

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM G.1
JUNE 23, 2020**

Ms. McLean: Thank you, Chair. This is the reconvened public hearing on Council Resolution 20-27 referring to you for comment a proposed bill relating to short-term rental home permits. This is the bill that would change the caps.

G. PUBLIC HEARING RECESSED FROM THE JUNE 9, 2020 MEETING (Action to be taken after each public hearing.) (Given the other items on the agenda, the Commission will likely discuss this item no sooner than 1:00 p.m. or after lunch whichever is later)

1. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting County Council Resolution 20-27 referring to the Maui Planning Commissions a Proposed Bill to Amend the Comprehensive Zoning Ordinance Relating to Short-Term Rental Home Permits on Maui and Lanai. (J. Takakura) (Recessed from the June 9, 2020 meeting)

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed> and is summarized as follows:

Section 19.65.030.R. is proposed to be amended to reduce the number of short-term rental home permits per community plan area, with the exception of the Kihei-Makena community plan area for which no change is proposed.

Ms. McLean: Jacky Takakura previously did a presentation and she has the follow up information that you requested if you would like to see that presentation. I would also remind the Commission that there was dozens and dozens and dozens of written testimony that was submitted prior to the last meeting, also 22 prior testifiers who, if they're on the call you're not able to testify again today. Most of that written and verbal testimony was either in opposition to the caps or in opposition to further restrictions on short-term rental homes. We have had three people today to indicate they wish to testify and the Commission also received three more written testimonies relating to this item.

Mr. Carnicelli: Great, thank you very much Director, and you have the list of the names of everybody who's previously testified, correct?

Ms. McLean: Yes, Carolyn and I both do.

Mr. Carnicelli: Okay, fantastic. Why don't you go ahead and call the first person.

Ms. McLean: Okay, the first person today signed up to testify is Terry Revere, Terry you can unmute you audio and if you wish, unmute your video as well. Chair, I don't see the name listed that had texted or that had messaged me before so we can come back and see if Mr. Revere had joined. Next is A.J. Palmera. A.J. Palmera, if you're on, you can unmute your audio and video if you wish.

Ms. A.J. Palmera: Aloha, can you hear me?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

Mr. Carnicelli: I can. Please identify yourself for the record.

Ms. Palmera: Hi, aloha Director, Chair and Planning Commissioners, my name is A.J. Palmera.

Mr. Carnicelli: A.J. do you promise to be truthful?

Ms. Palmera: Absolutely.

Mr. Carnicelli: Okay, you have three minutes.

Mr. Hopper: Mr. Chair?

Mr. Carnicelli: Yes, sir.

Mr. Hopper: This is not a contested case hearing so you don't need to swear people in for this one.

Mr. Carnicelli: Oh, right, right, right, cause we're a recommendation again. Okay.

Mr. Hopper: Yes.

Mr. Carnicelli: Sorry, you don't need, hopefully you'll –

Ms. Palmera: I'll be honest anyway, I'll be honest anyway.

Mr. Carnicelli: Thank you.

Ms. Palmera: Thank you. I know this catches you at the very end of your day, and I'm sure that you're very, very exhausted at this time, but thank you for allowing me the opportunity. Again, my name is A.J. Palmera and I'm continuing to kindly ask the Planning Commission to support our licensed industry to be a part of the overall recovery of economy and I also ask to please not consider any type of phase out option as previously suggested or reducing of the existing caps. In my opinion it will create more of a negative impact on many of the local residents and small businesses here on Maui which could result in forcing more local families to have to relocate out of state and seek work and a more affordable living. I'm locally born and raised here in Hawaii. I'm currently a resident on the north shore in Haiku and I work in Paia. Part of the business that I am in is legally permitted short-term rental industry, but I think one of the greatest parts, aspects of my testimony is that I also live in a rental home and it is attached to a legal short-term rental and the short-term rental is obviously professionally managed and cared for and because of that it has no type of negative impact on our peaceful neighborhood. I'm also a single parent and thankfully this unique situation has really provided a great opportunity for myself and for my children in order to have an affordable rental for the past four years which has been pretty amazing. You know, and basically each industry needs diversification which benefits the local residents as well, and the legally operated short-term rentals are pretty much a small part of our entire tourism industry and it caters a really different type of traveler and a good example of that

1 would be the local families who travel interisland and many of them come for family events or
2 sporting events and it's pretty difficult for them to stay with their entire family in the hotel so that's
3 one good example, and I guess for our homeowners who have complied with all the laws and
4 who've obtained the license and been operating professionally without any complaints, I think
5 they deserve to be able to renew their licenses and I can only hope that a great educated decision
6 will be made that looks at all of the aspects.

7
8 Ms. Takayama-Corden: Three minutes.

9
10 Ms. Palmera: Thank you.

11
12 Mr. Carnicelli: Thank you very much Ms. Palmera. Are there any questions for the testifier?
13 Seeing none, thank you very much for your testimony.

14
15 Ms. Palmera: I appreciate it. Mahalo.

16
17 Mr. Carnicelli: Director.

18
19 Ms. McLean: Thank you, Chair. Next we have Terry Revere's office. His associate will be
20 testifying, Magdalena Bajone and she will be followed by Margit Tolman. Magdalena you've been
21 unmuted you can offer your testimony.

22
23 Ms. Magdalena Bajone: Thank you, Ms. McLean. Good afternoon, Chair and Commission
24 Members. My name is Magdalena Bajone and I'm one of the attorneys with the office of Revere
25 and Associates who represent the Maui Vacation Rental Association. We also represent several
26 homeowners on Molokai who will be filing a Federal lawsuit this week. We are taking this action
27 because even though our homeowner clients did nothing wrong and had no complaints against
28 them, the County decided to make the number of short-term rental homes permitted on Molokai
29 to be zero. Instead of grandfathering them in, they told our clients with no due process whatsoever
30 that their short-term rental home permits were being taken away. It also quite obvious to us that
31 the County is simply using Molokai as a test case and will soon be eliminating short-term rental
32 homes countywide. Indeed, a photo of the Planning Director's assistant's folder was taken at the
33 public meeting in Wailuku a few months ago that said short-term rental homes rest in peace with
34 a skull on it. It is obvious that the Department has no desire to do anything other than destroy
35 perfectly legal short-term rental homes. Molokai permit holders and Maui Vacation Rental
36 Association have tried to work within the legislative system. The question of defending short-term
37 rental homes has brought so many people out that the commission meeting room has not been
38 able to hold them all. BlueJeans meetings have been attended by the highest number of people
39 ever all saying the same thing over and over this when there are only 200 short-term rentals on
40 the island. Even though it happened to Molokai permit holders was not legal the representatives
41 were not there to protect them. Maui Vacation Rental Association and those permit holders do
42 not take the decision to initiate a federal action lightly, but are feeling forced to defend their rights
43 through the court. We hope the Commission will see what is happening and decide now
44 especially in a time of unemployment to defend small businesses, to defend property rights, to
45 work towards real solutions looking forward. Based on discussion with colleagues, the County is
46 now waking a sleeping dragon. Many more homeowners and law firms will be filing more suits in

1 Federal and State courts to protect their client's constitutional rights to use their property
2 peacefully and lawfully. It is ...(inaudible)... that a county with one-fourth of its population
3 unemployed would still be engaging in its anti-small business agenda and keep on doing whatever
4 the hotel ...(inaudible)...insists upon. Thank you.

5
6 Mr. Carnicelli: Thank you, Ms. Bajone. Commissioners, any questions for the testifier? Seeing
7 none, thank you very much. I appreciate your testimony.

8
9 Ms. Bajone: Thank you.

10
11 Mr. Carnicelli: Director.

12
13 Ms. McLean: Thank you, Chair. The next person signed up to testify is Margit Tolman. Margit
14 you can unmute your audio and if you wish, unmute your video.

15
16 Ms. Margit Tolman: I did, can you hear me?

17
18 Mr. Carnicelli: We can.

19
20 Ms. Tolman: You can. Good afternoon Chair, Commissioners, and Planning Director. Thank
21 you for long working so late, and listening. I think I'm the last one. Anyway, I'm testifying...I'm a
22 broker, listed broker in Paia. I always had my business in Paia Town and I live in Haiku. Been
23 manage several short-term rentals, they are all licensed. We have a small, little, professional
24 business and I have, you heard AJ is my employee and I have about 13 independent contractors
25 working for us.

26
27 I am favoring the existing caps in each district at this point. We are in very uncertain times right
28 now and we don't know what...how Maui will be in three months or in six months. We are all in
29 limbo right now, and I don't think this is the right time to discuss reducing potential short-term
30 rentals, but I notice two weeks ago, I didn't testify at that time, there were a lot of questions and
31 I'm a number person. I did my own study and I started and ...(inaudible)...about the existing
32 short-term rentals in each district and wanted to know, you know, what the assessed values are
33 of the properties, the short-term rental tax, and comparing to residential tax how much tax
34 increase and revenue the County is getting and also how many rooms do we have in the short-
35 term rental business with spending...visitor spending of each day, how much will it benefit our
36 economy. I just give you some points, some highlights, but I'm happy to provide my study to
37 anybody who wants to see it. Over 50 percent of the short-term rental homeowners have Hawaii
38 addresses in the tax record and that tells me that this law was an opportunity to residents of just
39 owners here on Maui. They lived here, they had to move away or they have properties for 30,
40 40, 60 years, one I saw 120 years in their family and this was an opportunity for them to keep
41 their property. And I think this opportunity should be available. We have caps, they are not too
42 many available any more, have about 122.

43
44 When I looked at the average ownership of the properties and it was just below 15 years. So that
45 shows too that—

1 Ms. Takayama-Corden: Three minutes.

2

3 Ms. Tolman: --I'm so sorry, I will not be able to tell everything, but if anybody's interested about
4 this study I did overall we have 1,630 visitors in short-term rentals, if 100 percent occupied versus
5 the 66,000 people we have every day before COVID and everything is up in the air what, you
6 know, what will be in the future. Thank you so much. Thank you.

7

8 Mr. Carnicelli: Thank you, Ms. Tolman. Commissioner Freitas.

9

10 Mr. Freitas: Thank you, Chair. Aloha, Ms. Tolman. Did you say that you run a business of short-
11 term rentals?

12

13 Ms. Tolman: I manage short-term rentals. Legal licensed short-term rentals, yes.

14

15 Mr. Freitas: Short-term rentals.

16

17 Ms. Tolman: Short-term rental homes, yes.

18

19 Mr. Freitas: So it's a business, you know. When I hear short-term rental I think of a owner has a
20 house, and an extra house or whatever on property and he rents that out as short-term rental for
21 whatever reason, but I'm hearing more and more people are saying that they are a business,
22 more than one.

23

24 Ms. Tolman: Yes.

25

26 Mr. Freitas: So in your job or what do you, do you go and solicit people and you try to tell them,
27 hey turn your place into a short-term rental or do they come to you for the cleaning people...I'm
28 not sure when you say you run a business of short-term rental what exactly you do.

29

30 Ms. Tolman: Okay, let me explain Kawika. The law requires any owner who has a short-term
31 rental license to hire a real estate broker to manage the property that is in the law. So as a real
32 estate broker I do have nine properties I handle. I do not approach anybody to turn their home
33 into a vacation rental. I have owners coming to me and asking and most of the time if I show
34 them how much investment it is to get started and how much maybe on the bottom line is profit
35 most are not interested. So my inventory stock is way back. I had these properties when the law
36 was established and we got them all licensed.

37

38 Mr. Freitas: Thank you. The reason I ask is we had probably 20 testifiers that are against this
39 cap, the revised cap, and a lot of them kept saying that...it's...it would take away jobs of people
40 that are the housekeeper, the landscaper, and all of that. Are you the one that hire those people
41 or is that separate and the homeowner hires their own?

42

43 Ms. Tolman: No, most I do the hiring because we have the connections and we know most
44 gardeners servicing the north shore, pool service, we have cleaning pool for 20 years already,
45 they establish little businesses. So the owners are not here on the island so they will be not able
46 to do the everyday operation.

1
2 Mr. Freitas: Okay. So by us putting a cap, a revised cap, that's what we are here to discuss,
3 none of the people that you already hire will actually lose a job because the ones that are already
4 short-term rental are safe is that correct?

5
6 Ms. Tolman: Yes, that is correct.

7
8 Mr. Freitas: Okay.

9
10 Ms. Tolman: And it will not affect me Kawika, but I through my study and looking at the properties
11 I just feel it will take opportunities away for ...(inaudible)...residents. I mean, there is always a
12 stigma and a vision of the investment...investors a lot of money buying you know \$7 million
13 properties and they turn it into vacation rentals. And I really want to take it away because this is
14 not the reality. It's just not. There are some really high priced property we'll see on the west side,
15 they have their place, but most owners they do not really have a lot of profit but they have a peace
16 of mind they can use a property whenever they come and visit and some are here very frequent.
17 I have one owner they are six, seven, eight months on this island.

18
19 Mr. Freitas: Okay, okay, you've answered...you answered my question. Thank you very much.
20 I'm sorry, I put you on a spot here. Thank you.

21
22 Ms. Tolman: No.

23
24 Mr. Carnicelli: Any other questions for the testifier? I just...one quick point of clarification, you
25 know, Ms. Tolman, you are a professional property manager and so when you manage your
26 properties, you're the one that hires all these contractors, cleaners, everything like that, but there's
27 many people that don't have to hire a broker and they do that themselves is that correct?

28
29 Ms. Tolman: They can. There are a lot of owners they live here on the island, they can manage
30 their own property.

31
32 Mr. Carnicelli: Right, and those people are like more independent business owners rather than
33 hiring you?

34
35 Ms. Tolman: Yes.

36
37 Mr. Carnicelli: Okay, thank you. Any other questions? Thank you, Ms. Tolman.

38
39 Ms. Tolman: Thank you.

40
41 Mr. Carnicelli: Director.

42
43 Ms. McLean: Chair it does not appear that anyone else has shown an interest in testifying through
44 the chat function.

45

1 Mr. Carnicelli: Okay, is there anybody else that would like to testify, please unmute and identify
2 yourself please?

3
4 Ms. Darcel Gilbert: Hello?

5
6 Mr. Carnicelli: Hello.

7
8 Ms. Gilbert: I guess I can't undo my video, can I just make a comment? Maybe I've got this
9 wrong. It's the first time I've done this so...

10
11 Mr. Carnicelli: That's okay. That's okay. We can hear you. If we could see you that would be
12 fine, but as long as we can hear you then you're more than welcome to give testimony. Please
13 identify yourself for the record.

14
15 Ms. Gilbert: My name is Darcel Gilbert. I live in Lahaina.

16
17 Mr. Carnicelli: Aloha, Ms. Gilbert.

18
19 Ms. Gilbert: Thank you. I was born in Honolulu many, many years ago and I've lived on Maui
20 about 40 years. In the last 20 years I've lived in what's called Kaanapali Vista. I have steadily
21 opposed vacation rentals in my neighborhood, there are now seven and there's one applying next
22 door. All right, my neighborhood is 35 houses. So even with the cap my little neighborhood will
23 have more than ten percent of the ones that are approved for West Maui. So I can understand
24 there are different neighborhoods and different needs. I will say that in the 20 years especially
25 the last five years since vacation rentals have proliferated here I miss my neighbors. I like my
26 neighbors that are here, but the ones that are potentially will be next door is a five-
27 bedroom...imagine, I don't know if any of you have any vacation rentals in your neighborhood. I
28 have one across the street, three doors down, and the one next door is gonna be five bedrooms
29 and a pool. I'm sorry, but you know, I am accustomed to knowing the cars that come down my
30 street, the people who are there, the names of them when I ride my bike, and I would appreciate
31 a cap or at least a limit within a certain perimeter so that I don't have more of these in my
32 neighborhood. And I think I understand the comments from the other people who are involved in
33 real estate and their own interests, I would hope that yes, you can accommodate a small industry
34 but it is a business in my residential neighborhood, so I would like you to think about that. It is a
35 business and that's I've got three of them or potentially three within less than 500 feet of my
36 house, so if any of you have had experience then you know, hopefully you'll tell me why it's
37 wonderful. Anyway, I wish you luck to your decisions and I want to also thank you all for your
38 work. I've been listening all afternoon, I genuinely appreciate the time and effort and the energy
39 that you do with this I mean, it's incredible. So thank you just for listening to me.

40
41 Mr. Carnicelli: And thank you for the very kind words Ms. Gilbert. I appreciate that, we all
42 appreciate that. Any questions for the—

43
44 Ms. Gilbert: Oh, one last...one last comment?

45
46 Mr. Carnicelli: Oh, sure. Sure go ahead.

1
2 Ms. Gilbert: I've been through these several times with different protests on vacation rentals on
3 my street all of which have been declined and I will say that the people who show up at your
4 meetings are usually the realtors and owners, and you don't see the other people 'cause they're
5 working. My neighbor next door who would like to protest against the one that's going in she's
6 painting her shop because she has to open up. The ones across the street, they're working,
7 they're in construction so they cannot show up for some of these things. That's my other thought
8 that please that there are working people in some of these neighborhoods, and that's all, thank
9 you.

10
11 Mr. Carnicelli: Thanks, Ms. Gilbert. Commissioner Freitas has a question for you.

12
13 Ms. Gilbert: Sure.

14
15 Mr. Freitas: Aloha. Thank you, Chair. Aloha, Ms. Gilbert, a testifier two weeks ago had said that
16 short-term rentals should all be by the resorts and keep all the visitors all together, but it sounded
17 like you live in a neighborhood would that change your mind if all of those people that are in your
18 neighborhood were by the resort or you just think that that short-term rentals just shouldn't be as
19 prevalent and as many as they are?

20
21 Ms. Gilbert: I don't think they should be as prevalent as they are, but it's a little difficult to answer
22 'cause I am near a resort and I appreciate that, but I've lived here 20 years and it wasn't like that
23 when I came here. You know, the resorts employ people too.

24
25 Mr. Freitas: Thank you very much.

26
27 Mr. Carnicelli: Commissioner La Costa has a question for you, Ms. Gilbert.

28
29 Ms. La Costa: Thank you Dr. Gilbert for chiming in and for testifying. So the people in your
30 neighborhood who have had the vacation rentals what kind of issues have you had with them?
31 Have there been noise, parking, rubbish, can you share with us your concerns about the
32 proliferation as you put it of...perhaps that's not your exact word, of the homes in your
33 neighborhood that are short-term rental? Thank you.

34
35 Ms. Gilbert: I think noise will be an issue with my house, again, I can only talk about what's near
36 me. There's a pool in front, and I'll be honest, I live...my bedroom is on the north side of my
37 property that neighboring house is on the south side and the pool is there, and the complaints
38 that I've had are primarily when I have a guest like a friend, who comes and stays there, and
39 invariably they say, oh my God, it's so noisy, I mean, I haven't appreciated that, but anyone who's
40 there will say that. The neighbors across the street also said things were very noisy, but you it's
41 this thing about local people, they don't complain, and I can say that myself, I remember biking
42 down and there was this guy who was drunk, you know a tourist making a fair amount of noise on
43 the balcony, this was at 10 o'clock in the morning he had a beer in his hand and I just kept going,
44 and well, you know, I said, tourists. Three houses down, another neighbor, Robin was sitting
45 outside and she's like her eyebrows are going, yeah, yeah, yeah, and I wouldn't have commented
46 but because she said, oh God, listen to the guy, I went back and I did call. So you know, noise is

1 one. The presence of strange people, you know, you'll have six or eight people walking around
2 and maybe I've been spoiled, I was in a neighborhood, I was born and raised in a neighborhood
3 where I knew people around me, there were...or two of us now, three women who are single and
4 live alone, so one of the nice things about the neighbors that we knew people, we knew their cars,
5 I know who's across the street, and strange people going through is a little disconcerting. Most
6 of the time you can tell that they're tourists. I mean, tourists deserve to go enjoy their time, I
7 mean, that's what they're here for, they're on vacation, but you know, it would be nice if we didn't
8 have strangers as much in our neighborhood and maybe part of that is not having as many at
9 least in my neighborhood. One time a woman came in and picked flowers in my backyard, and
10 you know, it's like okay. So people walking around. I understand the parking for vacation rentals
11 at least should be kept on property so that part I guess is a good thing, but I think if I...my main
12 concerns were strangers in the neighborhood, noise, and as I said, not being as familiar with the
13 people walking around there.

14
15 Mr. Carnicelli: Thank you.

16
17 Ms. Gilbert: Thank you.

18
19 Mr. Carnicelli: Thank you, yeah. Any other questions for Ms. Gilbert? Thank you, Ms. Gilbert,
20 appreciate you spending the day with us.

21
22 Ms. Gilbert: No, it was fascinating and as I said, I am just totally impressed that you guys put this
23 much time in and kudos to you. Thank you, again.

24
25 Mr. Carnicelli: Thank you. Director, is there anybody else that has signed up to testify?

26
27 Ms. McLean: Chair, no one has indicated they want to testify but we can ask those who have
28 called in there are three who have called in and I can unmute them one by one and ask them if
29 they wish to testify.

30
31 Mr. Carnicelli: Okay.

32
33 Ms. McLean: So I'm unmuting the phone number that ends 8820, do you wish to testify?

34
35 Ms. Carol Turland: Yes, I would.

36
37 Ms. McLean: Okay, go ahead.

38
39 Mr. Carnicelli: Please identify yourself for the record.

40
41 Ms. Turland: My name is Carol Turland and I wanted to testify today to say I am against lowering
42 the caps for the short-term rental homes on Maui. My husband and I have owned our home since
43 1990 and in 2013 we were third family in Lahaina to obtain a short-term rental home permit.
44 Before the ordinance was passed we attended every County Council meeting that pertained to
45 the structure of the new ordinance and when it finally passed we were incredibly excited. Two
46 weeks ago during the last planning meeting the origins of the caps created approximately seven

1 to eight years ago were discussed, to summarize, after considerable research looking at existing
2 illegal short-term rentals in various areas of the island and using the Kauaian Institute study a
3 limited number of short-term rental homes appropriate for each community plan district was
4 established creating a balance of short-term rentals on island. I strongly believe similar research
5 is necessary before arbitrarily lowering these caps. There should also be consideration of the
6 consequences of lowering the caps such as creating more unpermitted short-term rentals since
7 there will be no legal way to obtain a permit. And what the previous person just said, I know that
8 there are lots of complaints or I'm told that are there complaints about short-term rentals changing
9 neighborhoods, but I'm wondering if a distinction made between the permitted short-term rental
10 and the unpermitted because the permitted rentals have so many restrictions placed on them and
11 there's a management number listed so calls can be made to stop extra noise or any disturbance.
12 So it's my opinion that short-term rental homes offer visitors diversity, bring in huge tax revenue
13 through property, GE and TAT taxes and offer high paying jobs to many local people who may
14 maintain and service these homes, and I sincerely hope that most people now understand that
15 the majority of short-term rentals could never be converted to long-term housing. Owners would
16 be unable to use their homes defeating the purpose of owning and required rents would be
17 exceedingly high and out of reach for most residents. So everyone knows tourism on the islands
18 has been decimated because of COVID-19 and it will take a long time for it to recover. As we try
19 to navigate through this deadly virus visitors should be given a choice of accommodations
20 although it seems obvious to me that many would feel safer in private homes rather than in large
21 hotels with their multiple contact points, this is certainly not the time to limit this type of
22 accommodation. Thank you.

23
24 Mr. Carnicelli: Thank you Ms. Turland. Any questions for the testifier? Thank you, Ms. Turland.

25
26 Ms. Turland: Thank you.

27
28 Mr. Carnicelli: Appreciate you taking the time to voice your opinion. Director.

29
30 Ms. Turland: Thanks a lot.

31
32 Ms. McLean: Chair, I'll unmute the next number that's indicated here, this is the phone number
33 that ends in 8205, do you wish to testify, 8205? Okay, moving on, the telephone number that
34 ends in 6671, do you wish to testify? Telephone number that ends in 6671, do you wish to testify?
35 Okay, hearing nothing, last but not least the telephone number that ends in 3286, do you wish to
36 testify? Telephone number ending in 3286, do you wish to testify? Okay, so Chair no one else
37 has indicated they wish to testify.

38
39 Mr. Carnicelli: Great, thank you, Director. I guess we will...if you would like to testify, we'll give
40 you one last chance here, unmute yourself and identify who you are, going once, going twice,
41 okay, so if there are no objections, we're gonna go ahead and close public testimony on this item.
42 Seeing no objections public testimony is now closed.

43
44 So now we get to go to the fun part of this and that is the transmittal of a recommendation to
45 County Council. Director, do you want to go back over this exactly kinda what our options are or
46 do you wanna kinda just—

1
2 Ms. McLean: Sure. The Commission did ask a number of questions last time, asked for some
3 follow up information that we do have available to present to you if you'd like to see that but that's
4 your call.

5
6 Mr. Carnicelli: Yes.

7
8 Ms. McLean: Yeah, so was that a yes, you want to see that?

9
10 Mr. Carnicelli: Yes, please.

11
12 Ms. McLean: Okay, then I will pass it over to Jacky.

13
14 Mr. Carnicelli: Who's also been here since early this morning.

15
16 Ms. Takakura: Good afternoon Chair Carnicelli, and I thank you very much all of you for all this
17 that you've done, these are difficult decisions and important decisions for Maui, so thank you
18 Chair Carnicelli and Commission Members, try to keep this simple. And I just have information
19 hopefully that can answer some of your concerns from the meeting two weeks ago.

20
21 Mr. Carnicelli: Thank you.

22
23 Ms. Takakura: So, I'm gonna share screen again, and then if you can give me a thumbs up that
24 you can see I will get started. Let me try again. You should see a purple screen.

25
26 Mr. Carnicelli: Yeah.

27
28 Ms. Takakura: As you recall from the last meeting we're looking at the County Council's
29 Resolution 20-27 which is a proposal to reduce the number of allowed short-term rental home
30 permits in the community plan regions on Maui and Lanai. The part of the Maui County Code
31 that's up for discussion here is Chapter 19.65. So the goal is for the Commission to respond to
32 the County Council with either a recommendation to approve, a recommendation to approve with
33 amendments, a recommendation to deny, to defer action.

34
35 At the June 9th meeting we went over the Resolution and some information provided by the
36 Department and the presentation from that meeting is on our Planning Department Home Page
37 under Hot Topics, it's the first item. However, I made two changes to the presentation since June
38 9th, and I'm gonna just go over them real quick with you now. The first change is for the
39 tourism...tourist to resident ratio. If you recall from the Maui Island Policy 4.2.3A that one states,
40 to promote a desirable island population by striving to not exceed an island wide visitor population
41 of roughly 33 percent of the resident population. So I'm very sorry, but when I checked the math
42 I noticed I had the number of tourists or visitors for Maui only, but the number of residents was for
43 Maui, Molokai and Lanai so they weren't matching up. So this slide here shows the ratio of visitors
44 to Maui only as compared to the number of residents on Maui only and so the portion or the ratio
45 is 46 percent for the island of Maui. FYI for the ratio for the County it's 44 percent and that number

1 is a little bit lower because Molokai and Lanai have lower ratios of visitors to residents. So the
2 power point that's on the website has these correct numbers on there, so I apologize for that error.

3
4 The only other change was something that we discussed at the meeting two weeks ago and that
5 was that for West Maui pending applications there were actually eight in the original memo that
6 we sent to you folks I had the number six. So this one, it's eight and so the Department proposal
7 is for 232. So those are the two revisions to the previous presentation and now I will get into the
8 next couple of slides which will hopefully answer some of the questions that had come up from
9 the last meeting.

10
11 Okay, so some of the concerns that came up were property values, jobs, revenue, enforcement
12 and then other destinations and then also, where to stay, and so I'm gonna just over these real
13 quick. The first one, property values, this is information from the Realtors Association of Maui
14 from last December, and this is for all residential properties not just short-term rental home
15 permitted properties, it's all residential. Median sale prices for 2019, single-family homes
16 \$741,355, condominiums \$515,000.

17
18 Now this is looking at the short-term rental home properties, and this slide is data from December
19 31, 2019 for the permitted properties and it's sorted by the community plan regions and I have
20 the averages and the medians and so you can see there's quite a range below a million and over
21 a million, and you know, you would expect the South Maui properties, and some of the West Maui
22 properties might be a little bit more than some of the others. And I can go back to any of these
23 slides later if you want me to.

24
25 This is the same data but sorted by owner location, and so...and it also is average and median
26 and so you can see that there's a range of values in terms of average and median and by where
27 the owners live. About half are either mainland or international but the other half is Maui County
28 or on the neighbor islands in terms of owner addresses for these STRH properties.

29
30 Okay, so another concern that came up is jobs and so the U.S. Bureau of Labor Statistics has an
31 amazing array of information if you're interested in any of these topics and they have it specific to
32 Maui County too, and they have information from May 2019. They looked at the industry and the
33 occupation groups. The travel accommodation industry and one of the main occupation groups
34 in this industry is the building and grounds cleaning and maintenance occupations and those are
35 housekeepers, janitors, landscapers, lawn service, groundskeepers, maids, pest control, tree
36 trimmers and pruners. As expected, Hawaii has the highest concentration of these jobs in this
37 industry and it's number three for top paying state in this occupation. Maui is number one for
38 areas of similar size in terms of job concentration and then we're at number five at top paying for
39 areas for this occupation. It is...there are quite a few jobs in this occupation and industry
40 according to the U.S. Bureau of Labor Statistics, 6,760 and hourly mean wage is \$18.75 an hour,
41 and the annual mean wage is \$39,000. So yes, there are a number of jobs in this industry on
42 Maui and average or mean wages are for those industries. I was looking to see well, what are
43 some of the other concentrations of jobs in traveler accommodation and these types of jobs, the
44 building and ground cleaning and maintenance is about one-fourth. About one-fourth is food
45 service, 20 percent is installation, maintenance and repair, five percent is office and admin that's

1 about 75 percent there and then there's some miscellaneous other jobs that make up the other
2 one-fourth for this industry.

3
4 Okay, so next topic is revenues. This slide you can see the red and the blue, that's from Real
5 Property Tax and it was from a presentation that they did in September 2019, and what this shows
6 here is the increase in real property taxes, properties that go from the residential tax class to the
7 short-term rental tax class. So in that top, light green box, it shows the existing short-term rental
8 homes and they bring in about \$1.9 million in additional revenues being at the short-term tax rate
9 versus being at the residential rate, and the average which is you can see from the pink arrow,
10 the average tax increase when a property changes from residential to short-term tax rate is \$8,170
11 dollars per property so doing the math what you see on the right side of the slide if we looked at
12 how many permits that have not been issued yet, we take the total number of possible, 349 minus
13 out the ones that are existing and pending, so we have about 117, and you multiple that by the
14 average tax increase and you get \$955,890 or about a million dollars in additional real property
15 tax revenue that would be realized if all of the permit, permits were issued that are in the existing
16 caps, so about a million dollars.

17
18 I don't have GET or TAT tax information, but any conversations about that should include any
19 changes in income taxes, you know if a property is lived in by a resident who works versus by a
20 visitor who pays, where the property pays GET or TAT.

21
22 Okay, so next topic is enforcement and I'm gonna just look at 2019, and then what we have so
23 far for 2020. Last year, regarding vacation rentals we issued 75 NOVs, NOV is Notice of Violation,
24 and we collected \$50,000 for vacation rental violations. We do have other violations still pending
25 or being litigated and those total in excess of \$300,000 in additional fines and we have a really
26 great report on all this information under our Hot Topics also on our website. Last year, we did
27 revoke two short-term rental home permits because of violations of permit conditions.

28
29 And then the big thing that happened at the end of last year was that we got the new fines, this
30 was after the Charter changed and then the Maui County Code changed and then the
31 Department's Rules were updated. And so civil monetary fines for operation of a bed and
32 breakfast home, short-term rental home, transient vacation rental or other transient
33 accommodation without a permit that is required for operation for these types of violations, the
34 initial fine is \$20,000, the daily fine is \$10,000. Since then we've issued 92 Notices of Warnings,
35 and 53 Notices of Violations. For this slide, Commissioners you received the PDF of these slides
36 and I had to change what you see in your PDF says 44, but I looked through the list and there
37 was an SMA one in there, so the actual number of is 43, so I apologize for the discrepancy of
38 what you have in your PDF versus what's here.

39
40 Specifically regarding those new fines, five are on appeal with the Board of Variances and Appeal,
41 three tried to appeal but they didn't meet the deadlines, and eight are either at Corporation
42 Counsel or in the works for going to Corporation Counsel because the property owners didn't
43 respond.

44
45 So let's look at what the other islands do. On the Big Island and on Kauai, what they've come up
46 with is permitted zoning districts on the Big Island, and Kauai they call it vacation, destinations

1 areas, and these are like the resort type districts where for properties in these areas, it's a
2 registration process with an annual renewal. Short-term rental homes in other districts can
3 continue as non-conforming with annual registration, but no new non-conforming short-term rental
4 homes and they're very restrictive for agricultural districts. Kauai uses the term may be issued
5 for ag districts and Big Island, most agricultural properties are excluded from being registered or
6 STRHs are excluded from being registered in short-term, in ag restrictions. And for Oahu, if you're
7 in any of these areas, Waikiki, Kahala, Ko Olina, Laie, Ewa, Makaha or Kuilima, you don't even
8 need to register, it's outright allowed. There's some grandfathering, not very much, but it's more
9 for older non-conforming properties with a renewal every other year and no new non-conforming
10 short-term rental homes, and no Ag District short-term rental homes at all. The one thing all three
11 of those municipalities have in common is that their length of stay is more around 30 days whereas
12 ours as you know is 180 ...(inaudible)... Just FYI, this is how it is on the neighbor islands.

13
14 And then looking at the mainland they use quite a variety of processes. Some use a licensing or
15 a registration process with annual fees, some charge a percent of the gross receipts, some uses
16 a percent or total units to determine it's capped for the residential district so there's quite a variety
17 of ways in which short-term rental homes are regulated.

18
19 So that brings the burning question, where will visitors stay? Well, in Maui County there are
20 21,677 lodging units and this is according to Real Property Tax. This is the sum from last year of
21 the numbers of hotel rooms, condominiums that are used for transient lodging, bed and breakfast,
22 permitted or grandfathered single-family dwellings that are used for transients, transient
23 accommodations and time share, so the grand total of all of those is 21,677 visitor lodging units
24 and mahalo to Real Property Tax for this information, and that's just from last year.

25
26 So that is the information that I hope will address your concerns from the last meeting and hope
27 that it can help you in developing the recommendation from the Commission to the County
28 Council. So I'm gonna stop sharing screen but I can always go back to any of these if you have
29 any questions.

30
31 Mr. Carnicelli: Thank you, Jacky. So I guess we'll go ahead and go there. Are there any
32 questions? Commissioner Freitas.

33
34 Mr. Freitas: Thank you, Chair. Jacky that was a great report. I really like the one that you
35 compare 'cause I think that was my request to see comparison similar to what we have. Was
36 hoping to see your 2000, the Maui population be from 2019 instead of 2018, we're couple days
37 away from July of 2020 was there any way you could have gotten 2019?

38
39 Ms. Takakura: Do you mean for the ratio of visitors to—

40
41 Mr. Freitas: Yes.

42
43 Ms. Takakura: Sorry, I didn't look for, I just wanted to make sure the math was consistent, but
44 that is from the 2018 Data Book but I will check right now.

45

1 Mr. Freitas: Okay, 'cause you were comparing 2019 visitors with 2018 population, so other than
2 that that was a good report appreciate it.

3
4 Ms. Takakura: That is correct.

5
6 Mr. Carnicelli: Any other questions? Commissioner La Costa.

7
8 Ms. La Costa: I just wanted to thank Jack because I raised a lot of those questions and she
9 answered them so Jacky thank you so much for your diligence and good work.

10
11 Ms. Takakura: Thank you.

12
13 Mr. Carnicelli: What's the ratio right now?

14
15 Ms. Takakura: Excuse me, so I'm looking at the Hawaii Small Business Development Center and
16 their latest Data Book is 2018, yeah, and the ratio now...

17
18 Mr. Carnicelli: In the, in those visitor counts, and this is the thing 'cause it's like we've...the ratio
19 thing has come up within the last couple of months, and it's one line in the Maui Island Plan that
20 says, strive to, you know, and it was put in by one person and I've talked to numerous different
21 people that were on the GPAC and it wasn't one of those things that was heavily debated and
22 said, oh we have to have this in there, it was almost like something was thrown in there and I'm
23 not saying it's...that doesn't make it relevant or anything to that effect, but I'm just saying is, is it's
24 not something that's an edict that's put down that says okay, we have to have this three to one
25 ratio because right now, I just, I mean, I'll say the same thing that I did at the last meeting, this is
26 a pre-COVID bill. I really got it before COVID and for me right now, I just have a really hard time
27 in the midst of the highest unemployment in the country picking winners and losers. You know,
28 we've kind of addressed it all the way to Peter Savio's you know thing, I don't know seems like
29 days ago, you know SMA extensions is...I just think that right now without data, I mean, I get
30 you're going to historical data Jacky, but without, you know empirical data of where we're headed,
31 I just have, personally have a really hard time picking winners and losers right now. And I believe
32 one of the testifiers and as this moves forward and maybe this can be part of our
33 recommendations but I believe one of the testifiers last time that GE and TAT is about 30 grand
34 per STRH per year, but that's obviously a number that is gonna have to be drilled down on and
35 then the visitor count if we're gonna use visitor count, how many, how many of the visitor counts
36 is second home owners and part-time residents that are included in that so I think that that's also
37 part of that number that we need to drill down on. But I personally feel as though our
38 recommendation to the Council should be, you guys need to file this until we find, until we get out
39 of the COVID cloud. Get out of the COVID cloud, bring this back in whatever form that you want
40 to bring it back in, but until we know, you know is I just, I don't know, I just think economically I
41 get none of us want to be overrun by tourists any more. All those cars at the airport, I'd like to
42 see them all go away, but the reality is economics is a piece and a part of this decision and to
43 say, okay we're gonna start picking winners and losers and say, okay we want this kind of tourists,
44 not this kind of tourists, I think right now, we can't be choosy unfortunately. And so, anyways,
45 that's kinda my comments on and my thoughts of this. Pre-COVID my comments would be
46 completely different, completely different, but I just see the harms historically, you just...let's look

1 at history, history repeats itself, economic downfall brings a lot of really bad things with it, and
2 that, that just concerns me because it's the low end, it's the working class people that are gonna
3 get hit the hardest, and it just, it concerns me, and that's part of this. So anyways, other comments
4 from my fellow Commissioners? Commissioner Freitas.

5
6 Mr. Freitas: Someone had said that it's maybe five times, maybe ten times as many illegal short-
7 term rentals out there compared to legal. When we look at putting a cap that's even lower would
8 that increase those illegal short-term rentals. I was happy to see that it was...the fine had changed
9 from 10,000 to 20,000 for those so I can see that there is an attempt, but I think that's an area
10 that we really need to go after. Mr. Croly had shared some information in our last two weeks ago
11 about really finding a real number that made some sense instead of grabbing numbers that were
12 existing and those in permit, I think that was kind of a quick, sloppy way to pick a number, and I
13 agree with him. I was so putting this adjusted cap in and voting for it, but the comments that have
14 come in, man, I'm just...my head is sore, not from the long day, but this topic I cannot...that
15 person's right, well, yeah, that person's right, and thank you Chair for clarifying the part about I
16 don't think a broker has to be the person that manages a person's short-term rental so that was
17 not fully correct, that lady gave us the information. That's the way I look at it fellow
18 Commissioners, would like to hear what you got to say.

19
20 Mr. Carnicelli: You know, I appreciate you bringing in the illegal vacation rental comment as well
21 because I think that it's, it's...I'll get to you, Director, yeah, is I think that that's very, very relevant
22 in the big picture, but right now we're talking about legals and this is legislative issue about
23 numbers of legal ones, illegal ones enforcements...that's enforcement which lands directly on the
24 Director's shoulders, and I believe the last I heard we had 209, I don't know if that number's
25 increased or not but when went through and you hired the company to do their thing we found
26 209, so the part that it's thousands or whatever it is, it was 209, so any ways, I will defer to you,
27 Director to broach the subject of illegals versus what we're talking about today.

28
29 Ms. McLean: Thank you, Chair. I think there was a time when there were a considerable number
30 of illegals. I think the misperception of how many illegals there were is because we have so many
31 legal condos that can do vacation rental and people would look at all these ads and they don't
32 have permit numbers but that's because they don't need a permit. So there was this idea that oh,
33 there these thousands of illegals but that didn't turn out to be the case, it was more like a few
34 hundred initially, and then we hired the company as the Chair indicated, and then the Charter was
35 amended to allow the increased fines, so between those two things it has really been effective in
36 narrowing down the illegals considerably. We do still have a contractor so we are still pursuing
37 that. Every month they review in the ballpark of 30,000 ads, and so it's a very rigorous
38 enforcement exercise and that's continuing, and as we see these new, the new fines being
39 assessed, once we start collecting those I think it will, it will become clear to potential illegal
40 operators that oh, man it's gonna cost me \$20,000 if not more if I do this, and it, it may just not be
41 worth it to them, so I think those things together have been quite effective in enforcement.

42
43 Mr. Carnicelli: Thank you. Commissioner La Costa.
44

1 Ms. La Costa: Thank you, Chair. A couple of things please, it's my understanding that if you
2 know of an illegal short-term rental and you contact the County and fill out an RFS that it can be
3 anonymous is that correct?
4

5 Ms. McLean: That is the only type of enforcement that can be anonymous.
6

7 Ms. La Costa: Okay. And that being the case, and everyone who's listening should understand
8 that if there's someone in their neighborhood that is not licensed and you can find everyone who's
9 licensed on the County's website then you should call and turn them in so you wouldn't have to
10 worry about illegal rentals in your neighborhood disturbing you, and I think that's one of the biggest
11 things.
12

13 The other thing is when this was first presented to us I looked at it, and I am not a numbers girl,
14 but I have a pretty much common sense, and I didn't think that the number from where we are to
15 the 349 is that big a deal compared to how many housing units we actually have on Maui. So I
16 have always been against changing the cap when it has been presented previously, and it's like
17 nope, here's your lollipop, no, you can't have it. So I think that I have friends who have spent
18 thousands and in one case a \$130,000 preparing their house to be able to get a short-term permit
19 and then they were denied, so it's, it's a lot of work, a lot of money, and I think that they...that the
20 numbers should stay exactly where they were when the initial legislation was enforced. Thank
21 you.
22

23 Mr. Carnicelli: Thank you, Commissioner. Commissioner Thompson or Castro?
24

25 Mr. Thompson: I concur with you guys, I think when they established...I know when Tom Croly
26 was on last meeting he said, yeah when those numbers they went through quite a bit of work and
27 I know you mentioned today about the Commission, you're doing the work that was done before,
28 so they've done their work before and I kinda agree right now is not the time. I understand the
29 push for it, but is this gonna be in a motion for recommendation to the Council or just approve or
30 disapprove?
31

32 Mr. Carnicelli: Well, our recommendation can be anything, it doesn't have to be approved,
33 disapproved, it can be go get this information, go do that, I mean it can be whatever want it to be.
34 You know, so...
35

36 Mr. Thompson: Can I make a motion that we keep it status quo, can we vote on?
37

38 Mr. Carnicelli: Okay.
39

40 Mr. Thompson: I'd like to propose a motion to recommend to the Council that we keep the cap at
41 the status quo, at the existing level.
42

43 Mr. Carnicelli: Okay, is there a second to the motion? Seconded by Commissioner La Costa.
44 So moved...moved by Commissioner Thompson, seconded by Commissioner La Costa to keep
45 the caps at the current numbers. Commissioner Castro, I believe you wanted to weigh in.
46

1 Mr. Castro: I was waving for the second, but she beat me to it.

2

3 Mr. Carnicelli: P. Denise is quicker than you, she's quicker than you.

4

5 Mr. Castro: But I don't believe this issue is gonna go away any time soon, and you know, once
6 these illegals put it on the internet, and to remove it, it's almost kinda really impossible, you got
7 all these search engines that pick it up and spread it out like wild fire. I don't think this is going
8 away any time soon.

9

10 Mr. Carnicelli: Yeah, I, you know here's the other part of this and I don't want to sound like I'm
11 contradicting myself, but I think that...you know again, pre-COVID, I do look at it as, as a
12 community, as an island for us to say, you know what kind of visitor do we want and not, you
13 know how are we gonna move away from our dependence on, you know, the vacationer and on
14 the visitor industry as a whole. Do we want to shift, do we want to go these you know more
15 expensive visitors but less of them, and then, but even then how does that affect employment, all
16 those other things? I think it's a fantastic policy conversation to have, but for me in the middle of
17 a pandemic and the highest unemployment rate in the country, I just...anyways, that's what's
18 really kind of driving it, and the other part of this too, that I think is, is another piece that sometimes
19 gets missing piece that sometimes gets missing is people feel like we don't listen, right. They're
20 like, oh you're not listening, it's like, no, we listen, sometimes the answer is just no. But
21 overwhelmingly our testimony and it may change when it gets to Council but overwhelmingly our
22 testimony has been to leave the caps alone. And so I think that if we also listen to the voice of
23 the people that have come before us, that you know, I hear what like Mrs. Gilbert's saying, and
24 the idea of clustering that we've talked about many times in here is a different conversation and
25 we need to maybe address that at some other time, do we want to go into the resorts, not...but
26 as far as caps go, again, this is a pandemic decision and also one that for me is weighted on the
27 number of testifiers that we've had in support of the motion that's on the floor.

28

29 Mr. Tackett: Sorry, you guys I had to join a little late, my battery died so I had to plug it in to come
30 back online.

31

32 Mr. Carnicelli: Okay, is I don't know how long you were gone but we have a motion on the floor
33 to keep the caps at the current numbers that's what the motion on the floor is right now.

34

35 Mr. Tackett: I believe, I believe I left off right when we were speaking to the subject at hand.

36

37 Mr. Carnicelli: If you...you know, I mean, I think since this is nothing more than a
38 recommendation, if you know, I have no problem with you participating in conversation and voting
39 since this is nothing more than a recommendation unless Mr. Hopper wants to tell me that it
40 should be otherwise.

41

42 Mr. Hopper: You're making a recommendation to the Council so you would want to specify what
43 you would recommend that they do with the ordinance.

44

45 Mr. Carnicelli: Right, but I mean as far as Christian participating 'cause he missed a little bit of
46 the conversation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Mr. Hopper: It's not a contested case so he can participate.

Mr. Carnicelli: Okay, thank you. So, would anybody else like to speak to the motion?
Commissioner La Costa.

Ms. La Costa: Thank you, Chair. In the letter that Director McLean sent to Tamara Paltin, dated March 27, she addresses some short-term rentals that are in the Apartment zones and this is not the 349, but it is in the same context, in the same letter, so I wanted to know when we might be able to address that because I have a concern about that and it does have to do with short-term rentals just not the 349.

Mr. Carnicelli: I'm not following which number that is so you'll have to address that with the Director. Michele, do you know what number she's talking about?

Ms. McLean: I'm not, I'm not clear what letter she's referring to.

Ms. La Costa: On March 27, 2020 you sent a letter to, to Mayor Victorino and to Tamara Paltin and it says full scope of lawful vacation rentals in Maui County. You talked about Tamara's letter dated the 17th of March in which you outlined the number of vacation rentals, condo hotel, every...all of the...I know it's hard to see, and then you went on in Page 2, and it talked about short-term rentals, B&B, conditional permits, condo hotel timeshare that total, and then on the last page, Page 3 of that March 27th letter you said, to address this concern we have drafted a proposed bill to phase out TVR use for properties in the Apartment District that have a minority of units operated as TVRs. In response to last inquiry regarding the published short-term occupancy list and certain apartment complexes such as the Spinnaker being removed from the list, we have adjusted the list for those properties that would be subject to the proposed bill, only 14 percent of the Spinnaker or eight out of 57 are in use for TVR. The bill, 20-27 does have anything in it about that, so that's why I wanted to know when that might be addressed.

Ms. McLean: Okay, I would be concerned about discussing this because that's not on the agenda today. If it's okay with Mike Hopper to discuss it, then I can, but I would want to check with him first.

Ms. La Costa: Okay, that's fine.

Mr. Hopper: Well, that's the Apartment District Bill that's at Council right now, correct? Yeah, that was already discussed by the Commission and the Commission made its recommendation on that issue before I believe, right, if that's the same bill we're talking about?

Ms. La Costa: Well, I just got...I'm sorry, I just got this in my email when we got several of the others so that's why I'm bringing it up because it doesn't have...it's not addressed in 20-27 so that's why I asked the question about at what point can that be discussed because it wasn't discussed previously.

1 Mr. Hopper: Yeah, I don't know what letter you're talking about. The Apartment District at this
2 point is not something that's a part of this legislation. Knowing how many units there are that can
3 lawfully operate may inform your decision on what you want to do with the caps, but the...what's
4 allowed in the Apartment District right now is not something you can address as part of this bill.
5 This bill is to decide for short-term rentals homes what caps you would like to have for the areas,
6 and the proposals to reduce them you can recommend to not reduce them or something else, but
7 at this point, knowing, knowing the current status of what is lawfully allowed in the Apartment
8 District is relevant sure toward this potentially, but you do not have the ability to take action on
9 that item under this, under this bill. This bill deals only with the STRH caps.

10
11 Ms. McLean: If I could clarify, the bill that is with Council now talks about what we refer to as the
12 loophole bill that is the bill that would prevent the conversion to short-term rental of Apartment
13 District properties that have never done vacation rental at all, not a single unit. That has been
14 reviewed by the Commission, and that has been sent to the Council. The letter that Commissioner
15 La Costa referred to is a bill that we have not yet taken to the Commission, and we hope to discuss
16 that with Council when they talk about the loophole bill, but we have not drafted a bill yet, that has
17 not gone through Council. The gist of that bill would be Apartment District properties that have a
18 very low percentage of units doing vacation rental to be phased out over time, but as I said, we
19 have not drafted that bill, it has not gone to Commission yet, and in this environment I don't know
20 that we are gonna be moving forward with that, so your opportunity to comment on that bill if we
21 do move forward with it will come before it goes to the Council.

22
23 Ms. La Costa: I appreciate that, just came with all of the other ones that we got over the last week
24 or so, so that's why I brought it up thank you so much Director.

25
26 Mr. Carnicelli: Commissioner Freitas.

27
28 Mr. Freitas: Question is either for the Director, Counsel, one testifier mentioned the way Molokai
29 was eliminated short-term rental and as I look at the paperwork that we got, it says some kind of
30 ordinance, 5059 reduced that limit. By our voting are we, are we agreeing or anything like that,
31 it's on the first page right underneath the box, it says they reduced the limited for STRH permits
32 on Molokai to zero. So when we make our vote are we also voting on that...no, it shouldn't
33 be...cause that's a ordinance that was done prior, correct?

34
35 Mr. Hopper: That's correct. That ordinance had to be reviewed by the Molokai Planning
36 Commission because it involved Molokai TVRs and so you wouldn't be reviewing that. You are,
37 the draft bill you have makes a correction it looks like to the diacritical mark for Molokai in the,
38 in the bill but it doesn't change the cap which is set at zero, that was based on an earlier ordinance
39 that Council passed. You did not review that ordinance because it only pertained to Molokai
40 STRHs and so that already passed. So yeah, this bill if you look at that section, the section with
41 all the caps, the Molokai caps are kept at zero right now, and in fact, you couldn't recommend to
42 change those or the ones on Lanai without the Planning Commissions there reviewing them. So,
43 at this point, you wouldn't be making a recommendation on TVRs on Molokai or Lanai.

44
45 Mr. Freitas: Lanai is on here actually.

1 Mr. Hopper: Yeah, you're not reviewing...I understand that it's part of the language but the caps,
2 the cap...Lanai is listed at 20 that's something that the Lanai Planning Commission is concurrently
3 reviewing is that's, that's something they have to review. So what I'm saying is that you would
4 generally would not be making a recommendation on an item that pertains only to their...just as
5 if the Lanai or Molokai Planning Commission were reviewing an ordinance that had issues that
6 applied only to Maui generally they wouldn't be making a recommendation on those. So this
7 draft bill does have a cap for Lanai for 20, but generally you wouldn't be making a recommendation
8 on that because the Lanai Planning Commission would be tasked with doing that.

9
10 Mr. Freitas: Okay. Then if I can just make a comment on the motion, I don't know if I did already,
11 but I'll add another one if you allow me to, as I look at this cap I remember what one of the testifiers
12 had said that although we had a lot of noes, a lot of them were coming from people in the real
13 estate business and not so much the community as she feels there's probably more people in the
14 community that are against it, but to all those that did call in regardless if they for or against, it
15 really shows that this is a really big deal for everyone. I worry that, you know, and I said it before
16 and people commented that there is that five-year ownership time frame you gotta wait for before
17 turning yours or requesting a short-term rental. I feel that it still promotes luxury properties and
18 subdivisions that whether it is five years from now then turned around and turn into short-term
19 rentals to help pay for people that actually were not residents of our island or our county prior. I
20 know there's only five of us, I'm leaning toward the recommended cap by the Department at this
21 time.

22
23 Mr. Carnicelli: Thank you, Commissioner. Anyone else? Commissioner Tackett.

24
25 Mr. Tackett: Thank you for unmuting me. My take on it is a lot of people talked about the COVID,
26 about the jobs, about it taking away jobs, in the situation we're in it possibly might take away jobs.
27 Those people that do have their jobs taken away if we to continue to let these things go they're
28 the type of people that are gonna be exposed to the ...(inaudible due to technical
29 difficulties)...because the COVID is too dangerous for that to happen then why we would put
30 those people into people's neighborhoods and houses, so it's my opinion that that I'm in favor of
31 the cap, I was never in favor of, of homes being used for this type of business venture in the first
32 place, but that decision was not mine, but if...to me if you, if you look at the people that testified,
33 the people that are wanting it the most, almost every single one of them has something personally
34 to gain. Nobody is taking a moral stand on this with nothing personal to gain. Everybody has
35 something personal to gain if they calling up. Nobody's just calling up, eh I was at the beach all
36 day and I was thinking you know if you put a cap on these vacation rentals you're taking away
37 rights, of...that these humans should have as part of just being an
38 American citizen or a citizen of the State of Hawaii. There is nobody taking that stance on this
39 issue. It's either the guys that are getting rent out that don't want it or the guys that have
40 something specific that of course they want it. ...(inaudible due to technical difficulties)...if my
41 choice was to stay in Hawaii or sell my stuff and go back to where ever I came from, I see the
42 romance of it, but I don't think that necessarily that's right direction for us and I think it's especially
43 not the right direction under these circumstances it's gonna cater to is right now. So those are
44 my comments and my feelings on it, and thank you, thank you for the time to listen.

1 Mr. Carnicelli: Thank you, Commissioner Tackett, well stated. Anybody else? Anything else to
2 add? Commissioner Freitas.

3
4 Mr. Freitas: One good thing about us putting the cap, in changing the cap is that we're not hurting
5 those that are already holding the permit, not holding those with the opportunity that's in the
6 pipelines that have applied for one. Director, how many people let theirs expire or get away from
7 vacation rental or is that turnover almost nil?

8
9 Ms. McLean: Thank you for the question. Between B&B and STRH permits on an annual there
10 are a just a few that withdraw their permit or say that they're closing their operation or let them
11 expire, there aren't that many but a few do every year, a few do.

12
13 Mr. Freitas: So with this, when they don't renew, if we go with this cap, this revised cap, that cap
14 still stays so others that didn't get a chance or if they're at the max, if someone drops out they can
15 still get that spot is that correct?

16
17 Ms. McLean: That's correct.

18
19 Mr. Freitas: Or once they leave it drops, no. Okay.

20
21 Mr. Carnicelli: Yeah, and to your point Kawika because I think that that's important to bring up,
22 part of I think, and this is just an opinion, part of the reason why the current owners are testifying
23 in favor of competition is because originally the bill was okay, the cap keeps moving as attrition
24 happens, right, and so then all of a sudden you end up with, so they're going oh, what if I forget
25 to renew my permit or whatever it would be, the other part that fascinates me is had the Council
26 not moved the Molokai cap to zero, would they be as concerned? You know, I mean that's just
27 the reality, human nature right? So they're going like, oh they're talking about moving the caps
28 say from you know, 88 to 57 and also they're gonna start deliberating and they're gonna go oh,
29 not 57, zero like they kinda did in Molokai that's just sorta what happened. So I can appreciate
30 their you know fears of something like that repeating itself because it's not unfounded, it happened
31 just a couple months ago. So that's reality, yeah go ahead Director.

32
33 Ms. McLean: If I could add that the Planning Department conducted outreach I believe toward
34 the end of March about phasing STRHs out altogether, and so that idea is in people's heads
35 because we put it there.

36
37 Mr. Carnicelli: Right.

38
39 Ms. McLean: I want to emphasize that something like that is, is a very impactful issue and so
40 that's why we conducted the outreach, we didn't just draft a bill and put it through the process, we
41 wanted to hear from the public and various interest groups so that did also put the idea in people's
42 minds as well as the idea of attrition like Commissioner Freitas asked you know if the cap is here
43 and then someone drops out, the cap still stays there, other people can, can take those places, it
44 doesn't drop as permits expire or are withdrawn, so that's certainly why people are concerned
45 about it because we put that idea out there, so I bear the responsibility for that.

1 Mr. Carnicelli: Commissioner Freitas.

2

3 Mr. Freitas: You know, I also what to address the Kihei number that the Council had I think no
4 change and left it at a hundred but we looked at or the Department looked at it being lowered to
5 match the way you figured out the existing plus those in the pipeline. I like that, I like us to be
6 consistent and I want that that change. I think Kihei already has a lot of those vacation rental
7 condo operations already. They're inundated with non-hotel accommodations so I'm gonna speak
8 up and say, yeah, that one should be changed and I notice that and let's keep it consistent.

9

10 Mr. Carnicelli: Yeah, I don't wanna misspeak and maybe Jacky or Michele can speak to this but
11 I believe that...'cause the original bill wasn't moving all the caps. I believe it was just what, West
12 Maui alone or something like and then...anyway, but then while it was in the Council they say
13 said, oh why don't we move mine, move mine, move mine and Kelly King said, well no, we need
14 more...anyways Michele's shaking her head you can speak to that and correct all my
15 misstatements.

16

17 Ms. McLean: This bill wasn't discussed in committee; it was moved from Council—

18

19 Mr. Carnicelli: No right, Council.

20

21 Ms. McLean: --straight to you folks, so there was only that one full Council meeting when it was
22 discussed and I believe Councilmember King wanted to get feedback from the South Maui
23 community and so that's why that number wasn't changed but all the rest of them were proposed
24 in the original bill to be reduced down to the current number plus those in process.

25

26 Mr. Carnicelli: Yeah, Councilmember King is very consistent about wanting more community
27 input. Okay, so we do have a motion on the floor which is to leave the caps at the existing...I
28 learned a new word today, diacritical. Mr. Hopper threw a word at me, I don't even know if I could
29 use it correctly, I'm gonna have to go Google it, but is to leave the limits at the current cap number,
30 that's the motion on the floor. So does anybody else want to speak to this motion before we put
31 it for a vote? Okay, Director.

32

33 Ms. McLean: Chair as you said, the motion on the floor is to recommend to the Council that leave
34 the caps as they are, and to not change them as proposed in the bill.

35

36 Mr. Carnicelli: All those in favor, please raise your hand. That is one, two, three. Those opposed,
37 one, two. So my vote's not going to sway anything either way, so the motion, fails.

38

39 *(Motion was made at approximately 01:03:15 of Part 5 of the audio recording.)*

40

41 **It was moved by Mr. Thompson, seconded by Ms. La Costa, and**

42

43 *(Vote was taken at approximately 01:29:46 of Part 5 of the audio recording.)*

44

45 **The Motion to Recommend to the County Council to Keep the Current Caps as They**
46 **Are and to Not Change Them as Proposed in the Bill, FAILED.**

1 **(Assenting – D. Thompson, P.D. La Costa, S. Castro)**
2 **(Dissenting – K. Freitas, C. Tackett)**
3 **(Excused – T. Gomes, K. Pali)**
4

5 Mr. Carnicelli: So, we can put another motion on the floor. I think if nothing else, even if we don't
6 end up with a motion we need to memorialize kinda this discussion and even if it's to say, hey
7 listen we were split. You know, it was, you know, some of us wanted this, some of us wanted
8 that, so we at the very minimum need to memorialize what our discussion is and what our
9 recommendation is even if it's you know, split. Anybody else want to make a motion?

10
11 Ms. McLean: Chair, if you would like your recommendation to the Council could be that they
12 consider the following comments and so the comments can be representative of the discussion
13 that you don't have a specific motion on the bill itself.
14

15 Mr. Carnicelli: Well, I think the one part for me is maybe the motion could be something to the
16 effect of before you make a decision on this, here's some of the information that you guys need
17 to address in making that decision, I mean, that can be our recommendation rather than saying
18 okay a yay or nae which I don't think we're gonna get to, but to say okay, you know there needs
19 to be...maybe our recommendation is you need to have some empirical data to show what it is
20 that, you know, how this is gonna impact the community. The three to one ratio thing, obviously
21 right now it's zero, but if we go historically then in that, in that data of the tourist association how
22 much of those people that are being counted as visitors are second time homeowners and part-
23 time residents, you know like that Canadian that comes for five months is counted, they own
24 something here, second time residents that just sorta come and go a couple times a year they're
25 counted in that, how much GE and TAT is actually generated by these...what other information
26 do you wish the Council use in trying to make this decision? Commissioner La Costa.
27

28 Ms. La Costa: Thank you, Chair. Something else that needs to I think be addressed as Dr. Gilbert
29 mentioned even though we get the cases are clustered if you will, you know I think if something
30 is established early on or established in a new legislative piece that there can be more than x, y,
31 z, within you know...if you have 50 houses you can't have more than ten percent or whatever
32 number they come up with so that people know oh, gee I can't even apply for one because there
33 are too many in my neighborhood and it saves the Planning Department time, it saves us time, it
34 saves them time and money so that's just something else that might be something to look at.
35

36 Mr. Carnicelli: Ironically I actually...I mean, I understand what you're saying and that can be
37 included in it, I kinda disagree. I personally kinda like the clustering you know, Maui Vista is the
38 street right above Kaanapali like if you're gonna turn left into Kaanapali, you turn right into
39 Maui Vista, it's kinda conducive to that, the north end of Front Street, Halama Street, blah, blah,
40 blah, so I mean we've had this conversation before and so...but I would hate to see the Council
41 take a bill that's about the caps and suddenly start rewriting the whole thing and maybe that's
42 what really needs to be done. You know, maybe that's part of the recommendation is instead of
43 just trying to tinker with the caps, is let's have a conversation about, I mean just as a community
44 maybe we just say, hey listen we don't want that visitor, and I mean, I personally again during
45 COVID don't agree with that but I don't make those decisions. And so, maybe that's the
46 conversation needs to have, it's just like let's open the whole ordinance up again. I personally

1 don't want that to be a part of our recommendation. But I understand how, you know, as a
2 community we may have to especially moving forward out of this. Any other things that you would
3 like to include that the Council consider when making their decision? I mean, it doesn't have
4 empirical either. I mean, I know that you know like Commissioner Freitas, and Commissioner
5 Tackett you guys talked about you know, want to include quality of life, you know, do you want to
6 include the fact that you know, COVID is gonna come into neighborhoods, you know I mean,
7 just...I mean, please add what you think is relevant to what it is that you think that they need to
8 consider in making this decision.

9
10 Mr. Hopper: Mr. Chair?

11
12 Mr. Carnicelli: Yes, Mr. Hopper.

13
14 Mr. Hopper: Maybe a suggestion, if you can't make a set of recommendations and vote or pass
15 those on with unanimous consent, if you're unable to make a recommendation specifically or
16 agree on one, you could I suppose, your options are to wait, I think you have time if you have
17 another commissioner that could come on and maybe get a vote one way or the other by deferring
18 action or the other option is to you know, to agree to send it to Council saying that you were
19 unable to take, to get a consensus of five votes to make a specific recommendation but that you
20 request that they review the minutes for the testimony and discussion to see what was discussed.
21 Those are some options in the event that you're gonna end up with being unable to take vote or
22 you could defer and if you've got maybe if you have another member that will help you to get five
23 votes one way or the other, but those are just a couple suggestions.

24
25 Mr. Carnicelli: Thank you, Mr. Hopper. If we defer, does it open up for public testimony is that
26 what we do or we have to recess?

27
28 Mr. Hopper: Well, I don't know if I'd recommend recessing again. I think you would probably
29 defer and yeah, take public testimony again. The public hearing would technically be closed but
30 because your, it's a Sunshine Law item you would take testimony again. Again, if you...if at this
31 point you can, you can get five votes to recommend whatever you like and your recommendation
32 could be though we were unable to reach a consensus we...you could review the minutes if it, if
33 it appears that you're unable to take a vote. The...I'm just giving you potential options that you
34 could have, but I wouldn't recommend recessing again for another two weeks and not taking
35 testimony. I think I'd advise you'd have to take testimony again.

36
37 Mr. Carnicelli: Okay. Commissioner Tackett.

38
39 Mr. Tackett: I motion, I motion to accept the lowered caps that's my motion.

40
41 Mr. Carnicelli: Okay. A motion on the floor to accept the proposed caps. Is there a second?
42 Seconded by Commissioner Freitas. Thank you. Commissioner Tackett, discussion on the
43 motion.

44
45 Mr. Tackett: For the reason I spoke to before and I think, I think because you said that you would
46 like it as part of the record, I figured that at least this way we can move it down the line. If my

1 motion fails and the other, and the other planning commission members' motion fails then we can
2 probably defer it in good faith and just move on.

3
4 Mr. Carnicelli: I like that. Thank you. Commissioner Freitas, would you like to speak to the
5 motion?

6
7 Mr. Freitas: I think the Planning Department came up with a really good system it was a number
8 that in some cases was more than the County Council had asked, you know, I think, I think the
9 lower cap is good.

10
11 Mr. Carnicelli: Great, any other discussion on the motion? Seeing none, Director.

12
13 Ms. McLean: Chair, the motion is to recommend to the County Council that they reduce the caps
14 as recommended in the staff memo.

15
16 Mr. Carnicelli: Just point of clarification is Jacky had indicated that the original memo had six in
17 Wailuku-Kahului which would now be eight, correct? Okay.

18
19 Ms. McLean: Yes, and I would also point out that my feeling on the recommendation is that by
20 the time the Council hears this again there could be more in the pipeline and that they should
21 account for those as well. So what it is today might be different than it is in a week or a month so
22 the caps should account for all those in the pipeline.

23
24 Mr. Carnicelli: Jacky.

25
26 Ms. Takakura: Sorry, the two additional was for West Maui.

27
28 Mr. Carnicelli: Oh, okay, from...oh, 63...wait, as part of the record.

29
30 Ms. Takakura: Excuse me, Chair?

31
32 Mr. Carnicelli: Yeah?

33
34 Ms. Takakura: Yes, the original memo sent out had six pending applications for West Maui but
35 then we realized there were two more and so the pending applications for West Maui is at eight,
36 and that brings the Department's proposal for West Maui to 69.

37
38 Mr. Carnicelli: Okay, great. Thank you very much. Okay, so if you could restate the motion since
39 I jumped all over it.

40
41 Ms. McLean: I'm taking liberties here but I believe the motion was to recommend to the Council
42 approval of the proposed bill with the reduced caps taking into account existing permits and all
43 pending applications.

44
45 Mr. Carnicelli: Great, all those in favor of the...oh, Commissioner La Costa.

1 Ms. La Costa: Thank you, Chair. Sorry, do we want to put a date like all that are in the pipeline
2 as of today so that if someone rushes in puts their application in, no date? I see Chair shaking
3 his head, Director can you give me some guidance please?
4

5 Ms. McLean: That's your decision.
6

7 Mr. Carnicelli: It's our motion.
8

9 Ms. McLean: It's, yeah, it's your motion. If you wanted to establish the date as of today that
10 would be a different outcome than leaving the date open to account for applications that might
11 get submitted between now and the time that the Council hears it.
12

13 Mr. Carnicelli: So, the current motion does not have a date. Did you want to try to amend the
14 motion?
15

16 Ms. La Costa: Christian it's your motion, I'll let you do the amendment or leave it as is.
17

18 Mr. Tackett: I'm open to you amending it, but as far as I'm concerned, I'm okay with it as it is.
19

20 Mr. Carnicelli: Okay, all those in favor, please raise your hand? That is two, three. Opposed,
21 one, and one abstention. Commissioner La Costa did you abstain? Yes, you abstained?
22

23 Ms. La Costa: Oh, sorry correct.
24

25 So that is three in favor, one abstention and one opposed which then falls to me and I will oppose
26 the motion, so the motion fails.
27

28 *(Motion was made at approximately 01:38:27 of Part 5 of the audio recording.)*
29

30 **It was moved by Mr. Tackett, seconded by Mr. Freitas, and**
31

32 *(Vote was taken at approximately 01:43:34 of Part 5 of the audio recording.)*
33

34 **The Motion to Recommend Approval to the County Council with the Reduced Caps**
35 **taking into account existing permits and all pending applications, FAILED.**

36 **(Assenting – K. Freitas, C. Tackett, S. Castro, P. D. La Costa - Abstained)**

37 **(Dissenting – D. Thompson, C. Carnicelli)**

38 **(Excused – T. Gomes, K. Pali)**
39

40 Mr. Carnicelli: So how about a motion to defer? Commissioner La Costa.
41

42 Ms. La Costa: I move that the discussion on Bill 20-27 is deferred until the next meeting so that
43 we can have more input from additional commissioners.
44

45 Mr. Carnicelli: How about to the next available meeting?
46

1 Ms. La Costa: That works too.

2

3 Mr. Carnicelli: Okay.

4

5 Ms. La Costa: I amend it to the next available meeting.

6

7 Mr. Carnicelli: Seconded by Commissioner Thompson. So moved by Commissioner La Costa to
8 defer the item to the next available meeting, seconded by Commissioner Thompson. Discussion
9 on the motion? My mouth's stopping working. Mr. Hopper first.

10

11 Mr. Hopper: Just to clarify that I think the intention is to close the public hearing on this matter so
12 that you don't have to...you would not have do any sort of renoticing in the newspaper but that
13 the...because it would be on a regular meeting agenda you'd still have to post an agenda and
14 have public testimony so I'm not sure if you said the public hearing is closed, but I think just be
15 clear on that, because you're not, you're not recessing...you're deferring to a date certain so I
16 think at this point as long as you clarify that the public hearing is closed but testimony is still open
17 for the next meeting then that is fine, but I just wanted to have that clarified.

18

19 Mr. Carnicelli: Okay, so Commissioner La Costa just for clarity your motion is to close the public
20 hearing and to defer the item to the next available meeting. Is that correct?

21

22 Ms. La Costa: That is correct.

23

24 Mr. Carnicelli: And Mr. Thompson, that's—

25

26 Mr. Thompson: ...(inaudible)...

27

28 Mr. Carnicelli: Thank you. So then, Commissioner Freitas I believe or no,
29 Commissioner La Costa, you as the movant can speak to the motion first.

30

31 Ms. La Costa: It doesn't seem that we can come to consensus whether it's 349 or 278 or however
32 many and I think more voices will lend itself to perhaps more reason or different reason and we
33 can pass something onto the Council that has some teeth in it. Thank you.

34

35 Mr. Carnicelli: I think the more relevant number is 602. Director.

36

37 Ms. McLean: Chair, just want to make a comment that given the way that the votes went having
38 your one additional commissioner still would leave you with fewer than five votes.

39

40 Mr. Carnicelli: Not for the one in favor.

41

42 Ms. McLean: Just a, just a note.

43

44 Mr. Carnicelli: Okay. Thank you. Commissioner Freitas.

45

1 Mr. Freitas: I'd like to speak on the motion. I was actually trying to get a word in before the motion
2 was set, and I have my fellow commissioners kinda think about if I understand this, the Council,
3 members of the Council had forward this to the Maui Planning Commission and it seems like all
4 of them were pretty much okay for them to have sent it to us with one representative didn't want
5 to lower her number, but everyone else seemed to have been okay with it. Again, that doesn't
6 change the fact that that was pre COVID like Chair's been repeating throughout and that's why
7 I'm kinda leaning that way as well that they were kind of waiting to hear what the number was
8 gonna be, not so much that whether there was a cap or not. That's my personal. Thank you.

9
10 Mr. Carnicelli: Yeah, actually this didn't go to committee yet, so...any other further conversation
11 on the motion? Director.

12
13 Ms. McLean: Chair, the motion is to close the public hearing and defer this to a future meeting.

14
15 Mr. Carnicelli: All those in favor? That is one, two, three, four in favor. Opposed, one. So that's
16 Commissioner Freitas opposing, I will vote in favor of the motion to, so that makes it five-one in
17 favor of motion passes with Commissioner Freitas dissenting. So, thank you very much everyone.

18
19 *(Motion was made at approximately 01:44:26 of Part 5 of the audio recording.)*

20
21 **It was moved by Ms. La Costa, seconded by Mr. Thompson, and**

22
23 *(Vote was taken at approximately 01:48:24 of Part 5 of the audio recording.)*

24
25 **VOTED: To Close the Public Hearing and Defer the Matter to the Next Available**
26 **Agenda.**
27 **(Assenting – P. D. La Costa, D. Thompson, C. Tackett, S. Castro,**
28 **L. Carnicelli)**
29 **(Dissenting – K. Freitas)**
30 **(Excused – T. Gomes, K. Pali)**

31
32
33
34 Respectfully Submitted by,

35
36
37 CAROLYN TAKAYAMA-CORDEN
38 Secretary to Boards and Commissions II
39
40