main motion on the floor. Okay. So, recommended passage on first reading [*sic*]...

COUNCILMEMBER KING: Chair? Sorry, I have a couple other just...and then they're kind of nonsubstantive so maybe we could just do them as friendly amendments. But --

CHAIR SINENCI: Okay.

COUNCILMEMBER KING: --on the last whereas, the third bullet point. Can we just change that, "the importance of conserving Hawaii's precious waters" rather than just the "freshwater" because we're really talking about our ocean waters as well. And then

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under the first be it resolved, just the word, in the third line, it should say, “show visitors a thoughtful” instead of...yeah, “a thoughtful, well-produced.” It’s just a typo. I wonder if we can just do those friendly amendments. I don’t think we need another vote.

CHAIR SINENCI: Okay. Consensus?

COUNCILMEMBER PALTIN: For the...I missed the words you wanted for the bullet point. “The importance of conserving Hawaii’s precious freshwater and marine ecosystem.” Was that what you said?

COUNCILMEMBER KING: No, I just said to take out the word “fresh” and just say, “Hawaii’s precious waters.”

COUNCILMEMBER PALTIN: Oh, okay. Thanks.

CHAIR SINENCI: Now, there was an earlier suggestion that in the last whereas, “a thoughtful, well-produced informational video could help visitors become more aware of the State’s environment and culture, while” instead of “keeping them safe,” “while reducing the number of accidents and fatalities?”

COUNCILMEMBER KING: Oh, right. That was my, yeah, that was my suggestion. Instead of putting “keeping them safe,” just say, “while reducing the number of accidents and fatalities” ‘cause I think that’s the end goal. Wasn’t that part of what we were talking about is how many fatalities that we have, how many accidents and fatalities?

CHAIR SINENCI: Would that be --

COUNCILMEMBER KING: Ten times...

CHAIR SINENCI: --nonsubstantive and still have the same . . . *(inaudible)*

COUNCILMEMBER PALTIN: I think it must be substantive maybe. I don’t know.

CHAIR SINENCI: Member Paltin?

COUNCILMEMBER PALTIN: For the bullet point one, I kind of support “conserving Hawaii’s precious freshwater” because when you’re saying conserving waters and you’re referring to the ocean, it’s...I think it’s two different meanings because when we’re talking about conserving Hawaii’s precious freshwater, we’re talking, I’m hoping, about not taking like 30-minute showers or a Jacuzzi bathtub every night, like, you know, conserving our precious freshwater. We can also add like “and our marine ecosystem” if we want to say ocean. But if you’re conserving just water, and then intending it to apply to oceans, how are you conserving the ocean? Like practicing conservation and...I mean it’s not, like, crystal clear to me.



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COUNCILMEMBER KING: I'm not sure. So, what was the proposal?

COUNCILMEMBER PALTIN: I would change it to "the importance of conserving Hawaii's precious freshwater and marine ecosystems."

COUNCILMEMBER KING: Okay, that's fine.

CHAIR SINENCI: Okay. Ms. Apo Takayama?

MS. APO TAKAYAMA: Thank you, Chair. Since we have so many amendments on the floor, can we just do one clean motion so we can get it --

COUNCILMEMBER KING: Okay.

MS. APO TAKAYAMA: --into the record? Thank you.

COUNCILMEMBER KING: Okay, so I'll make a motion to make the following changes. In the...at the beginning of the last whereas paragraph to change it to "while reducing the number of accidents and fatalities" in place of "keeping them safe." And then the third bullet point, to change the wording to "the importance of conserving Hawaii's precious freshwater and marine ecosystems." And then the last one is just the...changing the word "thought" to "thoughtful" in the first paragraph of be it resolved.

CHAIR SINENCI: Any second to the motion?

VICE-CHAIR KAMA: Second.

CHAIR SINENCI: Okay. Moved by Chair King, seconded by Member Kama. All in favor?

COUNCILMEMBERS: Aye.

CHAIR SINENCI: That's for the amendments. Yeah, so that would be seven "ayes," zero "noes."

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**VOTE: AYES: Chair Sinenci, Vice-Chair Kama,  
Councilmembers King, Lee, Molina, Paltin, and  
Sugimura.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: APPROVE amendment.**

CHAIR SINENCI: Moving on to the main motion, with the amendments. Recommending the passage on first reading [*sic*] of the first proposed resolution entitled, "URGING THE STATE LEGISLATURE TO REQUIRE TOUR, AIRLINE, AND CRUISE OPERATORS TO SHOW VISITORS AN INFORMATIONAL VIDEO UPON ENTERING THE STATE OR BEFORE EMBARKING ON ACTIVITIES," be sent to Council for passage on first reading [*sic*]; and allow Staff to make any nonsubstantive changes.

COUNCILMEMBER KING: Chair, I think the title was "Informational Video on Safe and Sustainable Tourism Before Entering the State."

CHAIR SINENCI: Okay. Duly noted. So, we'll go to the main motion, with the amendments. All in favor, say "aye."

COUNCILMEMBERS: Aye.

CHAIR SINENCI: No? Okay. So, unanimous, seven "ayes," zero "noes."

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**VOTE: AYES: Chair Sinenci, Vice-Chair Kama,  
Councilmembers King, Lee, Molina, Paltin, and  
Sugimura.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: None.**

**MOTION CARRIED.**

**ACTION: Recommending ADOPTION of revised resolution.**

CHAIR SINENCI: And then, Members, my intention was not to file this item, and leave County Communication 17-231 open, as we have several Committee topics relating to this communication. I know that Member Rawlins-Fernandez is also...she'll be heralding a Keep Hawaii Hawaii reso as well. And so, she's working with different organizations. So, at another date, she'll propose those resos. Okay. Okay, Members, we haven't taken our morning break. So, we'll break now, and we'll come back at 10:40, if there are no objections.

MS. APO TAKAYAMA: Chair?

CHAIR SINENCI: Ms. Apo Takayama?

MS. APO TAKAYAMA: Thank you. Can we just clarify that we're still going to be on the same item when we come back. So, maybe we want to wait to defer the item until after the second reso.

CHAIR SINENCI: Okay, we can do that.

MS. APO TAKAYAMA: Thank you.

CHAIR SINENCI: And so, we'll take our morning recess and be back here at 10:40.  
...*(gavel)*...

**RECESS: 10:26 a.m.**

**RECONVENE: 10:47 a.m.**

CHAIR SINENCI: ...*(gavel)*... Will the EACP meeting of Thursday, November 21<sup>st</sup> please come back to order. It's 10:47 a.m. So, Members, we're going to take up our second

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resolution on today's agenda entitled, "URGING THE STATE LEGISLATURE TO ESTABLISH IMPACT FEES FOR TOURISTS." According to statistics compiled by the Hawaii Tourism Authority, just under 10 million visitors came to the Hawaiian Islands in 2018, a 5.9 percent increase from 2017. Visitor arrivals are up 5.2 percent for the first eight months of 2019, as compared to the same period last year. Travel destinations around the world have established tourism impact fees to maintain infrastructure, fund visitor services, and protect the natural environment. The resolution states the cost of maintaining infrastructure, providing visitor services, and preserving the natural environment should be shared...should be a shared responsibility of both residents and the nearly 10 million tourists who visit the Hawaiian Islands every year. This resolution urges the State Legislature to enact legislation to establish impact fees for our visitors, and to add an impact fee to the cost of each airline ticket and cruise ship ticket purchased by visitors to Hawaii and to share a portion of the proceeds generated from impact fees with the counties to supplement the budgets of agencies impacted by tourism such as those dealing with parks and recreation, fire protection and rescue, ocean safety, emergency services, and law enforcement. And I do want to clarify that we are not proposing a bill specific language but instead urging the State legislation [sic] to take action. And I also wanted to add that the Fire Commission has also formed a TIG on visitor impacts. So, they're also addressing this issue at the Fire Commission. So, Members, did everybody get a chance to go over the bill [sic]?

UNIDENTIFIED SPEAKER: The reso.

CHAIR SINENCI: It's not a lengthy one. But I just read a lot of the substance that's in it. Chair King?

COUNCILMEMBER KING: No, I think it's a good bill [sic]. It's good to urge something like this. I would say that according to our OCS attorneys, there may be a way, you know, if we get involved in doing a TIG or doing some studies, there may be a way to do this on a more local level like for Maui, and maybe we should also, in addition to this, look into... 'cause we know if the State Legislature does do this, we're not going to get our fair share. We can just admit that upfront. But if we actually looked into the potential for doing an impact fee on Maui --

VICE-CHAIR KAMA: Why don't we do that?

COUNCILMEMBER KING: --I think it requires some studying and some other things, but it could be something that we look forward to in the next Budget Session. But I also wanted to mention that having just come from the Galapagos, they have impact fees of \$100 per person and \$50 if you're under 12. These are proposed to increase at the end of the year. And they're going to a two-tiered system where \$200 if you spend three nights or more on the mainland, which is Ecuador, \$400 if you don't. So, what Ecuador has done is to say, if you're not going to spend time on the mainland, Ecuador, and put money there, we're going to get it upfront. So, we're going to charge you \$400. But if you spend three nights or more on Ecuador, then your impact fees

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goes down to \$200. So, just kind of an interesting...along with some of their other policies which are...they have a real intensive invasive species eradication program right now where they're actually eradicating...they've eradicated cats off of several of the islands. They've eradicated goats off of most of the other islands, feral rats and things like that that they're working on. And they've also passed a--I think I've talked about this yesterday--that they passed a...in 2015 a five-year maximum residency for all newcomers. So, you can't even live there more than five years. And you can't own property. And so, next year, 2020, is they're coming up on to their first year of people having to leave who have been there for five years since 2015. So, these are just some of the things...they require a naturalist, the tours require a naturalist to be with you at all times. So, if they're going to...they can't even just take you to the beach and leave you there. You have to have a naturalist with you. So, there's somebody requiring that...it requires you to be really diligent as far as not taking plastic and other trash on to the islands, and not removing resources. But the impact fees I think have been going...have been there for a long time. The increase is almost quadruple the base fee for this year. So, somewhere, probably somewhere closer to the low end is what maybe the State would be looking at if they decide to do it. My biggest concern is just that we, like the TAT, we probably wouldn't end up with our fair share.

CHAIR SINENCI: All right.

COUNCILMEMBER KING: But I support the resolution.

CHAIR SINENCI: Thank you, Chair King. Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you, Mr. Chairman. In concept I support the resolution. Just maybe a concern with the second be it resolved. The first...well, I'm sorry. The first be it resolved a., you know, establish impact fees for tourists, I'm fine with that. The b. part, that's where I kind of have questions, maybe a little bit of concern where it says, "add an impact fee to the cost of each airline ticket total package," I guess that was written in, "and cruise ship ticket purchased by visitors to Hawaii." I'm more so concerned with the impact fees for airline tickets because as local residents, we sometimes go to Oahu, Big Island to go visit family and friends. But I guess in theory, one could argue you're technically a tourist. So, now with the cost of airlines as we know for us here gets pretty pricey. So, I'm not sure if at this point we should include that in the reso just yet 'cause, you know, we're just urging the Legislature to look at impact fees. And the question is how much would it cost? How much more...now am I as a resident going to have to pay to go to Honolulu or Big Island an impact fee for that as well? So, I'm hoping that that can be hammered out up there. And I'm not sure if we as a Council want to take that stance now to potentially tax ourselves on this airline, you know, tickets, paying that impact fees. So, and what about parents sending their kids to school on the mainland for college? You know, those airlines tickets are already pretty pricey. So, now would we have to be, well, I guess this is more for people coming into Hawaii I guess, yeah. But now what about their return trip coming home, too, yeah? So, if I...like for example, I sent my daughter to school in Minnesota. She comes back home to Hawaii. Now that

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ticket, would that be...would you be paying the impact fee there coming...on a return home thing? So, these are just some of the things I think we have to all, to me, just take into consideration, or the State Legislature. So, that's kind of where I kind of have my little bit of a hang-up with the impact fee on the airline ticket. How do we differentiate the impact fee? Who's going to pay for it? Do we collectively as residents still got to pay, or is it, this is going to be just exclusive for the visitors only? So, I'd just like to see that portion hammered out and...

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

COUNCILMEMBER MOLINA: Yeah, or maybe I guess as Chair King had stated more nonresident. That way it's clear as to who's going to pay the impact fees.

CHAIR SINENCI: All right.

COUNCILMEMBER MOLINA: So, anyway, just some food for thought 'cause I know that that would be on the mind of a lot of residents, like saying, wow, now I'm going to pay an impact fee even though I'm a resident, so.

CHAIR SINENCI: So, you're thinking maybe an exemption for residents.

COUNCILMEMBER MOLINA: Yeah, something along those lines because I mean we do want to target the visitors to pay this impact fee rather than, you know, the residents get caught up in an unintended consequence where, okay, well, I guess we got to pay it too. So, and the question is how much more is it going to cost us if we have to pay for this impact fee as, you know, residents. So, but like I said, you know, if the kids are up in school on the mainland returning home, and would that portion of their airfare be subjected to this impact fee. So, there's just for me just more questions about this.

CHAIR SINENCI: Okay. I believe Japan has an example of the airlines where they don't pay any fees if they show their passports. So, maybe something similar for Hawaii residents if you have a Hawaii driver's license or a Hawaii address, then you'll be exempted --

COUNCILMEMBER MOLINA: Yeah, and I think --

CHAIR SINENCI: --from the impact fees.

COUNCILMEMBER MOLINA: --that would make a lot of residents more comfortable because, you know, well, I'll name the airlines that for years was really hitting residents for a long time, Hawaiian Airlines. And only now that we have competition, now they're bringing prices down. And now if we're looking at impact fees, and you don't know what these airlines might do with that. So, I just...we just heard the cries from our residents that we're just getting whacked with so much costly airfares, especially as residents. So, anyway thank you for letting me get on my soapbox, Chairman.

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CHAIR SINENCI: Thank you, sir. Member Sugimura?

COUNCILMEMBER SUGIMURA: Yeah, thank you. So, tying in to what Member Molina is talking about, so I'm just wondering what are the current fees being charged when people come here 'cause I know there's taxes added on. So, just wondering what...do you know what the existing fees are?

UNIDENTIFIED SPEAKER: TAT.

COUNCILMEMBER SUGIMURA: Well, this TAT is one thing, but we're talking about airline, yeah. So, when people come in, do you know what they currently are charged? What the State charges?

CHAIR SINENCI: I don't...and again this would --

COUNCILMEMBER SUGIMURA: I wonder if we could look into it.

CHAIR SINENCI: --just be...sure we can.

COUNCILMEMBER SUGIMURA: I'm curious. Are you on a deadline with this? I was wondering if we could get more information 'cause good discussion.

CHAIR SINENCI: Yeah, and for this reso we're just urging the State Legislature to take action.

COUNCILMEMBER SUGIMURA: Right.

CHAIR SINENCI: So, but we could, you know, like just all the different fees --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR SINENCI: --that you get when you come to Hawaii. Okay, we could look into that.

COUNCILMEMBER MOLINA: Chair? Chair?

COUNCILMEMBER SUGIMURA: 'Cause we added on more fees for rent-a-cars. That was done through the Legislature, and I just wonder, you know, what are the visitors being paid...or paying with additional taxes? And if you're on a deadline, you know, let me know. But I think these are valid questions as it gives the full picture of what's happening. Thank you.

CHAIR SINENCI: Okay, we had some comments. Member Molina?

COUNCILMEMBER MOLINA: Yeah, Chair, I know Member Kama had a question, but I just want to quickly dovetail off what Member Sugimura was saying. She kind of jogged something in my mind. Many times the visitors get better deals to come to Hawaii.

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The airlines, you know, cheaper airfares just to get 'em here. But when we as residents go out, we get whacked with higher airfares. So, I think that's a good thing that Member Sugimura is bringing up. Let's see what the fees they get hit with. And so I think it just...because they're getting a lot more cheaper airfares to come to Hawaii that, you know, an impact fee is certainly...I don't think would hurt. But thank you for bringing that up. 'Cause that's always been a issue with me, you know.

CHAIR SINENCI: So, on the...it looks like the Hawaiian Airlines flights, there's a base fare and then you get a U.S. transportation tax, a U.S. 9/11 security fee, and a U.S. flight segment tax. And between Maui and Oahu, they're less than \$5 so maybe a total of \$15 for all of those fees that they're being charged. So, three additional fees to your base fare.

COUNCILMEMBER SUGIMURA: And so you're saying on top of that, you would like to suggest another impact fee?

CHAIR SINENCI: And, you know, we have, what, 10 million visitors, upwards of 10 million visitors a year. So, I don't know what the Legislature would look at what types of fees or that figure would be up to them.

COUNCILMEMBER SUGIMURA: So, in addition to the TAT, and that's for people who stay in legal short-term vacation rentals or hotels, so in addition to that, you're just saying...

CHAIR SINENCI: This is for the airline, yeah, the airline fee.

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR SINENCI: Yeah. Okay, thank you for the question. Member Paltin, you had a question?

COUNCILMEMBER PALTIN: Oh, thank you, Chair. Thank you, good discussion. I was maybe thinking of going a different direction on this. You know, a lot of times we as the County don't have much input as to what goes on with the airport, and if we're talking about adding on fees, I mean I don't know how palatable that is to the visitor industry. But from my perspective, the airline fees and things that they use it for is not very palatable to residents in terms of the big-ticket items that they do with the fees. And I think it's...what you're saying is true that, you know, the airlines bringing in people, tourists in particular, has a big effect on all our services, our safety services and our roads and things like that. And they're not contributing to the effects. What they're contributing using their fees and their monies to are building like, you know, \$360 million ConRAC, just specifically for the rental cars, or building a big waterfall structure as you come in. And if you ask the people within our County, like you know, you see the post of like, oh, ConRAC, or waterfall. Nobody is supportive of those types of \$300 million expenditures. So, you know, instead of adding on yet another fee to them, I think I would be more supportive of urging the Legislature to give some of that...change the law to give some of that money to address the impacts



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that we have here by bringing in all of those folks because, you know, yeah, a waterfall as you come in would be nice. But is it as needed to address the impacts by all the people flying in, you know, clogging up the Hana Highway, clogging up Highway 30 into Lahaina, or you know, calling the ambulance every time they see a whale dorsal fin flap and they think it's a windsurfer like in distress or something, you know. So, it's like really addressing the impacts with the fees that they're already collecting because it's like they have this \$360 million and they say, oh, that's not taxpayer money so we can do whatever we want with it and you don't have a say. And I mean with that tram, you have to make sure you go to the airport way early because what if the gate is locked from the parking lot for the regular people that don't have rental cars. Then you got to wait for the tram to go and the gate to open before you can cross the street. And I mean that was...I don't know. I mean maybe it was good for construction, but I wouldn't...I would like the \$360 million construction money to be like the north phase of the bypass, or move the road in, or Paia bypass, or something that would really help enhance the visitors' experience as well as the residents' experience. Like that ConRAC, worst idea ever in my opinion.

CHAIR SINENCI: Just a comment. I believe the ConRAC was funds that was fees that was collected at the airport, if I'm not mistaken. And then so those fees --

COUNCILMEMBER SUGIMURA: Cannot be used for roads.

CHAIR SINENCI: --wouldn't be able to be used for anything else but at the airport. But I can think of a lot of other things that it could've been --

COUNCILMEMBER PALTIN: Yeah, I'm just saying --

CHAIR SINENCI: --used for at the airport.

COUNCILMEMBER PALTIN: --that's by law and lawmakers change the law all the time. So, that would be my suggestion, is change the law that those fees address the impacts that the airport is creating on us, you know, after they repave their runway, or whatever. But I mean, ConRAC?

CHAIR SINENCI: So, you're bringing up the...would this impact fee also be just...

COUNCILMEMBER PALTIN: Like to me, instead of adding a new fee, have them share the fees that they already have because they have way too much money then they know what to do with. You know, if they're thinking \$360 million parking garage for rental cars only with a tram that takes you like from point A to point B, you know, I don't...to me that's the way I see it. Like if we're urging them to do something, urge them to change the law that some of those fees that they collect needs to address the impacts that they're creating which is, you know, clogging up the roads and the visitors calling 911 for frivolous or even worthwhile things because the visitors are doing things they shouldn't be doing, or whatever, you know. So, that's my opinion. I would prefer instead of putting another tax on, like for using the fees appropriately and urge them

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to change that law. Legislators are famous for changing laws, that's what they do, right?

CHAIR SINENCI: Thank you, Member Paltin. Member Kama?

VICE-CHAIR KAMA: I just wanted to piggyback on what Member Paltin said is that that's something that maybe NACo could take up. I mean I know it's a big deal, but I mean it's like we should be urging our legislators to do that kind of stuff. We don't get enough from the TAT as it is. And yet if we're going to urge them to set up another fee, how much do you think of that fee are we going to actually get? I mean so...I mean if we're serious about doing an impact fee, then maybe the County should put an impact fee on them. But if we're thinking about urging the Legislature to change the laws, we should do that also. And all of these things are doable. It's dependent upon whether this body wants to do that or not. So, whatever the will of this body is, that's what it'll be. But that's my sense of things, Chair. Thank you.

CHAIR SINENCI: Mahalo, Member Kama. Chair King, you had...

COUNCILMEMBER KING: Thank you. Yeah, I think we should look into doing it ourselves if we want to do an impact fee. But I did want to point out that the fees that the airport currently charges, they're self-funded. So, all the repair and maintenance that happens at the airport comes out of those fees. And I don't see the State Legislature wanting to use that...wanting to give that money away because the airport...I mean I've talked to the last two DOT directors, and they're already scrambling because they've been trying to, you know, change all their light bulbs and do all the things to address more efficiency, energy efficiency and renewable energy. But I do want to point out that in the resolution for the, you know, urging the impact fees it does say that, you know, the proceeds generated from the impact fee a portion goes to the counties to supplement the budgets of the counties' agencies. So, that's already provided for in this resolution, although I think it needs a little bit of wordsmithing because I think it should say, "share of pro rata portion" because Maui never gets our pro rata portion. You know, we have the most visitors and somehow we don't end up with the most money. So, maybe, you know, when we get there we can do some...I've already kind of done some wordsmithing. But I do like the fact that, you know, if we're asking them to do an impact fee for tourism, that that money is spent on the impacts of tourism.

CHAIR SINENCI: Okay, thank you, Chair King. Member Sugimura?

COUNCILMEMBER SUGIMURA: So, I have a question for Corp. Counsel, if I could. So, by State Constitution the State and the County are allowed to tax differently. Ours is real property tax and fees. So, we're calling this an impact fee. Is this something that the County could do if we wanted to do our own? Or, is it something that the Legislature only could charge?

MR. KUSHI: Mr. Chair?

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CHAIR SINENCI: Mr. Kushi?

MR. KUSHI: My understanding is that the...basically, you start off with the general rule the State has the power to tax. But in some areas they authorize the counties to do it. In terms of collection, the County collects. But in terms of...instead of...in terms of things other than real property tax, my understanding is the counties cannot...does not have that power.

COUNCILMEMBER SUGIMURA: Okay.

MR. KUSHI: You have the authority to do impact fees, and it's set forth in the State Statute. But that only applies to developments. Example, or impacts like traffic impact fees. You have that on your books, but you haven't implemented it yet because you haven't gone through the study. Other example, school impact fees, that's applied by the State. So, getting back to your subject area now, you're talking about impact fees on airlines and...

VICE-CHAIR KAMA: Tourists. Tourists.

MR. KUSHI: Cruise ships, you know. I'm not sure how the State would do that. But I imagine the State would see from your resolution, or the intent of your resolution, is to increase the tax on them, you know. Or do a transient rental TAT tax on the providers, like how you do on the hotels. But then it goes into the State pot. Then what you get is up to the State.

COUNCILMEMBER SUGIMURA: Okay...

MR. KUSHI: Anyway, but again the reso is just urging the State to look at it.

COUNCILMEMBER SUGIMURA: You answered my question. So, it's not something the County could do. It is...it's State jurisdiction and \_\_\_\_\_.

CHAIR SINENCI: We're just kind of putting the ball in their court. And, but it is educating us about maybe the next Budget that we could potentially look at as far as Maui impact fees.

COUNCILMEMBER SUGIMURA: I think he just said we couldn't though, right?

CHAIR SINENCI: He said traffic.

COUNCILMEMBER SUGIMURA: Well, we have traffic.

CHAIR SINENCI: Yeah.

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COUNCILMEMBER SUGIMURA: Correct, and then the development, educational development fee comes from...

VICE-CHAIR KAMA: State.

COUNCILMEMBER SUGIMURA: But this particular subject, I think what he said we couldn't, right?

CHAIR SINENCI: Mr. Kushi?

MR. KUSHI: Mr. Chair, I mean at this point, you know, I'm not sure what developments you would target to impose an impact fee on that would affect the tourist.

COUNCILMEMBER SUGIMURA: Tourism, yeah.

MR. KUSHI: Okay. I mean the transients. That's what you're talking about, right?

COUNCILMEMBER SUGIMURA: Yeah, we're actually talking about TAT which is...

MR. KUSHI: So, it would be premature from my office to comment, even comment at this point.

COUNCILMEMBER SUGIMURA: Okay, thank you.

CHAIR SINENCI: Thank you. Member Kama, you had comments?

VICE-CHAIR KAMA: So, yeah, I just wanted to ask Corp. Counsel. So, the State of Hawaii gives the authority to tax? Is that correct?

CHAIR SINENCI: Mr. Kushi?

MR. KUSHI: My understanding, it delegates the real property tax functions to the County. But like general excise tax, I believe they also can, the County can do it. I'm not sure if you raised it yet, but by special legislation, in addition to the Governor's tax, the 4 percent.

VICE-CHAIR KAMA: So, is there a way to actually do what we want to do? Chair, does it mean that we have to get the State's authority to do what we want to do? If we wanted to do it ourselves, knowing that they don't give us our fair share anyway.

MR. KUSHI: Well, I mean if I understand your question, I guess you would have to change the State law.

VICE-CHAIR KAMA: There we go, change laws.

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MR. KUSHI: You know, and tell 'em, look all visitor-related functions and entities in Maui County shall be under the County's jurisdiction, and we can tax 'em whatever we want. I mean that would be one way to, you know...and if the State Legislature agrees with you, fine. Build your own airport, or tax the State airport, if they agree to it.

VICE-CHAIR KAMA: Yeah, yeah. Okay, thank you.

CHAIR SINENCI: Thank you. Chair King, you had a comment?

COUNCILMEMBER KING: Yeah, I just...thank you, Chair. I just asked our OCS attorney about this, and he says the Council first has to enact an ordinance mandating a study, fund the study, and then evaluate the study, then enact an ordinance establishing the fee. The Council could frame the fee in such a way that it would fall within County authority I'm sure. So, you know, it would take some time to go...but, you know, it's worth looking into I think to...

CHAIR SINENCI: That's the process. Okay. All right, Members. And, like I said earlier, this is out of...we're just...it's a resolution that we're urging the State Legislature to establish these impact fees. There's other county councils that also have similar resolutions. And so, it's, like Mr. Kushi said, it's something that the State...and so our reso is just to urge the State to take that action. And it could be, you know, this is a possible...because we do have County, you know, that proceeds do come to counties that are affected by visitor impacts, you know. This is potentially one way to get added money that we don't normally get from the TAT. So, if everyone is in support of something like this, then we can call for the vote --

COUNCILMEMBER SUGIMURA: Question.

CHAIR SINENCI: --and then make some amendments. Member Sugimura?

COUNCILMEMBER SUGIMURA: So, one last question. So, this also is something that the other counties are pushing forward?

CHAIR SINENCI: Correct.

COUNCILMEMBER SUGIMURA: Oh, I see. Okay, it's like part of what HSAC is.

CHAIR SINENCI: Yeah, although that has...

COUNCILMEMBER SUGIMURA: Separately.

CHAIR SINENCI: Yeah.

COUNCILMEMBER SUGIMURA: Okay.

CHAIR SINENCI: Okay. Thank you.

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COUNCILMEMBER KING: Chair?

CHAIR SINENCI: Chair King?

COUNCILMEMBER KING: You know, I just wanted to say that HSAC is not...doesn't do resolutions urging the State, so we actually will support legislation. This is not legislation. This is a County resolution --

CHAIR SINENCI: Resolution.

COUNCILMEMBER KING: --urging the State to do something. But do you want a motion, Chair?

CHAIR SINENCI: Sure.

COUNCILMEMBER KING: Okay.

CHAIR SINENCI: So, Members, the Chair will entertain a motion to recommend the passage on first reading [*sic*] of the second proposed resolution entitled, "URGING THE STATE LEGISLATURE TO ESTABLISH IMPACT FEES FOR TOURISTS" be sent to Council for passage on first reading [*sic*]; and allow Staff to make any nonsubstantive changes.

VICE-CHAIR KAMA: So moved.

COUNCILMEMBER SUGIMURA: Second.

CHAIR SINENCI: Okay. Moved by Member Kama, seconded by Member Sugimura. Discussion?

COUNCILMEMBER KING: Chair? Yeah, I just wanted to propose a couple of amendments. I would propose the first amendment under be it resolved a., to change the word "tourists" to "nonresidents." So, it says, "establish impact fees for nonresidents."

COUNCILMEMBER MOLINA: Second.

COUNCILMEMBER KING: And to change the...under c., to add the word "pro rata" before "portion." So, it says, "share a pro rata portion of the proceeds generated from impact fees with the counties to supplement the budgets of," and I think the word "departments" is better than "agencies" because we want to make sure it's a County department and not a private agency. We're talking about supplementing the County budgets, not private agencies. So, that would be my suggestion.

CHAIR SINENCI: Chair King, would want to add "infrastructure?"



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CHAIR SINENCI: Member Molina?

COUNCILMEMBER MOLINA: Thank you, Mr. Chair. I would like to consider...have the body consider another amendment to the be it resolved 1.b., where it says “add an impact fee to the cost of each airline ticket.” I’d like to add in after the word “ticket,” “for nonresidents.” That would be my amendment.

COUNCILMEMBER SUGIMURA: Second.

CHAIR SINENCI: Okay. Moved by Member Molina, seconded by Member Sugimura. Any discussion? Member Paltin?

COUNCILMEMBER PALTIN: Maybe I could make a friendly amendment because everyone is a resident some place. So, should we say “non-Hawaii residents?”

CHAIR SINENCI: Consensus?

COUNCILMEMBERS: Consensus.

CHAIR SINENCI: Okay. So, Members, all in favor of the amendment on the floor, say “aye.”

COUNCILMEMBERS: Aye.

CHAIR SINENCI: “No?” Okay. So, six “ayes,” zero “noes.” Motion passes.

**VOTE:       AYES:   Chair       Sinenci,       Vice-Chair    Kama,  
                  Councilmembers King, Molina, Paltin, and  
                  Sugimura.**

**NOES:   None.**

**ABSTAIN:   None.**

**ABSENT:   None.**

**EXC.:    Councilmember Lee**

**MOTION CARRIED.**

**ACTION:   APPROVE amendment.**

CHAIR SINENCI: Any other amendments proposed? Okay. Seeing none, the Chair will recommend passage on first reading [sic] of the second proposed resolution entitled, “URGING THE STATE LEGISLATURE TO ESTABLISH IMPACT FEES FOR TOURISTS”



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to be sent to Council for passage on first reading [*sic*]; and allow Staff to make any nonsubstantive changes. It is my intention to not file and leave the County Communication 17-231 open, as we had several Committee topics relating to this communication. All those in favor, say "aye."

COUNCILMEMBERS: Aye.

CHAIR SINENCI: All opposed, say "no." Okay. Motion passes. Six "ayes," zero "noes."

**VOTE: AYES: Chair Sinenci, Vice-Chair Kama,  
Councilmembers King, Molina, Paltin, and  
Sugimura.**

**NOES: None.**

**ABSTAIN: None.**

**ABSENT: None.**

**EXC.: Councilmember Lee.**

**MOTION CARRIED.**

**ACTION: Recommending ADOPTION of revised resolution.**

CHAIR SINENCI: Okay. Thank you, Members. The motion passes. So, if there are no objections, the Chair would like to defer this item.

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: ALL)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

CHAIR SINENCI: Okay. This concludes today's Environmental, --

VICE-CHAIR KAMA: Get Multimodal today?

CHAIR SINENCI: --Agricultural, and Cultural Preservation Committee meeting. Thank you very much, Members, for your work. This November 21<sup>st</sup> meeting of the EACP Committee is adjourned. Mahalo. . . .(*gavel*). . .

**ADJOURN: 11:21 a.m.**

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APPROVED:



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SHANE M. SINENCI, Chair  
Environmental, Agricultural, and Cultural  
Preservation Committee

eacp:min:191121:rlk

Transcribed by: Reinetta L. Kutz

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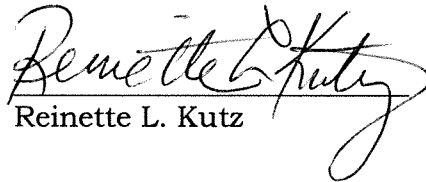
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CERTIFICATE

I, Reinette L. Kutz, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 10<sup>th</sup> day of December 2019, in Makawao, Hawaii.

  
Reinette L. Kutz