

TRANSCRIPTION

Council of the County of Maui on 2022-07-18 9:00 AM - Regular Meeting
(Recessed from 7/15/2022)

[GAVEL] , WILL THE COUNCIL MEETING OF JULY 15TH, PLEASE RECONVENE. TODAY IS MONDAY, JULY 18TH, AND IT'S APPROXIMATELY 9:04 A.M. AND BEFORE ROLL CALL, I HAVE A COUPLE OF ANNOUNCEMENTS. NO. 1, THOSE WATCHING THIS BROADCAST, PLEASE TURN TO CHANNEL 54, CHANNEL 53 OUR NORMAL CHANNEL WILL BE AVAILABLE SOMETIME LATER TODAY. BUT FOR NOW, PLEASE USE CHANNEL 54 TO WATCH THE AKAKU PROGRAMMING. THAT IS ONE. NO.\r\n\r\n2 IS OUR GREETING FOR TODAY IS FROM THE CONGO, AFRICA. AND IT IS MBOTE TO ALL OF YOU MEMBERS, AND MR. CLERK, MAY WE HAVE ROLL CALL. >> CHAIR, PROCEEDING WITH ROLL CALL. MEMBERS PARTICIPATING FROM NON-PUBLIC LOCATIONS SHOULD STATE IF ANYONE EXCEPT CHILDREN PRESENT WITH THEM AS PART OF ROLL CALL. COUNCIL MEMBER SHANE SINENCI. >> MEMBER SINENCI?\r\n\r\nLET'S COME BACK TO HIM. I THINK HE MIGHT BE FROZEN FOR NOW. MAYBE HE IS GOING TO RESTART. >> COUNCIL MEMBER MIKE MOLINA. >> ALOHA AND MBOTE, MADAM CHAIR AND COLLEAGUES AND EVERYONE ELSE JOINING US FOR OUR RECESSED COUNCIL MEETING THIS MORNING. I'M TRANSMITTING FROM THE COUNCIL CHAMBERS, ALONG WITH MY COLLEAGUE, MEMBER SUGIMURA, AS WELL AS THE CLERK, AND CLERK'S STAFF AND MEMBERS OF THE PUBLIC WHO HAVE JOINED US IN THE CHAMBERS THIS MORNING. ALOHA.\r\n\r\n>> ALOHA. >> COUNCIL MEMBER SHANE SINENCI? >> ALOHA CHAIR, AND COUNCIL MEMBERS. FOR THE RECORD, HAPPY MONDAY. FOR THE RECORD, I'M BROADCASTING THIS MORNING FROM MY OFFICE, HOME OFFICE, WITH MY STAFF GINA YOUNG. ALOHA. >> ALOHA.\r\n\r\n>> COUNCIL MEMBER KELLY TAKAYA KING. >> ALOHA KAKAHIKA AND MBOTE EVERYONE AND I'M BROADCASTING FROM MY HOME OFFICE IN SOUTH MAUI. WE HAVE REPORTS OF NO TESTIFIERS AT THE SOUTH MAUI DISTRICT OFFICE AND THERE'S NO ONE IN THE ROOM WITH ME AT THIS MOMENT. LOOKING FORWARD TO GETTING THROUGH OUR BUSINESS TODAY. RECORD TIME. >> YES. THANK YOU.\r\n\r\n>> COUNCIL MEMBER GABE JOHNSON. >> ALOHA, CHAIR, COMMUNITY MEMBERS, COUNCIL MEMBERS. MBOTE TO ALL OF YOU. I'M HOME ALONE IN MY WORK SPACE ON LANA'I. THERE'S NO TESTIFIERS AT THE LANA'I DISTRICT OFFICE AND I'M HERE, READY TO WORK. MAHALO, CHAIR. >> MAHALO. >> COUNCIL MEMBER TAMARA PALTIN.\r\n\r\n>> ALOHA KAKAHIKA, AND MBOTE KAKOU, BROADCASTING LIVE AND DIRECT FROM THE LAHAINA DISTRICT OFFICE HERE IN SUNNY LAHAINA TOWN, WHERE WE HAVE LIGHT, INVARIABLE WINDS AND SURF IN THE 3-6' PLUS RANGE AND A GOOD TIME HAD BY ALL OUT THERE. THANK YOU. NO TESTIFIERS AT THE LAHAINA DISTRICT OFFICE. >> THANK YOU. >> COUNCIL MEMBER YUKI LEI SUGIMURA. >> MBOTE EVERYBODY. I'M HERE IN THE COUNCIL CHAMBERS WITH MEMBER MOLINA AND THE HARD-WORKING CLERK STAFF, APPRECIATE YOU BEING HERE.\r\n\r\nWE HAVE TESTIFIERS IN THE CHAMBERS. I'M GLAD TO SEE TESTIFIERS HERE IN-PERSON, AND LOOKING FORWARD TO A VERY PRODUCTIVE MEETING. THANK YOU, MEMBERS. >> THANK YOU. >> PRESIDING OFFICER PRO TEMPORE TASHA KAMA. >> EXCUSED. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ.\r\n\r\n>> ALOHA KAKAHIKA KAKOU. MY MOLOKA'I AHINA AT MOLOKA'I DISTRICT OFFICE, ALONE IN THE OFFICE. THERE ARE NO TESTIFIERS HERE. MAHALO. >> THANK YOU. >> AND COUNCIL CHAIR ALICE L. LEE. >> MBOTE EVERYONE AND LOOKING FORWARD TO HOPEFULLY A QUICK, EFFICIENT, AND AMENABLE MEETING.\r\n\r\nYES, MEMBER PALTIN. >> SORRY I FORGET TO MENTION I WASN'T ALONE. WITH ME IS ANGELA LUCERO AND CHRISTIAN. >> THANK YOU. I, TOO, AM HOME ALONE IN MY OFFICE, AND LOOKING FORWARD TO WORKING WITH ALL OF YOU TODAY. MEMBER MOLINA. >> THANK YOU, MADAM CHAIR.\r\n\r\nMY APOLOGIES, I FORGET TO MENTION THERE'S NO TESTIFIERS AT THE DISTRICT OFFICE IN PA'IA. >> THANK YOU. ANY OTHER COMMENTS BEFORE I CALL ON MR.

CLERK? IF NOT, MR. CLERK, PLEASE BRING US UP-TO-DATE. >> YES,
CHAIR.\r\n\r\n>> WELL, MEMBERS, AS YOU KNOW, WE VOTED ON THE CONSENT
CALENDAR. WE VOTED ON THE CEREMONIAL RESOLUTION, AND WE VOTED ON THE FIVE
BILLS. NOW WE'RE ABOUT TO TAKE UP THE REST OF THE AGENDA AND OF COURSE,
WE'LL NEED TO BEGIN WITH TESTIMONY. THE CLERK WILL BRING US UP-TO-DATE AS
TO WHERE WE ARE. >> CHAIR, JUST FOR THE RECORD, THERE ARE EIGHT MEMBERS
PRESENT, ONE MEMBER EXCUSED. A QUORUM IS PRESENT TO CONDUCT THE BUSINESS
OF THE COUNCIL. FOR THE RECORD, EYEWITNESSES DEPUTY COUNTY CLERK JAMES
KRUEGER.\r\n\r\n\r\nALSO PRESENT FROM THE OFFICE OF THE COUNTY CLERK
LEGISLATIVE DIVISION STAFF, JOYCE MURASHIGE, LAUREN SALDANA AND DELL
YOSHIDA AND JOINING THE MEETING FROM THE DEPARTMENT OF CORPORATION
COUNSEL IS CORP. COUNSEL MOANA LUTEY. AT THIS TIME, CHAIR, THE COUNCIL
HAS CLOSED TESTIMONY AND DEALT WITH THE ITEMS RELATING TO THESE ITEMS --
THESE ITEMS ON THE AGENDA. CEREMONIAL RESOLUTION, SETTING THE CONSENT
CALENDAR, THE CONSENT CALENDAR, ITEM L, RESOLUTIONS AND ITEM N, BILLS.
CHAIR, AT THIS TIME, SHALL WE PROCEED WITH TESTIMONY ON ANY REMAINING
AGENDA ITEM? >> MR. CLERK, CAN YOU EXPLAIN TO THE PUBLIC ABOUT THE
TESTIMONY TODAY, IF THEY HAVE TESTIFIED ON ITEMS ON THE AGENDA ON FRIDAY,
THAT THEY'RE WELCOME TO TESTIFY ON OTHER ITEMS, BUT NOT THE SAME
ITEMS.\r\n\r\n\r\nCAN YOU EXPLAIN THAT TO THE PUBLIC? >> YES, CHAIR. THAT IS
CORRECT. TODAY'S MEETING IS A RECONVENING OF A RECESSED MEETING FROM LAST
WEEK, FRIDAY, JULY 15TH. THEREFORE, IT'S THE SAME MEETING AND ANYBODY WHO
TESTIFIED ON ITEMS ON FRIDAY CANNOT AGAIN TESTIFY ON ITEMS , BUT CAN
TESTIFY ON ANY NEW ITEMS AND OF COURSE, WELCOME ANY NEW TESTIFIERS. >>
YES. ANY QUESTIONS, MEMBERS?\r\n\r\n\r\nLET'S BEGIN -- -- VICE-CHAIR RAWLINS-
FERNANDEZ. >> MAHALO, CHAIR. OUR DEPUTY CLERK SAID WE'RE GOING TO OPEN
TESTIMONY ON ALL REMAINING AGENDA ITEMS. ARE WE TAKING THEM UP IN
SECTIONS FOR TESTIMONY, OR WE'RE JUST OPENING UP ALL THE SECTIONS AT ONE
TIME? >> MR. CLERK? >> CHAIR, AT THIS TIME, WE WERE GOING TO CALL
TESTIMONY, SIMILAR TO HOW WE DID ON FRIDAY, IF ANYBODY WANTED TO JUST
TESTIFY IN THE MORNING ON ANY REMAINING AGENDA ITEM, AND THEN DO IT BY
SECTION.\r\n\r\n\r\nBUT IF THE BODY STRICTLY WANTS TO DO BY SECTION, WE CAN
DO THAT AS WELL. >> MEMBERS, DO YOU HAVE COMMENTS? I THINK IT WILL BE
JUST BE EASIER IF WE GO THROUGH ALL THE TESTIFIERS AND THEY CAN SAY
WHETHER THEY WANT TO TESTIFY NOW OR WHEN THE ITEM COMES UP. >> CHAIR? >>
WE ASKED THEM THAT AT THE LAST MEETING, I BELIEVE. SO UNDER THE NEW
SUNSHINE LAW REQUIREMENTS WHERE WE OPEN UP TESTIMONY AT THE BEGINNING OF
THE MEETING, WE DID THAT ON FRIDAY. NOW WE'RE REQUIRED TO OPEN UP
TESTIMONY BEFORE EACH SECTION OR ITEM.\r\n\r\n\r\nSO I THINK THAT IS HOW
WE'RE SUPPOSED TO PROCEED. >> >> >> WELL, MY UNDERSTANDING IS THAT PEOPLE
HAVE A CHOICE WHEN THEY SIGN UP TO TESTIFY, THEY CAN SAY NOW, EVEN THOUGH
THEIR ITEM HAS NOT COME UP YET, BECAUSE THIS IS SIMPLY A CONTINUATION OF
FRIDAY'S MEETING. >> WE CLOSED PUBLIC TESTIMONY FOR THE BEGINNING
PORTION. THAT WAS ON FRIDAY. WE COMPLETED THAT ALREADY. NOW WE'RE ON
SECTIONS. NOW WE'RE ONLY ON TESTIMONY BEFORE EACH SECTION.\r\n\r\n\r\n>>
PERHAPS MR. CLERK, YOU CAN ENLIGHTEN US ON EXACTLY WHAT TRANSPIRED ON
FRIDAY AND WHAT WILL TAKE PLACE TODAY? >> CHAIR, THE BODY DIDN'T -- I
SUPPOSE THE BODY DIDN'T CLOSE -- DIDN'T DO ANY FORMAL CLOSING OF
TESTIMONY WHEN WE DID THAT BIG PERIOD OF TESTIMONY AT THE BEGINNING OF
THE MEETING ON FRIDAY. JUST BECAUSE THAT WOULD ALSO RESULT IN CLOSING
TESTIMONY FOR ALL ITEMS AND THAT WOULD NOT HAVE BEEN CONSISTENT WITH THE
SUNSHINE LAW. BUT IT IS THE BODY'S DECISION, IF THE BODY JUST WANTS TO DO
TESTIMONY BY SECTION AT THIS POINT, IT'S OKAY TO DO THAT. BUT IT IS ALSO
OKAY FOR THE BODY TO TAKE UP ANY TESTIFIER WHO WANTS TO TESTIFY NOW AND

ANY TESTIFIER WHO WANTS TO TESTIFY BEFORE SECTIONS, IT'S PURELY THE BODY'S DECISION. >> I WOULD LIKE TO HAVE MR. RAATZ' OPINION ON THIS, BECAUSE MY UNDERSTANDING IS THAT PEOPLE HAVE A CHOICE. THE ONLY TESTIMONY WE CLOSED ON FRIDAY WAS TESTIMONY ON THE RESOLUTION, THE CEREMONIAL RESOLUTION, AND THE OTHER ITEMS WERE THE SETTING OF THE CONSENT CALENDAR, AND PASSING OF THE FIVE BILLS. THOSE ITEMS ARE NO LONGER AVAILABLE TO TESTIFY ON. BECAUSE WE DISPOSED OF THEM. ALL OTHER ITEMS ARE OPEN. SO PEOPLE SHOULD HAVE THE OPPORTUNITY TO SAY I WOULD LIKE TO TESTIFY RIGHT NOW ON AN ITEM THAT IS NOT BEFORE US, THAT HAS NOT BEEN CALLED UP YET, OR THEY HAVE THE OPPORTUNITY TO SAY I WOULD LIKE TO WAIT UNTIL THAT ITEM IS CALLED UP. I THINK THAT CHOICE IS UP TO THE TESTIFIER. AND THAT IS MY RECOLLECTION OF THE INTERPRETATION AS EXPLAINED BY DAVID RAATZ. DAVID, ARE YOU ON THE CALL? >> YES, THANK YOU, CHAIR. AGAIN, WE'RE UNDER A NEW SUNSHINE LAW THAT HAS BEEN IN EFFECT FOR JUST OVER A WEEK OR SO. WE HAVE BEEN IN REGULAR CONTACT WITH OFFICE OF INFORMATION PRACTICES TO TRY TO UNDERSTAND THE NUANCES OF THIS. THE STATUTE ITSELF JUST SAYS THAT SUNSHINE LAW BOARDS, INCLUDING THE COUNTY COUNCIL, AND ITS COMMITTEES, CAN'T REQUIRE THAT ALL TESTIMONY BE AT THE BEGINNING OF THE MEETING, WHICH THE COUNCIL HAS DONE IN THE PAST. SO OIP HAS SUGGESTED THAT TESTIMONY NEEDS TO BE TAKEN UP EITHER BY ITEM, OR BY SECTION, OR BOTH, YOU CAN EXERCISE EITHER OF THOSE FUNCTIONS IN A MEETING BEFORE YOU BEGIN DELIBERATIONS ON A PARTICULAR ITEM, OR ITEMS. THERE'S NO REQUIREMENT TO ALLOW TESTIFIERS TO TESTIFY AT THE BEGINNING OF THE MEETING. SO THAT IS A COURTESY THAT THE COUNCIL ALLOWED AT THE JULY 15TH MEETING. SO IN ESSENCE, WE AGREE WITH THE DEPUTY COUNTY CLERK'S INTERPRETATION, AND APOLOGIZE FOR ANY CONFUSION, AGAIN AS WE CONTINUE TO WORK OUT THE NUANCES OF THIS NEW LAW. THANK YOU, CHAIR. >> YES, VICE-CHAIR. >> MAHALO, CHAIR. SO IF WE'RE GOING TO OPEN UP TESTIMONY NOW, SINCE WE'RE NO LONGER AT THE BEGINNING OF THE MEETING, BECAUSE WE TOOK ACTION ON SECTION L AND SECTION N, AS WELL AS THE OTHER SECTIONS THE CHAIR DESCRIBED, MR. RAATZ. AND SO IF WE'RE GOING TO START WITH SECTION J, BUT WE'RE GOING TO OPEN UP TESTIMONY ON OTHER ITEMS NOT IN SECTION J, ARE WE BRINGING UP SECTION J AND K AND M AT THE SAME TIME? >> YOUR QUESTION IS FOR THE CLERK? MR. CLERK. >> APOLOGIES, CHAIR. I'M NOT SURE IF I SHOULD RESPOND? >> WHO ARE YOU ASKING? ME? >> MR. RAATZ. MR. RAATZ. I ASKED MR. RAATZ. >> OKAY. MR. RAATZ, DID YOU HEAR THE QUESTION? >> YES, THANK YOU, CHAIR AND VICE-CHAIR. AGAIN, WE AGREE WITH THE DEPUTY COUNTY CLERK'S IT'S THE BODY'S CHOICE. IF YOU WANT TO CONTINUE TO ALLOW TESTIMONY ON ALL ITEMS THAT HAVE NOT ALREADY BEEN IN DELIBERATIONS, IF YOU WANT TO WAIT AND TAKE UP TESTIMONY ON EACH ITEM, OR EACH SECTION OF ITEMS, YOU CAN DO THAT AS WELL. SO THAT THE BODY DOES HAVE DISCRETION IN OUR VIEW, AGAIN, BASED ON OUR CONSULTATION WITH OFFICE OF INFORMATION PRACTICES, WHICH ADMINISTERS THE STATE'S GOVERNMENT LAWS. THANK YOU. >> MAHALO. I APPRECIATE THAT RESPONSE. MAHALO, CHAIR. >> MEMBER PALTIN. >> THANK YOU, CHAIR. MY PREFERENCE WOULD BE SINCE WE HAVE TODAY IS OUR DEADLINE FOR A NUMBER OF ITEMS, I THINK WE SHOULD JUST TAKE UP THOSE ITEMS, AND WHATEVER TESTIMONY ON THOSE ITEMS FIRST, BECAUSE IF WE DON'T GET THROUGH THE ITEMS WITH TODAY'S DEADLINE, WE HAVE A PROBLEM. WHEREAS, EVERYTHING ELSE THAT DOESN'T HAVE A DEADLINE OF TODAY WE CAN END UP DEFERRING AT THE END OF THE THING, IF WE'RE NOT DONE BY LIKE WHATEVER TIME, I MEAN, HOPEFULLY BEFORE TOMORROW MORNING. BUT WE GOT DEADLINES TODAY. SO I THINK WE SHOULDN'T GOOF AROUND AND WE SHOULD JUST FOLLOW THE SCHEDULE THAT WE WERE ON YESTERDAY. I THINK THERE'S J, K, L, M, N AND O. I DON'T KNOW IF WE CAN GO OUT OF ORDER AND JUST HEAR THE ONES

WITH DEADLINES? WE GOT TO GET THROUGH THOSE, OR ELSE THERE WILL BE TROUBLE.\r\n\r\n>> THAT IS TRUE, MEMBER PALTIN. BUT REMEMBER, IF EVERYBODY TOOK CARE OF THEIR BUSINESS IN COMMITTEE, WE WOULD NOT HAVE TO DO COMMITTEE WORK AT THE COUNCIL MEETING. IN THE INTEREST OF FAIRNESS TO PEOPLE WHO CANNOT STAY FOR SEVERAL HOURS, AND WHO CAN ONLY PROVIDE TESTIMONY NOW, AND I DON'T KNOW WHO THEY ARE, REALLY, JUST IN THE INTEREST OF FAIRNESS, I WAS RECOMMENDING THAT WE AFFORD THOSE SIGNED UP TODAY TO HAVE THE SAME OPPORTUNITY AS THOSE WHO HAD ON FRIDAY. BUT IF THE BODY PREFERS TO PROCEED AND REQUIRE THAT THE TESTIFIERS, WHO HAVE SIGNED UP, WAIT UNTIL THEIR ITEM IS CALLED, OF COURSE, FIVE VOTES WILL MAKE A BIG DIFFERENCE, AND WE'LL PROCEED. SO MEMBERS, ANYBODY ELSE? >> CHAIR? >> YES, MEMBER PALTIN.\r\n\r\n>> I DON'T UNDERSTAND WHAT YOU SAID EVERYBODY DID HAVE THE SAME OPPORTUNITY TO SIGN UP ON FRIDAY, WHETHER THEY TOOK IT OR NOT? EVERYBODY COULD HAVE SIGNED UP AND TESTIFIED FIRST, IT WAS JUST THE VOLUME OF PEOPLE THAT WANTED TO TESTIFY, NOT US THAT STOPPED THEM FROM TESTIFYING. SO IT'S NOT US SAYING YOU COULDN'T TESTIFY ON FRIDAY. EVERYBODY HAD THAT OPPORTUNITY. IT WASN'T US TAKING THAT AWAY. >> RIGHT, BUT SINCE IT'S THE SAME MEETING. IT'S THE EXACT SAME MEETING.\r\n\r\n\r\nOTHER PEOPLE PROBABLY THOUGHT OH, I COULDN'T TESTIFY ON FRIDAY, NOW I HAVE AN OPPORTUNITY TO TESTIFY ON MONDAY. >> OKAY. >> I, TOO, DO NOT WANT TO BICKER ON THIS FOREVER. SO I DO WANT TO HEAR AND GIVE AN OPPORTUNITY TO THOSE WHO WANT TO SAY SOMETHING TO PLEASE FEEL FREE TO SAY SOMETHING. MEMBER KING. >> THANK YOU, CHAIR. I DON'T KNOW, IF WE'RE GOING TO TAKE THIS UP IN SECTIONS, WHICH I'M GOOD WITH AS FAR AS TESTIMONY, I DON'T KNOW THAT WE WANT TO PULL CERTAIN THINGS OUT OF THE SECTIONS BECAUSE THAT GETS REALLY CONFUSING.\r\n\r\n\r\nIF WE'RE GOING TO START ON SECTIONS THAT HAVE DEADLINES, MY SUGGESTION WOULD BE TO START ON JUST GO AHEAD WITH THE FIRST SECTION THAT HAS SOMETHING WITH A DEADLINE, WHICH I THINK IS PROBABLY J, SINCE THERE'S A COMMUNICATION RELATED TO ONE OF THE CHARTER AMENDMENTS. AND THEN JUST TAKE UP TESTIMONY, GO THROUGH THESE ITEMS AND TAKE UP TESTIMONY ON SECTION K AND GO THROUGH THOSE ITEMS. BUT I THINK THAT WILL GET US TO WHERE WE NEED TO BE QUICKER. >> YES. IT WILL GET US TO WHERE WE NEED TO BE QUICKER, BUT I'M JUST SAYING, IT ALSO PRECLUDES SOME MEMBERS OF THE PUBLIC FROM TESTIFYING, IF THEY ARE ON A SCHEDULE THEMSELVES. BUT I'M NOT OPPOSED DOING THAT. HAVE PEOPLE TO HAVE A CHANCE TO SAY SOMETHING.\r\n\r\n\r\nMR. MOLINA. >> THANK YOU, CHAIR. I JUST WANT TO GET STARTED. WE HAVE PEOPLE IN THE CHAMBERS RIGHT NOW AND THERE MAY BE SOME PARKING ISSUES FOR SOME. SO WHATEVER YOUR CALL IS, BUT LET'S GET STARTED. >> HOPEFULLY, THEY ARE HERE FOR WHAT WE CALL UP.\r\n\r\n\r\n>> YES. I'M SURE MR. RAATZ, OR MR. KRUEGER CAN ALERT US IF THERE'S ANY CONCERNS AS IT RELATES TO SUNSHINE, AS WE PROGRESS. ANYWAY, THAT IS JUST MY TAKE ON THIS. THANK YOU. >> MEMBER SUGIMURA.\r\n\r\n\r\n>> WE HAVE PEOPLE HERE WAITING IN THE CHAMBERS, AND I WOULD LIKE TO PROVIDE THEM THE SAME OPPORTUNITY THAT WE LOOK LIKE WHEN WE CONDUCT OUR MEETINGS AND IF THEY WANT TO TESTIFY ON WHATEVER ITEM THEY ARE FOR, THEY ARE HERE FOR, PLEASE LET THEM. THEN WE CAN PROCEED WITH OUR AGENDA. THANK YOU. >> UNFORTUNATELY, MEMBER SUGIMURA, IT SEEMS LIKE ONLY YOU AND I HAVE THAT OPINION, AND IT SEEMS LIKE THE OTHER SIX WOULD LIKE TO PROCEED WITH ITEM J, AND TAKE TESTIMONY ON ITEM J AT THIS TIME, AND TRY TO MOVE THROUGH, ESPECIALLY THE MORE CONTROVERSIAL ITEMS, AS SOON AS POSSIBLE, BECAUSE THAT WAY WE CAN ENSURE THAT WE'LL FINISH BY HOPEFULLY 2:00. VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO, CHAIR. SO TODAY WAS NOT A DAY THAT ANY OF US WANTED TO DO A RECESSED MEETING AND MANY OF US ALREADY HAVE A SCHEDULES. I HAVE A FLIGHT TO CATCH AND I WILL BE TO BE 10:00 AND THEN

I'LL BE ON A PLANE FROM 11:00 TO AT LEAST 11:30, AND THEN I'LL LIKELY BE ON THE ROAD AGAIN.\r\n\r\nI'M GOING TO BE ON MY PHONE AND I'M GOING TO TRY MY BEST TO PARTICIPATE, BUT I AGREE WITH MEMBER PALTIN THAT THERE ARE FOUR ITEMS THAT HAVE DEADLINES, 22-61,22-119, 22-144 AND 22-165 AND FOR THE MOST PART THOSE WERE THE ITEMS THAT RECEIVED MOST OF THE TESTIMONY. I THINK WE SHOULD JUST TAKE UP THOSE ITEMS AND IF WE'RE NOT ABLE TO FINISH BEFORE 2:00 WHEN THREE MEMBERS HAVE A MEETING THAT WAS ALSO SCHEDULED FOR TODAY, THAT THEY HAVEN'T PLANNED TO HAVE A CONFLICT FOR, THEN ALL OF THE ITEMS REALLY IN THAT IS GOING TO BE REFERRED, OR THAT HAVE FIRST READING DON'T HAVE A DEADLINE ASSOCIATED WITH THEM. SO THE COMMITTEE REPORTS, MOST OF THEM, ONLY 22-61 HAS A DEADLINE AND I WELCOME ANYONE TO CORRECT ME. I THINK WE SHOULD TAKE UP THOSE FOUR ITEMS AND TAKE ACTION ON THOSE FOUR AND THAT WAY IF WE DON'T GET THROUGH IT, WE CAN MEET OUR DEADLINE AND TABLE THE REST. >> MEMBERS, ARE YOU AGREEABLE TO THAT SUGGESTION? TAKE UP THE FOUR ITEMS FIRST? OKAY.\r\n\r\nFIRST, WE HAVE TO TAKE TESTIMONY. YES, MR. SINENCI. >> THANK YOU, CHAIR. I'M AGREEABLE. I HAVE 22-119. HOWEVER, CONNECTED TO 22-119 IS COUNTY COMMUNICATION 22-167. IF WE CAN CONSIDER THAT. THANK YOU.\r\n\r\n>> OKAY. WE'RE TAKING UP A LONG TIME NOW EVERYBODY, JUST GOING AROUND IN CIRCLES. LET THE RECORD SHOW THAT PRO TEM KAMA IS HERE. NOW, MR. CLERK, HAVE YOU BEEN LISTENING TO THE ITEMS THAT -- THERE'S AN ECHO. WHY IS THERE AN ECHO? MR.\r\n\r\nCLERK. THE MEMBERS, THE MAJORITY OF THE MEMBERS APPEAR TO CALL UP THE FOUR ITEMS AS MENTIONED HERE. DID YOU TAKE NOTE OF THAT? >> YES, CHAIR. OUR UNDERSTANDING IS THAT THAT WOULD BE COMMITTEE REPORT 22-61, COUNTY COMMUNICATION 22-167, RESOLUTIONS 22-119, 22-144, AND 22-165. >> OKAY. SO LET'S TAKE THEM UP IN THE ORDER, THE ALPHABETICAL ORDER, OKAY? SO WE NEED TO STILL ALLOW TESTIMONY.\r\n\r\nMY UNDERSTANDING IS THAT WE STILL NEED TO ALLOW TESTIMONY, MR. CLERK. >> YES, CHAIR. YES, CHAIR. WILL I BE OPENING TESTIMONY ONLY RIGHT NOW ON COUNTY COMMUNICATION 22-167? >> YES. >> OKAY. SO PROCEEDING WITH TESTIMONY THE PRESENTATION OF TESTIMONY ON COUNTY COMMUNICATION 22-167. MEMBERS OF THE PUBLIC IN THE COUNCIL CHAMBERS AT COURTESY TESTIMONY SITES OR REMOTELY THROUGH THE INFORMATION LISTED ON THE AGENDA.\r\n\r\nINDIVIDUALS MAY SIGN UP TO TESTIFY WITH A STAFF MEMBER LOCATED AT THE DESK IN THE 8TH FLOOR LOBBY, AND INDIVIDUALS AT THE COURTESY SITES MAY SIGN UP WITH STAFF AT THE SITE. INDIVIDUALS PARTICIPATING REMOTELY MAY SIGN UP IN THE MEETING CHAT. IF YOU ARE CONNECTED TO THE MEETING BY PHONE, YOU AUTOMATICALLY ADDED TO THE TESTIFIERS LIST. INDIVIDUALS CONNECTED BY PHONE ARE CURRENTLY ON MUTE AND WILL BE UNMUTED WHEN IT'S THEIR TIME TO TESTIFY. INDIVIDUALS CONNECTED BY VIDEOCONFERENCE SHOULD KEEP BOTH MICROPHONES AND VIDEO OFF AND TURN THEM ON WHEN IT'S THEIR TIME TO TESTIFY. INDIVIDUALS MAY TESTIFY UP TO THREE MINUTES, WITH ONE MINUTE TO CONCLUDE PER ITEM. WHEN TESTIFYING PLEASE STATE YOUR NAME AND THE NAME OF ANY ORGANIZATION YOU REPRESENT, AS WELL AS ITEMS YOU WILL BE TESTIFYING.\r\n\r\nPLEASE ALSO IDENTIFY TO THE COUNCIL IF YOU ARE A PAID LOBBYIST. INDIVIDUALS MAY BE DISCONNECTED FROM THE MEETING AT ANY TIME FOR BREAKING DECORUM. AT THIS TIME WE'LL BE TAKING TESTIMONY ON COUNTY COMMUNICATION 22-167 ONLY. CHAIR, THE FIRST INDIVIDUAL WE HAVE SIGNED UP TO TESTIFY ON CC 22-167 IS SHAY CHAN-HODGES. >> ALOHA. MY NAME IS SHAY CHAN-HODGES AND I WOULD LIKE TO ADDRESS SOME OF THE ISSUES RAISED BY WATER DEPUTY CLERK SHAYNE AGAWA. ON FRIDAY HE COMPARED THE GOALS OF THE COMMUNITY WATER AUTHORITY TO THE PURCHASE OF A CAR, RAISING CONCERNS ABOUT ITS MONTHLY PAYMENTS, MAINTENANCE, AND OPERATIONAL COSTS.\r\n\r\nHIS ANALOGY DOESN'T QUITE FIT BECAUSE THE EAST MAUI WATER AUTHORITY WOULD NOT BE PURCHASING THE -- AND ONLY REQUESTING

STATE WATER LEASES AND DLNR CLEARLY STATED THAT A COUNTY ENTITY WOULD NOT BE CHARGED FOR THOSE LEASES. SO THERE'S NO COST FOR ACQUISITION. THERE IS A PART OF MR. AGAWA'S ANALOGY AS WITH CONTINUE THE MAINTENANCE OF THE GAS FROM OUR CAR WE'RE CURRENTLY PAYING MAUI PONO AND EMI TO USE THAT SAME CAR EMI HAS BEEN RENTING FROM THE STATE FOR DECADES. YES, THE COUNTY HAS BEEN PAYING THE SAME RENTAL RATE FOR THE CAR SINCE THE '70S, ON JULY 8, 1976 MY HUSBAND'S FATHER, TONY HODGES, WROTE TO DLNR TO OBJECT TO THE DIFFERENCE BETWEEN THE PRICE PAID TO STATE BY A&B FOR THE WATER LEASES AND THE PRICE PAID TO A&B BY THE COUNTY FOR THE SAME WATER. AT THE TIME, EMI WAS PAYING THE STATE .0018 CENTS PER THOUSAND GALLONS, AND SELLING IT TO THE COUNTY FOR \$0.06 PER THOUSAND GALLONS. THE STATE WAS COLLECTING ABOUT \$160,000 ON A YEAR ON PERMITS AND IF EMI WAS PAYING THE SAME AMOUNT IN TODAY DOLLARS THAT WOULD OVER \$7,000. THUS THEY ARE PAYING 70% LESS FOR THE LEASES TODAY THAN WHAT A&B PAID 45 YEARS AGO.\r\n\r\nAS I'M SURE YOU ALL KNOW DLNR IS HIRING CONSULTANTS TO ASSESS THE VALUE OF THE WATER, WHICH ISN'T EASY BECAUSE IT'S A PUBLIC TRUST AND NOT A COMMODITY. SINCE THE STATE HASN'T ADJUSTED THE RATES IN HALF A CENTURY, IT'S VERY LIKELY THAT EVEN BEFORE ATTEMPTING TO APPRAISE THE WATER'S VALUE, DLNR WILL AT LEAST TRIPLE WHAT THEY CHARGE EMI MAUI PONO TO BRING IN A LINE WITH TODAY'S DOLLARS. I HOPE THE DEPARTMENT OF WATER SUPPLY IS PREPARING ACCURATE PROJECTIONS ON THE COUNTY'S FUTURE COSTS WHEN MAUI PONO PASSES ON THOSE INCREASES TO THE COUNTY. AND WHEN THE WATER DEPARTMENT MUST PASS ON THE HIGHER WHOLESALE COST TO FARMERS, RANCHERS AND OTHER USERS. THOSE PROJECTIONS SHOULD ASSUME THAT MAUI PONO WILL CONSIDER WHAT THE MARKET WILL BEAR. THE COUNTY'S PAYS \$0.2820 MAUI LAND AND PINE AND TO WAILUKU COMPANY CURTLY FOR EVERY THOUSAND GALLONS. BACK TO OUR CAR, WE'RE CURRENTLY PAYING EMI MAUI PONO TO USE A CAR RENTING FROM STATE AND HOW WE USE IT OR ITS CONDITION NOW OR IN FUTURE.\r\n\r\nALTERNATIVELY WE CAN DIRECTLY RENT THE CAR AT NO COST, AND SINCE WE ONLY NEED IT 17% OF THE TIME, WE CAN -- THE REST OF THE TIME AND USE THAT MONEY TO PUT IN A NEW ENGINE AND IMPROVE THE GAS MILEAGE, MAKE IT SAFER AND SOMETIMES USE IT TO DRIVE OUR GRANDMA TO CHURCH. I EMAILED YOU FOLKS A POWERPOINT THIS MORNING THAT SHOWS AFTER GROSS INCOME AND EXPENSES ENSURING GOOD CARE OF THE SYSTEM TO HAVE 1.3-1.8 MILLION BEFORE OTHER INVESTMENTS. THIS SEEMS LIKE I MORE FISCALLY-RESPONSIBLE PLAN THAN THE CURRENT ONE TAKING ON UNPREDICTABLE COSTS UNDER MAUI PONO'S CONTROL. MAHALO. >> MEMBERS, ANY QUESTIONS? MEMBER JOHNSON. THANK YOU, CHAIR.\r\n\r\nTHIS IS NOT A QUESTION -- SORRY. CAN WE KEEP COUNCIL MEMBERS' QUESTIONS TO 30 SECONDS LIKE WE DID LAST TIME? THAT WAS PRETTY FAST THAT WAY. >> YES. >> 30 SECONDS, ANY CLARIFYING QUESTIONS, MEMBERS? IF NOT, THANK YOU VERY MUCH. MAY WE HAVE THE NEXT TESTIFIER.\r\n\r\n>> CHAIR, WE CURRENTLY DO NOT HAVE ANY OTHER INDIVIDUALS SIGNED UP TO TESTIFY ON THIS ITEM, BUT WE DO HAVE INDIVIDUALS WHO HAVE PHONED IN THAT I DO NOT KNOW WHAT ITEMS THEY ARE TESTIFYING ON. IF IT'S OKAY, I WOULD LIKE TO CALL THEM AND VERIFY THE ITEMS ON WHICH THEY ARE TESTIFYING. >> PROCEED WITH THAT. >> INDIVIDUALS CALLING IN FROM THE PHONE NUMBER ENDING WITH 9711, WHAT ITEM ARE YOU TESTIFYING ON? >> RESOLUTION 22-[INAUDIBLE] 119. AND 22-144. >> THANK YOU, WE'LL ADD YOU TO THE TESTIFIER LIST AND CALL YOU AT THAT TIME. THANK YOU. INDIVIDUAL CALLING FROM THE PHONE NUMBER ENDING WITH 6659, WHAT ITEMS ARE YOU TESTIFYING ON TODAY?\r\n\r\n>> I'M TESTIFYING ON 22-167, AND 22-61. >> OKAY. THANK YOU. WE'LL ADD YOU TO THE TESTIFIER LIST AND CALL YOU AT THE APPROPRIATE TIME. CHAIR, OH, APOLOGIES. I BELIEVE ONE OF THE ITEMS SHE CALLED IS THIS ITEM. SO WE'LL ALLOW THAT INDIVIDUAL TO TESTIFY ON COUNTY COMMUNICATION 22-167. >> MAHALO. THIS IS ROBIN KNOX AND

I JUST WANT TO SAY THAT I AM IN SUPPORT OF 22-167. I AGREE WITH THE PRIOR TESTIFIER THAT THIS MAKES MORE FINANCIAL SENSE, AND MORE SENSE FROM THE WATER SECURITY STANDPOINT THEN WHAT WE'RE DO RIGHT NOW.\r\n\r\nTHAT'S ALL. THANK YOU. >> ANY QUESTIONS, MEMBERS, FOR CLARIFICATION? IF NOT, MR. CLERK. >> CHAIR, THERE ARE NO OTHER INDIVIDUALS SIGNED UP TO TESTIFY ON COUNTY COMMUNICATION 22-167. SO WE'LL PROCEED LAST -- -- [INAUDIBLE] APOLOGIES. I MUTED THEM.\r\n\r\nSO WE'LL PROCEED WITH LAST CALL, IF THERE ANY OTHER INDIVIDUALS -- OH, APOLOGIES. I BELIEVE TOM CROWLEY WANTS TO TESTIFY. >> CHAIR, I'M JUST TRYING TO STAY WITH THE PROCEDURE AND WANTED TO TESTIFY AT THE BEGINNING OF EACH OF THE ITEMS. MY ONLY COMMENTS ON THIS IS I CAN SEE THAT WE DON'T HAVE ALL OF OUR DUCKS IN A ROW RIGHT NOW, IN CREATING THIS WATER AUTHORITY; RIGHT? THE IDEA IS WE'LL CREATE THE WATER AUTHORITY, THAT ALLOWS US TO APPLY FOR THE WATER LEASES, AND THEN WE'LL FIGURE OUT HOW WE WOULD DISTRIBUTE THAT WATER, OR HOW WE WOULD NEGOTIATE IT. I REALLY DO THINK THAT THIS IS NOT A FULLY THOUGHT OUT PROPOSAL. SOMEONE HAS KIND OF COME UP WITH A SCENARIO THAT DOWN THE ROAD, THIS COULD WORK.\r\n\r\nBUT THERE'S SO MANY PIECES OF THIS PUZZLE THAT HAVE NOT YET BEEN WORKED OUT. AND A LOT OF TESTIMONY THAT YOU HAD ON FRIDAY WERE FROM PEOPLE WHO WERE TRULY MISLED BY THE IDEA THAT THEY WERE GOING TO GET THEIR UP COUNTRY WATER METER, OR THAT THE COUNTY WOULD NOW BE IN CHARGE OF THE DISTRIBUTION OF THE WATER COMING FROM THE EAST MAUI IRRIGATION SYSTEM, NONE OF WHICH IS PART OF THIS PROPOSAL. SO I REALLY THINK THAT THIS WOULD BE CONFUSING, IF IT WENT TO THE BALLOT, IN NOVEMBER. I FULLY UNDERSTAND THE IDEA THAT PEOPLE SAY WE HAVE TO DO THIS STEP FIRST BEFORE WE CAN DO THESE OTHER THINGS. SO LET'S JAM THIS THING THROUGH AT THIS MOMENT. BUT I THINK IT'S ILL-CONCEIVED AT THIS MOMENT TO PUSH THIS ITEM THROUGH, BEFORE WE TRULY KNOW WHAT THIS WATER AUTHORITY WOULD BE ABLE TO DO, AND WE WOULD AVOID SOME FIGHTS DOWN THE ROAD, IF WE WOULD TAKE OUR TIME WITH THIS. SO I DO UNDERSTAND THIS IS THE LAST DAY TO DO THIS FOR THIS YEAR, BUT I WOULD RATHER DO IT RIGHT IN TWO YEARS, RATHER THAN PUSH IT THROUGH RIGHT NOW.\r\n\r\nTHANK YOU, CHAIR. >> THANK YOU, TOM. MEMBERS, ARE THERE ANY CLARIFYING QUESTIONS? YES, VICE-CHAIR. >> MAHALO, CHAIR. ALOHA, MR. CROWLEY.\r\n\r\nMAHALO FOR YOUR TESTIMONY. DON'T YOU THINK IT'S INACCURATE TO CLAIM THAT THE TESTIFIERS ON FRIDAY WERE MISLED AND THOUGHT THEY WERE GOING TO GET UP COUNTRY WATER METERS WHEN WHAT THEY CONSISTENTLY SAID THEY WANTED WATER TO BE THE PUBLIC TRUST IT IS AND NOT IN A FOREIGN CORPORATION'S HANDS AND CONTROLLED BY A FOREIGN CORPORATION. THAT IS WHAT I HEARD CONSISTENTLY. DO YOU NOT THINK YOU ARE BEING INACCURATE RIGHT NOW? >> I THINK WHAT YOU JUST STATED IS HIGHLY INACCURATE. WE COULD GET INTO A LONG DISCUSSION ABOUT IT, BUT WE WON'T. WHAT YOU JUST SAID WAS NOT ACCURATE TO THE CURRENT SITUATION OF WHAT IS BEING PROPOSED. >> TIME IS UP.\r\n\r\nMAHALO, CHAIR. WELL NOW TIME IS UP. THANK YOU. ANY MORE QUESTIONS? IF NOT, ARE THERE ANY MORE TESTIFIERS? >> CHAIR, THE NEXT PERSON SIGNED UP TO TESTIFY IS TONY EATON. >> OKAY MS.\r\n\r\nEATON. >> TONY EASTON, I SEE THAT YOU ARE CONNECTED TO THE MEETING. YOU'RE MUTED ON YOUR END. I CANNOT UNMUTE YOU. >> OKAY. SORRY. ALOHA, CHAIR.\r\n\r\nALOHA MEMBERS, I'M TESTIFYING AGAIN TO 167. THAT 167 SHAYNE AGAWA MENTIONED THAT THE WATER WAS NOT PUBLIC TRUST. HE WAS VERY MISINFORMED AND IT'S VERY DISHEARTENING FOR HIM TO BE THE DEPUTY DIRECTOR. >> MS. EATON, CAN YOU TURN YOUR VIDEO OFF? BECAUSE YOU'RE BREAKING UP. YOU'RE BREAKING UP. CAN YOU TURN YOUR VIDEO OFF?\r\n\r\n>> IS THIS BETTER? IS THAT BETTER? >> YES, IT IS. >> OKAY. SO I JUST WANTED TO READ SOMETHING [INAUDIBLE] IN ORDER FOR THE TO THE OF TERRITORY TO BE ADMITTED TO THE STATE, THE LEGISLATURE ADOPTED THAT ALL OF THE LANDS

OWNED BY THE GOVERNMENT WAS TO BE HELD IN A PUBLIC TRUST. SO IT CAME UP WITH FIVE PUBLIC TRUSTS. ONE OF THEM IS FOR THE PUBLIC SCHOOLS AND OTHER PUBLIC EDUCATIONAL INSTITUTIONS FOR THE BETTERMENT OF CONDITIONS OF NATIVE HAWAIIANS AS DEFINED AT HAWAIIAN HOMES COMMISSION ACT AND DEVELOPMENT OF FARM AND HOMEOWNERSHIP AS WIDE SPREAD A BASIS AS POSSIBLE FOR MAKING PUBLIC IMPROVEMENTS AND PROVISION OF LANDS FOR PUBLIC USE.\r\n\r\nNOWHERE IN THAT DID IT SAY THAT WATER IS TO BE CONSIDERED A COMMODITY. NOW ALL PUBLIC RESOURCES ACCORDING TO THE CONSTITUTION ARTICLE 11, SECTION 7 SAYS ALL PUBLIC NATURAL RESOURCES ARE HELD IN THE TRUST BY THE STATE FOR THE BENEFIT OF THE PEOPLE. SO MR. AGAWA THINKING OUR WATER IS A COMMODITY THAT CAN BE SOLD, THAT IS MAUI PONO EMI DOESN'T PAY FOR THE WATER. THEY PAY FOR THE LEASES. SO THE TESTIFIER BEFORE SAID THAT LET'S WAIT TWO YEARS. WE DON'T HAVE TWO YEARS.\r\n\r\nIF THE LEASES ARE ISSUED, IT'S GOING TO BE 30 YEARS. WE'RE ALL -- WE'RE NOT GOING TO BE HERE. THAT IS WAY TOO LONG FOR US TO WAIT TO GET OUR PUBLIC TRUST AND OUR NATURAL RESOURCES BACK IN OUR HANDS. ALSO THE SUPREME COURT IN THE WAILEA CASE SAID THAT THE PUBLIC TRUST PURPOSES HAVE PRIORITY OVER PRIVATE COMMERCIAL USES. AND THEY DO NOT ENJOY THE SAME PROTECTIONS AS PUBLIC TRUSTS. OFFSTREAM DIVERTED TO SEEK TO WATER FOR PRIVATE COMMERCIAL GAIN WITH THE BURDEN OF JUSTIFYING PROPOSED USES IN LIGHT OF THE PROTECTED PUBLIC RIGHTS IN THE RESOURCE. SO THESE GUYS YET THEY DID THE FEIS AND NOTHING WAS PROVEN IN THERE.\r\n\r\nTHEY HAD MORE RESOURCES THAT THEY COULD USE WHICH THEY ARE NOT UTILIZING AT THIS POINT. THEY HAVE GOT GROUNDWATER THAT THEY CAN USE AND GOT LANDS BETWEEN THE LEASE AREAS, WHEN IS THEIR PROPERTY AND THEY HAVE NOT EXERCISED THEIR RIGHTS TO USE THEIR LANDS. ALL THEY WANT IS THE FREE WATER. SO I SUPPORT THE RESOLUTION 119. AND THE 167 IS USELESS. THAT'S ALL. THANK YOU. >> MEMBER PALTIN HAS A QUESTION.\r\n\r\n>> THANK YOU, CHAIR. I WAS WONDERING IF YOU READ 167? IT'S KIND OF VERBIAGE CHANGES AND IT SEEMED MORE YOU WERE TESTIFYING AGAINST MR. AGAWA'S TESTIMONY RATHER THAN THE SUBSTANCE OF 167. >> YES, I WAS TESTIFYING MORE AGAINST THE COMMUNITY -- THE COMMUNICATION. THAT'S IS WHAT I WAS TESTIFYING. 167 PLAYS A ROLE IN THAT THOUGH; RIGHT? >> THANK YOU. THANK YOU, WE HAVE REACHED THE END OF THAT ONE.\r\n\r\nMEMBER SINENCI, AND THEN VICE-CHAIR. >> CHAIR, I DIDN'T HAVE ANY QUESTIONS FOR THE TESTIFIER. BUT I DID WANT TO MAKE MENTION THAT WE DID THANK HER FOR THE SUPPORT FROM THE BOARD OF WATER SUPPLY OF THE WATER AUTHORITY. >> OKAY. VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO, CHAIR. DOVETAILING OFF OF MEMBER PALTIN'S QUESTION, MAHALO, MS.\r\n\r\nEATON FOR YOUR TESTIMONY THIS MORNING. THERE ARE FOUR AMENDMENTS IN THE COUNTY COMMUNICATION AND CHANGED FROM WATER SYSTEMS TO WATER AUTHORITIES. ADDS COLLECTIVE, AND ADDS FOUR OTHER POSITIONS, GRANT WRITERS, LIAISON, TECHNICAL ANALYST, SO THOSE THREE POSITIONS AFTER ADMINISTRATOR, AND THEN ADDS GRAMMATICAL CORRECTIONS. ARE YOU TESTIFYING IN SUPPORT OR AGAINST THOSE AMENDMENTS? >> MS. EATON. >> SORRY, I APOLOGIZE.\r\n\r\nI'M IN SUPPORT OF THOSE AMENDMENTS. >> OKAY. >> I'M IN SUPPORT OF 167. >> MAHALO, MS. EASTON, MAHALO, CHAIR. >> ONE MORE THING I HAVE TO MENTION, ALTHOUGH I'M A MEMBER OF THE BOARD OF WATER SUPPLY, I'M TESTIFYING ON MY BEHALF AND I'M SORRY I DIDN'T MENTION THAT IN THE BEGINNING. >> THANK YOU. MEMBERS, ANY MORE QUESTIONS?\r\n\r\nIF NOT, MAY WE HAVE THE NEXT TESTIFIER. >> CHAIR, NO ONE ELSE HAS SIGNED UP TO TESTIFY ON COUNTY COMMUNICATION 22-167. SO WE'LL DO A LAST CALL. IF THERE ARE ANY INDIVIDUALS THAT WANT TO TESTIFY ON THIS ITEM, PLEASE IDENTIFY YOURSELF NOW. AGAIN, LAST CALL. CHAIR, NO ONE HAS INDICATED THAT THEY WOULD LIKE TO TESTIFY ON COUNTY COMMUNICATION 22-167. >> I WOULD LIKE TO TESTIFY. HELLO. >> HELLO.\r\n\r\n>> I WOULD

LIKE TO TESTIFY. >> CAN YOU STATE YOUR NAME FOR THE RECORD. >> NORMAN FRANCO. >> MR. FRANCO, PLEASE PROCEED. YOU HAVE THREE MINUTES. >> OKAY.\r\n\r\nI'M A FOUNDING MEMBER OF THE MAUI BOARD OF WATER SUPPLY AND THIS WHOLE ISSUE CAME ABOUT BECAUSE WE WERE ASKED TO COME UP WITH A PLAN THAT WAS WORK ON BY THE BOARD OF WATER SUPPLY FOR OVER FIVE YEARS. PART OF THE PROCESS WE HAD TO GO TO THE DIFFERENT COMMUNITIES, AND TALK TO THE PEOPLE, AND BECAME EVIDENT THAT THE BOARD OF WATER SUPPLY DIDN'T HAVE THE CAPABILITY TO RESPOND TO THE NEEDS OF THE VARIOUS COMMUNITIES, ESPECIALLY EAST MAUI, WHERE THERE ARE COMPETING INTERESTS IN THE USE OF WATER. THAT WAS AGGREGATED WHEN MAUI PONO WAS BUYING UP A&B LANDS AND WE GOT A LETTER FROM MAUI PONO, IF YOU DON'T GET THE LEASES THIS WILL JEOPARDY PEOPLE FROM UP COUNTRY GETTING WATER. I THOUGHT IT WAS PRETTY HEAVY HANDED, AND AT THAT POINT, WE THOUGHT IT WOULD BE IN THE BEST INTEREST OF THE PUBLIC TO FORM A TIG REPORT PRETTY MUCH ADDRESSING ALL OF THE ISSUES AND CONCERNING THE ONE ABOUT THE COST TO THE COUNTY. IF YOU READ PAGE 70-71 STATES THIS IS GOING TO BE AN ASSET, AND NOT SOMETHING THAT IS GOING TO IMPACT NEGATIVELY TO THE COUNTY OF MAUI. SO I ENVISION THE WATER AUTHORITY TO BE A POLICY-MAKING ORGANIZATION BRINGING IN ALL OF THE DIFFERENT ELEMENTS OF THE COMMUNITY, INSTEAD OF JUST ONE FOREIGN CORPORATION THAT DICTATES TO US HOW WE'RE GOING TO GET OUR WATER. THIS REALLY IRRITATES ME THAT THIS CAN HAPPEN AND SURELY KNOWING THE TRACK RECORD OF MAUI PONO IN OTHER LOCATIONS, WE'RE IN A VERY BAD POSITION TO ALLOW THESE PEOPLE TO GET THE STATE LEASES.\r\n\r\nI JUST WANT TO SAY FROM EXPERIENCE, I CAN SAY THIS IS THE ONLY COURSE OF ACTION WE SHOULD TAKE TO PROTECT THE PUBLIC INTEREST, WHICH IS THEIR WATER, WHICH IS THE LIFE OF THE LAND. WE NEED WATER FOR EVERYTHING, AND IT'S VERY IMPORTANT THAT WE TAKE ACTION NOW, AND NOT WAIT TWO YEARS TO FIGURE OUT ALL OF THE MECHANISMS THAT CAN BE DONE IN THE COURSE OF GETTING THE STATE LEASES. THAT IS PRIORITY NO. 1. THANK YOU VERY MUCH. >> MEMBERS, DO YOU HAVE ANY QUESTIONS? IF NOT, THANK YOU, MR. FRANCO.\r\n\r\nMR. CLERK. >> CHAIR, NO ONE ELSE HAS IDENTIFIED THEMSELVES AS WISHING TO TESTIFY ON COUNTY COMMUNICATION 22-167, BUT WE'LL DO LAST CALL AGAIN. ANYBODY WISHING TO TESTIFY ON THIS ITEM, PLEASE IDENTIFY YOURSELF NOW, AGAIN, LAST CALL. CHAIR, NO ONE ELSE HAS IDENTIFIED THEMSELVES AS WISHING TO TESTIFY ON THIS ITEM. >> MEMBERS, ANY OBJECTIONS TO CLOSING TESTIMONY ON THIS ITEM AND TO ACCEPTING WRITTEN TESTIMONY? >> NO OBJECTIONS.\r\n\r\n>> INTO THE RECORD. >> NO OBJECTIONS, CHAIR. >> OKAY. MEMBER -- NOT MEMBER, MR. CLERK, PLEASE CALL UP THE ITEM. >> CHAIR, PROCEEDING WITH COUNTY COMMUNICATIONS. 22-167, YOU HAVE BEFORE YOU COUNTY COMMUNICATION 22-167 FROM COUNCIL MEMBER SINENCI TRANSMITTING A PROPOSED AMENDMENT TO RESOLUTION 22-119, CD 1, FD 1, A PROPOSED FD 2 VERSION, ENTITLED, "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED ,TO ESTABLISH MAUI COUNTY COMMUNITY WATER AND EAST MAUI REGIONAL COMMUNITY BOARD." >> MR.\r\n\r\nSINENCI. >> THANK YOU, CHAIR. IF THERE'S NO OBJECTIONS, CHAIR, MAY I PLEASE REQUEST THIS ITEM BE TAKEN UP AT THE SAME TIME AS RESOLUTION 22-119, CD 1, FD 1. >> ANY OBJECTIONS, MEMBERS? >> NO OBJECTIONS. >> ANY OBJECTIONS TO TAKING BOTH OF THEM UP RIGHT NOW? >> NO OBJECTIONS. >> NO OBJECTIONS.\r\n\r\n>> COULD YOU CALL UP THE OTHER ITEM, MR. CLERK? , CHAIR PROCEEDING WITH TESTIMONY ON RESOLUTION 22-119, CD 1, FD 1. AT THIS TIME, MEMBERS OF THE PUBLIC MAY TESTIFY ON THIS RESOLUTION ON. THE FIRST PERSON WE HAVE SIGNED UP ON THIS ITEM IS SHAY CHAN-HODGES. >> SORRY, I DON'T NEED TO TESTIFY AGAIN. THANK YOU. MY TESTIMONY FOR THE OTHER ITEM IS FINE.\r\n\r\n>> MR. CLERK. >> THE NEXT PERSON WE HAVE SIGNED UP TO TESTIFY IS CANTER, FOLLOWED BY THE

INDIVIDUAL CALLING IN FROM THE PHONE NUMBER ENDING WITH THE LAST FOUR DIGITS 9711. SHE IS IN THE CHAMBERS, CHAIR. SHE IS COMING DOWNRIGHT NOW. >> ALOHA. ONE REQUEST REAL QUICK. COULD YOU TESTIFY ON CR22-161 AT THE SAME TIME, PLEASE?\r\n\r\nALOHA KAKAHIKA, CHAIR AND COUNCIL MEMBERS, MY NAME IS CHICANI AND I HAVE BEEN A RESIDENT IN KIHEI SINCE I WAS 5 YEARS OLD. I TAUGHT HAWAIIAN ELEMENTARY SCHOOL FOR -- I'M NOT CURRENTLY SELF-EMPLOYED AND A WIFE AND MOTHER OF THREE GIRLS. TODAY I WILL BE TESTIFYING ON SUPPORTING RESOLUTION 22-119. I SUPPORT RESOLUTION 22-119, BECAUSE I BELIEVE OUR WATER SHOULD BE IN THE HANDS OF OUR COMMUNITY, WAI, WATER IS LIFE. I KNOW A MAJORITY OF YOU HERE SUPPORT THIS RESOLUTION GOING ON TO THE NOVEMBER BALLOT FOR THE PEOPLE OF MAUI COUNTY, TO GET A CHANCE TO VOTE ON IT. FOR THOSE THREE MEMBERS WHO VOTED NO TO THIS, I ASK THAT YOU PLEASE RECONSIDER AND LISTEN TO ALL OF THE VOICES OF OUR COMMUNITY. PLEASE REMEMBER THAT YOU WORK FOR THE PEOPLE AND WE THE PEOPLE OF MAUI COUNTY HAVE PUT OUR TRUST IN ALL OF YOU TO BE MAKING DECISIONS THAT WILL NOT ONLY MANAGE OUR COMMUNITY, BUT ALSO HELP US THRIVE. MAHALO.\r\n\r\n>> ANY QUESTIONS FOR THE TESTIFIER, MEMBERS? IF NOT, THANK YOU VERY MUCH. >> CHAIR, THE NEXT PERSON SIGNED UP TO TESTIFY IS THE INDIVIDUAL CALLING IN FROM THE PHONE NUMBER ENDING IN LAST FOUR DIGITS 9711, TO BE FOLLOWED BY TOM CROWLEY. >> ALOHA >> ALOHA. >> THANK YOU FOR THIS OPPORTUNITY TO SPEAK IN OPPOSITION TO THE PROPOSED AMENDMENT. MY NAME IS DAVE DELEON, AND TESTIFYING AS A HAIKU RESIDENT AND PROPERTY OWNER. THE PROPOSAL THAT SBC THE COUNCIL APPEARS TO BE RUSHED IN AN EFFORT TO FORESTALL THE STATE ISSUANCE OF 30-YEAR WATER LEASE A&B/MAUI PONO PARTNERSHIP.\r\n\r\nAS COUNCIL MEMBER SUGIMURA RECENTLY POINTED OUT IN A STATEMENT THIS PROPOSAL PASSES THE PUBLIC WILL BE ASKED TO ENDORSE A PROPOSAL FOR WHICH IT HAS BEEN NO DUE DILIGENCE. THIS PROPOSAL WOULD RESULT IN A MASSIVE ADDITION TO THE COUNTY'S RESPONSIBILITIES WITHOUT ANY GROUNDING IN WHETHER THE COUNTY IS CAPABLE OF THE PROPOSED UNDERTAKING, OR WITHOUT ANY SENSE OF WHAT IT WOULD COST THE TAXPAYERS AND WATER CONSUMERS? WITHOUT THAT INFORMATION, HOW ARE THE VOTERS SUPPOSED TO MAKE AN INFORMED DECISION? MY FAMILY DEPENDS ON WATER FROM THE EMI SYSTEM, AND ESPECIALLY IN TIMES OF DROUGHT. OVER THE LAST THREE DECADES I HAVE LIVED IN HAIKU AND WATCHED THE LOCAL CLIMATE GROW DIRE. TWO MONTHS DROUGHT WAS REALLY BAD, 60 DAYS THERE WAS NO RAIN WHATSOEVER. IT WAS SO BAD THE COUNTY HAD TO TRUCK WATER INTO NAHIKU AND OTHER APPARENT IMPACT OF CLIMATE CHANGE.\r\n\r\nCHANGING WHO IS IN CHARGE OF THE WATERSHED WILL NOT CHANGE THAT FACT, BUT MAKE IT MORE DIFFICULT FOR THE COMMUNITY TO ADAPT TO THE CHANGING SITUATION. THERE'S SOME OTHER THOUGHTS ON THE SUBJECT, NO KNOWLEDGEABLE PERSON I KNOW OF HAS CONFIDENCE THAT THE COUNTY WILL BE ABLE TO MEET THE RESPONSIBILITIES THAT THIS PROPOSAL LAYS OUT. THE EMI SYSTEM IS BOTH MASSIVE AND IRREPLACEABLE. WILL COUNTY BE ABLE TO ACQUIRE AND PROPERLY MAINTAIN IT? THE PRIVATELY-OWNED EMI SYSTEM HAS SUCCESSFULLY BEEN PROVIDING UP COUNTRY MAUI WITH ITS MAIN WATER SOURCE AT A NOMINAL PRICE FOR THE LAST 60 YEARS. OUR COMMUNITY HAS BEEN ABLE TO DEPEND ON IT. WHY IS THAT NO LONGER A REALLY GOOD DEAL?\r\n\r\nMAUI IS ALREADY AN INCREDIBLY EXPENSIVE PLACE TO LIVE AND ACTIONS THAT INCREASE THE COST OF WATER WILL HAVE A SERIOUS IMPACT ON THOSE WHO CAN AFFORD IT THE LEAST. THE BOTTOM-LINE IS THIS PROPOSAL IS PREMATURE AT BEST, IN THE TIME OF CLIMATE UNCERTAINTY, THE LAST THING WE SHOULD DO IS RUSH TO MAKE OUR WATER SYSTEM THAT COULD NEGATIVELY AFFECT OUR ABILITY TO MEET FUTURE NEEDS. EMI MUST BE MAINTAINED FOR THE GOOD OF THE UP COUNTRY COMMUNITY AS THE SAYING GOES, IF IT'S NOT BROKEN, DON'T FIX IT. MAHALO. >> THANK YOU FOR YOUR TESTIMONY. MEMBERS, DO YOU HAVE QUESTIONS? IF NOT, THANK YOU

VERY MUCH, MR. DELEON. >> THANK YOU. >> MR. CLERK. >> CHAIR, THE NEXT PERSON SIGNED UP TO TESTIFY IS TOM CROWLEY, FOLLOWED BY TONY EATON. >> I APOLOGIZE, I DIDN'T INTEND TO TESTIFY TWICE. THAT IS WHY I GOT CONFUSED ON THE LAST ITEM AND CAME IN AT THE LAST-SECOND. SO I WILL JUST SAY ONE QUICK LITTLE COMMENT, AND THAT IS THE IDEA OF SETTING UP AN AUTHORITY TO BID ON THE WATER RIGHTS, TO PUT IN A PROPOSAL FOR THAT IS PROBABLY SOUND AT THIS MOMENT. THE IDEA THAT THIS GOES FURTHER, AND DEFINES ALL OF THE WHAT IS GOING TO HAPPEN IN THE FUTURE AND THE AUTHORITY'S RESPONSIBILITIES AND SO FORTH -- EVEN WITHIN THE DOCUMENT, IT SAYS WE CAN SET UP OTHER WATER AUTHORITIES BESIDES THE EAST ONE BY ORDINANCE. WHY WOULDN'T YOU JUST WANT TO DO ALL OF THAT BY ORDINANCE? RATHER THAN PUT THAT IN CHARTER RIGHT NOW? SO AGAIN, I DON'T THINK THE WHOLE THING HAS BEEN THOUGHT OUT AND I DON'T THINK THAT YOU ARE GOING TO RESOLVE IT TODAY IN THIS MEETING, UNFORTUNATELY. THANK YOU, CHAIR. >> THANK YOU. MEMBERS, QUESTIONS? VICE-CHAIR? >> MAHALO, CHAIR. ALOHA, MR. CROWLEY AND MAHALO FOR THAT CLARIFICATION ON YOUR PREVIOUS TESTIMONY. SO REGARDING CHARTER AUTHORITY, DO YOU UNDERSTAND THAT THE COUNCIL THIS AMENDMENT WOULD BE NECESSARY IN ORDER TO SET UP FUTURE AUTHORITIES VIA ORDINANCE. >> I GUESS SO. I GUESS YOU WOULD HAVE TO SET IT UP, YOU KNOW, FOR FUTURE ONES. BUT MY POINT IS THAT JUST SETTING UP AN AUTHORITY, SAYING ONE CAN EXIST MIGHT BE ENOUGH AT THIS POINT, OKAY? AND NOT ALL OF THE OTHER STUFF THAT IS IN THERE. >> THANK YOU. ARE THERE ANY OTHER QUESTIONS, MEMBERS? IF NOT, THANK YOU, MR. CROWLEY. MR. CLERK. >> CHAIR, WE DON'T HAVE ANY OTHER INDIVIDUALS SIGNED UP TO TESTIFY ON RESOLUTION. WE'LL TAKE LAST CALL, IF THERE'S ANY INDIVIDUALS THAT WANT TO TESTIFY ON THIS ITEM AND HAVE NOT DONE SO, PLEASE IDENTIFY YOURSELF NOW, AGAIN, THIS IS LAST CALL. >> MEMBERS, ARE THERE ANY OBJECTIONS SO CLOSING PUBLIC TESTIMONY AND ACCEPTING WRITTEN TESTIMONY ON THIS CC 22-119, CD 1, FD 1? >> NO OBJECTIONS. >> SO ORDERED. MR. CLERK. >> CHAIR, YOU HAVE BEFORE YOU RESOLUTION 22-119, CD 1, FD 1, ENTITLED, "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH A MAUI NUI COMMUNITY WATER SYSTEMS AND AN EAST MAUI REGIONAL COMMUNITY BOARD". AND CHAIR, 22-167 IS ALSO BEFORE THE BODY AT THIS TIME. >> MR. SINENCI. YOU'RE MUTED. >> LISTED UNDER MR. MOLINA. >> MR. MOLINA. >> HANG ON, MADAM CHAIR. SORRY. MADAM CHAIR, WE'RE ON 22-119, CORRECT? YES. AND THE OTHER ONE THAT I MENTIONED. 167. >> MADAM CHAIR, CAN I REQUEST A RECESS FOR PROCEDURE MATTER. >> OF COURSE, MEMBERS, FIVE-MINUTE RECESS. >> CHAIR? >> YES. YES, VICE-CHAIR. >> CAN WE TAKE TEN MINUTES, PLEASE? I HAVE TO DRIVE TO THE AIRPORT AT THIS TIME. IF WE'RE GOING TO TAKE A RECESS FOR MEMBER MOLINA FOR THE PROCEDURAL REASON, CAN WE HAVE FIVE EXTRA MINUTES SO I CAN GET TO THE AIRPORT? >> OKAY, DO YOU NEED 15 MINUTES? >> THAT WOULD BE NICE. >> OKAY, MEMBERS, LET'S TAKE 15 MINUTES, OKAY. DON'T WANT HER SPEEDING. THE MEETING IS IN RECESS UNTIL 10:15. 14 MINUTES. [GAVEL] [GAVEL] >> WILL THE RECONVENED MEETING OF JULY 15TH, 2022 PLEASE RECONVENE ON MONDAY, JULY 18TH. IT IS NOW 10:19 , AND I BELIEVE MR. MOLINA HAS THE FLOOR. >> YES, THANK YOU VERY MUCH, MADAM CHAIR. I MOVE TO PASS RESOLUTION 22-119, CD 1, FD 1 ON SECOND AND FINAL READING >> SECOND. >> MOVED BY MEMBER MOLINA, SECONDED BY MEMBER KING TO PASS RESOLUTION 22-119, CD 1, FD 1 ON FIRST AND FINAL READING. ANY DISCUSSION, MR. MOLINA. >> THANK YOU VERY MUCH, MADAM CHAIR. RESOLUTION 22-119, CD 1, FD 1 WOULD PLACE ON THE NEXT GENERAL ELECTION BALLOT THE QUESTION OF WHETHER THE CHARTER SHOULD BE FURTHER AMENDED, EFFECTIVE UPON APPROVAL BY THE MAJORITY OF THE VOTERS, VOTING ON THE

PROPOSED AMENDMENT AND UPON CERTIFICATION OF SUCH RESULTS TO ESTABLISH A MAUI NUI COMMUNITY WATER SYSTEMS AND EAST MAUI REGIONAL COMMUNITY BOARD AND AT THIS POINT I WILL YIELD THE FLOOR TO MY COLLEAGUE FROM EAST MAUI. THANK YOU. >> MR. CLERK, YES? >> CHAIR, APOLOGIES, JUST TO CLARIFY, MR. MOLINA'S MOTION JUST TO CONFIRM IT'S ON SECOND AND FINAL READING.\r\n\r\n>> I THOUGHT IT WAS -- I THOUGHT IT WAS FINAL READING WHY I SAID FINAL READING. SECOND AND FINAL READING, FOR THE RECORD, MR. SINENCI. >> THANK YOU, CHAIR, MOVE TO SUBSTITUTE RESOLUTION 22-119, CD 1, FD 1, WITH THE PROPOSED FD 2 VERSION ATTACHED TO THE ASF POST FOR THIS ITEM, INCORPORATING THE FOLLOWING AMENDMENTS: 1, RESOLUTIONS TITLED THROUGHOUT THE RELATION'S BODY USE MAUI COUNTY COMMUNITY WATER INSTEAD OF MAUI NUI COMMUNITY WATER SYSTEMS AND ADD A COLLECTIVE IN FRONT OF EAST MAUI REGIONAL COMMUNITY BOARD AND ADD GRANT WRITERS, COMMUNITY LIAISONS AND WATER SYSTEMS TECHNICAL ANALYSTS AFTER "ADMINISTRATORS." FOUR, MAKE CORRESPONDING GRAMMATICAL CORRECTIONS. >> SECOND. >> OKAY. MEMBERS, IT'S BEEN MOVED BY MEMBER SINENCI, SECONDED BY MEMBER KING TO MAKE THESE CHANGES IN THE FD 2 VERSION.\r\n\r\nIS THAT WHAT YOU SAID, MR. SINENCI? >> YES, CHAIR. >> DISCUSSION, MR. SINENCI. >> THANK YOU, CHAIR. MEMBERS, WE DISCUSSED SEVERAL OPTIONS FOR WHAT TO CALL THIS NEW COLLECTIVE ENTITY, INCLUDING MAUI NUI COMMUNITY WATER SYSTEMS.\r\n\r\nTHE VOTERS APPROVED THIS CHARTER AMENDMENT, THE WATER AUTHORITIES WOULD BE ESTABLISHED AS COUNTY OF MAUI UNDER THE ADMINISTRATIVE BRANCH AND TO REFLECT THEIR OFFICIAL ADMINISTRATIVE NATURE, I WANTED TO RETAIN THE TERM "MAUI COUNTY" WHEN REFERENCING IT. AS WE LEARNED DURING THE APT MEETINGS, WHEN APPLYING FOR STATE WATER LICENSES, SO USING THE MAUI COUNTY NAME IN THE AGENCY TITLE WOULD HELP TO INSTANTLY DEMONSTRATE THEIR OFFICIAL MAUI COUNTY STATUS. ALSO PROPOSED USING THE TERM "WATER AUTHORITIES." DEVELOP THE PROPOSED -- THE WATER AUTHORITY ORGANIZATIONAL STRUCTURE AROUND RESEARCHING DIFFERENT MODELS OF WATER SYSTEM MANAGEMENT IN THE U.S. AND AROUND THE WORLD. WATER AUTHORITIES ARE THE MOST COMMON MODEL OF WATER SYSTEM MANAGEMENT IN THE WORLD. SET-UP AS SELF-SUPPORTING GOVERNMENT AGENCIES WITH COMMUNITY BOARDS WATER AUTHORITIES AROUND THE WORLD AND IN AMERICA COLLECT AND DISTRIBUTE WATER IN A TRANSPARENT, COMMUNITY-ORIENTED AND FISCALLY-RESPONSIBLE MANNER. I THINK IT'S IMPORTANT TO REFLECT THE STRUCTURE OF THE PROPOSED ENTITY AS A WATER AUTHORITY IN THE NAME OF THE ORGANIZATION. THIS WILL ASSIST WITH QUALIFYING THE GRANT FUNDING OPPORTUNITIES THAT REQUIRE COMMUNITY INVOLVEMENT.\r\n\r\nAND USING THE NAME "WATER AUTHORITY" WOULD HELP TO PROMOTE PUBLIC EDUCATION EFFORTS AND THE TERM "WATER AUTHORITY," IS GENERALLY RECOGNIZE TERMINOLOGY FOR A KNOWN MODEL OF OPERATION THAT OUR COMMUNITY MEMBERS ARE ALREADY FAMILIAR WITH, AND TO PREVENT CONFUSION AND DUPLICATION, THE TERM "WATER SYSTEMS" IS USED THROUGHOUT THE RESOLUTION TO REFER TO THE WATER RESOURCE DELIVERY SYSTEMS THAT ARE TO BE MANAGED. THIS WOULD RESULT IN A WATER SYSTEMS THAT MANAGE WATER SYSTEMS. SO USING THE TERM "WATER AUTHORITY" AVOIDS HAVING THE SAME TERM, BUT SEPARATE WITHIN -- AND INTERDEPENDENT OF EACH OTHER. AS FOR THE PROPOSAL TO ASK SPECIFIC STAFF IN SECTION 8-19.1, THIS STEMS FROM COMMUNITY FEEDBACK, MEMBERS INPUT AND STAKEHOLDERS INTEREST IN ASSURING STAFFING COUNTYWIDE WITH THE ESTABLISHMENT OF WATER AUTHORITIES AND TO PROVIDE IMMEDIATE STAFFING FOR THE NEWLY-CREATED EAST MAUI COMMUNITY WATER AUTHORITY, INCLUDING GRANT WRITERS TO OBTAIN FEDERAL, STATE AND PRIVATE FUNDING FOR FEASIBILITY STUDIES, BUSINESS MODELING, FOR LONG-TERM CAPITAL IMPROVEMENT PROJECTS, COMMUNITY LIAISONS FOR OUTREACH, PUBLIC ENGAGEMENT AND RECEIVING STAKEHOLDER INPUT. AND TECHNICAL ANALYST TO INVESTIGATE, EVALUATE AND NEGOTIATE POTENTIAL ADDITIONAL SOURCES ONCE

ACQUIRED COLLECT DATA REQUIRED TO MEET STATE REGULATIONS WITH COMMUNITY INFORMATION ABOUT THE STATUS OF WATER RESOURCES. CHAIR, I BELIEVE THESE AMENDMENTS DO NOT SIGNIFICANTLY CHANGE THE MAIN PROPOSAL WE HAVE BEEN SUPPORTING, BUT IT DOES PROVIDE CLARIFICATION THAT WOULD BE HELPFUL TO THE COUNTY, AND THE COMMUNITY AS WE CONTINUE WITH THIS CHARTER AMENDMENT PROCESS. SO I RESPECTFULLY REQUEST THE MEMBERS' SUPPORT OF MY MOTION.\r\n\r\nTHANK YOU, CHAIR. >> ANY MORE DISCUSSION, MEMBERS? YES, MR. CLERK? >> EXCUSE ME, CHAIR, APOLOGIES. APOLOGIES TO REQUEST THIS, BUT MAY I PLEASE REQUEST A BRIEF RECESS. >> MEMBERS, ANY OBJECTIONS TO A FIVE-MINUTE RECESS?\r\n\r\nIT WOULD BE 10:31 WE WOULD RETURN. >> NO OBJECTIONS. >> FIVE-MINUTE RECESS. [GAVEL] [GAVEL] >> WILL THE COUNCIL MEETING PLEASE RECONVENE. IT IS MONDAY, JULY 18TH, AND IT'S 10:36 A.M. MR. SINENCI. WHERE WE ARE RIGHT NOW, MR.\r\n\r\nSINENCI MADE A MOTION TO SUBSTITUTE. NOW I HAVE OPENED THE FLOOR FOR DISCUSSION. BUT MR. SINENCI WILL ALSO MAKE AN AMENDMENT AS WELL MR. SINENCI >> THANK YOU, CHAIR. CHAIR, IT LOOKS LIKE WE'RE MISSING ONE COUNCIL MEMBER. SO IF I MAY, I WOULD LIKE TO WITHDRAW MY MOTION, AND THEN CONSIDER BRINGING THIS AFTERWARDS, AND UNDERSTAND THAT CHARTER AMENDMENTS ARE IMPORTANT; THAT WE NEED TO HAVE IT DONE BY TODAY.\r\n\r\nSO IF THE MEMBERS WOULD CONSIDER, I WOULD AT THIS TIME WHEN WE HAVE ALL COUNCIL MEMBERS BETWEEN. >> MEMBER MOLINA, WOULD YOU LIKE TO WITHDRAW YOUR MOTION?>> YES, I GUESS, IF THAT IS THE PREFERENCE OF THE BODY. >> OKAY. >> MADAM CHAIR, COULD WE LEAVE THE MOTION LIVE ON THE FLOOR AND JUST COME BACK TO IT IN THE CALENDAR, OR SOME OTHER POINT? WHATEVER IS YOUR PREFERENCE, CHAIR. >> EITHER WAY, IT DOESN'T MATTER TO ME.\r\n\r\nBECAUSE WE'RE GOING TO DEFER THIS ITEM FOR NOW. SO IT'S UP TO YOU, WHETHER YOU WANT TO WITHDRAW YOUR MOTION, OR YOU WANT TO LEAVE IT PENDING? >> OKAY. I GUESS I WILL JUST GO AHEAD AND WITHDRAW THEN. >> OKAY. >> AND MEMBER KING, I THINK YOU WERE THE SECOND. DO YOU WANT TO WITHDRAW YOUR SECOND.\r\n\r\n>> I CAN WITHDRAW. I HAVE A QUESTION IN ADDITION TO THIS. >> WHAT IS YOUR QUESTION? >> SINCE WE NEED ALL COUNCIL MEMBERS, WE DEFER THE CHARTER AMENDMENTS TO WE GET THE NINTH MEMBER? 22-144 AS WELL, MEMBERS ANY OBJECTIONS TO DEFERRING ALL OF THE CHARTER AMENDMENTS? MAYBE NOT THE ONE HAVING TO DO WITH CLIMATE CHANGE, WE CAN TAKE THAT ONE UP, OKAY? SO WE'LL DEFER ALL OF THE OTHER EAST MAUI ITEM, AND THE PLANNING COMMISSION CHARTER PROPOSAL.\r\n\r\nWHAT WE COULD TAKE UP NOW WOULD BE THE WAIPU'ILANI PROJECT. ANY OBJECTIONS TO DOING THAT? >> NO OBJECTIONS. >> IF NOT, LET'S, MR. CLERK, CALL THAT UP. CR22-61. >> YES, CHAIR. PROCEEDING WITH TESTIMONY ON COMMITTEE REPORT 22-61. RIGHT NOW WE'RE TAKING TESTIMONY ON COMMITTEE REPORT 22-61 ONLY.\r\n\r\nTHE FIRST PERSON SIGNED UP TO TESTIFY ON ITEM IS GAIL THOMAS, FOLLOWED BY CHICON. >> MR. THOMPSON. MR. CLERK? NEXT. >> CHAIR, THE NEXT PERSON SIGNED UP TO TESTIFY IS CHICK AMI CANTERI, FOLLOWED BY ROBIN KNOX.\r\n\r\n>> LET'S CALL ON MS. KNOX. >> APOLOGIES, CHAIR, MS. CANTERI WAS WALKING UP TO THE PODIUM. >> ALOHA AGAIN. MY NAME IS CHICANI CANTERI AND MY NEXT TESTIMONY IS TO OPPOSE CR22-61. THE HALE WAIPU'ILANI PROJECT, ALTHOUGH I SUPPORT AFFORDABLE HOUSING BEING BUILT FOR LOCAL RESIDENTS I OPPOSE THIS PROJECT MAINLY BECAUSE THIS PROPERTY IS LOCATED ANYWAY FEMA FLOOD ZONE. I GREW UP ON THE MAKAI SIDE OF WHERE THIS HOUSING PROPOSAL IS AND CAN PERSONALLY GROWING UP BY MAUI SUNSET ABOUT A TEN-MINUTE WALK FROM THE WAIPU'ILANI PROJECT MY THREE OLDER BROTHERS AND I WOULD HAVE TO BARRICADE OUR JUROR, TO THE INSIDE OF YOUR HALE WON'T GET FLOOD.\r\n\r\nALMOST EVERY HEAVY RAINFALL, MY NEIGHBORS, WHO LIVE RIGHT ACROSS FROM US DO GET FLOODED. AS CHIRP WE WOULD KAYAK IN OUR FLOODED STREET, THAT IS HOW DEEP THE WATER GETS. THIS PROPOSED SPOT IS LOCATED IN

A WETLAND AND ALSO A SAFETY HAZARD DUE TO THE SURROUNDING -- HAVING NO CURBS, SIDEWALK OR SHOULDERS. THIS PROJECT WILL CAUSE MORE CONGESTION IN THIS AREA, AND AFFECT THE NEIGHBORHOOD'S WAY OF LIFE BY ADDING UNNECESSARY STRESS OF BEING OVERPOPULATED. THERE ARE ALSO SAFETY CONCERNS FOR WHEN EMERGENCIES AND EVACUATIONS HAPPEN. I HAVE HEARD OTHER PEOPLE TALK ABOUT A LAND SWAP AND I APPROVE THE IDEA. SO WE CAN CONSERVE THIS SITE AS IS.\r\n\r\nI WOULD LIKE TO ENCOURAGE ALL OF YOU HERE, AND LISTENING TODAY TO MAKE EVERY DECISION NOT ONLY BASED ON WHAT IS NEEDED NOW, BUT ALSO WHAT IS GOING TO BE NEEDED FOR FUTURE GENERATIONS. I REALLY APPRECIATE ALL OF YOUR TIME. MAHALO NUI. >> QUESTIONS FOR THE TESTIFIER. MEMBER KING. >> ALOHA, CAN YOU REITERATE FOR ME, I DON'T REMEMBER WHERE YOU SAID YOU LIVED. >> I GREW UP ACROSS 'EIWA PLACE, ACROSS FROM THE PLACE BUILT NEAR MAUI SUNSET.\r\n\r\n\r\nMY PARENTS ARE STILL THERE. I LIVE IN UPPER KIHEI. >> WHEN YOU WERE TALKING ABOUT KAYAKING YOU WERE TALKING ABOUT ON SOUTH KIHEI ROAD. >> YES, WE DO THAT, BUT I WAS MAINLY TALKING ABOUT OUR KIDS, BECAUSE THEY WOULDN'T LET US GO OUT BY OURSELVES ON SOUTH KIHEI. >> I DON'T WANT TO GET YOUR PARENTS IN TROUBLE. THANK YOU. >> THANK YOU.\r\n\r\n\r\nMAHALO. >> NO OTHER QUESTIONS, MEMBERS? MR. CLERK. >> CHAIR, THE NEXT PERSON WE HAVE SIGNED UP TO TESTIFY IS ROBIN KNOX, TO BE FOLLOW BY LAWRENCE. >> MS. KNOX.\r\n\r\n\r\n>> MY NAME IS ROBIN KNOX. I'M SPEAKING ON BEHALF OF MYSELF. ALOHA, MY NAME IS ROBIN KNOX, SPEAKING ON BEHALF OF MYSELF. THIS AREA WHERE THIS [INAUDIBLE] THIS AREA WHERE THE HOUSING PROJECT PROPOSED LOCATION IS ALREADY FLOODING WITH DEVELOPMENT ON THE WETLAND ON TOP OF A FLOODPLAIN AND EACH ADDITIONAL DEVELOPMENT MAKES IT WORSE AND NEGATIVELY IMPACTS THE HOMES ALREADY THERE. THERE'S A HIGH PROBABILITY -- IT WOULD FLOOD AND WORSE THAN FLOODING THAT ALREADY EXISTS. WITH REGARD TO THE PURCHASE OF EXPENSIVE FLOOD INSURANCE, THERE'S NO GUARANTEE THAT THE DEVELOPER CAN DO WHAT HE SAID TO GET THAT REQUIREMENT WAIVED. FURTHERMORE, EVEN IF FLOOD INSURANCE IS REQUIRED, WITH FINANCING, THERE'S NO GUARANTY IT WOULD ACTUALLY BE AVAILABLE -- [INAUDIBLE] THE IDEA OF A LAND PLAN SWAP WITH THE COUNTY [INAUDIBLE] NOT ONLY PUTS FAMILIES OUT OF HARM'S WAY, BUT TO ADDRESS THE FLOODING.\r\n\r\n\r\nPROTECT THE HOMEOWNERS AND MOVE THE HOMES OUT OF AN AREA SURE TO BE IMPACTED FURTHER BY CLIMATE CHANGE, SEA-LEVEL RISE TO INCREASINGLY INTENSE STORMS THAT CAUSE FLOODING. I HAVE FAMILY AND FRIENDS WHO HAVE BEEN RESCUED FROM FLOODS AND HAVE LOST EVERYTHING THAT THEY OWNED TO FLOOD DAMAGE. I WOULD NEVER WANT TO PUT ANYONE ELSE AT-RISK FOR THAT HAPPENING. THANK YOU. QUESTIONS FOR THE TESTIFIER, IF NOT, THANK YOU, MS. KNOX. MR.\r\n\r\n\r\nCLERK. >> THE NEXT PERSON SIGNED UP TO TESTIFY IN THE CHAMBERS, FOLLOWED BY DAVID BRUCE. >> GOOD MORNING. MBOTE, CHAIR AND MEMBERS. LAWRENCE CARNICELLI AND I REPRESENT THE APPLICANT. I'M VICE PRESIDENT OF DEVELOPMENT FOR ALAULA BUILDERS. HEARD A LOT OF TESTIMONY ON THIS THE LAST COUPLE OF DAYS, ELEVEN HOURS ON FRIDAY.\r\n\r\n\r\nI'M IN FAVOR OF THE AFFORDABLE HOUSING, BUT I'M NOT A NIMBY. ALTHOUGH I SUPPORT AFFORDABLE HOUSING, ALL THOSE THINGS. FIRST I THINK THAT I NEED TO DO IS JUST ADDRESS SOME OF THE THINGS, BECAUSE YOU HAVE HEARD THE PRESENTATION TWICE HOURS' OF DISCUSSION ON THIS. THERE'S SOME PEOPLE THAT JUST SORT OF HAVE HEARD THINGS WHETHER IT'S ONLINE OR OTHER TESTIFIERS THAT SHOWED UP AND TESTIFIED SO A COUPLE OF THINGS, THIS WILL NEVER GO TO MARKET-RATE TO 297 APPLICATION. IT'S NOT A WETLANDS. THE ARMY CORPS OF ENGINEERS IS THE DETERMINING BODY FOR THAT. IT'S NOT A WETLANDS.\r\n\r\n\r\nWE'RE NOT GOING TO BE EXEMPTED FROM ANYTHING SMA AND WE'RE NOT BYPASSING DRAINAGE STANDARDS. WE ARE GOING TO DO FRONTAGE IMPROVEMENTS. THE PRICES, WE HAVE GONE OVER THE PRICES AND WORKING WITH THE DEPARTMENT OF HOUSING AND HUMAN CONCERNS

AND MORTGAGE -- THERE'S THREE WALLS SURROUNDING THREE SIDES OF THIS PROJECT. THERE'S NOT DRAIN COMING ON OR OFF -- ACTUALLY THAT IS NOT TRUE. THERE'S ONE LOT THAT THE GENTLEMAN WHO LIVES THERE TESTIFIED. HE ACTUALLY FLOODS ONTO THIS PROPERTY AND NOT THE OTHER WAY AROUND. I ALSO FIND IT CURIOUS OUT OF ALL OF THE PAGES AND PAGES OF WRITTEN TESTIMONY THAT I HAVE GONE OVER AND LISTENED TO EVERY PIECE OF ORAL TESTIMONY, THERE'S NOT BEEN ONE PIECE OF EVIDENCE ABOUT THIS PROPERTY.\r\n\r\nKIHEI HAS FLOODING ISSUES, 100%. KIHEI HAS TRAFFIC ISSUES. KIHEI HAS ISSUES, BUT NO ONE HAS BROUGHT ANYTHING ABOUT THIS PROPERTY. THERE'S ACTUALLY ONE PICTURE OF A LITTLE POND ON THIS PROPERTY ON DECEMBER 6,2021. THE POND ON MY PROPERTY IN WAILUKU WAS BIGGER THAN THAT ON DECEMBER 6,2021. I'M NOT NEGATING THE CONCERNS OF NEIGHBORS. THEY'RE IMPORTANT. BUT EVERY NEIGHBOR IS GOING TO HAVE ISSUES NO MATTER WHERE WE GO. LIKE EVERYONE SAID LAND SWAP. WE HAVE TO DEAL WITH WHOEVER THE NEIGHBORS ARE THERE; RIGHT?\r\n\r\nALSO WANT TO JUST SOME PEOPLE HAVE THOUGHT THAT US SAYING THAT WE'RE GOING TO DO SOMETHING MARKET-RATE IS A THREAT. IT'S NOT A THREAT. IT'S JUST AN ENTITLED PIECE OF PROPERTY. IF WE CAN'T DO AFFORDABLE HOUSING, WE HAVE TO REASSESS WHAT WE'RE GOING TO DO. AND THAT IS AN OPTION. I JUST WANT GO OVER SOME PROJECTS THAT ARE FOR-SALE AFFORDABLE HOUSING. THE HERITAGE IN MAUI LANI, IF I COULD FINISH, CHAIR ALL OF THOSE PROJECTS THE NEIGHBORS OPPOSED.\r\n\r\nTHEY ARE NOW AWESOME NEIGHBORHOODS AND PART OF THE COMMUNITY, AND THE NEIGHBORS OPPOSED THEM. SO I'M NOT SAYING THAT WE SHOULDN'T LISTEN TO THE NEIGHBORS. I'M NOT SAYING THAT. I'M JUST SAYING WE'RE GOING TO RUN INTO WHEREVER WE GO. >> THANK YOU VERY MUCH, MR. CARNICELLI. MEMBERS, DO YOU HAVE ANY QUESTIONS?\r\n\r\nMEMBER PALTIN. >> THANK YOU, MR. CARNICELLI FOR YOUR TESTIMONY. I DON'T HAVE A LOT OF TIME. I WAS WONDERING WITH THE INCREASING STORM FREQUENCY, AND WHAT NOT, WOULD YOU BE WILLING TO INCREASE THE DRAINAGE REQUIREMENTS FROM A 50-YEAR STORM TO 100-YEAR STORM? >> I DON'T KNOW IF THAT IS POSSIBLE? WE COULD LOOK AT IT, FOR SURE.\r\n\r\nI DON'T KNOW IF IT'S POSSIBLE, BUT WE COULD LOOK AT IT, YEAH. >> THANK YOU. >> ANYBODY ELSE? MEMBER KING. >> THANK YOU, CHAIR. ALOHA LAWRENCE. GOOD TO SEE YOU.\r\n\r\nSORRY I'M NOT THERE IN THE CHAMBER. >> I MISS YOU GUYS. >> I JUST WANTED TO ASK YOU ABOUT, I MEAN, THE IDEA IT'S NOT A WETLAND, I THINK IT'S NOT REGULATED AS A WETLAND BECAUSE IT'S NOT ADJACENT TO NAVIGABLE WATERS. WOULD YOU AGREE THAT IS THE ARMY CORPS OF ENGINEERS DEFINITION? >> NO, THAT IS NOT THE ARMY CORPS OF ENGINEERS DEFINITION. THERE'S THREE CRITERIA. YOU HAVE TO MEET THE CRITERIA.\r\n\r\nIT'S NOT JUST AS IF IT'S NEXT TO. THAT IS NOT THE CRITERIA. >> THAT IS MY TIME. I GUESS I CAN'T FINISH. >> MR. CARNICELLI, DO YOU WANT TO TELL US THE THREE CRITERIA AND THEN THAT'S ALL? >> OH, GOSH, ONE IS SOIL.\r\n\r\nNONE IS FLORA AND FAUNA AND THE OTHER ONE, I CAN'T RECALL WHAT IT IS. I'M SORRY. >> ALL RIGHT. THANK YOU. >> THANK YOU >> MEMBERS, THAT'S IT. THANK YOU. NEXT TESTIFIER.\r\n\r\n>> CHAIR, THE LAST PERSON WE HAVE SIGNED UP TO TESTIFY ON COMMITTEE REPORT 22-61 IS BRUCE IN THE CHAMBERS. >> MR. BRUCE. >> ALOHA. THANK YOU, COUNCIL MEMBERS. MY NAME IS DAVID BRUCE, AND I AM PART OWNER IN THE HALE WAIPU'ILANI PROJECT. I WANTED TO SHARE FROM MY POINT OF VIEW WHY WE'RE ATTEMPTING TO BUILD THIS DEVELOPMENT.\r\n\r\nI AM IN REAL ESTATE, BUT I'M NOT A DEVELOPER. I HAVE NEVER DEVELOPED ANYTHING EVER IN MY LIFE. BUT HAWAI'I HAS BEEN MY HOME FOR 22 YEARS, WHERE MY WIFE AND I HAVE RAISING OUR THREE CHILDREN. I'M SPEAKING AS WAS POINTED OUT FOR THE UNDERREPRESENTED PEOPLE THAT THIS IS FOR. I HAVE SEEN FIRSTHAND, I'M SURE AS MANY OF YOU HAVE THE STRUGGLE OF OUR FRIENDS OVER THE YEARS, THAT HAVE HAD TO HOLD DOWN TWO AND THREE JOBS, ONLY TO EVENTUALLY MOVE TO THE

MAINLAND. NATIVE HAWAIIANS BORN AND RAISED HERE MOVE TO THE MAINLAND BECAUSE IT'S TOO EXPENSIVE AND LOSE HOPE OF OWNING LAND. THAT IS WHY I'M DOING THIS DEVELOPMENT.\r\n\r\nIT'S SIGNIFICANT TO OWN A PIECE OF THE LAND. WE COULD HAVE GONE MARKET-RATE HOUSING, AS MOST DEVELOPERS DO HERE. IT WAS REALLY HARD TO HEAR THE BACKLASH OF IMMEDIATE NEIGHBORS AND OTHERS. I MEAN THE ENTIRE SURROUNDING AREA IS DEVELOPED. I UNDERSTAND IT'S IN A FLOOD ZONE. SO IT SEEMS A LITTLE DISINGENUOUS TO SAY IT'S OKAY FOR US TO LIVE HERE, BUT NOT FOR THOSE PEOPLE. FOR ME IT'S ABOUT IMPACTING PEOPLE THAT LIVE HERE THAT MAKE UP THE COMMUNITIES, INDUSTRY WORKERS, TEACHERS, FIREMEN, POLICE, CONSTRUCTION AND SO ON THIS IS A CHANCE TO KEEP LOCAL FAMILIES FIRMLY PLANTED IN MAUI.\r\n\r\nGIVE THEM AN OPPORTUNITY TO STOP PAYING SOMEONE'S MORTGAGE AND IMPACT THE LEGACY OF THEIR FAMILIES FOR GENERATIONS TO COME, AND FINALLY OWN A PIECE OF THE LAND. THE MEDIAN PRICE POINT IS \$1.2 MILLION AND IT'S MASSIVE AND GROWING. WE'RE OFFERING A CHANCE FOR RESIDENTS TO OWN FOR SIGNIFICANTLY LESS THAN THAT. SO WE HAVE TO TAKE EVERY OPPORTUNITY THAT WE CAN TO MAKE THIS WORK. YES, MAYBE WE'LL ADD TO TRAFFIC. MORE PEOPLE WALKING THE STREETS, BUT IT WILL ALSO BE A COMMUNITY OF PEOPLE COMMITTED IT CALLING MAUI HOME. THINK ABOUT HOW YOU FELT WHEN YOU FIRST PURCHASE YOUR HOME.\r\n\r\nWE HAVE BEEN WORKING FOR TWO YEARS. WE HAVE ADDRESSED EVERY ISSUE AS LAWRENCE STATED, WITH THE PLACE TO MAKE THIS A BETTER SITUATION THAN MOST BUILDINGS IN THAT AREA. SO WHILE IT MIGHT NOT BE A PERFECT SITUATION, I WOULD ASK THOSE OPPOSED TO MAKING ROOM ON THE LAND AND SHARING ALOHA THAT MAKES MAUI SPECIAL, I WOULD ASK THAT THE COUNCIL TAKE A MOMENT, TAKE A MOMENT -- I'M ALMOST DONE -- AND THINK ABOUT THE FAMILIES AWAITING, STRUGGLING ON THE SIDELINES TO PURCHASE THEIR FIRST HOME, HOW GRATEFUL THEY WILL BE TO LEAVE BEHIND THE CONVERSATION SHOULD WE MOVE TO THE MAINLAND? THANK YOU FOR YOUR TIME. I WOULD ASK THAT YOU PLEASE VOTE IN FAVOR OF HALE WAIPU'ILANI FOR THE PEOPLE OF MAUI. >> THANK YOU. MEMBERS, DO YOU HAVE ANY QUESTIONS?\r\n\r\nIF NOT, THANK YOU VERY MUCH. OH, WAIT, WE HAVE ONE QUESTION FROM MEMBER PALTIN. >> THANK YOU, CHAIR. THANK YOU, MR. BRUCE, FOR YOUR TESTIMONY. IT'S PRETTY MUCH THE SAME QUESTION I ASKED MR. CARNICELLI, WE'RE SEEING INCREASING FREQUENT LARGE STORMS, AND I WAS WONDERING IF YOU WOULD BE WILLING TO INCREASE THE DRAINAGE FROM 50-YEAR STORM TO A 100-YEAR STORM?\r\n\r\n>> WE'D HAVE TO LOOK INTO THAT, LIKE HE SAID, WE'RE NOT SURE IF THAT IS POSSIBLE? BUT IF IT IS, ABSOLUTELY. >> THANK YOU. >> ANY MORE QUESTIONS, MEMBERS? IF NOT, THANK YOU VERY MUCH, MR. BRUCE. >> THANK YOU.\r\n\r\n>> CHAIR, THE NEXT PERSON SIGNED UP TO TESTIFY ON COMMITTEE REPORT 22-61 IS CODY. >> ALOHA, COUNCIL. MAHALO FOR YOUR TIME. >> ALOHA. >> MY NAME IS CODY, AND I'M A LIFE-LONG RESIDENT OF KULA KAI, A MEMBER OF THE MOKU COUNCIL AND STEWARD OF WAIL HULE KAI. AN ISLAND IS A CANOE, A CANOE IS AN ISLAND. THIS IS A VERY FAMOUS THAT SPEAKS TO THE QUANTITY OF LIFE AND QUALITY OF LIFE.\r\n\r\nAS A STEWARD AND ADVOCATE FOR RESTORATION, IT'S VITAL IT'S HELD TO THE HIGHEST REGARD, WATER QUALITY, CULTURAL AWARENESS, MITIGATION MEASURES AND THE TERMS OF SEA-LEVEL RISE, RUN-OFF AND STORM SURGE. AS WE HAVE SEEN RECENTLY STORM SURGES IS VERY REAL AND SO IS RUN-OFF. I WORRY BECAUSE THERE'S EMPHASIS ON GROWTH AND THE IDEA OF LAND -- THIS LAND BEING TURNED TO CONSERVATION AND LAND SWAP MENTIONED TO ME AS A POSSIBILITY. BEING THAT THIS AREA IS ALREADY SURROUNDED ABOUT HOMES, CONSERVATION LAND IS EXACTLY WHAT THIS AREA NEEDS. NOT JUST FOR THE ENVIRONMENT, BUT FOR THE QUALITY OF LIFE, AN EXISTING COMMUNITY. , AS MUCH AS WE NEED GOOD HOMES WE NEED A GOOD QUALITY OF LIFE. WHAT IS THE SENSE THAT WE CRAM EVERYTHING TOGETHER, IF EVERYBODY IS MISERABLE, MORE

TRAFFIC, MORE FLOODING, LOSS OF ENVIRONMENT, LOSS OF MORALITY WITHIN OUR LOCAL COMMUNITIES?\r\n\r\nWE BECAME STRANGERS IN OUR OWN TOWN. AS A MEMBER OF THE MOKU, TO REPRESENT VALUES OF CONSERVATION AREAS, A PLACE THAT IS IMPACTFUL TO RUNNING WATERWAYS, ENDEMIC AND NATIVE PLANTS, CONTINUATION OF HEALTHY HYDROLOGY, THAT PERMEATES TO OUR OCEAN AND OVERALL BETTER QUALITY OF LIFE. I ASK THAT WE REVISIT OTHER OPPOSITIONS PROPOSED AND AS WE LOOK TO THE FUTURE OF AFFORDABLE HOUSING, THERE'S THOUSANDS OF HOMES HERE THAT NEED TO BE ACKNOWLEDGED. THAT IS PONO PLANNING. AS SOMEONE WHO GREW UP IN KULA KAI, I CAN TELL YOU FIRSTHAND WE'RE EXPERIENCING TOO MANY CHANGES TOO QUICKLY. WE HAVE BEEN IMPACTED AND WE'RE BECOMING STRANGERS IN OUR OWN HOME. WE HAVE LOST SO MANY OF THE CORE VALUES WE GREW UP, DUE TO THE HEAVY INFLUX OF MISGUIDED PLANNING.\r\n\r\nNONE MORE THING, PLANNING IS MORE THAN JUST MEETING REQUIREMENTS AND SETTING STANDARDS. MAHALO. >> THANK YOU. MEMBERS, ARE THERE ANY QUESTIONS? MEMBER KING? >> THANK YOU, CHAIR. ALOHA, CODY.\r\n\r\nYOU'RE WORKING ON WETLAND RESTORATION ALONG WITH A FEW OTHER OF OUR COMMUNITY MEMBERS. SO DO YOU CONSIDER THIS AREA THAT WE'RE TALKING ABOUT A WETLAND? >> YES. DEFINITELY. >> OKAY. THAT IS WHAT I THOUGHT. THANK YOU.\r\n\r\nTHANK YOU FOR BEING HERE. APPRECIATE IT. >> MAHALO. >> ANY MORE QUESTIONS, MEMBERS? IF NOT, THANK YOU VERY MUCH. MR. CLERK.\r\n\r\n>> CHAIR, WE DO NOT HAVE ANY OTHER INDIVIDUALS SIGNED UP TO TESTIFY ON COMMITTEE REPORT 22-61. SO WE'LL DO A LAST CALL AT THIS TIME. IF THERE'S ANY INDIVIDUALS WHO WISH TO TESTIFY ON COMMITTEE REPORT 22-61, PLEASE IDENTIFY YOURSELF NOW. AGAIN, THIS IS OUR LAST CALL. MEMBERS, ANY OBJECTIONS TO CLOSING PUBLIC TESTIMONY AND ACCEPTING WRITTEN TESTIMONY FOR COMMUNICATION ON CR22-61? >> NO OBJECTIONS. >> NO OBJECTIONS. >> SO ORDERED. MR.\r\n\r\nCLERK. >> CHAIR, PROCEEDING WITH COMMITTEE REPORT 22-61, YOU HAVE BEFORE YOU FROM YOUR AFFORDABLE HOUSING COMMITTEE, COMMITTEE REPORT 22-61 RECOMMENDING THE FOLLOWING: 1, THAT RESOLUTION 22-131 CD 1 ENTITLED, "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF HALE WAIPU'ILANI HOUSING PROJECT UNDER SECTION 2.97 MAUI COUNTY CODE" BE ADOPTED; AND, 2 APPROVING THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI HOUSING PROJECT UNDER 2.97 MAUI COUNTY CODE BE FILED; AND 3, THAT RESOLUTION 22-132 ENTITLED "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI HOUSING PROJECT UNDER 2.97 MAUI COUNTY CODE" BE FILED. >> MR. JOHNSON. >> THANK YOU, CHAIR. I'M IN THE FEELING AS COUNCIL MEMBER SINENCI, IT'S A MATTER OF IMPORTANCE TO WAIT FOR ALL MEMBERS TO BE HERE TO VOTE FOR IT, IF THE BODY WOULD ALLOW IT, I WOULD RECOMMEND THAT WE TAKE LUNCH NOW, AND MOVE BACK TO THIS? THAT WOULD BE MY SUGGESTION IF WE COULD DO THAT.\r\n\r\n>> MEMBER KING. >> THANK YOU, CHAIR. I THOUGHT THAT MEMBER RAWLINS-FERNANDEZ SAID SHE WAS GOING TO BE ON THE PLANE 11-11:30. SO SHE HAD ASKED US TO WAIT UNTIL 11:30 SO THAT SHE COULD BE PRESENT FOR ANY VOTES THAT WE TAKE. IS THAT THE TIMING? I THINK THAT WAS THE TIMING. SO I WOULD SUPPORT MEMBER JOHNSON'S PROPOSAL. >> I DON'T MIND DOING THAT, BUT SHE DID ASK FOR TIME TO GET TO THE AIRPORT.\r\n\r\nI ASSUME THAT SHE WAS GOING TO PARTICIPATE ON HER PHONE. >> YES, I THINK SHE COULDN'T GET CONNECTED. SHE WAS TRYING TO AND COULDN'T GET CONNECTED. >> MEMBERS, ANY OBJECTIONS TO DEFERRING THIS ITEM? >> NO OBJECTIONS, CHAIR. >> NO OBJECTIONS. >> UNTIL LATER ON THE CALENDAR.\r\n\r\nNO OBJECTIONS, SO ORDERED. LET'S TAKE UP THE RESO HAVING TO DO WITH CLIMATE CHANGE. CHARTER PROPOSAL. MR. CLERK. >> CHAIR, PROCEEDING WITH TESTIMONY ON RESOLUTION 22-165, AT THIS TIME WE'LL ACCEPT TESTIMONY ONLY ON RESOLUTION 22-165. CHAIR, THERE DOES NOT APPEAR TO BE ANYONE SIGNED UP TO TESTIFY ON THIS ITEM. SO WE'LL DO A LAX CALL AT THIS TIME.\r\n\r\nIF

THERE'S ANYBODY WHO WISHES TO TESTIFY ON RESOLUTION 22-165, PLEASE IDENTIFY YOURSELF NOW. LAST CALL. MEMBERS, ANY OBJECTIONS TO CLOSING PUBLIC TESTIMONY AND ACCEPTING WRITTEN TESTIMONY FOR COMMUNICATIONS ON THIS ITEM? >> NO OBJECTIONS. >> NO OBJECTIONS. >> SO ORDERED.

MR.\r\n\r\nCLERK, PLEASE CALL UP THIS ITEM. >> CHAIR, YOU HAVE BEFORE YOU RESOLUTION 22-165 ENTITLED, "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO PROMOTING CLIMATE CHANGE ADAPTATION." >> PRO TEM KAMA. >> I MOVE TO ADOPT THE -- I DON'T HAVE MY NOTES, CHAIR. I'LL MOVE TO ADOPT THIS. >> MADAM CHAIR, POINT OF CLARIFICATION? >> MEMBER MOLINA, I'M SORRY? >> YES, THIS IS UNDER THE GREAT COMMITTEE.\r\n\r\n>> SO MUCH OUT OF ORDER, THAT BECAUSE I CALLED ON HER BECAUSE SHE WAS THE PROPOSER OF THAT AMENDMENT. >> THANK YOU, CHAIR. >> MEMBER MOLINA. >> THANK YOU, MADAM CHAIR. SO WITH THAT BEING SAID, MOVE TO PASS RESOLUTION 22-165 ON SECOND AND FINAL READING. >> SECOND. >> MOVED BY MEMBER MOLINA, SECONDED BY PRO TEM KAMA TO PASS RESOLUTION 22-165 ON SECOND AND FINAL READING.\r\n\r\nDISCUSSION, MR. MOLINA. >> THANK YOU VERY MUCH, MADAM CHAIR. RESOLUTION 22-165 WOULD PLACE ON THE NEXT GENERAL ELECTION BALLOT THE QUESTION OF WHETHER THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) SHOULD BE FURTHER AMENDED EFFECTIVE JANUARY 2, 2023 TO ESTABLISH A COUNTY POLICY TO PROMOTE CLIMATE CHANGE DANCING, INCLUDING THE IMPLEMENTATION OF GUIDELINES TO ALLOW TELEWORK AND ALTERNATIVE SCHEDULES FOR CERTAIN MAUI COUNTY EMPLOYEES. AS NOTED DURING FIRST READING BOTH THE MAYOR'S OFFICE OF CLIMATE CHANGE, RESILIENCE AND SUSTAINABILITY ALONG WITH THE MANAGING DIRECTOR EXPRESSED SUPPORT FOR THIS PROPOSAL. AT THIS TIME, I WILL YIELD THE FLOOR FOR ADDITIONAL COMMENTS ON THIS PROPOSAL. >> PRO TEM KAMA.\r\n\r\n>> THANK YOU VERY MUCH, CHAIR. THANK YOU VERY MUCH, MR. MOLINA. THANK YOU, MEMBERS FOR GETTING THIS PARTICULAR PROPOSAL TO THIS STAGE TODAY. I WOULD JUST CONTINUE TO ASK FOR YOUR CONTINUED SUPPORT. THANK YOU, CHAIR. THANK YOU, MR.\r\n\r\nMOLINA. >> ANY FURTHER DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, PLEASE RAISE YOUR HAND AND SAY AYE? >> AYE. >> EIGHT AYES, ONE EXCUSED. MOTION CARRIES, EXCUSED IS VICE-CHAIR RAWLINS-FERNANDEZ. WELL MEMBERS, DO YOU WANT TO WORK ON THE REFERRALS?\r\n\r\n>> CHAIR? >> YES, MEMBER SUGIMURA. >> WE HAVE TESTIFIERS SITTING IN THE CHAMBERS THAT HAVE A TIME SCHEDULE. THEY ARE HOPING, AND I THINK THEY ARE SITTING HERE IN THE OUTDOOR LIGHTING BILL. >> OKAY. WELL, THE PROBLEM IS THAT IS ANOTHER ONE THAT WE WOULDN'T TAKE UP WITHOUT THE MAJORITY HERE. >> WE JUST HAVE THE TESTIFIERS TESTIFY OUT OF CONSIDERATION FOR THEM.\r\n\r\nTHEY HAVE BEEN SITTING HERE ALL MORNING THINKING WE WERE GOING TO TAKE THIS UP AT 9:00. >> MEMBER PALTIN? >> I WAS WONDERING IF WE COULD COMPLETE J? THAT SEEMS VERY INNOCUOUS. >> LET ME TAKE UP THE SUGGESTION OF MEMBER SUGIMURA FIRST. MR. CLERK, HOW MANY PEOPLE DO WE HAVE SIGNED UP FOR THE LIGHT BILL? >> CHAIR, THERE ARE CURRENTLY SIX INDIVIDUALS SIGNED UP TO TESTIFY ON BILL 21, CD 1, FD 1 (2022) >> IT'S POSSIBLE TO TAKE UP THE TESTIMONY, BUT NOT TAKE UP THE ITEM. I'M ASKING YOU, MR.\r\n\r\nCLERK. >> THE BODY CAN DO THAT WITH THE OTHER ITEMS AND TAKE THE TESTIMONY ON THE ITEMS NOW AND IF THEY CLOSE IT, THEY CAN CLOSE THE TESTIMONY AND IF THEY NEED TO DEFER THE ITEM UNTIL LATER IN THE AGENDA, THEY CAN. >> MEMBERS, ANY OBJECTIONS TO DOING THAT? >> NO OBJECTIONS. >> NO OBJECTIONS, CHAIR. >> OKAY, LET'S PROCEED WITH TESTIMONY ON THE LIGHT BILL. >> THANK YOU, MEMBERS.\r\n\r\n>> BILL 21. >> CHAIR, PROCEEDING WITH TESTIMONY ON BILL 21,C1, FD 1 (2022) WE'LL BE ACCEPTING TESTIMONY ON THIS ITEM AT THIS TIME, AND THIS ITEM ONLY. THE FIRST PERSON SIGNED UP TO TESTIFY ON THIS ITEM IS JORDAN MOLINA, TO BE FOLLOWED BY RANDY YAMA NU HA >> MR. MOLINA.

>> JORDAN MOLINA. I SEE THAT PUBLIC WORKS IS CONNECTING. >> THANK YOU, CHAIR. SO JUST FOR CLARIFICATION, WILL I STILL HAVE THE OPPORTUNITY, OR IS THE COMMITTEE GOING INTO DISCUSSION ON THE MATTER AT THIS TIME?\r\n\r\n>> NO, WE'RE NOT GOING INTO DISCUSSION. WE'RE JUST TAKING TESTIMONY FROM PEOPLE THAT DID NOT HAVE AN OPPORTUNITY TO TESTIFY ON THIS AT FRIDAY'S COUNCIL MEETING. >> SO WILL I BE ABLE TO WAIT UNTIL THE MATTER IS BROUGHT FORTH FOR TESTIMONY? >> YES, YOU CAN. >> I'LL DEFER UNTIL THEN. THANK YOU, CHAIR. >> MR.\r\n\r\n\r\nCLERK, CAN YOU CALL UP THE NEXT PERSON, MR. YAMA NAHA. >> RANDY YAMA NAHA, FOLLOWED BY GARY SANCHEZ. >> GOOD MORNING, HONORABLE CHAIR AND COUNCIL MEMBERS. I'M A RETIRED PRINCIPAL AT MAUI HIGH SCHOOL AND FORMER PRESIDENT OF THE MAUI INTERSCHOLASTIC LEAGUE AND THE HAWAI'I HIGH SCHOOL ATHLETIC ASSOCIATION. I'M HERE TODAY TO TESTIFY ON BILL 21. ALTHOUGH THE BILL HAS ITS MERITS I'M ASKING YOU TO RECONSIDER AND NOT PASSING THE BILL AT THIS TIME UNTIL SOME UNINTENDED CONSEQUENCES AND COMMUNITYWIDE RAMIFICATIONS CAN BE ADDRESSED WITH ALL AFFECTED PARTIES. AS PREVIOUS TESTIMONY MENTIONED THE OBVIOUS FINANCIAL IMPACTS AND LOSS OF REVENUES FROM THE DECREASING GATE RECEIPTS, AND INVESTMENTS IN NEW EQUIPMENT IN ORDER TO COMPLY WITH THE BILL'S REQUIREMENTS.\r\n\r\n\r\nOTHER CONSEQUENCES I MAY POINT OUT IS THE GREATER RISK FOR THE HEALTH AND SAFETY OF OUR STUDENT ATHLETES. MOVING ATHLETIC COMPETITIONS DURING THE HEAT OF THE DAY PLACED STUDENTS IN INCREASED RISK FOR HEAT-RELATED INJURIES. OTHER UNINTENDED CONSEQUENCES BY MOVING EVENTS TO THE DAYTIME WILL GREATLY IMPACT OUR COMMUNITY'S SPORTS LEAGUE AND LESSEN AVAILABLE PLAYING-FIELDS WHILE HIGH SCHOOL TEAMS, AND COMMUNITY COMPETE FOR THE SAME FIELDS DURING A SMALLER TIME WINDOW. ANOTHER ISSUE TO BE CONSIDERED MOVING EVENTS TO DAYTIME AND ITS IMPACT IN THE LEAGUE'S ABILITY TO SECURE OFFICIALS. FOR EXAMPLE, MANY FOOTBALL, MOST OF THE OFFICIALS HAVE A REGULAR DATE AND MOVING EARLY THIS THE DAY WILL NEGATIVELY IMPACT THE NUMBER OF OFFICIALS AVAILABLE FOR SPORTING EVENTS. WE HAVE HAD JUDGES, PROSECUTING ATTORNEYS AS FOOTBALL OFFICIALS, WHICH THEY WOULDN'T BE ABLE TO OFFICIATE DAYTIME EVENTS DUE TO WORK SCHEDULES, AND THEY'LL BE SORELY MISSED BY THE LEAGUE AND FANS, AS THEY BRING SOME SENSE OF CREDIBILITY TO THE GAME. WITH INCREASING NUMBER OF SCHOOLS IN THE MIL, GAMES DURING THE WEEK IS A NECESSITY FOR FACILITIES AND OFFICIALS' AVAILABILITY.\r\n\r\n\r\nTODAY THE MOST IMPORTANT UNINTENDED CONSEQUENCE THAT I WANT TO SPEAK ABOUT COMING AS AN EDUCATOR TO IS MOVING GAMES TO THE DAYTIME WILL IMPACT OUR STUDENTS EDUCATION. ATHLETIC PRACTICES AND GAMES MOVED TO THE END OF THE SCHOOL DAY TO LESSEN THE AMOUNT OF STUDENTS MISSING INSTRUCTIONAL CLASS TIME. HAVING DAY GAMES ESPECIALLY IN THE MIL, WHICH IS A TRI-ISLE LEAGUE, TRAVEL IS A BIG COMPONENT FOR OUR TEAMS. STUDENTS WILL MISS MORE INSTRUCTIONAL CLASS TIME, BECAUSE THEY HAVE TO LEAVE SCHOOL EARLIER IN ORDER TO HAVE PROPER WARM-UP TIME AS INJURY PREVENTION PRIOR TO THE EVENT. THEY WILL BE AFFECTED SOCIALLY AND EMOTIONALLY IF THERE'S NO AS WE FOUND DURING THE PANDEMIC LOCK-DOWN. HAVE WE THOROUGHLY DISCUSSED THE IMPACT OF OUR STUDENTS IN THE GREATER COMMUNITY? IN CLOSING PLEASE CONSIDER YOUR DECISION.\r\n\r\n\r\nI ASK YOU TO CONSIDER ALL OF THE UNINTENDED CONSEQUENCES OF BILL 21. THANK YOU FOR THIS OPPORTUNITY TO SPEAK ON BEHALF OF THE STUDENTS. >> RANDY, WE HAVE A QUESTION FROM MEMBER KING AND FROM MEMBER MOLINA. >> ALOHA, RANDY. NICE TO SEE YOU. >> HI. >> WHAT ABOUT THIS BILL MAKES YOU THINK WE'RE TRYING TO MOVE YOU TO DAY GAMES, BECAUSE ALL OF THE SPORTS ARENAS AND SPORTING EVENTS ARE EXEMPTED? >> I WAS TOLD THAT THE LIGHTS WOULD BE A PROBLEM.\r\n\r\n\r\nSO GAMES WOULD HAVE TO BE MOVED. >> YOU'RE EXEMPTED UNTIL -- IF THERE WERE LIGHTS THAT WERE AVAILABLE THAT

WERE INDUSTRY STANDARD, BUT WE COMMUNICATE WITH THE DEPARTMENT OF EDUCATION, SCHOOLS AND THE PARKS DEPARTMENT, AND THEY WERE OKAY WITH THIS EXEMPTION. >> RANDY, COULD YOU RESPOND TO MEMBER KING, PLEASE? WE HAVE A VERY SHORT TIMEFRAME TO ASK QUESTIONS. >> I WAS JUST TOLD THAT THE GAMES WOULD HAVE TO BE MOVED BECAUSE OF THE LIGHTS. >> THAT IS NOT TRUE. THANK YOU FOR YOUR CONCERN.\r\n\r\n>> MEMBER MOLINA. >> THANK YOU, MADAM CHAIR. ALOHA, MR. YAMA NEW NU HA AND THANK YOU FOR BEING HERE AND AS A FORMER SCHOOL ADMINISTRATOR YOU HAVE A LOT OF GOOD INSIGHT AND IT'S APPRECIATED. HAS THERE BEEN TALK WITH THE D.O.E. AS IT AFFECT GAMES AND EVERYTHING ELSE AND PARENTS OUT THERE? >> WE'RE USING THE EXAMPLE OF KAUA'I GOING TO ONLY DAY GAMES. WE FOUGHT A LOT TO GET STATE TOURNAMENTS ON MAUI, TO HELP DEFRAY COSTS FOR OUR PARENTS FOR TRAVELING.\r\n\r\nIF THAT HAPPENS, WE MIGHT NOT HAVE THOSE STATE TOURNAMENTS. WE RECENTLY HAD THE STATE BASEBALL TOURNAMENT THAT WAS ATTENDED WELL WITH GOLF AND THAT IS A CONCERN OF THE COACHES HERE. >> THANK YOU. THANK YOU, CHAIR. >> WE HAVE ONE MORE QUESTION, RANDY. CAN YOU COME BACK. >> THANK YOU, CHAIR.\r\n\r\nTHANK YOU, MR. YAMA NU HA. I WAS WONDERING AS THIS BILL GETS MORE FAMOUS, MORE PEOPLE ARE CHIMING IN. IF IT WERE TO BE RECOMMITTED, DO YOU THINK MEMBERS OF THE LEAGUE, OR WHATEVER WOULD COME AND BE A PART OF THE DISCUSSION ABOUT A WAY FORWARD THAT IS ACCEPTABLE? >> I CAN'T SPEAK FOR THE LEAGUE, BUT I'M SURE, BECAUSE THAT IS THE CHATTER RIGHT NOW AS COACHES AND SOME OF THE OFFICIALS THAT I HAVE TALKED TO. >> HOW ABOUT YOU? >> I'LL BE AVAILABLE.\r\n\r\n>> OKAY. AWESOME. THANK YOU. >> THANK YOU. NEXT TESTIFIER. >> CHAIR, THE NEXT PERSON SIGNED UP TO TESTIFY IS GARY SANCHEZ, TO BE FOLLOWED BY JOHN PELLETIER. GARY SANCHEZ IS IN THE CHAMBERS.\r\n\r\n>> GOOD MORNING, COUNCIL MEMBERS. MY NAME IS GARY SANCHEZ. I AM A RETIRED SCHOOL TEACHER AND STILL COACHING. I'M HERE TO TESTIFY AGAINST THIS LIGHTING BILL. IT CONCERNS ME, I HAVE COACH HERE IN MAUI OVER 50 YEARS. I HAVE YET TO SEE A BIRD FALL FROM THE SKY THAT HIT A LIGHT POLE. AT THE SAME TIME, SHOULD WE BAN SPORTING EVENTS AT NIGHT, WHAT ABOUT OUR KEIKI?\r\n\r\nWHAT ABOUT OUR YOUTH? THE TEMPERATURE HAS BEEN RISING. THE LAST COUPLE OF DAYS WHERE I LIVE, 93 DEGREES. DO YOU WANT THESE KIDS TO BE OUT IN THE SUNLIGHT, EXPOSED? THEIR SAFETY IS AT-RISK. YOU HEAR THE HUMANE SOCIETY AND OTHER GROUPS TESTIFYING THAT THE RANCHERS HAVE TO PROVIDE SHADE FOR THEIR CATTLE. WHAT ABOUT OUR KIDS?\r\n\r\nMR. YAMA NU HA SAID ABOUT THE STATE TOURNAMENTS. THIS PAST YEAR WE TOOK OUR KIDS, COACHES AND GIRLS AND BOYS. IT COST US ALMOST \$12,000, OUR SHARE, NOT WHAT THE SCHOOL PUT OUT. SHOULD WE NOT HAVE THE STATE TRACK TOURNAMENT NEXT YEAR ON MAUI, WHAT ARE GOING TO COME UP WITH \$12,000? MONEY DOESN'T FALL FROM THE SKY. OUR KIDS FOR TWO YEARS COULDN'T PARTICIPATE. THEY PUT ON WEIGHT.\r\n\r\nTHEY'RE LAZY. ALL THEY WANT TO DO IS PLAY ON THE CELL PHONE AND INDOORS. WHAT ABOUT THEIR PHYSICAL -- THEY'RE A LOT OF GENERATION. SO CONSIDER WHAT I'M TRYING TO SAY. IT'S VERY IMPORTANT FOR THE KIDS TO PARTICIPATE, AND THE DAY GAMES, LIKE RANDY SAID, WHERE ARE WE GOING TO GET OFFICIALS? WHERE ARE WE GOING TO GET PLAYING-FIELDS? EVERYBODY IS FIGHTING FOR FIELDS.\r\n\r\nSOCCER. SOCCER, BASEBALL, LITTLE LEAGUE. YOU KNOW HOW MANY FIELDS ARE TAKEN UP IN ANY GIVEN DAY? WHAT ABOUT THE HIGH SCHOOL KIDS? YOU WANT THEM ABOUT ON THE TOWN, CREATING PROBLEMS IN THE COMMUNITY? ROBBING? I MEAN, WE KEEP THEM ACTIVE AND KEEP THEM ACTIVE AT THE HIGH SCHOOL-LEVEL AND KEEP THEM OFF THE STREETS.\r\n\r\nWE KNOW WHERE THEY ARE. IF THEY ARE PARTICIPATING IN SPORTS, WE KNOW WHERE THEY ARE FOR PRACTICE, FOR WHATEVER. SO AGAIN, THE SAFETY OF OUR KIDS AND OUR WELFARE IS A VERY BIG CONCERN. MONEY IS A PROBLEM, BUT YOU KNOW WHAT? SAFETY IS A FACTOR. THANK YOU. >> THANK

YOU.\r\n\r\nYES, MEMBER KING HAS A QUESTION FOR YOU. >> THANK YOU, MR. SANCHEZ. AGAIN, THIS BILL IS MODELED AFTER HAWAI'I COUNTY AND NOT AFTER KAUA'I. WHO WAS IT THAT LED YOU TO BELIEVE THIS WAS AN ATTEMPT TO CLOSE DOWN ANY SPORTING EVENTS AT NIGHT? >> PLEASE TAKE IT INTO CONSIDERATION. >> WE'RE NOT CLOSING ANY SPORTING EVENTS. SPORTING EVENTS ARE EXEMPT FROM THIS LIGHTING BILL.\r\n\r\n>> OKAY. WE APPRECIATE THAT AS COACHES. >> WE APPRECIATE -- >> THANK YOU. >> THANK YOU. THANK YOU FOR BEING HERE. >> MEMBERS, ANY MORE QUESTIONS? IF NOT, THANK YOU VERY MUCH, GARY.\r\n\r\nNEXT TESTIFIER. >> CHAIR, THE NEXT PERSON SIGNED UP TO TESTIFY IS JEFF BAGSHAW. JEFF BAGSHAW, WE SEE YOU ARE CONNECTED TO THE MEETING, BUT YOU ARE MUTED ON YOUR END. CHAIR THERE ARE OTHER TESTIFIERS SIGNED UP TO TESTIFY ON THIS ITEM, BUT THEY HAVE ALL REQUESTED TO TESTIFY AT THE TIME WHEN THE COUNCIL DECIDES TO -- BEFORE THE TIME THE COUNCIL WILL DELIBERATE ON THIS ITEM. >> WE'RE JUST NOT SURE WHAT TIME THAT WILL BE THOUGH. THAT'S FINE. SO NO OTHER TESTIFIERS?\r\n\r\n>> SO SINCE JEFF BAGSHAW ISN'T RESPONDING AT THIS TIME, THERE ARE NO OTHER INDIVIDUALS WHO WISH TO TESTIFY ON BILL 21, CD 1, FD 1 (2022) AT THIS TIME. WE'LL DO LAST CALL FOR OTHER TESTIFIERS WHO WISH TO TESTIFY AT THIS TIME. >> I'M SORRY, I WAS UNABLE TO MUTE BEFORE, BUT I'M HERE NOW, IF I CAN? >> MR. BAGSHAW? >> YES. I'M HERE.\r\n\r\nI'M SORRY. I WAS NOT -- I WAS MUTED BEFORE. I'M IN TOUCH NOW. >> OKAY. DID YOU WANT TO TESTIFY ON THIS ITEM? >> YES, PLEASE. >> OKAY.\r\n\r\nPLEASE PROCEED. >> SO JEFF BAGSHAW WITH THE DIVISION OF FORESTRY AND WILDLIFE, ALTHOUGH I'M SPEAKING FOR MYSELF. I KNOW MY AGENCY IS IN SUPPORT OF THIS BILL. AND WITH RESPECT TO PREVIOUS TESTIMONY, TO LOOK TO OUR NEIGHBORS TO THE SOUTH, WHO HAVE SUCCESSFUL LIGHTING BILLS THAT PROTECT THE NIGHT SKIES, AND PEOPLE CAN GO ON AS WELL. I KNOW FOLKS HAVE SAFETY CONCERNS REGARDING CAR ACCIDENTS, OR POLICE MATTERS, BUT AGAIN, ANY TIME YOU LOOK AT STATISTICS AT OTHER PLACES WHERE DARK SKIES ARE PROTECTED, THERE IS NO SIGNIFICANT INCREASE IN EITHER CRIME, OR ACCIDENTS. AS STATED BEFORE, THIS EXEMPTS ATHLETIC ENDEAVORS. SO WE NEED TO ONLY LOOK TO THE ISLAND TO SEE THAT THIS DOES NOT IMPEDE HUMAN ACTIVITIES.\r\n\r\nWE REALLY HAVE TO MAKE ROOM FOR THE NATIVE SPECIES THAT ARE ENDANGER AND GOING TO LOSE GROUND AS THE NORTHWEST ISLANDS GO UNDERWATER. SO I'M IN SUPPORT OF THIS BILL, BUT NOT THE CORPORATE COUNSEL VERSION, WHICH FOCUSES ON KELVIN INSTEAD OF BLUE LIGHT. THAT IS KIND OF A WEAPONS OF MASS DISTRACTION. IT'S REALLY SIGNIFICANT ISSUE IS THAT WE TAKE OUT THE BLUE LIGHT IN OUR LIGHTING, AND PROTECT THESE SEABIRDS, BECAUSE THEY BELONG HERE. I WILL STAND BY THE REST OF MY WRITTEN TESTIMONY AND CLOSE. THANK YOU. >> MEMBER KING.\r\n\r\n>> THANK YOU, CHAIR. THANK YOU FOR BEING HERE, JEFF. WE REALLY APPRECIATE YOUR SUPPORT FOR THIS, AND YOUR EXPERTISE. CAN YOU JUST CONFIRM HAWAI'I COUNTY, THEY HAVE HAD OVER A DECADE OF THIS SIMILAR LIGHTING BILL, AND THEY HAVE -- THAT THEY HAVE HAD NIGHT SPORTING EVENTS THE LAST TEN YEARS? >> YES, THAT IS TRUE. THEY HAVE HAD NIGHT SPORTING EVENTS. I THINK THE ONLY IMPACT I HAVE EVER EXPERIENCED, OR THAT I HAVE EVER HEARD IS THAT SOMETIMES VISITORS, WHO HAVE CERTAIN COLORED CARS MAY NOT RECOGNIZE WHERE THEIR CAR IS ON THE LOT.\r\n\r\n>> OKAY. TAKE A PICTURE. THANK YOU. THANKS FOR BEING HERE. >> QUESTIONS? THANK YOU. MR.\r\n\r\nCLERK. >> THANK YOU. >> CHAIR, ALL REMAINING TESTIFIERS FOR BILL 21, CD 1, FD 1, (2022) HAVE REQUESTED TO TESTIFY AT THE TIME WHEN COUNCIL DELIBERATES ON THE ITEM. WE'LL DO A LAST CALL IF THERE'S ANYONE WHO WANTS TO TESTIFY ON BILL 21 AT THIS TIME, PLEASE IDENTIFY YOURSELF NOW. >> MEMBERS, DO YOU WANT TO TAKE UP J OR TAKE LUNCH? >> J. >> J. NO OBJECTIONS, MR. CLERK.\r\n\r\n>> CHAIR, PROVIDING WITH TESTIMONY ON J,

COMMUNICATIONS. AT THIS TIME, WE'LL ACCEPT TESTIMONY ON ITEMS WITHIN AGENDA SECTION J, COMMUNICATIONS EXCEPT FOR COUNTY COMMUNICATION 22-167, TESTIMONY ON THAT ITEM HAS CLOSED. CHAIR, AT THIS TIME, THERE ARE NO INDIVIDUALS SIGNED UP TO TESTIFY ON ITEMS IN J, COMMUNICATIONS. BUT WE'LL DO A LAST CALL. IF THERE IS ANYBODY WHO WANTS TO TESTIFY ON ANY ITEM IN THIS AGENDA SECTION, PLEASE IDENTIFY YOURSELF NOW. AGAIN, LAST CALL. CHAIR NO ONE ELSE HAS INDICATED THAT THEY WISH TO TESTIFY ON ANY OF THESE ITEMS.\r\n\r\n>> OBJECTIONS TO CLOSING TESTIMONY? >> NO OBJECTIONS. >> AND ACCEPTING WRITTEN TESTIMONY. NO OBJECTIONS, SO ORDERED. MR. CLERK, PLEASE PROCEED. >> CHAIR, PROCEEDING WITH THE REMAINING COMMUNICATIONS.\r\n\r\n\r\nTHE REMAINING COMMUNICATIONS ARE RECOMMENDED FOR REFERRAL TO THE FOLLOWING COMMITTEES AS NOTED: TO YOUR BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, COUNTY COMMUNICATION 22-168 FROM THE DIRECTOR OF FINANCE, REPORT ON TEMPORARY TRANSFERS AND LOANS FROM THE GENERAL FUND AND DEPARTMENT OF WATER SUPPLY REFER FUND TO THE GENERAL OBLIGATION BONDS SERIES 2023 FUND AS OF MAY 31ST, 2022. AND COUNTY COMMUNICATION 22-169, FROM THE COUNTY AUDITOR, INFORMING OF THE PLAN OF AUDITS PROPOSED TO BE CONDUCTED DURING FISCAL YEAR 2023. AND TO YOUR INFRASTRUCTURE AND TRANSPORTATION COMMITTEE, COUNTY COMMUNICATION 22-170, FROM THE DEPUTY DIRECTOR OF WATER SUPPLY, TRANSMITTING THE DEPARTMENT OF WATER SUPPLY'S MONTHLY SOURCE AND GROUNDWATER USE REPORTS FOR THE MONTH ENDING JUNE 2022. >> ARE THERE ANY OBJECTIONS TO THE REFERRALS? >> NO OBJECTIONS. >> SO ORDERED. MR. CLERK, LET'S SEE LETTER K. >> OKAY. >> K. >> MEMBER MOLINA. >> MADAM CHAIR, SPEAKING OF LETTER K, IF MEMBERS HAVE ANY CONCERNS, I WOULD LIKE TO ADDRESS 22-65 AND 22-66. THESE BOTH DEAL WITH NOMINATIONS.\r\n\r\n\r\nIF THE MEMBERS WOULD LIKE TO DEAL WITH THOSE TWO MATTERS. >> NO OBJECTIONS. >> NO OBJECTIONS, CHAIR DO YOU WANT TO CALL UP TESTIMONY? >> CHAIR, AM I CALLING TESTIMONY ON COMMITTEE REPORT 22-65 AND 22-66 ONLY? >> AT THIS TIME. >> YES, CHAIR. THEN PROCEEDING WITH TESTIMONY ON -- . CHAIR?\r\n\r\n\r\n>> YES. >> CAN WE ALSO DO 22-68 AND 69 IN THAT SAME VEIN? >> NO OBJECTIONS. >> ANY OBJECTIONS, MEMBERS? >> THANK YOU, CHAIR. THANK YOU, MEMBERS. >> OKAY.\r\n\r\n\r\nMR. CLERK. FOUR ITEMS. >> YES, CHAIR. SO AT THIS TIME, WE'LL BE CALLING TESTIMONY ON THE FOLLOWING COMMITTEE REPORTS: COMMITTEE REPORT 22-65,22-66, 22 -68 AND 22-69. CHAIR, AT THIS TIME, THERE ARE NO INDIVIDUALS SIGNED UP TO TESTIFY ON ANY OF THESE COMMITTEE REPORTS. BUT WE'LL DO A LAST CALL AT THIS TIME. IF THERE ARE ANY INDIVIDUALS THAT WANT TO TESTIFY ON COMMITTEE REPORTS 22-65,22-66, 22-68, OR 22 -69, PLEASE IDENTIFY YOURSELF NOW.\r\n\r\n\r\nAGAIN, THIS IS OUR LAST CALL FOR TESTIMONY ON THESE FOUR COMMITTEE REPORTS. >> MEMBERS, IS THERE ANY OBJECTIONS TO CLOSING PUBLIC TESTIMONY AND ACCEPTING WRITTEN TESTIMONY ON THESE ITEMS? >> NO OBJECTIONS, CHAIR. >> NO OBJECTIONS. >> SO ORDERED. MR. CLERK, PLEASE PROCEED WITH CALLING UP THE ITEMS.\r\n\r\n\r\n>> CHAIR, YOU HAVE BEFORE YOU FROM YOUR GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE, COMMITTEE REPORT 22-65 RECOMMENDING THAT RESOLUTION 22-147N TIMED," RELATING TO THE PENDANT OF PATRICIA-HELEN KAHULUMEALANI LINDSEY MALOU-PEARSON TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION" BE ADOPTED. >> MEMBER MOLINA THANK YOU, MADAM CHAIR, MOVE TO ADOPT. >> SECOND. >> MOVED BY MEMBER MOLINA. SECONDED BY MEMBER SUGIMURA TO APPROVE COMMITTEE REPORT 22-65. DISCUSSION, MEMBER MOLINA. >> THANK YOU, MADAM CHAIR. YOUR GREAT COMMITTEE MET JUNE 28, 2022 TO DISCUSS THE MAYOR'S NOMINATION TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION FOR TERM EXPIRING MARCH 31ST, 2025 TO FILL A VACANCY REPLACING EMILY SPENCER.\r\n\r\n\r\nMS. MALOU-PEARSON EXECUTIVE DIRECTOR OF A NONPROFIT ORGANIZATION WITH THE GOAL TO RESTORE

THE LAND AND PERPETUATE TRADITIONAL HAWAIIAN CULTURE USING FAMILY-ORIENTED APPROACH TO STEWARDSHIP AND SUSTAINABLE AGRICULTURE. COUNCIL MUST APPROVE OR DISAPPROVE OR THE NOMINATION WILL BE DEEMED APPROVED. I ASK FOR THE MEMBERS' FULL SUPPORT OF THIS MOTION AND ALSO VOTED 9-0 TO RECOMMEND ADOPTION OF THE RESOLUTION. THANK YOU. >> MEMBER PALTIN. >> I JUST WANTED TO EXPRESS FULL SUPPORT, AND SAY HOW LUCKY WE ARE TO HAVE MS. MALOU WILLING TO SERVE. >> ANYBODY ELSE? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY AYE? >> AYE. >> EIGHT AYES, ONE EXCUSED. VICE-CHAIR RAWLINS-FERNANDEZ, MOTION CARRIES. MR. CLERK. >> CHAIR, YOU HAVE BEFORE YOU COMMITTEE REPORT 22-66, RECOMMENDING THAT RESOLUTION 22-148 ENTITLED, RELATING TO THE APPOINTMENT OF MR. EDWARD JAMES RICKORD TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI." BE ADOPTED. >> MOVE TO APPROVE. >> SECOND. >> IT'S BEEN MOVED BY MEMBER MOLINA AND SECONDED BY MEMBER SUGIMURA. DISCUSSION, MEMBER MOLINA. >> THANK YOU, MADAM CHAIR, YOUR GREAT COMMITTEE MET TO DISCUSS THE MAYOR'S NOMINATION OF EDWARD JAMES RICKORD TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI FOR A TERM EXPIRING MARCH 31, 2024 TO FILL A VACANCY REPLACING EMANUEL BALTAZAR AND IS A RESIDENT OF [SPEAKER NOT UNDERSTOOD] HAS SERVED ON COMMUNITY BOARDS WITH A FOCUS ON KOK LAO IN THE PAST. YOUR COMMITTEE INTERVIEWED THE NOMINEE AND VOTED 9-0 FOR ADOPTION OF THE RESOLUTION. I ASK FOR MEMBERS' FULL SUPPORT OF MY MOTION. >> ANY OTHER DISCUSSION OR QUESTIONS? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, PLEASE RAISE YOUR HAND AND SAY AYE? >> AYE. >> EIGHT AYES, ZERO NOS, ONE EXCUSED. VICE-CHAIR RAWLINS-FERNANDEZ. MOTION CARRIES. MR. CLERK. 22-68. >> CHAIR, YOU HAVE BEFORE YOU FROM YOUR HUMAN CONCERNS AND PARKS COMMITTEE, COMMITTEE REPORT 22-68 RECOMMENDING THAT A MISCELLANEOUS COMMUNICATION RELATING TO AN AMENDMENT TO CONTRACT C7153 BETWEEN THE COUNTY OF MAUI AND GRINDLINE SKATEPARKS, INC. FOR IMPROVEMENTS TO KALAMA SKATEPARK BE FILED. >> PRO TEM KAMA. >> THANK YOU, CHAIR. I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-68. >> SECOND. >> MOVED BY PRO TEM KAMA, SECONDED BY MEMBER SUGIMURA TO APPROVE THE RECOMMENDATIONS IN COMMITTEE REPORT 22-68. DISCUSSION? MEMBER KAMA. >> THANK YOU, CHAIR. YOUR HUMAN CONCERN AND PARKS COMMITTEE HAVING MET JUNE 27, 2022 MAKES REFERENCE TO A MISCELLANEOUS COMMUNICATION DATED JANUARY 10, 2022 FROM THE COUNTY CLERK, TRANSMITTING AN AMOUNT TO CONTRACT C7153 BETWEEN THE COUNTY OF MAUI AND GRINDLINE SKATEPARKS, INC. FOR IMPROVEMENTS TO KALAMA STATE PARK. YOUR COMMITTEE NOTED CONTRACT C7153 WAS EXECUTED JULY 31ST, 2020, FOR THE KALAMA SKATEPARK IN THE AMOUNT OF \$36,655.21. YOUR COMMITTEE ALSO NOTED THAT THE AMENDMENT EXTENDS THE CONTRACT AN ADDITIONAL 270 CALENDAR DAYS AND IMPROVEMENTS WILL CORRECT SAFETY ISSUES. YOUR COMMITTEE SUPPORTED THE NEED FOR THIS IMPROVEMENT TO CORRECT SAFETY ISSUES. YOUR COMMITTEE VOTED 5-0 TO RECOMMEND FILING OF COMMUNICATION AND I RESPECTFULLY ASK FOR COUNCIL MEMBERS' SUPPORT OF THE MOTION. THANK YOU, CHAIR. >> ANY FURTHER DISCUSSION? MEMBER KING. >> JUST A QUESTION, CHAIR. I DON'T KNOW IF WE HAD ANYBODY FROM PARKS HERE, BUT ON FRIDAY WE A TESTIFIER COME AND TESTIFY ABOUT THE NEED TO OPEN UP KALAMA SKATEPARK AND I WAS AT THE GRAND OPENING, AS YOU WERE, CHAIR. I DON'T KNOW WHAT THAT IS ABOUT? I JUST WANTED TO ASK IF MEMBER KAMA KNEW, DID IT CLOSE BACK DOWN OR IS THERE A PROBLEM? >> I DON'T KNOW THAT EITHER, MEMBER KING. >> IS THERE ANYBODY FROM PARKS ON THE LINE? APPARENTLY NOT. >> OKAY. >> MAYBE WE COULD SEND AN INQUIRY TO THE PARKS DEPARTMENT TO FIND OUT IF IT'S OPEN CONSISTENTLY? BECAUSE WE WERE BOTH THERE AND WE SAW THE KIDS GET IN THE PARK AND SKATE. THAT'S ALL. THANK YOU VERY MUCH. >> OKAY. ANY MORE

DISCUSSION? YES, MEMBER PALTIN.\r\n\r\n>> MY IMPRESSION OF HIS TESTIMONY WAS THAT WHEN THE PARK IS CLOSED, THAT PEOPLE WERE CLIMBING THE FENCE, AND THINGS LIKE THAT, NOT THAT IT'S CLOSED, BUT THAT SECURITY WHEN IT'S CLOSED OR SOMETHING. >> WE'LL CHECK ON IT ANYWAY. OKAY. SO ANYBODY ELSE, COMMENTS, QUESTIONS? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY AYE? >> AYE. >> EIGHT AYES, ZERO NOS, ONE EXCUSED.\r\n\r\nVICE-CHAIR RAWLINS-FERNANDEZ. MOTION CARRIES COMMITTEE REPORT 22-69. >> CHAIR, YOU HAVE BEFORE YOU COMMITTEE REPORT 22-69 RECOMMENDING THAT RESOLUTION 22-110 ENTITLED, "AUTHORIZING DISTRIBUTION OF COVID-19 SUPPLIES TO THE PUBLIC, PUBLIC HEALTH AGENCIES, MEDICAL PROVIDERS, AND NONPROFIT ORGANIZATIONS" BE ADOPTED." >> PRO TEM KAMA. >> THANK YOU, CHAIR. I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-69. >> SECOND. >> MOVED BY MEMBER KAMA, SECONDED BY MEMBER SUGIMURA TO APPROVE COMMITTEE REPORT 22 -- RECOMMENDATIONS IN COMMITTEE REPORT 22-69. DISCUSSION, PRO TEM KAMA? >> THANK YOU, CHAIR. YOUR HUMAN CONCERNS AND PARKS COMMITTEE HAVING MET ON JUNE 27TH, 2022, MADE RESOLUTION 22-110 ENTITLED, AUTHORIZING DISTRIBUTION OF COVID-19 SUPPLIES TO THE PUBLIC, PUBLIC HEALTH AGENCIES, MEDICAL PROVIDERS AND NON-PROFIT ORGANIZATIONS ." RESOLUTION 22-110'S PURPOSE IS TO APPROVE THE DONATION OF COVID-19 SUPPLIES, SUCH AS AT HOME TEST KITS, PERSONAL PROTECTIVE EQUIPMENT AND OTHER RELATED GOODS TO THE PUBLIC, PUBLIC HEALTH AGENCIES, AND MEDICAL PROVIDERS AND NONPROFIT ORGANIZATIONS ON AN AS-NEEDED BASIS THROUGH DECEMBER 31, 2022. YOUR COMMITTEE NOTED THE COVID-19 PANDEMIC IS AN ONGOING PUBLIC HEALTH CRISIS, NECESSITATING THE ONGOING DISTRIBUTION OF COVID-19 SUPPLIES TO THE PUBLIC, PUBLIC HEALTH AGENCIES, MEDICAL PROVIDERS, AND NON-PROFIT ORGANIZATIONS SUCH AS HALE MAKU'U HEALTH SERVICES, MALAM A KALE, FAMILY LIFE CENTER AND MAUI ECONOMIC OPPORTUNITY, INC., AND SUPPORTED COUNTY'S EFFORTS TO MAKE AT-HOME TEST KITS AND OTHER SUPPLIES AVAILABLE FREE TO THE PUBLIC TO HELP CURB THE SPREAD OF COVID-19. YOUR COMMITTEE VOTED 5-0 TO RECOMMEND ADOPTION OF 22-110 AND I RESPECTFULLY ASK FOR THE COUNCIL MEMBERS SUPPORT OF THE MOTION.\r\n\r\nTHANK YOU, CHAIR. >> ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY AYE? >> AYE. >> AYE. >> EIGHT AYES, ZERO NOS, ONE EXCUSED. VICE-CHAIR RAWLINS-FERNANDEZ.\r\n\r\nMOTION CARRIES. MR. CLERK. SHALL WE TAKE UP THE REST? >> CHAIR, SHOULD I CALL TESTIMONY ON THE REMAINING COMMITTEE REPORTS? >> YES. >> SO PROCEEDING WITH TESTIMONY ON REMAINING COMMITTEE REPORTS AT THIS TIME WE'LL BE ACCEPTING TESTIMONY ON COMMITTEE REPORTS EXCEPT FOR THOSE FOR WHICH TESTIMONY HAS ALREADY CLOSED.\r\n\r\nTHE COMMITTEE REPORTS FOR WHICH TESTIMONY HAS CLOSED IS COMMITTEE REPORTS 22-61,22-65,22-66, 22-68 AND 22-69. IS AT THIS TIME WE'LL BE ACCEPTING TESTIMONY ON COMMITTEE REPORTS 22-62, 63, 64 AND 67. CHAIR THE FIRST PERSON -- >> HOLD UP, MR. CLERK. WE HAVE A QUESTION. MEMBER PALTIN. >> I THINK THAT IT WOULD BE PRUDENT OF US TO STILL TAKE TESTIMONY ON 22-61, SINCE WE HAVEN'T TAKEN ACTION ON THAT YET. USUALLY THEY SAY DEFERRING IS NOT AN ACTION. >> I THOUGHT WE TOOK TESTIMONY ON WAIPU'ILANI.\r\n\r\n>> YES, BUT WE DIDN'T TAKE ACTION, BECAUSE WE'RE WAITING FOR A MEMBER. SO IF SOMEBODY STILL WANTS TO TESTIFY ON IT, WE SHOULD PROBABLY LET THEM, BECAUSE WE HAVEN'T TAKEN ACTION ON IT. >> OH, YES, TESTIMONY IS NOT CLOSED, NOT ON 22-61. SO WHAT WE SHALL DO IS TAKE UP TESTIMONY ON 63, 64, AND 67, HOW'S THAT? OKAY. MEMBERS. MR. CLERK.\r\n\r\n>> CHAIR, SO AT THIS TIME, WE'LL JUST BE ACCEPTING TESTIMONY ON COMMITTEE REPORTS 22-63, 64, AND 67. >> YES. >> AT THIS TIME THE FIRST PERSON SIGNED UP TO TESTIFY IS THOMAS CROWLEY, ONLY THOMAS CROWLEY IS SIGNED UP TO TESTIFY ON ANY OF THOSE ITEMS. >> MR.

CROWLEY. >> ALOHA, COUNCIL. A CONFUSING SET OF CIRCUMSTANCES FOR THESE TESTIMONIES, BUT I UNDERSTAND THE DIFFICULTIES TODAY. YOU KNOW, ONE REASON I THINK THAT WE WOULD LIKE TO TESTIFY RIGHT BEFORE YOU MAKE DECISION-MAKING SO THAT WE REACH ALL OF THE COUNCIL MEMBERS, OF COURSE WE'RE HOLDING OFF DECISION-MAKING BECAUSE WE'RE MISSING A COUNCIL MEMBER.\r\n\r\nSO LET ME 14:39:40 TESTIFY ON 22-63 FIRST. THAT IS THE ONE THAT WE'RE INCREASING THE HOME EXEMPTION FROM \$200,000 TO \$300,000. AND FROM \$300,000 TO \$400,000 FOR A HOMEOWNER WHO ALSO HAS A LONG-TERM RENTAL. I THINK THAT THIS WAS A MISSED OPPORTUNITY FOR THE COUNCIL TO DO WHAT I HAD ASKED THAT YOU DO, WHICH IS DISCUSS PROPERTY TAXES OUTSIDE OF THE BUDGET. THE IDEA OF CHANGING THE EXEMPTION, THE HOMEOWNER EXEMPTION IS A GREAT IDEA. I THINK THAT I'M GLAD THAT YOU ARE DOING THIS, AND I'M NOT TESTIFYING AGAINST IT. BUT WHY ARE WE GOING TO \$300,000? WHY DON'T WE GO TO \$400,000? WOULD \$350,000 BE A BETTER NUMBER? IS \$500,000 A BETTER NUMBER?\r\n\r\nNONE OF THOSE WERE CONSIDERED AND I WANT YOU TO UNDERSTAND WHAT YOU GIVE AN EXEMPTION, THAT MEANS WE'RE NOT GOING TO TAX YOU ON THIS AMOUNT. AND THEN EVERYONE GETS THAT EXEMPTION THAT FALLS INTO THAT CATEGORY. AND BASED ON THE RATE, THAT EXEMPTION IS KIND OF THE SAME FOR EVERYBODY. BUT WHAT YOU'RE DOING HERE IS YOU'RE ACTUALLY GIVING A BIGGER TAX BREAK FOR HOMEOWNERS WHO OWN VERY EXPENSIVE PROPERTIES, AND LOWER TAX BREAK FOR HOMEOWNERS WHO OWN LESSER VALUED PROPERTIES. SO I WOULD HAVE LIKED TO HAVE SEEN IT GET QUESTIONS AND ANSWERED AS FAR AS WHAT IF WE GAVE A \$400,000 EXEMPT AND RAISED THE RATE FROM \$2 PER THOUSAND WHERE IT IS NOW, TO \$2.50? WHAT EFFECT WOULD THAT HAVE ON OUR TAXES? I CAN TELL YOU IT WOULD HELP PEOPLE AT THE LOWER END MUCH, MUCH MORE, AND IT WOULD TAX PEOPLE AT THE HIGHER END TO A GREATER AMOUNT. THE CURRENT SCENARIO THAT YOU HAVE RIGHT NOW, IT SEEMS LIKELY YOU WILL CONTINUE NEXT YEAR IS GIVING SOME TAXPAYERS AT THE VERY HIGH-END, GUYS WHO OWN \$16 MILLION AND \$20 MILLION HOMES \$150,000 PLUS REDUCTION IN THEIR PROPERTY TAXES.\r\n\r\nNOW IF YOU'RE INTENDING TO DO THAT AND THAT IS WHAT YOUR GOAL IS FINE, OKAY? BUT YOU COULD END UP WITH THE SAME REVENUE BY RAISING THE RATE, AND RAISING THE EXEMPTIONS. SO THAT PEOPLE AT THE LOWER END ARE PAYING LESS. SO AGAIN, I DON'T STAND AGAINST THIS ISSUE NOW, BUT I THINK YOU MISSED A PRIME OPPORTUNITY TO UNDERSTAND BETTER HOW OUR EXEMPTIONS AND TAX RATES AFFECT WHAT PEOPLE PAY ON THEIR PROPERTY TAXES? THANK YOU, CHAIR. WOULD YOU LIKE ME TO MOVE TO 22-67, I THINK WAS THE OTHER ONE IN THIS GROUP. >> YES.\r\n\r\nGO AHEAD, TOM. >> SO 22-67 IS THE ONE RELATED TO THE MAYOR TO CONDEMN A PROPERTY UP IN NAPILI, AND TURN IT INTO A COMMUNITY CENTER, OR SOMETHING. THIS IS ABSURD, OKAY? THERE'S PEOPLE WHO DON'T LIKE THIS PROPERTY, AND THERE'S PEOPLE WHO DON'T LIKE THIS PARTICULAR DEVELOPER. MAYBE I DON'T EITHER I DON'T KNOW. BUT IT'S ABSOLUTELY POSITIVELY ABSURD TO SAY LET'S SPEND PERHAPS \$10 MILLION OF THE COUNTY'S MONEY TO BUY A BUILDING BECAUSE WE DON'T LIKE IT, OKAY? AND THEN HAVE IT EXIST AND CONTINUE TO SIT THERE AND USE IT FOR SOME NEED FOR THE COUNTY.\r\n\r\nSO I KNOW THIS IS ACTUALLY GOING TO FALL INTO THE KULEANA OF THE ADMINISTRATION, AND I EXPECT THE ADMINISTRATION WILL IGNORE THIS ABSURD REQUEST. BUT DON'T EVEN PUSH IT THROUGH. THIS IS JUST SILLY AT THIS POINT FOR YOU TO EVEN BE CONSIDERING THIS. THERE IS NO LEGITIMATE REASON FOR THE COUNTY TO BE CONDEMNING THIS PROPERTY, AND GIVING ESSENTIALLY THE OWNER OF IT A WINDFALL, IF YOU WILL. BECAUSE THAT IS WHAT WOULD HAPPEN, AS FAR AS THE VALUATION OF THIS PROPERTY IF YOU WERE TO TAKE IT OVER AT THIS TIME. SO I JUST CAN'T EXPRESS ENOUGH HOW BAD AN IDEA THIS WOULD BE. THOSE ARE MY COMMENTS ON 22-67. YOU DID NOT BRING UP 22-62. AND I WOULD BE HAPPY TO COMMENT ON THAT ONE, WHEN YOU DO BRING

IT UP LATER.\r\n\r\nI JUST DON'T WANT TO MISS THE OPPORTUNITY TO COMMENT ON THAT ONE. THAT WOULD BE IT, CHAIR. THANK YOU. >> MEMBERS, QUESTIONS? I HAVE A QUESTION. TOM, DO YOU HAVE ANY SUGGESTIONS ON WHAT WE SHOULD DO WITH THAT MONSTROSITY IN NAPILI? >> INSTEAD, IT IS A MONSTROSITY.\r\n\r\nINDEED, I THINK THERE WERE DECISIONS THAT WERE MADE IN APPROVING IT THAT WERE UNWISE DECISIONS. WHAT IT CAME FORWARD AS SINGLE-FAMILY HOME AND SHOULD BE ALLOWED TO BE FINISHED AS A SINGLE-FAMILY HOME AND WE SHOULD BE ENFORCING LAWS THAT SURROUND ITS USE AS A SINGLE-FAMILY HOME. THAT'S IT. >> ANY OTHER QUESTIONS? IF NOT, THANK YOU, TOM. WE'LL SEE YOU LATER. >> THANK YOU.\r\n\r\n>> MR. CLERK. >> ALICE? >> YES. >> HELLO ALICE. >> HELLO. RICK ALEXANDER.\r\n\r\n>> YES, MA'AM. I HAVE BEEN LISTENING, >> ARE YOU SIGNED UP TO TESTIFY? >> YES. I WAS JUST TRYING TO TESTIFY ON THE LAST TWO ITEMS, THE PROPERTY TAXES AND THE NAPILI PROJECT. >> HOLD UP A SECOND, OKAY? LET ME CHECK WITH OUR CLERK. >> OKAY.\r\n\r\n>> MR. CLERK, WAS MR. ALEXANDER NEXT? >> CHAIR, THERE WAS NO OTHER INDIVIDUALS SIGNED UP TO TESTIFY ON COMMITTEE REPORTS 22-63, 64, 67, AND FOR THE RECORD, CHAIR, MR. LET THE RECORD TESTIFIED ONLY ON COMMITTEE REPORT 22-61 ON FRIDAY. >> SO PLEASE CALL HIM UP TO TESTIFY ON THOSE OTHER TWO THAT YOU MENTIONED. >> YES, IT'S YOUR TURN TO TESTIFY, MR.\r\n\r\nALEXANDER. >> OKAY. FIRST OF ALL, YOU KNOW ON THE TAXES, THE PROPERTY TAXES, WHY COULDN'T YOU FOLKS DO, LIKE, [INAUDIBLE] >> RICK, WE CAN'T HEAR YOU FOR SOME REASON. >> CAN YOU HEAR ME NOW? >> YES. >> I'M TRYING TO SAY THAT WHERE THE LOCAL FAMILIES LIVE, LIKE, IN THOSE AREAS WAILUKU, KAHULUI, CERTAIN PARTS OF KIHEI, LAHAINA, TAX BRACKET, THEN WHEN YOU GO INTO THE AREA OF WAILEA, THAT WOULD AFFECT THE LOCAL PEOPLE AND NOT THE PILGRIMS WHO COME HERE AND USE THE SYSTEM. THAT IS MY THOUGHT.\r\n\r\nIF YOU TAKE THAT INTO CONSIDERATION. NOW AS FAR AS THE NAPILI PROJECT, OKAY, I DON'T THINK THE PEOPLE OF MAUI COUNTY SHOULD BE PAYING THAT GUY GREG TO TAKE OVER THAT PROPERTY SITUATION. MY THING IS WHOEVER DID THE PLANNING IN THE PLANNING COMMISSION, OR IN THE PERMITTING, FIRST OF ALL, THEY SHOULD BE FIRED FOR LETTING THAT THING GET TO THE POINT WHERE IT IS. OKAY? NOW IF ANYTHING, DUE TO THE FACT THAT THE CONTRACTOR HIMSELF IN THE APPROVAL AREAS, I WOULD SUGGEST HE BE CONDEMNED AND HE HAS TO KNOCK IT DOWN AND MAKE IT TO THE WAY IT SHOULD BE. THAT IS THE WAY THINGS SHOULD BE. IF NOT, THE COUNTY, THE STATE, THEY HAVE ALL WHAT YOU CALL THE LEGAL RIGHTS TO CONDEMN THINGS.\r\n\r\nTHEY DON'T HAVE TO BUY IT. THEY CAN CONDEMN IT. SO JUST GO TO THE PAST WHERE GOOD FELLOW AND ALL THAT OTHER MONEY CAME IN, THEY COULDN'T CONDEMN THAT, BECAUSE THAT WAS ON THE OCEAN AREA. NO, THE PEOPLE OF MAUI GOING TO PAY MY GRANDKIDS ARE GOING TO PAY FOR THAT PROPERTY, WHICH WAS ALMOST \$10 MILLION, WHATEVER IT WAS. THESE ARE THE PROBLEMS THAT HAVE BEEN GOING ON YEAR AFTER YEAR AFTER YEAR. PROJECTS LIKE THAT, ESPECIALLY FOR TAMARA, SHE'S OUT IN THAT AREA. AND THAT HURT THE LOCAL COMMUNITY.\r\n\r\nTHAT IS MY POINT. YOU GOT TO TAKE CARE OF THE LOCALS. FORGET THESE PILGRIMS THAT COME OVER HERE, LESS THAN TEN YEARS THEY LIKE TO BE ON COMMITTEE AND THEY HAVE NO CLUE, OKAY? IT'S NOT ONLY HAPPENING ON MAUI. IT'S HAPPENING ALL OVER THE PLACE. SO THAT IS MY SUGGESTION. DO NOT SPEND COUNTY MONEY.\r\n\r\nHAVE THE GUY TEAR DOWN -- >> OKAY. I THINK WE'RE LOSING YOU. QUESTIONS? MEMBER PALTIN. >> THANK YOU, CHAIR. THANK YOU, MR. ALEXANDER FOR YOUR TESTIMONY.\r\n\r\nWERE YOU TESTIFYING ON 22-64 THE VETERANS BILL? >> WHICH WAS THAT? >> 22-64, THE VETERANS BILL. >> I DIDN'T HAVE ANY OF THE NUMBERS. I SAT ON THIS BECAUSE OF THE WAIPU'ILANI PROJECT. SO I HAVE BEEN LISTENING TO ALL OF THESE BILLS. IF YOU FILL ME IN WITH THAT A LITTLE BIT, MAYBE I COULD RESPOND TO IT?\r\n\r\n>> THE ONE

TO REDUCE THE PROPERTY TAX FOR DISABLED VETERANS 70% DISABLED. >> OH, I'M DEFINITELY FOR THAT, BECAUSE I'M A DISABLED VET. SO YEAH, I WOULD APPRECIATE TAKING CARE OF THAT. >> ANY MORE QUESTIONS, MEMBERS. >> THANK YOU, TAMARA. >> IF NOT, THANK YOU, RICK. >> OKAY, MY PLEASURE.\r\n\r\n>> ANY MORE TESTIFIERS, MR. CLERK? >> CHAIR, AT THIS TIME. >> 63, 64, AND 67. >> YES, CHAIR, THOSE THREE ITEMS TESTIMONY IS OPEN RIGHT NOW AND WE HAVE RECEIVED NO OTHER REQUESTS FOR THOSE ITEMS. WE'LL DO A LAST CALL AND IF THERE'S ANY THE INDIVIDUALS THAT WOULD LIKE TO TESTIFY ON COMMITTEE REPORTS 22-63, 64, AND 67, PLEASE IDENTIFY YOURSELF NOW. AGAIN, THIS IS LAST CALL FOR THESE ITEMS. >> MEMBERS ARE THERE ANY OBJECTIONS TO CLOSING PUBLIC TESTIMONY AND ACCEPTING WRITTEN TESTIMONY ON THESE ITEMS?\r\n\r\n>> NO OBJECTIONS. >> SO ORDERED. TESTIMONY IS CLOSED ON THESE ITEMS. PLEASE CALL THEM UP, MR. CLERK. >> CHAIR, YOU SBC YOU FROM YOUR BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE, COMMITTEE REPORT 22-63 RECOMMENDING THAT BILL 93 (2022) ENTITLED, "A BILL FOR AN ORDINANCE AMENDING SECTIONS 3.48.450 AND 3.48.466 MAUI COUNTY CODE RELATING TO HOMEOWNER EXEMPTIONS" BE PASSED ON FIRST READING AND ORDERED TO PRINT. >> MEMBER PALTIN.\r\n\r\n>> THANK YOU, CHAIR. I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-63. >> SECOND. >> MOVED BY MEMBER MOLINA TO APPROVE COMMITTEE REPORT 22-63, AND DO WE HAVE DISCUSSION, MEMBER PALTIN? >> THANK YOU, CHAIR YOUR BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE MET ON JUNE 29, 2022, TO DISCUSS BILL 93 (2022) THIS BILL WOULD AMEND SECTIONS 3.48.450, AND 3.48.466 OF THE MAUI COUNTY CODE INCREASE EXEMPTION FOR PRINCIPAL HOME TO \$300,000 AND FOR A LONG-TERM RENTAL AND PRINCIPAL HOME TO \$400,000 BEGINNING JANUARY 1ST, 2023. YOUR COMMITTEE DISCUSSED THE SIGNIFICANT INCREASE IN PROPERTY VALUATIONS THAT HAS IMPACTED REAL PROPERTY TAX PAYMENTS FOR HOMEOWNERS OF PRINCIPAL HOMES AUTHENTIC LONG-TERM RENTALS IN MAUI COUNTY AND NOTED THAT THE LAST INCREASE WAS IN 2006. THIS INCREASE WAS REVERSED BACK IN 2012. YOUR COMMITTEE VOTED 9-0 TO RECOMMEND PASSAGE ON FIRST READING OF BILL 93 (2022) I RESPECTFULLY ASK FOR THE COUNCIL MEMBERS SUPPORT OF THE MOTION, THANK YOU, CHAIR. >> ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY AYE? >> AYE.\r\n\r\n>> EIGHT AYES, ZERO NOS, ONE EXCUSED, VICE-CHAIR RAWLINS-FERNANDEZ. MOTION CARRIES. NEXT ITEM, MR. CLERK. >> CHAIR YOU HAVE BEFORE YOU COMMITTEE REPORT 22-64 RECOMMENDED CD 1 (2022) TO AMEND CHAPTER 3.48 MAUI COUNTY CODE RELATING TO VETERANS, AND SPOUSES OF VETERANS SEVERELY DISABLED VETERANS ." MEMBER PALTIN. >> THANK YOU, CHAIR, I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-64 >> SECOND. >> MOVED BY MEMBER PALTIN, SECONDED BY MEMBER SINENCI TO APPROVE COMMITTEE REPORT 22-64. DISCUSSION, MEMBER PALTIN.\r\n\r\n>> THANK YOU, CHAIR. YOUR BUDGET, FINANCE, AND ECONOMIC DEVELOPMENT COMMITTEE MET ON JUNE 29, 2022 TO DISCUSS BILL 110 (2022) THIS BILL WOULD AMEND CHAPTER 3.48 MAUI COUNTY CODE TO ALLOW A REAL ESTATE PROPERTY TAX OF 50% OF THE MINIMUM TAX PER YEAR FOR SEVERELY DISABLED VETERANS, WHO ARE DEFINED AS INDIVIDUALS WHO HAVE BEEN GIVEN 70% OR HIGHER DISABILITY RATING BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. THIS BILL DECREASED THE REQUIRED DISABILITY RATING FROM 100% TO 70% ALLOWING MORE MAUI COUNTY VETERANS TO QUALIFY FOR THIS EXEMPTION. DURING THE MEETING THE DEPARTMENT OF FINANCE SAID APPLICANTS MUST CERTIFY THAT THEY OWN AND OCCUPY THE HOMES TO QUALIFY FOR THE EXEMPTION. YOUR COMMITTEE VOTED 9-0 TO RECOMMEND PASSAGE ON FIRST READING OF BILL 110 (2022) I RESPECTFULLY ASK FOR THE COUNCIL MEMBERS' SUPPORT OF THE MOTION. THANK YOU, CHAIR. >> ANY MORE DISCUSSION?\r\n\r\nMEMBER MOLINA. >> THANK YOU VERY MUCH, MADAM CHAIR OF THE I WOULD LIKE TO GIVE A LOT OF KUDOS TO

COMMITTEE CHAIR RAWLINS-FERNANDEZ FOR TAKING UP THIS BILL, WHICH I INITIATED. VERY EXPEDITIOUSLY. AND ALSO FOR THE INPUT FROM MR. LESTER AND ALSO MY COLLEAGUE, MR. JOHNSON, MANY, MANY VETERANS AND THEIR FAMILIES WILL BE VERY MUCH APPRECIATIVE OF THIS PROPOSAL. THANK YOU, MADAM CHAIR >> THANK YOU.\r\n\r\nANY MORE DISCUSSION? MEMBER JOHNSON. >> THANK YOU, CHAIR. I RISE IN FULL SUPPORT OF THIS BILL, AND I ALSO WANT TO ECHO WHAT MY COUNCIL MEMBERS ARE SAYING ABOUT HOW IMPORTANT IT IS FOR OUR DISABLED VETERANS BE TAKEN CARE OF. DISABLED VETERANS HAVE PROBLEMS AND GOVERNMENT SHOULD BE ONE OF THEM AND I'M GLAD WE'RE GOING TO DO THIS. I THINK IT'S REALLY REFLECTIVE ON OUR COMPASSION WE HAVE FOR THE FOLKS WHO SERVED US IN MILITARY. SO MAHALO FOR ALL OF THE HARD WORK INVOLVED THIS.\r\n\r\nTHANK YOU, CHAIR. >> ANY MORE DISCUSSION? MEMBER PALTIN. >> THANK YOU, CHAIR. I AGREE WITH MEMBERS MOLINA AND JOHNSON. I'M IN FULL SUPPORT. I BELIEVE THERE WILL COME A TIME WHEN WE DON'T HAVE MORE DISABLED VETERANS IF WE CAN STOP FIGHTING.\r\n\r\nSO I LOOK FORWARD TO THAT TIME. MEMBER KING. >> CHAIR, JUST TO ECHO MY COLLEAGUES. I SUPPORT THE BILL. I THINK -- THANK YOU, MEMBER MOLINA, FOR BRINGING THIS FORWARD. I THINK WE ALL THE HAVE TO BE AWARE, TOO, THAT THERE ARE DISABLED VETERANS, WHO DON'T HAVE A HOME, THAT WE SHOULD BE HELPING OUT AS WELL, THAT ARE MAYBE AMONG THE HOUSELESS? AND TO KEEP THAT IN MIND, THERE'S MORE WORK TO DO IN THIS ARENA, AND HOPE THAT WE CAN EXTEND THE COMPASSION TO THOSE FOLKS THAT NEED HELP.\r\n\r\nTHANK YOU.>> ANY MORE DISCUSSION? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, PLEASE RAISE YOUR HAND AND SAY AYE? >> AYE. >> EIGHT AYES, ZERO NOS, ONE EXCUSED, VICE-CHAIR RAWLINS-FERNANDEZ. MOTION CARRIES. NEXT ITEM, MR.\r\n\r\nCLERK. >> CHAIR, YOU SBC YOU FROM YOUR GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE, COMMITTEE REPORT 22-67 RECOMMENDING THAT RESOLUTION 22-158 ENTITLED, "AUTHORIZING PROCEEDINGS IN EMINENT DOMAIN FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 5385 LOWER HONOAPI'ILANI ROAD, LAHAINA, MAUI, HAWAI'I BE PASSED ON FIRST READING AND ORDERED TO PRINT. >> MEMBER MOLINA. >> THANK YOU, MADAM CHAIR. MOVE TO PASS RESOLUTION 22-158 ON FIRST READING. >> MOVED BY MEMBER MOLINA AND SECONDED BY MEMBER PALTIN TO APPROVE COMMITTEE REPORT 22-67. DISCUSSION, MEMBER MOLINA. >> THANK YOU, MADAM CHAIR.\r\n\r\nYOUR GREAT COMMITTEE MET JUNE 28, 2022 TO DISCUSS RESOLUTION 22-158 WHICH WOULD AUTHORIZE PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE THE PROPERTY LOCATED AT 35385 LOWER HONOAPI'ILANI ROAD IN LAHAINA, MAUI, HAWAI'I AND THE PROPOSED RESOLUTION WOULD STATE THAT THIS STRUCTURE BE USED FOR A PUBLIC PURPOSE FOR HAWAIIAN CULTURAL EDUCATION OR OTHER PUBLIC PURPOSES FOR CONSIDERATION BY PRESENT ADMINISTRATION FOR FUTURE ADMINISTRATION. SECTIONS 46-1.56, AND 46-61 AND 46-62 MANY OF THE HABEAS CORPUS HAWAI'I REVISED STATUTES AUTHORIZES COUNTIES TO EXERCISE CON KEM NATION BY EMINENT DOMAIN WHEN IT'S IN THE PUBLIC'S BEST INTEREST TO COULD THIS. THIS PROPERTY HAS BEEN THE FOCUS OF COMMUNITY CRITICISM AND CONCERN DUE TO THE SIZE AND STRUCTURE AND PERMITTING PROCESS THAT ALLOWED CONSTRUCTION TO CONTINUE. YOUR COMMITTEE NOTES THAT THE ORDINANCE RELATING TO HOTEL USE AND DEVELOPMENT STANDARDS IN NAPILI BAY CIVIC IMPROVEMENT DISTRICT IN RESPONSE TO THE COMMUNITY'S CONCERN. I WOULD LIKE TO THANK MY COLLEAGUE, MEMBER PALTIN FOR THAT LIMITS STRUCTURES TO A MAXIMUM OF TWO STORIES AND 30' IN HEIGHT, INCLUDING ALL APPURTENANCES SUCH AS ELEVATORS, ET CETERA AND PROHIBITED ANY APARTMENT OR HOTEL USE UNLESS ESTABLISH BY AUGUST 6,2021. ED COMMITTED ALSO NOTED COUNCIL'S APPROVAL OF 22-158 WOULD APPROVE THE ADMINISTRATION WITH THE AUTHORITY TO PURSUE EMINENT DOMAIN BY FILING A LAWSUIT ON COUNTY'S BEHALF TO PURCHASE THE PROPERTY IN FEE SIMPLE FOR ITS FAIR MARKET VALUE. SO WITH THAT SAID,

MADAM CHAIR, YOUR COMMITTEE CONCLUDE YOUR COMMITTEE SUPPORT THE INSIDE FOR COMMUNITY INPUT ON THE FUTURE OF THE PROPERTY TO USE IT A MANNER RESPECTFUL TO THE NEIGHBORING COMMUNITY, WHILE ENSURING COMMUNICATION AND TRANSPARENCY, IF ACQUIRED BY THE COUNTY. AND FOR EXAMPLE, YOUR COMMITTEE NOTED ESTABLISHING A PUBLIC BUILDING FOR HAWAIIAN PUBLIC EDUCATION AMONG OTHER PUSH PURPOSES FOR THIS AND ALSO SUPPORTS MAUI COUNTY GENERAL PLAN WHICH DIRECTS OFFICIALS TO PERPETUATE THE HAWAIIAN CULTURE AS A VITAL FORCE IN THE LIVES OF RESIDENTS, AND TO ESTABLISH CENTERS AND PROGRAMS OF EXCELLENCE FOR THE PERPETRATION OF HAWAIIAN ARTS AND CULTURE.\r\n\r\nYOUR COMMITTEE RECEIVED WRITTEN AND ORAL TESTIMONY, ACTUALLY IN OVERWHELMING SUPPORT, AND VOTED 8-0 TO RECOMMEND PASSING IT ON FIRST READING. 8-0 WAS THE VOTE WITH ONE RECUSAL, COMMITTEE VICE-CHAIR RAWLINS-FERNANDEZ AND I ASK FOR THE MEMBERS' SUPPORT OF THIS RESOLUTION. THANK YOU, MALL CHAIR.

>> FURTHER DISCUSSION? MEMBER PALTIN. >> THANK YOU, CHAIR. I KNOW I'M THE ONE THAT PUT THE RESOLUTION FORWARD, BUT AT THIS TIME, I WOULD LIKE TO RECONSIDER MY OWN SUPPORT OF THE RESOLUTION AND TAKING FEEDBACK FROM -- SORRY.\r\n\r\nI WASN'T TIMING MYSELF. THAT IS MY FAULT. IN HEARING FEEDBACK, LIKE THE ONE FROM THE TESTIFIERS WE JUST HAD, A LOT OF PEOPLE DO NOT WANT MR. BROWN TO GET A PAYOFF FROM TAXPAYER MONEY. AND YOU KNOW, SINCE THE TIME WHEN THIS RESOLUTION WAS PUT FORWARD LAST COUNCIL MEETING WE PASSED A RESOLUTION AUTHORIZING THE ACQUISITION OF LAHAINA CROSSROADS APARTMENTS. YOU KNOW, KNOWING THAT THERE'S LIMITED FUNDS, THAT IS THE PRIORITY RIGHT NOW. 2020 HOUSEHOLDS DON'T EXPERIENCE NEGATIVE IMPACTS.\r\n\r\nSO AT THIS TIME, I WOULD PUT MY FULL SUPPORT BEHIND THE LAHAINA CROSSROADS, AND ANY EXTRA RESOURCES THAT WE HAVE, AND I HAVE HEARD FROM THE COMMUNITY THAT THEY DON'T WANT MR. BROWN TO HAVE A PAYOFF. THEY DON'T WANT THIS BUILDING. SO YOU KNOW, IF WE WITHDRAW OR FILE THIS AT THIS TIME, I WILL LEAVE IT TO THE COMMUNITY TO DECIDE, LIKE, HOW YOU SAID, CHAIR. ARE THEY GOING TO WANT A CULTURAL CENTER THERE? I THINK IT WAS SAID HAWAIIAN CULTURAL CENTER SURROUNDED BY NOT A LOT OF HAWAIIANS IN THE AREA. SO AT THIS TIME, I WOULD WITHDRAW MY SUPPORT FOR THIS IN ORDER TO PUT IT FULLY BEHIND THE LAHAINA CROSSROADS ACQUISITION, WITH LIMITED RESOURCES THAT THE COUNTY HAS.\r\n\r\n>> ALL RIGHT, ANY FURTHER DISCUSSION? MEMBER SUGIMURA. >> THANK YOU. I AM GOING TO BE VOTING NO AGAINST THIS. I THINK MR. CROWLEY IN HIS SOUND MIND SPEAKS LOUDLY. I'M GLAD TO HEAR MS.\r\n\r\nPALTIN, WHO PROPOSED THIS, IS ALSO RETHINKING THAT. BECAUSE DURING THE DISCUSSION IN COMMITTEE, THE QUESTION CAME UP, WHAT IS THE REST OF THE COMMUNITY SAYING? BECAUSE WE DID HEAR LOUD AND CLEAR FROM SOME OF THE MEMBERS, EVEN THOUGH WHO HAD ORGANIZED AGAINST IT, BUT WHAT ABOUT EVERYBODY ELSE? WHAT DO THEY WANT TO SEE FOR THIS PARCEL AND USE? SO I'M GOING TO BE VOTING NO AGAINST THE EMINENT DOMAIN AND LOOK FORWARD TO MORE EXPLORING. THANK YOU. >> ANYONE ELSE?\r\n\r\nMEMBER KING? >> THANK YOU, CHAIR. I AM NOT GOING TO REITERATE EVERYTHING, BECAUSE PRETTY MUCH MEMBER PALTIN SAID WHAT I WAS GOING TO SAY. IN LISTENING TO THE COMMUNITY, THEY DO NOT WANT TO SEE SOMEBODY WHO PLAYED THE SYSTEM, IF YOU WILL, BENEFITING FROM IT. I THINK IT'S PREMATURE -- I AGREE WITH THE COMMUNITY, THIS IS PREMATURE, UNTIL WE DO THE INVESTIGATION FIRST? BECAUSE THE VALUATION MAY CHANGE, DEPENDING ON THE OUTCOME OF THAT. THAT WOULD BE MY REASON FOR NOT SUPPORTING IT AT THIS TIME.\r\n\r\nTHANK YOU. >> BEFORE I CALL ON YOU, MEMBER PALTIN, ANYBODY ELSE HAVE ANYTHING TO SAY? MEMBER PALTIN. >> I WAS WONDERING IF IT WOULD BE POSSIBLE FOR ME TO MOVE TO AMEND THE MOTION TO RECOMMEND FILING? >> WELL, ONE IS TO APPROVE AND THE OTHER IS TO FILE. SO I WOULD ASK MEMBER MOLINA, ARE YOU STILL WANTING TO MOVE FORWARD WITH YOUR MOTION? >> MADAM CHAIR, LISTENING TO

THE DISCUSSION SEEMS LIKE THERE'S A CHANGE IN THE MEMBERS' PROPOSAL FOR THIS.\r\n\r\nI'M FINE, AS MEMBER PALTIN AS THE MAKER OF THE RESOLUTION. I WILL RESPECT WHATEVER SHE WOULD LIKE TO CONSIDER. SHE LIVES IN THE COMMUNITY AND HEARS FROM THEM. SO I WILL LEAVE IT TO MEMBER PALTIN. PERSONALLY, TIME FINE WITH FILING THE MATTER, IF THAT IS THE CASE. >> THANK YOU, COMMITTEE CHAIR, MOLINA. I WOULD MOVE TO AMEND THE MOTION TO FILE IT IN LIGHT -- I WILL WAIT UNTIL I GET A SECOND.\r\n\r\n>> SECOND. >> SECOND. >> MOVED BY MEMBER PALTIN, SECONDED BY MEMBER KING TO FILE THE MOTION. YES DISCUSSION. >> AS STATED IN MY FIRST DISCUSSION, THE PRIORITY NEEDS TO BE LAHAINA CROSSROADS APARTMENTS. WE'RE IN A HOUSING CRISIS, AND ANY MONIES THAT WE HAVE, I WOULD SUPPORT GOING TO KEEPING PEOPLE IN THEIR HOMES. SO WE GOT TO MAKE DECISIONS.\r\n\r\nIF THE COMMUNITY SO CHOOSES TO COME UP WITH AN ALTERNATIVE SOLUTION TO WHAT'S GOING ON, I WILL DEFINITELY ENTERTAIN IT. BUT I DIDN'T HEAR THE SUPPORT FOR PAYING MR. BROWN WITH TAXPAYERS' MONEY, AND THERE WASN'T A UNIFIED DESIRE OF WHAT TO DO WITH THE PROPERTY. SO THAT'S THE REASON FOR MY MOTION. >> ANYBODY ELSE? MR. CLERK, YOU WANT HIM TO WITHDRAW HIS ORIGINAL MOTION?\r\n\r\n>> NO, CHAIR. WE JUST WANT CLARITY ON COUNCIL MEMBER PALTIN'S MOTION TO AMEND. IS THE AMENDMENT TO AMEND THE MOTION TO FILE BOTH THE COMMITTEE REPORT AND THE RESOLUTION? >> I'M SURE. >> YES, THAT WAS MY INTENTION. THANK YOU, MR. KRUEGER.\r\n\r\n>> THANK YOU. ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY AYE? >> AYE. >> EIGHT AYES, ZERO NOS, NINE AYES, ZERO NOS, MOTION CARRIES. MR. CLERK.\r\n\r\n>> CHAIR, THE MAIN MOTION AS AMENDED IS NOW ON. >> OKAY. MEMBERS, ANY FURTHER DISCUSSION? THE MAIN MOTION AS AMENDED NOW. NO? NO DISCUSSION? ALL THOSE IN FAVOR OF THE MAIN MOTION AS AMENDED, RAISE YOUR HAND AND SAY AYE?\r\n\r\n>> AYE. >> I SEE NINE AYES, ZERO NOS, MOTION CARRIES. ALL RIGHT, MEMBERS, WHAT DO YOU WANT TO DO NOW? WE HAVE THE NINTH MEMBER BACK. YOU WANT TO TAKE A BREAK? >> NO. >> DO YOU WANT TO MOVE FORWARD?\r\n\r\n>> GO FORWARD, WHILE WE HAVE NINE MEMBERS. >> WELL, WE HAVE TO THINK OF STAFF, YOU KNOW? THEY ARE ENTITLED TO BREAK OF SOME KIND. LET'S SEE, AFTER COMMITTEE REPORTS, WE'RE STILL NOT FINISHED WITH COMMITTEE REPORTS. SO DO YOU WANT TO START TO TAKE THE HARD ONES NOW? WOULD YOU LIKE TO START TO TAKE THE HARD ONES? ALL RIGHT.\r\n\r\nLET'S GO BACK. MR. CLERK, LET'S FINISH UP ANY TESTIMONY ON THE HARD ONES. >> YES, CHAIR. WHICH ITEM WOULD YOU LIKE TO START WITH? >> THE EAST MAUI ITEM. >> OKAY.\r\n\r\nTHEN AT THIS TIME, CHAIR, BEFORE THE BODY IS RESOLUTION 22-119 CD 1 FD 1, AS WELL AS COUNTY COMMUNICATION 22-167. THE BODY DOES FORMALLY CLOSE TESTIMONY ON THESE ITEMS ALREADY. >> OKAY, LET'S TAKE IT UP THEN. >> SO YOU HAVE BEFORE YOU CHAIR, RESOLUTION 22-119 CD 1, FD 1 ENTITLED, "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH A MAUI NUI COMMUNITY WATER SYSTEMS AND EAST MAUI REGIONAL COMMUNITY BOARD." AND COUNTY COMMUNICATION 22-167. >> MEMBER SINENCI. OH, NO. WAS IT MEMBER MOLINA FIRST? >> YES, MADAM CHAIR. I GUESS THE MOTION WAS AMENDED.\r\n\r\nI DON'T KNOW IF WE TOOK THE VOTE ON THE AMENDMENT YET THAT THIS PROPOSAL, MR. SINENCI? MAYBE THE CLERK? >> NO, WE DIDN'T. WE STOPPED IT. WE STOPPED IT, BECAUSE THERE WAS A TECHNICAL QUESTION ON HIS MOTION WAS TO SUBSTITUTE, MAKE A SUBSTITUTION. WE HAVE BEEN ADVISED THAT BEFORE WE TAKE A VOTE ON THAT SUBSTITUTION, MR. CLERK, HE ALSO WANTED TO MAKE AN AMENDMENT.\r\n\r\nMR. CLERK, YOU CAN TAKE US BACK TO WHERE WE WERE, AND WHAT THE NEXT STEPS ARE? >> CHAIR, BEFORE THE BODY DECIDED TO DEFER THIS MATTER TO LATER IN THE AGENDA, ALL MOTIONS ON THE ITEM WERE WITHDRAWN. SO THERE IS NO MAIN MOTION PENDING BEFORE THE BODY AT THIS TIME. >> SO PLEASE TELL THEM WHAT

THE PROCESS SHOULD BE? BECAUSE WE WERE SORT OF HEADING DOWN THE WRONG ROAD. >> CHAIR, SO AT THIS TIME, THE BODY WOULD PLACE A MAIN MOTION ON THE FLOOR, WHICH COULD BE A MAIN MOTION TO PASS ON SECOND AND FINAL READING.\r\n\r\nANY AMENDMENTS THAT WOULD BE MADE COULD BE MADE AT THAT TIME. COUNCIL MEMBER SINENCI DURING THE LAST TIME THIS ITEM WAS BROUGHT BEFORE US, MADE A MOTION TO SUBSTITUTE. WHEN A SUBSTITUTION MOTION IS ON THE FLOOR, THE BODY CAN MAKE FURTHER AMENDMENTS TO THE ORIGINAL MATERIAL OR THE MATERIAL PRESENTED IN THE SUBSTITUTION. ONCE THE SUBSTITUTION IS COMPLETE, IT IS MORE DIFFICULT TO MAKE FURTHER AMENDMENTS. SO THAT IS JUST FOR THE BODY'S INFORMATION. THANK YOU. >> I'M SURE YOU WERE ADVISED OF THAT, MR.\r\n\r\nSINENCI; RIGHT? OKAY. SO PROCEEDING. PROCEEDING, MR. MOLINA. >> THANK YOU, MADAM CHAIR. SO BASICALLY THIS IS A REDO.\r\n\r\nSO WITH THAT BEING SAID, AS IT RELATES TO 22-119, I MOVE TO PASS RESOLUTION 22-119 CD 1, FD 1, ON SECOND AND FINAL READING. >> SECOND. >> MOVED BY MEMBER MOLINA AND SECONDED MY MEMBER SINENCI TO PASS RESOLUTION ON SECOND AND FINAL READING. DISCUSSION? >> YES, THANK YOU, MADAM CHAIR, FOR THE SAKE OF EXPEDIENCY, I MENTIONED WHAT THE MOTION WAS AND I WILL YIELD THE FLOOR TO MR. SINENCI FOR CONSIDERATIONS >> THANK YOU. >> MR.\r\n\r\nSINENCI. >> THANK YOU, CHAIR. THANK YOU, MR. MOLINA. MOVE TO SUBSTITUTE RESOLUTION 22-119, CD 1, FD 1, WITH THE PROPOSED FD 2 VERSION ATTACHED TO THE ASF POSTED FOR THIS ITEM. >> SECOND. >> MOVED BY MEMBER SINENCI.\r\n\r\nSECONDED BY MEMBER KING TO SUBSTITUTE WITH FD 2 VERSION, WITH THE FD 2 VERSION. DISCUSSION, MEMBER SINENCI. >> THANK YOU, CHAIR. I WILL SUMMARIZE HERE, BUT I CAN ALSO EXPOUND ON THE RATIONALE. AGAIN, MEMBERS NEED OR WOULD LIKE TO, FOLKS WITH THE ASF FOLLOWING AMENDMENTS: THE RESOLUTION THROUGHOUT THE RESOLUTION S' BODY USE MAUI COUNTY COMMUNITY WATER AUTHORITIES INSTEAD OF MAUI NUI COMMUNITY WATER SYSTEMS. 6TH AND 7TH PARAGRAPH ADD "COLLECTIVE" IN FRONT OF MAUI COUNTY COMMUNITY WATER AND PROPOSED CHARTER SECTION, ADD GRANT WRITERS, COMMUNITY LIAISONS AND WATER SYSTEMS TECHNICAL ANALYSTS AFTER "ADMINISTRATORS." AND MAKE CORRESPONDING GRAMMATICAL CORRECTIONS AND ASK FOR MEMBERS' SUPPORT OF MY MOTION. THANK YOU.\r\n\r\n>> ANY MORE DISCUSSION? MEMBER SUGIMURA. >> THANK YOU. COULD WE ASK CORP. COUNSEL WHETHER THE ASF THAT WE JUST RECEIVED NOW, WHICH IS TO AMEND 22-119, CD 1, FD 1, BY USING TERMINOLOGY THAT ENSURES ANY ADMINISTRATIVE HEAD IS EXEMPT FROM CIVIL SERVICE CONSISTENT WITH SECTION 76-77, H.R.S., DIRECTORS ARE EXEMPT FROM CIVIL SERVICE WHILE ADMINISTRATORS TYPICALLY ARE NOT. SO IS IN SUBSTANTIVE? THAT IS MY QUESTION.\r\n\r\nTHIS KIND OF IMPACTS STATE LAW, AS WELL AS-- >> CORP. COUNSEL. >> THANK YOU FOR THE QUESTION, COUNCIL MEMBER SUGIMURA. IN TERMS OF WHAT THE TITLE IS, I DON'T THINK THAT IS MATERIAL WHETHER YOU CALL THEM AN ADMINISTRATOR, OR A DIRECTOR. SO THE CIVIL SERVICE LAW STATES THAT THE DIRECTORS OR HEADS OF DEPARTMENTS, AND A FIRST DEPUTY, OR FIRST ASSISTANT ARE EXEMPT FROM CIVIL SERVICE. >> I WAS JUST CLARIFYING. EXEMPT FROM CIVIL SERVICE -- -- [INAUDIBLE] >> THANK YOU.\r\n\r\n>> ANY OTHER QUESTIONS OR FURTHER DISCUSSION? MEMBERS? YES, CORP. COUNSEL. >> THANK YOU, CHAIR. JUST BEFORE YOU GET TO THE VOTE ON THE SUBSTITUTION, I HAVE A SMALL AMENDMENT THAT I WOULD LIKE TO OFFER FOR YOUR CONSIDERATION. >> PROCEED.\r\n\r\n>> SO THIS IS IN THE FIRST PARAGRAPH AFTER THE BE IT RESOLVED, AND THIS IS IN THE SUBSTITUTION BILL. SO CURRENTLY IT'S AN AMENDMENT TO SECTION 8-11.2 OF THE CHARTER, WHICH IS THE DEPARTMENT OF WATER SUPPLY. AND IT READS THIS IS LANGUAGE ADDED "ACCEPT AS SET FORTH IN CHAPTER 19." THE DEPARTMENT OF WATER SUPPLY SHALL MANAGE WATER SYSTEMS BY THE COUNTY AND MY SUGGESTION IS TO ADD "AND MAY ACQUIRE OR DEVELOP WATER SOURCES AND SYSTEMS." AND THE REASON THAT I'M SUGGESTING THAT IS SO THAT

THE DEPARTMENT OF WATER SUPPLY CAN CONTINUE ITS CURRENT DUTIES, WHICH DO INVOLVE DEVELOPMENT OF WATER SOURCES, SUCH AS WELLS, AND ALSO THE ACQUISITION OF, FOR EXAMPLE, PRIVATE WATER SYSTEMS, OR WATER SYSTEM INFRASTRUCTURE. JUST SO THERE'S NO AMBIGUITY THAT DWS CAN CONTINUE THEIR FUNCTIONS AS THEY PRESENTLY EXIST. >> MEMBER SINENCI. >> THANK YOU, CHAIR. MAHALO, MS.\r\n\r\nTHOMPSON. WE HAVE HAD THIS DISCUSSION WITH THIS WOULD ADD MORE CLARIFICATION TO THE BILL. WE'RE SUPPORTIVE, CHAIR. >> DO YOU WANT TO MAKE THAT AMENDMENT? >> SO MOVED. >> MOVED BY MEMBER SINENCI. SECONDED BY MEMBER JOHNSON TO ADOPT THE RECOMMENDATION OF CORPORATION COUNSEL AS AN AMENDMENT.\r\n\r\nANY MORE DISCUSSION? SO MR. CLERK, WE CAN CONTINUE TO MAKE AMENDMENTS TO THE SUBSTITUTION; RIGHT? >> YES, CHAIR. THE MOTION IS STILL ON THE FLOOR. SO THE BODY CAN MAKE MOTIONS TO AMEND THE SUBSTITUTED MATERIAL. >> OKAY.\r\n\r\nALL IN FAVOR OF THIS PARTICULAR SUBSTITUTION, RAISE YOUR HAND AND SAY AYE. >> AYE. >> NINE AYES, ZERO NOS, MOTION CARRIES. ALL RIGHT. THEN DID YOU HAVE ANOTHER AMENDMENT TO MAKE, MEMBER SINENCI? >> MAHALO, CHAIR. ONE FINAL REVISION, I WOULD LIKE TO MOVE TO WAIVE RULE 19C, WHICH STATES THAT A RESOLUTION BEING CONSIDERED FOR FINAL READING MAY NOT BE AMENDED AND ACTED UPON AT THE SAME MEETING.\r\n\r\n>> SECOND. >> SECOND. >> MOVED BY MEMBER SINENCI. SECONDED BY MEMBER JOHNSON REGARDING RULE 19C OF THE COUNCIL. DISCUSSION? ANY MORE DISCUSSION? MR.\r\n\r\nSINENCI? >> THANK YOU, CHAIR. SINCE ALL CHARTER AMENDMENTS ARE TO BE APPROVED TODAY TO MEET THE LOGISTICAL REQUIREMENTS WITH THE GENERAL ELECTION BALLOT, THIS MOTION IS NECESSARY TO CONSIDER THE ASF FOR THIS ITEM THAT WAS DISTRIBUTED TODAY. THANK YOU, CHAIR. >> ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY AYE? . >> AYE.\r\n\r\n>> MEMBER PALTIN? NINE AYES, ZERO NO, MOTION CARRIES. ANY MORE AMENDMENTS, MR. SINENCI? >> MAHALO, CHAIR. RULE 19C WOULD ALLOW CONSIDERATION OF REVISED TERMINOLOGY FOR THE ADMINISTRATIVE HEAD OF THE WATER AUTHORITY. I RESPECTFULLY ASK FOR THE MEMBERS' SUPPORT ON THIS WAIVER MOTION.\r\n\r\nTHANK YOU, CHAIR. >> ANY FURTHER DISCUSSION IN? >> CHAIR, APOLOGIES, THE BODY ALREADY VOTED ON THE WAIVER OF THE 19C IT PREVAILED 9-0 ALREADY. >> I'M SORRY, BECAUSE HE REPEATED HIMSELF. SO I THOUGHT, OKAY, LET'S DO IT AGAIN. >> MR. SINENCI, ANY OTHER AMENDMENTS.\r\n\r\n>> MAHALO, CHAIR. AND MY APOLOGIES TO DEPUTY COUNTY CLERK. I MOVE TO AMEND THE SUBSTITUTED MOTION 22-119 BY REPLACING EACH INSTANCE OF "ADMINISTRATOR AND DIRECTOR" MATCHING THE REPLACED WORD FORM WHERE THEY ARE SINGULAR OR PLURAL. >> SECOND. >> MOVED BY MEMBER SINENCI, SECOND BY MEMBER JOHNSON TO MAKE THOSE CHANGES AS STATED BY MR. SINENCI. FURTHER DISCUSSION?\r\n\r\nANY DISCUSSION? >> THANK YOU, CHAIR. MEMBERS, THIS PROPOSED AMENDMENT IS TO ENSURE THAT ANY ADMINISTRATIVE HEAD IS EXEMPT FROM CIVIL SERVICE CONSISTENT WITH HAWAI'I REVISED STATUTES SECTION 76-77. DIRECTORS ARE EXEMPT, AND ADMINISTRATORS TYPICALLY ARE NOT. THIS AMENDMENT AS THE OTHERS HAVE DISCUSSED TODAY DOES NOT MATERIALLY CHANGE THE MAIN PROPOSAL, BUT WILL PROVIDE SOME NEEDED CLARIFICATION. IT WILL BE HELPFUL TO THE COUNTY AND THE COMMUNITY, AS WE CONTINUE THIS CHARTER AMENDMENT PROCESS. AGAIN, THANK YOU FOR YOUR CONSIDERATION AND I RESPECTFULLY ASK FOR THE MEMBERS' SUPPORT OF MY MOTION. >> ANY FURTHER DISCUSSION?\r\n\r\nIF NOT, ALL THOSE IN FAVOR OF THE AMENDMENT, RAISE YOUR HAND AND SAY AYE? >> AYE. >> NINE AYES, ZERO NOS, MOTION CARRIES, MEMBER SINENCI, ANY MORE AMENDMENTS? >> THAT'S ALL OF THE AMENDMENTS, CHAIR. >> ANY FURTHER DISCUSSION, MEMBERS? ALL THOSE IN FAVOR OF THE MAIN MOTION AS AMENDED >> CHAIR? >> YES.\r\n\r\n>> APOLOGIES. PENDING BEFORE THE BODY RIGHT NOW IS COUNCIL MEMBER SINENCI'S MOTION TO SUBSTITUTE AS AMENDED. >> OKAY. SORRY. MOTION TO SUBSTITUTE AS

AMENDED. ALL THOSE IN FAVOR OF THE MOTION RAISE YOUR HAND AND SAY AYE? >> AYE.\r\n\r\n. >> PRO TEM KAMA? MEMBER SUGIMURA? OKAY THIS IS NOT THE MAIN MOTION NOW. THIS IS ONLY THE SUBSTITUTION. ROLL CALL. , MR. CLERK, ROLL CALL.\r\n\r\n>> CHAIR, PROCEEDING WITH ROLL-CALL VOTE. COUNCIL MEMBER SHANE SINENCI? >> AYE. >> COUNCIL MEMBER MIKE MOLINA? >> AYE. >> COUNCIL MEMBER KELLY TAKAYA KING? >> AYE.\r\n\r\n>> COUNCIL MEMBER GABE JOHNSON? >> AYE. >> COUNCIL MEMBER TAMARA PALTIN? >> AYE. >> COUNCIL MEMBER YUKI LEI SUGIMURA? >> NO. >> PRESIDING OFFICER PRO TEMPORE TASHA KAMA?\r\n\r\n>> YES. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ? >> AYE. >> AND COUNCIL CHAIR ALICE L. LEE? >> AYE. >> CHAIR, THERE ARE EIGHT AYES, ONE NO, MOTION CARRIES. >> NOW THE MAIN MOTION AS AMENDED.\r\n\r\n\r\nTHIS WILL BE ROLL CALL AGAIN. >> CHAIR PROCEEDING WITH THE MAIN MOTION AS AMENDED, COUNCIL MEMBER SHANE SINENCI? >> AYE. >> COUNCIL MEMBER MIKE MOLINA? >> AYE. >> COUNCIL MEMBER KELLY TAKAYA KING? >> AYE.\r\n\r\n\r\n>> COUNCIL MEMBER GABE JOHNSON? >> AYE. >> COUNCIL MEMBER TAMARA PALTIN? >> AYE. >> COUNCIL MEMBER YUKI LEI SUGIMURA? >> NO. >> PRESIDING OFFICER PRO TEMPORE TASHA KAMA?\r\n\r\n\r\n>> YES. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ? >> AYE. >> AND COUNCIL CHAIR ALICE L. LEE? >> NO. >> CHAIR, THERE'S SEVEN AYES, TWO NOS. MOTION CARRIES.\r\n\r\n\r\n>> OKAY, LET'S MOVE TO THE NEXT ONE. >> CHAIR THE NEXT ONE THAT WE HAD ON THE LIST WAS COMMITTEE REPORT 22-61. CHAIR, FOR 22-61, THE BODY DID CLOSE TESTIMONY ON THIS ITEM HOWEVER THE BODY THEN IMMEDIATELY DEFERRED IT TO LATER IN THE AGENDA, SO COUNCIL MEMBER PALTIN EARLIER BROUGHT UP THE POINT AS TO WHETHER THE BODY SHOULD CONTINUE ACCEPTING TESTIMONY AT THIS TIME? I BELIEVE THAT IS UP FOR YOU AS THE BODY TO DECIDE. >> MEMBER PALTIN. >> JUST YOU KNOW, IF THERE'S ANYONE OUT THERE, I WOULD RATHER BE SAFE THAN SORRY. >> MR. CLERK, CALL UP ANY TESTIMONY BEFORE WE CLOSE IT?\r\n\r\n\r\n>> OKAY. SO CHAIR, JUST FOR OUR CLARITY, THE BODY IS WITHOUT OBJECTION ACCEPTING FURTHER TESTIMONY ON COMMITTEE REPORT 22-61? >> YES. >> OKAY. THEN WE'LL CALL, IF ANYBODY ELSE WANTS TO TESTIFY ON COMMITTEE REPORT 22-61 AT THIS TIME, WE'RE DOING A LAST CALL FOR THAT. WE DO NOT HAVE ANYONE ELSE CURRENTLY SIGNED UP WHO WISHES TO TESTIFY ON 22-61. AGAIN, THIS IS LAST CALL. IF YOU WOULD LIKE TO TESTIFY, PLEASE IDENTIFY YOURSELF NOW. >> MEMBER, ANY OBJECTIONS TO CLOSING TESTIMONY -- CLOSING PUBLIC TESTIMONY AND ACCEPTING WRITTEN TESTIMONY FOR 22-61? >> NO OBJECTIONS.\r\n\r\n\r\n>> SO ORDERED. MR. CLERK, PLEASE CALL IT UP. >> CHAIR, YOU HAVE BEFORE YOU COMMITTEE REPORT 22-61 RECOMMENDING THE FOLLOWING: ONE, THAT RESOLUTION 22-131, CD 1, ENTITLED, APPROVING WITH MODIFICATIONS DEVELOPMENT OF THE HALE WAIPU'ILANI HOUSING WORKFORCE PROJECT UNDER SECTION 2.97 MAUI COUNTY CODE" BE ADOPT ED. AND APPROVING THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97 MAUI COUNTY CODE BE FILED. AND 3, THAT RESOLUTION 22-132 ENTITLED, "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE HALE WAIPU'ILANI HOUSING PROJECT" BE FILED. >> MR.\r\n\r\n\r\nJOHNSON. >> THANK YOU, CHAIR. I MOVE TO ADOPT RESOLUTION 22-132, DISAPPROVING THE HALE WAIPU'ILANI HOUSING PROJECT AND TO FILE COMMITTEE REPORT 22-61. >> MOVED BY MEMBER JOHNSON AND SECONDED BY MEMBER KING TO ADOPT THE RESOLUTION. TO APPROVE COMMITTEE REPORT 22-61 AND DISCUSSION. MR. JOHNSON. >> THANK YOU, CHAIR.\r\n\r\n\r\nMEMBERS YOUR AFFORDABLE HOUSING COMMITTEE MET ON JUNE 6TH AND 13TH, 2022 TO CONSIDER THE PROPOSED HALE WAIPU'ILANI WORKFORCE HOUSING PROJECT BY THE DEVELOPER TO APPROVE WITH MODIFICATIONS OR DISAPPROVE THE PROJECT WITHIN 60 DAYS BECAUSE IT FALLS ON A WEEKEND, IT'S JULY 18TH. YOUR COMMITTEE RECEIVED COMMENTS THROUGH PUBLIC TESTIMONY AND VARIOUS COMMITTEE AGENCIES INCLUDING THE DEPARTMENT OF HOUSING AND HUMAN

CONCERNS, PLANNING COMMISSION, PUBLIC WORKS AND WATER SUPPLY AND DISCUSS THE CONCERNS -- POSSIBLE DISTURBANCE TO WETLANDS AND CULTURAL ASSETS. HEARING FROM TESTIFIERS ABOUT THE ONGOING CONCERNS PARTICULARLY FREQUENT FLOODING AND DRAINAGE ISSUES AND I BELIEVE DEVELOPERS ALSO HEARD THE CONCERN FROM THE BEGINNING, AND DECIDED TO IGNORE THE VOICE OF THE COMMUNITY AND CARRY ON REGARDLESS. AS CHAIR OF THE AFFORDABLE HOUSING COMMITTEE, I SUPPORT AFFORDABLE HOUSING, AND COUNCIL DOES AS WELL. I FIGHT STRONG AND HARD FOR IT. BUT AS THEY SAY IN REAL ESTATE WORLD, LOCATION, LOCATION, LOCATION. I ALSO ADD IT THAT PRICE, PRICE, PRICE; WHICH ARE AT THE HIGHEST ENDS OF WORKFORCE AMI.\r\n\r\nPLUS THE RISKS MAY BE TOO GREAT ON OUR WORKFORCE FAMILIES AND ON THE ENVIRONMENT. WHEN YOUR HOUSE CATCHES FIRE, YOU DON'T PUT IT OUT WITH A [W-ETS/]LAND. MEMBERS, THIS IS HARD, BUT I BELIEVE THAT THE RIGHT THING TO DO IS DISAPPROVE THE PROJECT AND FILE THE CR. I ASK FOR THE MEMBERS' FULL SUPPORT OF MY MOTION. >> FURTHER DISCUSSION? MEMBER KING. >> CHAIR, I CONCUR WITH MEMBER JOHNSON.\r\n\r\n\r\nYOU KNOW, WE HAVE BEEN DOING WETLAND RESTORATION IN SOUTH MAUI FOR A COUPLE OF YEARS NOW. THE WETLAND RESTORATION HAS BEEN EXPANDED WITH MORE EXPERTS, WHICH IS WHY WE HAVE THE PRESERVATION BILL IN FRONT OF US. AND I DON'T THINK THERE'S ANY DOUBT IN ANYBODY'S MIND THIS IS A WETLAND AND I DON'T THINK THERE'S ANY DOUBT IN ANYBODY'S MIND THAT WE SUPPORT AFFORDABLE HOUSING. SOMETIMES THERE'S INAPPROPRIATE LOCATIONS FOR CERTAIN PROJECTS, AND THIS IS ONE OF THEM. NOTHING PERSONAL AND WE ALL SAID THAT AGAINST THE DEVELOPER, BUT IT DOESN'T FOLLOW EVERY SINGLE PROJECT COMING BEFORE US IS GOING TO BE TOTALLY APPROPRIATE AND THIS IS ONE THAT DOESN'T FALL INTO THE CATEGORY OF APPROPRIATE AFFORDABLE HOUSING LOCATION, OR EVEN THE DESIGN OF BEING THAT HIGH UP IN A FLOOD ZONE. SO I HAVE LOOKED AT OTHER PROJECTS WHERE I DID SEE NIMBYISM AND I SUPPORTED THE PROJECT. THIS IS NOT ONE OF THEM.\r\n\r\n\r\nJUST BECAUSE PEOPLE DON'T WANT IT IN THEIR NEIGHBORHOOD DOESN'T MEAN IT'S A GOOD IDEA, AND THAT EVERYTHING IS AUTOMATICALLY NIMBYISM. SO WE HAVE TO LOOK AT THESE PROJECTS. WE'RE TRYING TO BUILD A COMMUNITY AND NOT JUST FILLING IN HOUSING WHEREVER THERE'S ENTITLED LAND AND THIS IS NOT APPROPRIATE. SO I HOPE WE CAN MOVE FORWARD WITH A LAND SWAP. IT MAY TAKE LONGER, BUT THE TIME SPENT WILL BE WORTH IT, BECAUSE WE'LL BE ALLEVIATING THIS COMMUNITY OF FURTHER HARM AND RESPECTING THE WETLAND AND THE AREA AND HOPEFULLY FINDING SOMETHING SUITABLE. THAT IS MY ASSESSMENT OF IT AFTER APPROVING THE PREVIOUS FIVE AFFORDABLE HOUSING PROJECTS FOR SOUTH MAUI. THIS ONE -- AND I ALSO WANT TO POINT OUT THAT SO DID THE KIHEI COMMUNITY ASSOCIATION, AND THE SOUTH MAUI ADVISORY COMMITTEE SUPPORTED OTHER PROJECTS IN OUR DISTRICT.\r\n\r\n\r\nTHIS IS REALLY THE FIRST ONE THEY HAVE COME OUT AGAINST AND IT HAS NOTHING TO DO WITH THE DEVELOPER AND IT HAS EVERYTHING TO DO WITH THE LOCATION. THANK YOU. >> ANYBODY ELSE? MEMBER SINENCI. MR. CLERK, FIRST. >> APOLOGIES TO INTERJECT, CHAIR.\r\n\r\n\r\nWE WOULD JUST LIKE TO REQUEST CLARITY ON WHAT THE MOTION IS BEFORE THE BODY AT THIS TIME? >> MR. JOHNSON, WOULD YOU LIKE TO REPEAT YOUR MOTION? >> I CERTAINLY WILL. I WILL MOVE DISAPPROVING HALE WAIPU'ILANI HOUSING PROJECT AND TO FILE COMMITTEE REPORT 22-61. MAHALO, CHAIR. >> IS THAT SUFFICIENT, MR. CLERK.\r\n\r\n\r\n>> CHAIR, WILL THE FILING ALSO INCLUDE THE FILING THE OTHER TWO RESOLUTIONS ATTACHED, RESOLUTION 22-130 AND 22-131, CD 1? >> MR. JOHNSON? >> CERTAINLY, IF THAT IS APPROPRIATE. >> THANK YOU, CHAIR. THANK YOU. >> ALL RIGHT, FURTHER DISCUSSION? MR.\r\n\r\n\r\nSINENCI HAD HIS HAND UP. MR. SINENCI. >> THANK YOU, CHAIR. JUST WANTED TO QUICKLY SPEAK IN SUPPORT OF THE MOTION. YESTERDAY, THROUGHOUT WE HAVE SEEN A HUGE SOUTH SWELL THAT AFFECTED ALL OF OUR SOUTH SHORES, AND WE HAVE ALREADY HEARD

FROM TESTIFIERS OF THE DANGERS OF FLOODING IN SOUTH MAUI. SO I VOTE TO DISAPPROVE IS ALSO MY COMMITMENT TO LOOKING MORE INTO BETTER DRAINAGE SYSTEMS IN SOUTH MAUI.\r\n\r\nTHANK YOU, CHAIR. >> ANYBODY ELSE? MEMBER MOLINA AND THEN MEMBER SUGIMURA. >> THANK YOU, MADAM CHAIR. FIRST I WANT TO THANK THE DEVELOPER, MR. CARNICELLI. THEY HAVE GOOD INTENTIONS.\r\n\r\nIT'S JUST ONE OF THOSE UNFORTUNATE CASES WITH REGARDS TO LOCATION, AS SOME OF OUR FELLOW COLLEAGUES. YOU KNOW, THE PROJECT ITSELF IS A GOOD ONE, BUT THE RESIDENTS WILL BE IMPACTED BY THIS PROJECT HAVE SPOKEN LOUD AND CLEAR TO US AND THIS IS NOT SOMETHING THAT WE WOULD WANT. I WOULD HATE TO SEE SOMETHING THAT WOULD CREATE SOME DIVISIVENESS AND THE LANDOWNER HAS OTHER OPTIONS TO CONSIDER. AGAIN, I THANK THE DEVELOPER, AND MR. CARNICELLI AND EVERYONE ELSE INVOLVED FOR TRYING TO DO THEIR PART TO PROVIDE MORE AFFORDABLE HOUSING. IT'S JUST ONE OF THOSE UNFORTUNATE SET OF CIRCUMSTANCES. ALSO FOR THE RESIDENTS WHO CAME OUT TO EXPRESS THEIR THOUGHTS ON THIS PROJECT.\r\n\r\nTHANK YOU, MADAM CHAIR. >> MEMBER SUGIMURA. >> THANK YOU. I'M GOING TO SPEAK AGAINST THE MOTION. I SUPPORT THIS PROJECT MOVING FORWARD. UNFORTUNATELY, THE EXPERIENCE SHARED BY MANY PEOPLE, LED ME TO -- I ALREADY TALKED TO MY STAFF OF TAKING UP -- I TOOK UP THE DECEMBER 5TH FLOODING AS IT RELATED TO KULA, AND MY COMMUNITY, BECAUSE THAT IS WHAT I HEARD A LOUD CRY FOR. AND THAT WE'RE GOING TO BE TAKING UP THIS FROM THE AHUPUA'A. SO WE'LL LOOK AT THE FLOODING SITUATION THAT WAS EXPRESSED AS A COMMITTEE, IN MY COMMITTEE, INFRASTRUCTURE/TRANSPORTATION.\r\n\r\nI'M GOING TO BE SPEAKING IN FAVOR OF KEEPING THIS PROJECT GOING, BECAUSE WE DO NEED AFFORDABLE HOUSING. I KNOW THE DEVELOPERS HAVE EXPRESSED THAT THEY CAN, BECAUSE IT IS ALREADY ENTITLED TO HAVE MARKET-RATE HOMES BUILT. AND IF THAT IS WHAT WE HAVE TO END UP IN THIS PARCEL TO SATISFY OUR AFFORDABLE HOUSING, OUR HOUSING NEEDS, THEN I GUESS THAT IS WHAT MAY HAPPEN. THANK YOU, CHAIR. >> PRO TEM KAMA. >> THANK YOU, CHAIR. CHAIR, I WILL BE VOTING AGAINST.\r\n\r\nWE SAY THAT WE SHOULDN'T LET PERFECT BE THE ENEMY OF GOOD AND SOMETIMES THAT HAPPENS MORE OFTEN THAN NOT. BUT I'M ALSO VERY CONCERNED ABOUT ALL OF THE PEOPLE THAT ARE LEAVING MAUI, BECAUSE EVERY MOMENT AND EVERY DAY THAT GOES BY, IT GETS HARDER, AND HARDER FOR THEM. SO EVERY TIME WE PUT OFF A PROJECT, WE'RE PUTTING OFF FIVE MORE YEARS, SIX MORE YEARS, SEVEN MORE YEARS AND THE NEED IS SO GREAT. IT'S A GREAT NEED. SO I REALIZE THAT THE DECISIONS THAT THIS COUNCIL MAKES IS GOING TO BE THE LIFE-AND-DEATH OF OTHER PEOPLE, AND FOR ME, I CHOOSE LIFE. I CHOOSE TO GIVE OUR PEOPLE AN OPPORTUNITY. IF THEY WANT 28 FAMILIES THAT WOULD LIKE TO MOVE IN, THEY COULD CHOOSE TO.\r\n\r\nIF PEOPLE CHOOSE NOT TO, THEY CAN CHOOSE NOT TO ALSO, BUT WE SHOULD GIVE THEM THE OPPORTUNITY TO CHOOSE. BECAUSE IT'S THEIR LIFE THAT IS ON THE LINE, NOT OURS. NOT THE NEIGHBORS, NOT THE PEOPLE THAT LIVE AROUND THERE. THEY HAVE BEEN LIVING WITH THOSE CONDITIONS FOR YEARS WE HEARD AND WHY NOT GIVE OTHERS THE OPPORTUNITY, BECAUSE THE CRISIS GETS SO BEYOND US, THAT NOT JUST MR. JOHNSON'S HAIR IS GOING TO BE ON FIRE, EVERYONE'S HAIR IS ON FIRE. TALKING ABOUT LOCATION, LOCATION, LOCATION, WE'RE TALKING ABOUT RELOCATION, RELOCATION, RELOCATION OF OUR PEOPLE? WHAT IS THAT GOING TO STOP?\r\n\r\nIT HURTS WHAT YOUR CHILDREN CAN'T COME HOME. IT HURTS WHEN YOUR GRANDCHILDREN DON'T HAVE A PLACE TO LIVE. HOW MANY GENERATIONS WILL THIS HAVE TO HAPPEN BEFORE WE ALL DECIDE WE'RE GOING TO DO SOMETHING? I CAN'T IN GOOD CONSCIOUS, CHAIR, VOTE IN SUPPORT OF THIS, AND THOSE ARE MY COMMENTS. THANK YOU. >> ANYONE ELSE? MEMBER PALTIN.\r\n\r\n>> THANK YOU, CHAIR. AS I MENTIONED IN VOTING OUT OF COMMITTEE, THIS WAS A REALLY TOUGH ONE FOR ME AND IT CONTINUES TO BE DIFFICULT, BECAUSE YOU KNOW, MY PREFERENCE IS

IF WE'RE NOT PROVIDING AFFORDABLE HOUSING, THAT WE'RE NOT ALLOWING DEVELOPMENT AT ALL AND IN THAT WAY, SAVING THE WETLANDS. YOU KNOW, FOR FOLKS OUT THERE LISTENING, I THINK WHATEVER IS DEVELOPED THERE SHOULD HAVE A REQUIREMENT, IF AN SMA PERMIT IS TO BE GOTTEN, THAT IN LIGHT OF WHAT'S GOING ON WITH GLOBALLY FOR CLIMATE CHANGE, IT SHOULD BE FOR 100-YEAR STORM BECAUSE WE'RE SEEING 100-YEAR STORMS MORE FREQUENTLY. AND TO FOLLOW THE LEAD OF THEIR REPRESENTATIVE AND AFFORDABLE HOUSING CHAIR, BUT THE SOUTH MAUI COMMUNITY PLAN COMING UP IS GOING TO BE CRITICAL TO EVERYONE, BECAUSE WHAT HAPPENED IN WEST MAUI RESIDENTIAL IS RESIDENTIAL. AND SO IF YOU DO NOT WANT TO HAVE A PROJECT LIKE THIS, PAY GOOD ATTENTION TO THE SOUTH MAUI COMMUNITY PLANNING PROCESS, BECAUSE RESIDENTIAL IS RESIDENTIAL. THERE'S NOT THE 7500, 10,000 SQUARE FOOT PROPERTIES. SO THIS IS NOT THE END OF TESTIMONY FOR FOLKS OPPOSING THIS PROJECT.\r\n\r\nYOU NEED TO BE VERY INVOLVED IN YOUR COMMUNITIES, COMMUNITY PLANNING GOING FORWARD. THANK YOU, CHAIR. >> CHAIR, YOU'RE MUTED. >> ANYONE ELSE? I AM GOING TO JUST SAY THAT I'LL BE VOTING NO, BECAUSE THERE'S GOING TO BE EITHER AFFORDABLE HOMES BUILT THERE OR MARKET HOMES BUILT THERE. I CHOOSE AFFORDABLE. READY FOR THE VOTE?\r\n\r\nMR. CLERK, ROLL CALL. >> CHAIR, PROCEEDING WITH ROLL-CALL VOTE. COUNCIL MEMBER SHANE SINENCI? >> AYE. >> COUNCIL MEMBER MIKE MOLINA? >> AYE.\r\n\r\n>> COUNCIL MEMBER KELLY TAKAYA KING >> AYE. >> COUNCIL MEMBER GABE JOHNSON? >> AYE. >> COUNCIL MEMBER PALTIN? >> KANALOA. >> COUNCIL MEMBER YUKI LEI SUGIMURA. >> NO.\r\n\r\n>> PRESIDING OFFICER PRO TEMPORE TASHA KAMA? >> NO. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ? >> AYE. >> AND COUNCIL CHAIR ALICE L. LEE? >> NO. >> THERE ARE SIX AYES, THREE NOS.\r\n\r\n>> WE HAVE TO GO BACK TO MEMBER PALTIN? >> APOLOGIES. COUNCIL MEMBER PALTIN. >> AYE. >> CHAIR, THERE ARE SIX AYES, THREE NOS, MOTION CARRIES. >> OKAY, PLEASE CALL UP THE NEXT ONE. >> CHAIR, THE NEXT ITEM THAT WAS MARKED AS -- OH, APOLOGIES, CHAIR.\r\n\r\nJUST REAL QUICKLY, COUNTY COMMUNICATION 22-167 WAS NOT DISPOSED OF IN ANY WAY. SO AT THIS TIME DOES THE BODY HAVE A DISPOSITION FOR THAT ITEM? >> MEMBER SINENCI? 22-167, DID YOU SAY, MR. CLERK? >> YES, CHAIR. >> MR.\r\n\r\nSINENCI. >> CHAIR, IS MR. RAATZ -- I WASN'T SURE IF WE NEED TO FILE IT? >> I MOVE TO FILE CC 22-167. >> SECOND. >> THERE'S A MOTION TO FILE 22-167, BY VICE-CHAIR RAWLINS-FERNANDEZ, AND SECONDED BY MEMBER SINENCI. ANY DISCUSSION? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY AYE?\r\n\r\n>> AYE. . >> NINE AYES, ZERO NOS. MOTION CARRIES. MR. CLERK. >> CHAIR, THE ITEMS REMAINING THAT WERE MARKED TO BE SEPARATED ARE RESOLUTIONS 22-144, CD 1, FD 1, AND BILL 21, CD 1, FD 1 (2022) WHICH ONE WOULD YOU LIKE TO PROCEED WITH? >> 22-144 >> YES, CHAIR, PROCEEDING WITH TESTIMONY FOR RESOLUTION 22-144 CD 1, FD 1. CHAIR, THE FIRST PERSON SIGNED UP TO TESTIFY ON THIS ITEM IS DAVE DELEON, FOLLOWED BY TOM CROWLEY.\r\n\r\n>> ALOHA, NICE TO BE BACK WITH YOU GUYS AGAIN. >> HI. THANK YOU FOR THIS OPPORTUNITY TO TESTIFY IN OPPOSITION TO THE RESOLUTION 22-144. TO DISSOLVE THE MAUI PLANNING COMMISSION AND REPLACE IT WITH SIX NEW PLANNING COMMISSIONS BASED ON COMMUNITY PLAN DISTRICTS, AND DAVE DELEON AND I SERVED ON THE RECENT MAUI CHARTER COMMISSION. CHARTER COMMISSION SERIOUSLY REVIEWED A SIMILAR PROPOSAL, AND ULTIMATELY REJECTED IT. MY PERSONAL OPPOSITION TO THIS CONCEPT WAS BASED ON THE NUMEROUS TESTIMONY WE RECEIVED POINTING OUT THE INEFFICIENCY OF REPLACING OUR EXISTING PLANNING COMMISSION WITH SIX NEW PLANNING COMMISSIONS. THE PLANNING DEPARTMENT'S OPPOSITE TO THIS PROPOSAL WAS QUITE INFORMATIVE. THE CHANGE WOULD BE QUITE EXPENSIVE FOR STAFF AND IT WOULD NOT BE ENOUGH BUSINESS TO JUSTIFY THE EXISTENCE OF MOST OF THESE BODIES.\r\n\r\nIT WOULD BE DIFFICULT FOR THE STAFF-TO-STAFF

THEM WITH ADEQUATELY TRAINED COMMISSIONERS, AND BECAUSE OF COMPETING RULES AND OVERLAPPING JURISDICTIONS, THERE WAS A REAL OPPORTUNITY FOR REGULATORY CONFUSION, JURISDICTIONAL CHAOS. THE ADMINISTRATION HAS BEEN POINTING OUT A RECENT MAJOR REDUCTION IN CITIZENS WILLING TO SERVE ON COMMISSIONS AND THIS PROPOSAL WOULD RESULT IN SIX NEW 7-MEMBER COMMISSIONS AS I UNDERSTAND IT, AND THEREFORE, WOULD REQUIRE ANOTHER 33 COMMISSIONERS OVER THE NINE WE ALREADY HAVE. THE CHARTER COMMISSION ULTIMATELY ADOPTED A PROPOSAL, WHICH THIS COUNCIL MODIFIED, AND ENDORSED, THAT ADDRESSED TO NEED TO ENSURE EVERY MAUI COMMUNITY IS REPRESENTING ON THE EXISTING PLANNING COMMISSION. THE CHARTER COMMISSION ACCEPTED THE COUNCIL'S MODIFICATIONS, AND IS NOW SET TO BE ON THE BALLOT IN NOVEMBER. SO GIVEN THE COUNCIL'S ACCEPTANCE OF THE EXISTING BALLOT PROPOSAL, IT'S BAFFLING TO FIND THIS NEW PROPOSAL BEFORE THE COUNCIL. THIS PROPOSAL IS IN ABSOLUTE CONFLICT WITH THE EXISTING ACCEPTED BALLOT PROPOSAL. IF BOTH WERE ACCEPTED BY THE VOTERS AS CORPORATION COUNSEL HAS POINTED OUT COULD HAVE LEGAL CHALLENGES THAT WOULD SHUT DOWN COUNTY'S PERMIT APPROVAL PROCESS, AS WELL AS PLANNING REVIEWS UNTIL THE COURTS DECIDE WHO IS IN CHARGE?\r\n\r\nTHEN THERE'S THE PROBLEM WITH THE BALLOT QUESTION ITSELF; WHICH FAILS TO DECLARE THAT THIS PROPOSAL WILL GIVE THE COUNCIL BROAD NEW POWERS TO MICROMANAGE THESE NEW COMMISSIONS. UNDER OUR CHARTER, THE PLANNING IS AN ADMINISTRATIVE FUNCTION. WHY IS THE COUNCIL ATTEMPTING TO GIVE ITSELF THIS KIND OF NEW AUTHORITY? AND WHY ISN'T THAT NEW AUTHORITY MENTIONED IN THE BALLOT PROPOSAL? THE NOVEMBER BALLOT ALREADY HAS -- WE ALREADY HAVE A LOT OF EXPANSION IN THE NOVEMBER BALLOT. WE DON'T REALLY NEED THIS ONE AS WELL. SO I DON'T REALLY HEAR A GOOD REASON TO DO SO.\r\n\r\nMAHALO. >> MEMBERS, ARE THERE ANY QUESTIONS OF THE TESTIFIER? IF NOT, THANK YOU VERY MUCH. DO WE HAVE ANOTHER TESTIFIER? >> YES, CHAIR. THE NEXT PERSON SIGNED UP TO TESTIFY IS TOM CROWLEY. >> ALOHA, COUNCIL.\r\n\r\nTOM CROWLEY, SPEAKING ON MY OWN BEHALF. SPEAKING AS SOMEONE WHO HAS ATTENDED I CALCULATED 350 PLANNING COMMISSION MEETINGS. I CAN TELL YOU THAT I THINK THE MAUI PLANNING COMMISSION IS ADEQUATE JOB THAT IS BEFORE THEM AND THAT CREATING THESE MULTIPLE PLANNING COMMISSIONS IS A MONUMENTALLY BAD IDEA. I KNOW WHAT IS BEHIND IT. WHAT IS BEHIND IS THAT MANY PEOPLE ARE UNHAPPY WITH DECISIONS THAT ARE MADE BY THE MAUI PLANNING COMMISSION OFTEN, BECAUSE SOMETIMES THOSE DECISIONS ARE UNPOPULAR, AND THEY DON'T REFLECT THE BULK OF THE TESTIMONY THAT THEY GOT. BUT I WOULD LIKE TO SUBMIT THAT IT'S NOT -- IT'S NOT A POPULARITY CONTEST WHEN SOMETHING GOES BEFORE THE PLANNING COMMISSION. THE PLANNING COMMISSION'S JOB IS TO EVALUATE WHETHER OR NOT THE APPLICATION IN FRONT OF THEM IS CONSISTENT WITH THE LAWS?\r\n\r\nASKING FOR THERE TO BE MORE PLANNING COMMISSIONS MEANS MANY MORE PEOPLE ARE GOING TO HAVE TO BE TRAINED IN THE LAW, AND UNDERSTAND THE LAW, AND I DON'T THINK THAT IS GOING TO HAPPEN. I THINK YOU'RE GOING TO END UP WITH MORE DECISIONS BEING MADE JUST BECAUSE SOMEONE'S GUT SAYS I DON'T LIKE THIS PARTICULAR PROPOSAL, AND THEN THE COUNTY IS GOING TO BE SUED MORE OFTEN BY THE DEVELOPER OR THE PERSON SEEKING THE PERMIT BEFORE THE COMMISSION, BECAUSE THE COMMISSION DIDN'T FOLLOW THE LAW. I STAND SO WHOLE HEARTEDLY AGAINST THIS IDEA, AND AS DAVE HAS ALREADY POINTED OUT, IT'S WRONG TO PRESENT THE VOTERS WITH TWO DIFFERENT PROPOSALS REGARDING THE PLANNING COMMISSIONS, AND FOR PEOPLE WHO ARE NOT AS WELL-VERSED AT WHAT IS GOING ON IN COUNTY GOVERNMENT IT PUTS THEM IN A DIFFICULT POSITION TO UNDERSTAND WHY ARE YOU PRESENTING ME WITH ONE IDEA ABOUT PLANNING COMMISSIONS, AND ANOTHER IDEA ABOUT PLANNING COMMISSIONS ON THE SAME BALLOT? IT WOULD MAKE IT CONFUSING OVERALL. AND I HOPE THAT ALL OF THE MEMBERS DID TAKE A LOOK AT THE MEMO

THAT YOU GOT, THE LETTER THAT YOU GOT FROM CORPORATION COUNSEL. BECAUSE THERE ARE BASICALLY FUNDAMENTAL LEGAL REASONS WHY THIS SHOULDN'T BE DONE. WITH MY EXPERIENCE SITTING AND OBSERVING THE PLANNING COMMISSIONS FOR AS MANY YEARS AS I HAVE, I CAN TELL YOU IT'S NOT A NEED FOR MORE PLANNING COMMISSIONS AND IT'S NOT A NEED THAT THE PLANNING COMMISSIONERS DON'T UNDERSTAND THE AREAS THAT THEY ARE VOTING ON.\r\n\r\nTHEY UNDERSTAND WHAT THEY ARE MAKING A VOTE IN KIHEI AND IT'S KIHEI AND WEST MAUI, CENTRAL MAUI, WHATEVER. I WOULD NOT LIKE TO SEE THIS MOVE ONTO THE BALLOT. THANK YOU, CHAIR. >> ANY QUESTIONS FOR CLARIFICATION? IF NOT, THANK YOU VERY MUCH. THANK YOU, TOM. SO MR.\r\n\r\nCLERK, ARE THERE ANY MORE TESTIFIERS? >> YES, CHAIR. THE NEXT PERSON SIGNED UP TO TESTIFY IS -- APOLOGIES, THERE ARE INDIVIDUALS SIGNED UP TO TESTIFY, BUT WE NEED TO CONFIRM THAT THEY DIDN'T TESTIFY ON THE ITEM ON FRIDAY. OKAY. THEN THE NEXT TESTIFIER SIGNED UP TO TESTIFY ON THIS ITEM IS DAVID DORN. >> HELLO, COUNCIL MEMBERS. THIS IS DAVID DORN HERE.\r\n\r\n>> HI. >> I WOULD LIKE TO TESTIFY REGARDING THE COMMUNITY PLAN DECISIONS. THIS IS EXTREMELY IMPORTANT FOR ALL OF THE REASONS THAT WE HAVE HEARD BEFORE. I DIDN'T TESTIFY ON FRIDAY, BECAUSE I WAS INVOLVED IN THE OTHER ONE. BUT WE NEED LOCAL REPRESENTATION. YOU CAN SEE THE PICTURE BEHIND ME? KIHEI'S PROBLEMS ARE NOT THE SAME AS KULA'S AS LAHAINA'S ITEMS AND OUR CURRENT PLANNING COMMISSION DOESN'T HAVE ANY PEOPLE THAT LIVE IN THE KIHEI AREA AND WITH RESPECT TO THE COUNCIL MEMBERS, NOT MANY OF YOU ARE FAMILIAR WITH THE AREA, YOU MAYBE ONE IS.\r\n\r\nWE KNOW WHAT THE PROBLEMS ARE AND WE CAN HAVE INSIGHT INTO THE SOLUTIONS. COMMISSIONERS DO NOT NEED TO KNOW THE LAW AND I HAVE BEEN TO COMMISSION MEETINGS AND THEY HAVE CORPORATION COUNSEL ON-HAND TO EXPLAIN TO THEM THE UNDERSTANDING THE LAW AND THE MAUI ISLAND PLAN AND EVERYTHING IS WHAT YOU SHOULD VOTE ON. SO IT'S BASICALLY TIRESOME OBJECTIVE USING THEIR KNOWLEDGE TO MAKE THESE DECISIONS. WE NEED LOCAL REPRESENTATION. THAT IS BASICALLY IT. THE CURRENT PLANNING COMMISSION IS A TERRIBLE MISREPRESENTATION OF OUR COMMUNITY. IT'S FULL OF REAL ESTATE AGENTS, UNION LOBBYISTS AND CONSTRUCTION REPS.\r\n\r\nIT'S VERY HARD TO GET A WORD IN EDGEWISE AND THEY ARE BASICALLY DON'T LISTEN TO TESTIMONY FROM THE COMMUNITY. THEY SAY YOU'RE EXAGGERATING AND THROWING SHADE ON IT AND THAT IS NOT THE COMMUNITY -- WE NEED LOCAL REPRESENTATION. WE NEED ONE FOR EACH DISTRICT. YOU WILL HAVE NO TROUBLE FILLING IT WITH UP HIGHLY EXPERIENCED PEOPLE FROM THE COMMUNITY, WHO WOULD LOVE THEIR VOICES HEARD FROM THE LOCAL COMMUNITY. LET'S DO IT. THANK YOU. QUESTIONS, MEMBERS.\r\n\r\n>> MEMBER KING. >> THANK YOU, CHAIR. THANK YOU, MR. DORN. I TOTALLY AGREE WITH YOU, WE HAD 38 PEOPLE APPLY FOR CPAC. HAVE YOU BEEN AT THE MAUI COUNTY PLANNING COMMISSION MEETINGS THAT YOU SAW THAT THE MAJORITY WAS NOT BEING HEARD? >> OH, YES.\r\n\r\nMULTIPLE OCCASIONS. IT'S VERY DISHEARTENING AND THE WAY THEY ARE RUN IS VERY DISRUPTIVE. WHERE YOU CAN TESTIFY AT THE BEGINNING. WE SPENT ALL DAY THERE TO GIVE THREE MINUTES' OF TESTIMONY AND THEY OUTRIGHT IGNORE YOU. THEY ARE RUDE. THEY MAKE TESTIFIERS CRY AND THEY SHOVE YOUR OWN TESTIMONY BACK DOWN YOUR THROAT. SO IT'S NOT GOOD.\r\n\r\n>> THANK YOU. ANY MORE QUESTIONS FOR MR. DORN? IF NOT, THANK YOU VERY MUCH. LET'S HAVE THE NEXT TESTIFIER. >> CHAIR, THE LAST PERSON WE HAVE SIGNED UP TO TESTIFY ON RESOLUTION 22-144 IS RICK ALEXANDER. >> RICK, WE'RE HERE.\r\n\r\n>> I HAVE BEEN WATCHING EVERYTHING. AS FAR AS THE PLANNING COMMISSION GOES, I DEFINITELY THINK THAT WE DON'T HAVE THE RIGHT TYPE OF PEOPLE IN THERE. LIKE DAVE SAID ABOUT YOU GET ALL OF THIS UNIONS THERE -- DIFFERENT GROUPS, LOBBYISTS THAT ARE ONLY LOOKING OUT FOR CERTAIN INDIVIDUALS AND NOT THE NEIGHBORHOODS ITSELF. NOW YEARS AND YEARS AGO, I

WENT TO A LOT OF MEETINGS BACK IN THE DAY, AND I HAVE SEEN HOW THINGS CAN GET CORRUPT AND ONE-SIDED. AND YOU KNOW, I HATE TO BRING IT UP, BUT DEFINITELY KIHEI WAS ONE OF THOSE PLACES WHEN MR. BETSO HAD SOME TIES INTO THAT. SO REGARDLESS OF THAT, THE WAY I LOOK AT IT IS YOU SHOULD HAVE KULA, MAKAWAO, NAPILI, KIHEI >> MR.\r\n\r\nALEXANDER? YOUR BARS LOOK STRONG. MR. ALEXANDER, WE CAN'T HEAR YOU. >> CAN YOU HEAR ME NOW? >> YES, BUT NOW YOU'RE GETTING WEAKER. MUST BE PEOPLE -- [INAUDIBLE] >> ARE YOU MOVING AROUND?\r\n\r\nARE YOU IN ONE PLACE? >> I'M JUST SITTING HERE AT MY DESK. SO YOU SHOULD RE-EVALUATE -- FIRST OF ALL, WHOEVER IS ON THAT BOARD SHOULD BE AT LEAST 10-15 YEARS ON THE ISLAND. THAT IS THE NO. 1 THING. THEN THE TYPE OF PEOPLE THAT ARE ON THERE SHOULD BE COMMUNITY PEOPLE, LIKE MY NEIGHBOR, DAVE DORN. I SUGGESTED THAT HE GO ON THE BOARD, BECAUSE HE HAS SUCH KNOWLEDGEABLE EXPERIENCE IN COMMUNICATION, YOU KNOW?\r\n\r\nNOT LIKE ME, I GET DIFFERENT WAYS OF COMMUNICATING, AND ALICE, YOU KNOW ME, MOST OF YOU KNOW ME. THE THING IS THAT AS THE YEARS CAME ON WITH MY PTSD, MORE STRUGGLES, YOU KNOW? AND THEN I BELIEVE THAT MAUI COUNTY IS WAY, WAY, WAY BACK OF SCHEDULE AS FAR AS A LOT OF THINGS. THE COMMUNITY PLANNING SHOULD REALLY STUDY BEFORE LETTING ANY MORE DIFFERENT THINGS COME IN. JUST LOOK AT THE AIRPORT RIGHT NOW. JUST LOOK AT THE WEATHER. LOOK AT IT NOW.\r\n\r\nTHOSE ARE THE THINGS THAT WE TALKED ABOUT. NOW WHEN YOU LET DEVELOPMENTS HAPPEN, LIKE HOW I SAID, I DON'T LIKE BEING [INAUDIBLE] WHEN THEY BACKFILL WETLANDS, MEADOWLANDS AND OTHER PROJECTS, YOU JUST MESS UP THINGS. SO YOU HAVE TO DO INFRASTRUCTURE, KEY IS DRAINAGE ON UPPER PI'ILANI HIGHWAY SHOULD MAKE CATCHMENT BASINS. >> RICK, YOU NEED TO FINISH UP, OKAY? >> OKAY, SORRY. BUT THE PLANNING COMMISSION SHOULD REALLY BE LOOKED AT AND THE RIGHT TYPE OF PEOPLE THERE BASICALLY, LIKE DAVID SAID. OKAY.\r\n\r\nTHANK YOU VERY MUCH, YOU PEOPLE. >> ALL RIGHT. ANY QUESTIONS? IF NOT, THANK YOU, RICK. >> ALOHA. >> NEXT TESTIFIER. >> THE NEXT PERSON SIGN UP TO TESTIFY ON RESOLUTION 22-144 IS KAI NISHIKI.\r\n\r\n>> HI, GOOD AFTERNOON, CHAIR AND COMMITTEE MEMBERS. I TESTIFY IN FULL SUPPORT. I WILL JUST RELAY MY EXPERIENCE BEFORE THE MAUI PLANNING COMMISSION AS CHAIR OF THE WEST MAUI COMMUNITY PLAN ADVISORY COMMITTEE, AND YOU KNOW, OUR WEST MAUI COMMUNITY REALLY PUT A LOT OF EFFORT INTO THE COMMUNITY PLAN. AND WHEN IT CAME BEFORE MAUI PLANNING COMMISSION, IT WAS -- THEY TRIED TO CHANGE A LOT OF THINGS THAT WE WORKED REALLY HARD. AND IT SEEMED THAT THERE WAS ONE -- THE SPECIFIC ISSUES FACING WEST MAUI AND THERE WAS A CONCERTED EFFORT BY MEMBERS OF THE REAL ESTATE AND CONSTRUCTION INDUSTRIES TO TAKE OUT THINGS IN THE COMMUNITY PLAN THAT THEY WEREN'T HAPPY WITH. SO YOU KNOW, THERE'S THAT. SO IT WOULD BE GOOD TO HAVE AREA REPRESENTATIVES MAKING DECISIONS ABOUT THAT AREA.\r\n\r\nAND ALMOST NEVER A LACK OF INTEREST FOR BOARDS AND COMMISSIONS, ESPECIALLY FOR THE PLANNING COMMISSION. SO I DON'T THINK THERE WOULD BE AN ISSUE WITH THAT. IN ADDITION, THE PLANNING COMMISSION IS THE AUTHORITY OR ACTS AS THE AUTHORITY IN ALL MATTERS RELATING TO COASTAL ZONE MANAGEMENT LAW AND AT THIS TIME IT -- AND FOR MANY YEARS, IT SEEMS THERE'S A LACK OF EXPERTISE IN THAT AREA. SO I HOPE THERE WILL BE EFFORTS TO CHANGE THAT, AND REQUIRE AT LEAST ONE SEAT IN EVERY DISTRICT HAVE A BACKGROUND IN COASTAL ZONE MANAGEMENT, AND COASTAL PROCESSES. SO THANK YOU VERY MUCH. >> THANK YOU, KAI. QUESTIONS, MEMBERS?\r\n\r\nMEMBER KING. >> THANK YOU, CHAIR. ALOHA, KAI. THANK YOU FOR BEING HERE AND TESTIFYING. I JUST WANTED TO CLARIFY THAT I THOUGHT I HEARD YOU SAY YOU DIDN'T THINK THERE WOULD BE ANY SHORTAGE OF PEOPLE WHO WANT TO SERVE ON A COMMUNITY PLANNING COMMISSION. >> ABSOLUTELY NOT. I MEAN, LIKE YOU SAID, IN SOUTH MAUI, THERE'S JUST TONS OF APPLICANTS.\r\n\r\nPEOPLE ARE VERY,

VERY INTERESTED IN HAVING INPUT INTO WHAT IS GOING ON IN THEIR COMMUNITIES. SO ABSOLUTELY. THANK YOU. >> THANK YOU. THANKS FOR BEING HERE. THANK YOU, CHAIR. >> ANY OTHER QUESTIONS?\r\n\r\nIF NOT, THANK YOU, KAI. >> THANK YOU. SEE YOU A LITTLE LATER. MAHALO. >> BYE. MR. CLERK.\r\n\r\n>> CHAIR, THERE ARE NO OTHER INDIVIDUALS SIGNED UP TO TESTIFY ON RESOLUTION 22-144, CD 1, FD 1. WE'LL DO A LAST CALL AT THIS TIME. IF THERE ARE ANY INDIVIDUALS WHO HAVE NOT TESTIFIED ON THIS ITEM ALREADY, BUT WOULD LIKE TO DO SO, PLEASE IDENTIFY YOURSELF NOW. AGAIN, THIS IS OUR LAST CALL FOR THIS ITEM. >> ARE THERE ANY OBJECTIONS TO CLOSING PUBLIC TESTIMONY AND ACCEPTING WRITTEN TESTIMONY FOR THE RECORD? >> NO OBJECTIONS. >> THANK YOU. SO ORDERED.\r\n\r\nMEMBER MOLINA. >> THANK YOU, MADAM CHAIR. PRIOR TO GETTING INTO DISCUSSION, WOULD THERE BE ANY CONSIDERATION TO TAKE A QUICK BREAK FOR STAFF AND OURSELVES TO GET SOMETHING TO NOURISH OURSELVES. AS WE MENTIONED WE'RE GOING TO DO A WORK-THROUGH-LUNCH KIND OF DEAL OR BEFORE THE DECISION OR VOTE ON THIS MATTER, JUST FOR CONSIDERATION? >> WHAT DID YOU HAVE IN MIND? 30 MINUTES? >> NAH, NOT EVEN THAT.\r\n\r\n>> 20 MINUTES? >> 10-15 MINUTES, WHATEVER. >> MEMBER JOHNSON. >> CHAIR, I'M OKAY WITH IT, BUT I'M JUST CONCERNED ABOUT TIME WE'RE PLANNING TO END TODAY. MY UNDERSTAND WAS 2:00 WAS THE HARD DEADLINE FOR US, CORRECT? THAT WOULD ONLY GIVE US 45 MINUTES. I DON'T KNOW IF THAT IS THE HARD DEADLINE?\r\n\r\nBEFORE WE DO THAT, I'M CURIOUS IF WE'RE ENDING AT 2:00? >> LET'S PUT IT THIS WAY, WE HAVE TWO HARD ISSUES TO DEAL WITH, AND THE REST, I BELIEVE, PRETTY MUCH ROUTINE. >> WILL WE BE ALLOWED TO DO TWO, AND THEN PUT EVERYTHING LATER ON? IF THAT IS THE GOAL? >> I DON'T KNOW -- I DON'T KNOW HOW LONG THE TWO WILL TAKE? ANY OTHER THOUGHTS OR SUGGESTIONS? YOU WANT TO TAKE A BREAK NOW OR TAKE ONE OF THE HARD ONES AND THEN TAKE A BREAK FOR 15 MINUTES? MEMBER KING?\r\n\r\n>> CHAIR, I THINK WE SHOULD GO AHEAD AND FINISH THIS ITEM, AND THEN SEE WHERE WE'RE AT TIMewise, AFTER WE GET DONE. THE ITEM THAT WE'RE ON RIGHT NOW. >> OKAY, MEMBERS ANY OBJECTIONS TO THAT? >> NO OBJECTIONS. >> ALL RIGHT. MR. CLERK, PLEASE BRING UP THE ITEM.\r\n\r\n>> CHAIR, YOU HAVE BEFORE YOU RESOLUTION 22-144, CD 1, FD 1, ENTITLED, "PROPOSING AN AMENDMENT TO CHAPTER 8 OF ARTICLE 8 OF THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH PLANNING COMMISSIONS FOR ALL COMMUNITY PLANS AREA ON MAUI, AND DISSOLVE THE MAUI PLANNING COMMISSION. >> MEMBER MOLINA. >> THANK YOU, MADAM CHAIR. MOVE TO PASS ON SECOND AND FINAL READING. >> SECOND. >> MOVED BY MEMBER MOLINA AND SECONDED BY MEMBER KING TO PASS RESOLUTION 22-144 ON SECOND AND FINAL READING. MEMBER MOLINA.\r\n\r\n>> THANK YOU, MADAM CHAIR, THIS RESOLUTION WOULD PLACE ON THE NEXT GENERAL ELECTION BALLOT THE QUESTION OF WHETHER THE CHARTER SHOULD BE FURTHER AMENDED EFFECTIVE JULY 1ST, 2023 TO ESTABLISH PLANNING COMMISSIONS FOR ALL COMMUNITY PLAN AREAS ON MAUI, AND DISSOLVE THE MAUI PLANNING COMMISSION. THE PROPOSED CHARTER AMENDMENT WOULD PROMOTE HOME-RULE IN LAND USE AND PLANNING BY GIVING EACH OF MAUI'S SIX COMMUNITY PLAN AREAS ITS OWN PLANNING COMMISSION. AS NOTED AT FIRST READING THIS PROPOSAL WOULD AMEND THE SAME CHARTER SECTION AS THE CHARTER COMMISSION PROPOSAL, BUT THAT IS NOT UNCOMMON FOR MULTIPLE PROPOSALS; AMENDING THE SAME CHARTER SECTION BE ON THE SAME BALLOT. ALL SUCCESSFUL CHARTER AMENDMENTS MUST BE READ MANY HARMONY WITH EACH OTHER AS HAS HAPPENED THROUGHOUT THE COUNTY'S HISTORY, EXCEPT WHEN THE CHARTER COMMISSION AND COUNCIL HAVE COMPETING EFFORTS, IN WHICH CASE THE ONE WITH THE LARGEST NUMBER OF VOTERS IS GIVEN EFFECT. THE COUNTY CLERK IS OTHERWISE EMPOWERED AND OBLIGATED TO GIVE EFFECT TO EACH PROPOSED CHARTER AMENDMENT THAT RECEIVES A MAJORITY VOTE. LEGAL ACTION HAS NOT BEEN

REQUIRED IN PAST TO DEMONSTRATE HOW TO INCORPORATE THOSE AMENDMENTS INTO AN UPDATED MAUI COUNTY CHARTER AFTER A GENERAL ELECTION AND IT'S NOT REQUIRED HERE. I ASK FOR THE MEMBERS' SUPPORT OF THIS MOTION.\r\n\r\nTHANK YOU. >> FURTHER DISCUSSION? ANY DISCUSSION? MR. SINENCI. >> MAHALO TO MEMBER MOLINA FOR THAT EXPLANATION. I DID HAVE A QUESTION FOR THE CLERK, IF THE CHARTER AMENDMENT WOULD BE AN ALTERNATIVE TO THE CHARTER AMENDMENT NO.\r\n\r\n4? IT SOUNDS LIKE WHICH ONE GETS THE HIGHEST VOTES. >> MR. CLERK. >> YES, CHAIR. THAT IS OUR CURRENT UNDERSTANDING AT THE MOMENT. WE DON'T INTERPRET IT AS AN ALTERNATIVE, LIKE THE OTHER ALTERNATIVES THAT THE BODY PROPOSED WHEN YOU WERE CONSIDERING THE CHARTER COMMISSION'S PROPOSALS. BUT YES, IF THERE ARE COMPETING PROPOSALS ON THE BALLOT, OUR CURRENT UNDERSTANDING IS THAT THE LARGEST VOTE-RECEIVER WOULD BE THE ONE THAT WOULD BE INCORPORATED INTO THE CHARTER.\r\n\r\nTHANK YOU. >> THANK YOU. >> ANY MORE QUESTIONS OR COMMENTS? YES, CORP. COUNSEL. >> THANK YOU VERY MUCH, CHAIR LEE. WE'RE NOT CERTAIN THAT WOULD BE THE OUTCOME.\r\n\r\nTHERE'S NO PROVISION IN HOW TO HANDLE TWO CHARTER AMENDMENTS OPPOSED TO ONE ANOTHER. WE THINK WE WOULD NEED TO SEEK COURT INTERVENTION. WE DON'T THINK IT WOULD BE SIMPLY THE ONE THAT GOT THE MOST VOTES ALTHOUGH THAT COULD BE WHAT A COURT DECIDES. >> ANY MORE DISCUSSION? MEMBER KING. >> THANK YOU, CHAIR. THANK YOU, MEMBER MOLINA, FOR DOING THE RESEARCH ON THAT, BECAUSE I KNOW BOTH OF US ASKED FOR A PDF AND YOU FOLLOWED UP WITH THAT.\r\n\r\nCHAIR, MAYBE WE COULD ASK DAVID RAATZ TO GIVE HIS OPINION? >> DAVID, ARE YOU ON THE CALL? DAVID, DID YOU HEAR THE QUESTION? >> YES, THANK YOU, CHAIR LEE. AS COUNCIL MEMBER MOLINA MENTIONED, THIS PROPOSAL IS THE COUNCIL'S OWN CHARTER AMENDMENT. IT'S NOT ACTUALLY AN ALTERNATIVE TO ANY OF THE CHARTER COMMISSION'S PROPOSAL. THAT IS A SEPARATE PROCESS THAT IS SET-UP, AND YOU WILL SEE ON THE GENERAL ELECTION BALLOT BASED ON THE PROCESS THAT HAS ALREADY CONCLUDED WITH THE CHARTER COMMISSION, THERE WILL BE SOME ALTERNATIVES ON SPECIFIC ISSUES, WHERE EITHER A CHARTER COMMISSION PROPOSAL, OR A COUNTY COUNCIL PROPOSAL WILL GET APPROVED BASED ON THE MOST NUMBER OF VOTES ON THAT PARTICULAR SUBJECT, WHERE THERE IS AN ALTERNATIVE.\r\n\r\nTHIS IS A SEPARATE PROCESS UNDER THE CHARTER, AND THAT IS THE CASE FOR ALL THREE OF THE CHARTER AMENDMENTS THAT HAVE BEEN CONSIDERED TODAY. AND IF ANY OF THE CHARTER AMENDMENTS THAT THE COUNCIL INITIATES GET A MAJORITY VOTE, THEN THEY WILL BE DEEMED APPROVED. AND OFFICE OF COUNCIL SERVICES IS CONFIDENT WE CAN WORK WITH THE OFFICE OF THE COUNTY CLERK, AND THE DEPARTMENT OF THE CORPORATION COUNSEL TO PRODUCE AN UPDATED CHARTER BASED ON ANY CHARTER AMENDMENTS APPROVED BY THE ELECTORATE ON NOVEMBER 8TH WITHOUT REQUIRING JUDICIAL ACTION. THANK YOU, CHAIR. >> ANY QUESTIONS, MEMBERS? ANY MORE DISCUSSION? MEMBER KING.\r\n\r\n>> THANK YOU, CHAIR. JUST WANT TO THANK THE MEMBERSHIP -- THE MEMBERS FOR GETTING THIS PROPOSAL TO THIS POINT. FOR MANY OF US ON THE ISLAND OF MAUI, IN OUR COMMUNITIES, THIS IS AN EQUITY ISSUE. AND FOR MANY YEARS, WE HAVE SEEN AN OVERWHELMING MAJORITY OF WAILUKU RESIDENTS ON THE COMMISSION AND AS YOU HEARD FROM OUR COMMUNITY WE DON'T OFTEN FEEL HEARD AND, IN FACT MOST OF THE TIMES WE DON'T FEEL HEARD. WHEN PROJECTS ARE APPROVED BASED ON SOME KIND OF ISLANDWIDE NEED AND NOT LOOKING AT THE IMMEDIATE AREA, THAT THEY ARE GOING INTO, IT PUTS A COMMUNITY AT A SEVERE DISADVANTAGE. AND YOU KNOW, THE AIM IS REALLY GOOD FOR THIS, FOR THE PLANNING COMMISSION, BECAUSE WE ARE GOING INTO THE PROCESS OF THE COMMUNITY PLAN, THE SOUTH MAUI COMMUNITY PLAN. IT WAS ASTOUNDING TO SEE 38 APPLICATIONS FOR THE CPAC COMMUNITY PLAN ADVISORY COMMITTEE.\r\n\r\nIT GIVES ME A LOT OF HOPE IT'S NOT JUST OUR COMMUNITY, BUT ALSO WEST MAUI,

EAST MAUI AND PA'IA-HAIKU WILL HAVE SIMILAR REACTION TO PLANNING COMMISSION IN THEIR AREAS. IF PEOPLE WANT TO BE INVOLVED IN THEIR FUTURE DESTINY AND THEY HAVE NOT BEEN. SO I URGE THE MEMBERS' FULL SUPPORT OF THIS TO PUT IT ON THE BALLOT AND LET THE PEOPLE DECIDE IF THEY WANT REPRESENTATION ON THEIR COMMUNITY AND STOP WITHHOLDING THAT REPRESENTATION. THANK YOU, CHAIR. >> MEMBERS, ANY FURTHER DISCUSSION? CORP. COUNSEL?\r\n\r\n>> THANK YOU, CHAIR. SO I JUST WANTED TO JUST DRAW THE MEMBERS' ATTENTION TO OUR JULY 14TH MEMO. WE WENT THROUGH A VERY EXTENSIVE ANALYSIS OF BOTH THE CHARTER COMMISSION'S PROPOSAL AND ALSO THIS PROPOSAL BY COUNCIL MEMBER KING. WE DO NOT AGREE WITH OCS AT THIS POINT THAT BOTH PROPOSALS, IF APPROVED CAN BE HARMONIOUSLY READ. THERE ARE CERTAIN PROVISIONS IN COUNCIL MEMBER KING'S PROPOSAL ALSO THAT CONVEY SIGNIFICANT POWERS THAT HAVEN'T BEEN FULLY DISCUSSED. ONE OF THE THINGS I DID WANT TO -- I WON'T GO OVER THE MEMO, BUT SECTION 7. IT'S 8-8.47. THESE ARE THE POWERS RESERVED TO COUNCIL. AND ONE OF THE MOST IMPORTANT POWERS RESERVED TO COUNCIL WOULD BE TO INCREASE OR DECREASE THE NUMBER OF PLANNING COMMISSIONERS.\r\n\r\n\r\nTHE FIRST SECTION OF THE BILL ALSO IS NOT ONLY ELIMINATE THE MAUI PLANNING COMMISSION, BUT ELIMINATES THE SECTIONS THAT INCLUDES THE MOLOKA'I PLANNING COMMISSION AND THERE'S OTHER REFERENCES TO THOSE PLANNING COMMISSIONS IN 8-8.4 THAT ARE REMAINING, BUT THAT BROAD POWER UNDER SUBSECTION 7 WOULD MEAN THAT FUTURE COUNCILS CAN ALLOCATE JURISDICTION, NOT ONLY IN PART OF THE COMMUNITY PLAN AREAS, BUT POTENTIALLY SUBJECT MATTER AND JURISDICTION BETWEEN DIFFERENT PLANNING COMMISSIONS THAT CAN BE CREATED AT SOME POINT LATER BY ORDINANCE. SO THANK YOU VERY MUCH FOR THE TIME. >> THANK YOU. MEMBER SUGIMURA. >> THANK YOU. I'M GOING TO VOTE AGAINST THIS. HEARING DAVE DELEON, WHO IS -- THE CURRENT CHARTER COMMISSION, AND HEARING THEIR DISCUSSION I SUPPORT WHAT THE CHARTER COMMISSION PUT FORWARD, AND I BELIEVE THAT WHAT WE'RE PROPOSING NOW WILL WORK AGAINST THE GOOD EFFORTS THAT WERE PUT IN BY THE CHARTER COMMISSION AND THE AMENDMENTS THAT WE DID WHEN WE REVIEWED IT.\r\n\r\n\r\nSO THEREFORE, I'M GOING TO BE VOTING AGAINST THIS PROPOSAL AS IT SITS BEFORE US. THANK YOU. >> PRO TEM KAMA. >> THANK YOU, CHAIR. I TOO, WILL ALSO BE VOTING AGAINST THIS PROPOSAL. WE JUST HEARD FROM CORP. COUNSEL THE UNINTENDED CONSEQUENCES THAT COULD OCCUR.\r\n\r\n\r\nAND THE CONFLICTS THAT THESE TWO PROPOSALS ARE GOING TO COME. WE'RE GOING TO HAVE OUR PEOPLE DETERMINE WHAT THEY SHOULD OR SHOULD NOT VOTE FOR? AND WHETHER OR NOT THEY EVEN UNDERSTAND WHAT IT IS? AND YOU KNOW, OUR JOB IS TO MAKE THE LIVES OF OUR PEOPLE EASIER AND IT JUST SEEMS WE'RE ADDING MORE STUFF TO THEM. THAT IS NOT WHAT WE'RE HERE TO DO. AT LEAST THAT IS NOT WHY I'M HERE. SO YOU KNOW, TODAY WAS HARD.\r\n\r\n\r\nLAST WEEK WAS HARD. BUT YOU KNOW, IT IS WHAT WE'RE ELECTED TO DO, TO DO THE HARD STUFF AND NOT WHETHER OR NOT WE'RE GOING TO WIN AN ELECTION, BUT WHETHER OR NOT WHAT WE SAY IS RIGHT AND GOOD FOR EVERYONE. IT'S NOT JUST FOR THOSE WHO SPEAK THE LOUDEST AND THOSE WHO COME. BECAUSE THE PEOPLE WHO DON'T COME ARE OUR LOCAL PEOPLE, WHO ARE WORKING TWO OR THREE JOBS, TRYING TO GET THEIR FAMILIES SITUATED, TRYING TO MAKE A LIVING HERE IN HAWAI'I, AND THEY'RE DROWNING. THEY'RE DROWNING. I KNOW THAT A LOT OF THEM ARE MY FAMILY. I HAVE GRANDKIDS THAT ARE DROWNING AND I DON'T WANT TO BE RESPONSIBLE, FOR MY KIDS, GRANDKIDS OR EVEN YOUR KIDS OR GRANDKIDS FOR HAVING SUCH A HARD LIFE, IF WE DON'T HELP THEM TO MAKE SOME DECISIONS EASY ON THEM.\r\n\r\n\r\nTHAT IS WHAT I WAS TAUGHT TO TAKE THE BURDENS OFF OUR PEOPLE, AND IF WE HAVE TO CARRY IT, WE CARRY IT. I'M OKAY WITH THAT, CHAIR. BUT I'M NOT VOTING FOR THIS PROPOSAL. THANK YOU. >> ANYONE ELSE? I'LL JUST SAY THAT I, TOO, AM NOT. >> CHAIR?\r\n\r\n\r\n>> VICE-CHAIR

RAWLINS-FERNANDEZ. >> MAHALO, CHAIR. SORRY, MY VIDEO ISN'T WORKING. >> YOU WANT TO START TALKING. >> I SUPPORTED THIS -- YES. THERE'S A DELAY BECAUSE OF THE PHONE. I SUPPORTED THIS CHARTER AMENDMENT BECAUSE I UNDERSTAND THAT GIVING THE COUNCIL TO POWER TO INCREASE OR DECREASE THE NUMBER OF PLANNING COMMISSIONS ON MAUI TO RIGHT SIZE IT, PERHAPS NOT ONE IN EVERY DISTRICT, BUT PERHAPS A GROUP OF DISTRICTS.\r\n\r\nBUT I NOW UNDERSTAND IT DOES NOT GIVE THE COUNCIL THAT POWER TO ESTABLISH. IT GIVES THE COUNCIL THE POWER TO ESTABLISH TRANSITIONAL RULES ONLY, AND NOT INCREASE/DECREASE AS STATED BY MR. FORREST IN COMMITTEE, AND MS. THOMPSON TODAY. I DON'T AGREE WITH SOME OF THE ASSESSMENTS THAT WE HEARD IN TESTIMONY. WHAT I SEE IS THE TRUST AND CONFIDENCE AND THE INTEGRITY OF THE COMMISSION THAT HAS BEEN ERODED BECAUSE IT'S NOT CLEAR THAT DECISIONS ARE BEING MADE ABOVE FINANCIAL INTERESTS. INDIVIDUAL FINANCIAL INTERESTS, OR GROUPS OF FINANCIAL INTERESTS.\r\n\r\nIT IS THE SELECTION PROCESS THAT IS NOT SERVING THE LARGER COMMUNITY. THE CHARTER COMMISSION HAS APPROVED AN AMENDMENT TO ESTABLISH AN INDEPENDENT SELECTION COMMITTEE TO ADDRESS THIS PROBLEM. 2017, OUR MOLOKA'I PLANNING COMMISSION CONSISTED OF NINE MOLOKA'I RESIDENTS AND THERE WAS OBVIOUS FINANCIAL INTEREST IN THEM VOTING TO APPROVE PROJECTS AND STR PERMITS. THAT YEAR A GROUP OF US DEMANDED THAT THE COMMISSION CHAIR STEP DOWN. HE TOOK IT FURTHER AND RESIGNED FROM THE COMMISSION AND IMMEDIATELY AFTER, FOUR OTHER COMMISSIONERS ALSO RESIGNED FROM THE COMMISSION. SO EVEN THOUGH THE COMMISSION CONSISTED ENTIRELY OF MOLOKA'I RESIDENTS, IT WAS APPARENT THAT RESIDENCY DIDN'T MATTER AS IN THE DECISION-MAKING AS FINANCIAL INTEREST, AS IT SEEMS WITH THE CASE OF THE CURRENT MAUI PLANNING COMMISSION. I AGREE GEOGRAPHIC REPRESENTATION IS IMPORTANT AND THAT THE AMENDMENTS OF THE CHARTER COMMISSION COULD BE INCLUDED IN THE BALLOT THAT EVERY DISTRICT WOULD BE REQUIRED [INAUDIBLE] SO I DID SUPPORT THIS PROPOSAL, BUT THAT IS MY REASON FOR CHANGING MY POSITION AT THIS TIME.\r\n\r\nMAHALO, CHAIR. >> VICE-CHAIR, ARE YOU COMING TO THE BUILDING? >> NO, I'M ON O'AHU, CHAIR. >> OH, I SEE. OKAY. ALL RIGHT. ANY FURTHER DISCUSSION?\r\n\r\nI, TOO, WILL BE VOTING AGAINST IT. I THINK, I UNDERSTAND THE REASONING. I THINK THAT THERE'S MERITS TO THAT, BUT I BELIEVE THAT THE AVERAGE VOTER IS GOING TO BECOME CONFUSED WITH THE TWO CHARTER AMENDMENTS THAT ARE PROPOSED. I DO WONDER IF THERE'S NOT KIND OF CONTRADICTION IN THERE. MR. CLERK, ROLL CALL. >> CHAIR, PROCEEDING WITH THE ROLL-CALL VOTE.\r\n\r\nCOUNCIL MEMBER SHANE SINENCI? >> AYE. >> COUNCIL MEMBER MIKE MOLINA? >> AYE. >> COUNCIL MEMBER KELLY TAKAYA KING? >> AYE. >> COUNCIL MEMBER GABE JOHNSON?\r\n\r\n>> AYE. >> COUNCIL MEMBER TAMARA PALTIN? >> I DIDN'T HEAR YOU, DID YOU SAY AYE? >> I SAID NO. >> YOU SAID NO, OKAY. >> COUNCIL MEMBER YUKI LEI SUGIMURA. >> NO.\r\n\r\n>> PRESIDING OFFICER PRO TEMPORE TASHA KAMA? >> NO. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ? >> NO, I'M SORRY. >> AND COUNCIL CHAIR ALICE L. LEE? >> NO. >> CHAIR, THERE ARE FOUR AYES, FIVE NOS, MOTION FAILS.\r\n\r\n>> OKAY. NOW MEMBERS, WHAT DO YOU WANT TO DO? THE NEXT BIG ONE WILL BE THE LIGHT BILL. >> CHAIR? >> YES. >> APOLOGIES, CHAIR. THE RESOLUTION 22-144 IS STILL BEFORE THE BODY FOR SOME OTHER ACTION TO BE TAKEN.\r\n\r\n>> OKAY. WHAT OTHER ACTION? THE FILING? >> THE BODY COULD CONSIDER RECOMMITTAL OR FILING, OR DEFERRAL? ANY OF THOSE. >> MEMBER MOLINA. >> MOVE TO FILE.\r\n\r\n>> SECOND. >> MOVED BY MEMBER MOLINA, SECONDED MY MEMBER SUGIMURA TO FILE THE ITEM. ANY DISCUSSION? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY AYE? >> YES. >> AYE. >> AYE.\r\n\r\n>> AYE. >> OKAY, ALL AYES, ZERO NOS, MOTION CARRIES, NINE AYES, ZERO NOS. MOTION CARRIES. MEMBERS, WHAT WOULD YOU LIKE TO DO?

MEMBER MOLINA. >> CAN WE TAKE FIVE MINUTES? >> OKAY.\r\n\r\nMEMBERS, DO YOU WANT TO TAKE TEN MINUTES? >> TEN MINUTES, CHAIR. THANK YOU. >> TEN MINUTES WILL BE 1:33. THIS MEETING IS IN RECESS. [GAVEL] [GAVEL] >> WILL THE COUNCIL MEETING CONTINUATION FROM JULY 15TH PLEASE RECONVENE. IT'S NOW APPROXIMATELY 1:41 P.M. ON MONDAY, JULY 18TH, 2022. MEMBERS, WE'RE TALKING ABOUT WHAT WE SHOULD DO, SINCE WE HAVE THREE MEMBERS THAT HAVE TO LEAVE FOR -- IN ABOUT FIVE MINUTES, AND THEY'LL COME BACK. BUT THEN AT 2:30, WE'RE GOING TO LOSE PRO TEM KAMA AND I'M NOT SURE, DOES ANYBODY KNOW IF VICE-CHAIR RAWLINS-FERNANDEZ IS RETURNING?\r\n\r\n>> I SAW HER, I THINK SHE'S ON. >> I'M ON, CHAIR. >> ARE YOU GOING TO STAY ON? >> I HAVE A DOCTOR'S APPOINTMENT AT 3:30. >> OKAY. >> I COULD BE ON UNTIL THEN. >> UNTIL UP TO 3:30? >> WELL, I WOULD HAVE TO CHECK IN WITH THE DOCTOR'S, AT LEAST 3:15. >> 3:15. WE'LL HAVE ALMOST EVERYBODY -- WE'LL HAVE EVERYBODY UNTIL 2:15. THAT MEANS MEMBER SUGIMURA, MEMBER SINENCI AND MEMBER PALTIN WILL BE BACK AT 2:15 AND MEMBER KAMA, ARE YOU LEAVING AT 2:15 OR YOUR APPOINTMENT IS AT 2:30? >> MY APPOINTMENT IS AT 2:30, SO I WOULD BE LEAVING AT 2:15. >> SO YOU'LL BE GONE. >> I CAN CONNECT BY PHONE AS I DRIVE.\r\n\r\n>> OKAY, IS THAT LEGAL -- I DON'T KNOW. BUT ANYWAY LET'S DO BEST WE CAN. WE HAVE GOT TO MOVE FORWARD. SO LET'S TAKE A BREAK AT 1:50, IN SEVEN MINUTES, AND RETURN AT 2:15, AND THEN PRO TEM KAMA, JUST JOIN US AS YOU CAN. OKAY? >> GOT IT. GOT IT.\r\n\r\n>> AND THEN EVERYBODY ELSE WE HAVE -- WE'RE GOING TO LOSE ONE MORE AT 3:15. >> I CAN COME BACK AFTER MY DOCTOR'S APPOINTMENT, TOO. >> WELL, I THINK MEMBER MOLINA HAS SOMETHING AT 4:30. >> I THINK WE'RE GOING TO MAKE IT WORK, CHAIR. WE'RE GOING TO MAKE IT WORK. >> ALL RIGHT. MEMBER KING HAD A GOOD IDEA, BUT I GUESS IT DIDN'T WORK, BECAUSE MR. CLERK, THE TESTIMONY ON BILL 21 IS STILL OPEN. >> YES, CHAIR.\r\n\r\nTESTIMONY REMAINS OPEN FOR BILL 21. >> SO THE IDEA OF LEAVING IT ON THE CLERK'S TABLE AND TAKING IT UP AGAIN ON AUGUST 5TH AT THE NEXT COUNCIL MEETING, THAT WOULDN'T WORK, BECAUSE WE WOULD HAVE TO OPEN TESTIMONY AGAIN. I MEAN, WE COULDN'T CLOSE TESTIMONY. >> CHAIR, IF BILL 21 IS POSTPONED TO THE NEXT COUNCIL MEETING, SINCE THAT IS A NEW COUNCIL MEETING, ANYONE WILL BE ABLE TO TESTIFY ON THE ITEM AGAIN. >> MEMBER KING, YOU WOULDN'T CONSIDER A RECOMMITTAL, HUH? >> I DON'T WANT TO RECOMMIT IT TO COMMITTEE. THAT DOESN'T SOLVE THE PROBLEM. I THINK THERE'S A LOT OF MISINFORMATION, AND I HAVE TRIED TO TAKE CARE OF THAT IN THIS AMENDMENT.\r\n\r\nBUT BECAUSE THAT DOESN'T SOLVE THE PROBLEM OF TESTIMONY. YOU KNOW, WE CAN STILL HAVE THREE HOURS' OF TESTIMONY. BUT I THINK IF WE USE THE NEXT FIVE MINUTES OR SOMETHING TO TRY TO GET ONE OF THESE OTHER ONES OR TWO OF THE OTHER ONES DONE, THAT MIGHT BE PRODUCTIVE. THE LAST TWO. >> WHICH ONE. >> MEMBER JOHNSON'S ONE. >> THERE'S FOUR LEFT.\r\n\r\n>> FOUR LEFT. WHO HAD HIS OR HER HAND UP? WAS IT MEMBER PALTIN. OKAY, MEMBER PALTIN. >> I WOULD SPEAK IN FAVOR OF RECOMMITTAL, BECAUSE YOU KNOW, THERE'S A LOT TO GO THROUGH, AND WE HAD THREE MEETINGS ON THE LIGHTING BILL. AT FIRST READING THERE WAS AN AMENDMENT THAT WAS SUPPOSED TO ADDRESS PEOPLE'S CONCERNS AND IF WE GO BACK TO COMMITTEE, WE CAN TALK IT OUT WITH THE SCHOOL FOLKS, THE POLICE CHIEF, PUBLIC WORKS, AND THAT, BECAUSE EVEN IF WE PASS SOMETHING WITH AN AMENDMENT, I MEAN, I CAN ANTICIPATE A VETO COMING DOWN. SO IT WOULDN'T BE THE LAST OF IT, EVEN THOUGH IT'S SECOND AND FINAL.\r\n\r\nSO MY PREFERENCE IS JUST TO TALK IT OUT WITH EVERYBODY IN COMMITTEE, TRY TO COME UP TO AN AGREEMENT, AND MOVE FORWARD FROM THERE. I MEAN WE HAVE ALREADY HEARD AT COUNCIL THREE TIMES RECORD TESTIMONY. >> MEMBER KING. >> THE TESTIMONY WASN'T ALL ABOUT THIS ONE ITEM. BUT YOU KNOW, IF THAT IS THE WILL OF THE BODY, IT'S DISAPPOINTING, BECAUSE WE DID WORK OUT THESE

EXEMPTIONS, AND WITH THOSE ENTITIES, AND THERE WAS -- I DON'T KNOW IF IT WAS SLOPPY REPORTING OR DELIBERATE MISREPORTING BECAUSE FOR PEOPLE TO GET THE IMPRESSION WE WERE GOING TO SHUT DOWN SPORTS AT NIGHT WAS -- SHAME ON THOSE REPORTERS WHO PUT THAT TOGETHER. IT WAS ONE PERSON WHO INSTIGATED THAT REPORT AND IT WAS VERY POORLY DONE FOR PEOPLE TO GET THE IMPRESSION OF US BEING CLOSING DOWN SPORTS WHEN WE MADE THOSE EXEMPTIONS. IF THAT IS THE WILL OF THE BODY, AND YOU FEEL THAT DAMAGE HAS BEEN DONE AND WE HAVE TO RECTIFY IT, SO BE IT.\r\n\r\n>> MEMBER SUGIMURA. >> SO AS THIS BILL HAS GONE THROUGH THE PROCESS, THERE HAS NOT BEEN CLEAR COMMUNICATION, AND I'M GLAD THAT THE PEOPLE WHO CAME TO TESTIFY EXPRESSED THEIR CONCERNS, BECAUSE OBVIOUSLY, THE COUNCIL HEARD THEM. AND I DON'T BELIEVE THAT WE HAVE SOLVED THE PROBLEM OF THE OBAN PEOPLE THAT CAME OUT AND THE REASON WHY THE SPORTS PEOPLE ARE COMING OUT THERE'S A THREE-YEAR LIMITATION, THREE YEARS, WHATEVER THAT EXEMPTION WAS, IT STILL LEFT IT THERE OF SOMETHING THAT HAD TO BE ADDRESSED. SO WE JUST NEED TO CLEAR THIS UP. I HAVE A WHOLE BUNCH OF EXEMPTIONS THAT I WANTED TO ADD TO THE BILL, BUT I WILL WAIT FOR WHAT THE COMMITTEE DECIDES, IF WE CAN SEND IT BACK TO COMMITTEE, OR IF WE'RE GOING TO CONTINUE ON I WILL SUBMIT MY EXEMPTIONS TO CLARIFY THINGS THAT I HEARD FROM THE COMMUNITY. >> PRO TEM KAMA. >> THANK YOU, CHAIR.\r\n\r\nI'M IN AGREEMENT WITH WHAT MEMBER KING IS TRYING TO DO AND DO THE BILL RIGHT FROM THE ON SET AND GET THE TRUTH OUT THIS, SO OUR COMMUNITY IS CLEAR ON WHAT THE INTENT OF THE BILL IS AND THE INTENT AND WILL OF THE BODY IS. SO I CONCUR. THANK YOU, CHAIR. >> ANYBODY ELSE? BECAUSE WE HAVE NOW RUN UP TO 1:50. MEMBER MOLINA. >> MADAM CHAIR, I YIELD THE FLOOR. I THINK VICE-CHAIR RAWLINS-FERNANDEZ HAD HER HAND UP BEFORE ME IF SHE WANTED TO SPEAK.\r\n\r\n>> VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO, CHAIR. CAN YOU HEAR ME? >> YES. >> MAHALO, CHAIR. I WOULD SUPPORT A RECOMMITTAL, AND THAT WAY WE CAN IRON EVERYTHING OUT. WHILE THERE ISN'T A DEADLINE, I RECOGNIZE AND AGREE THAT THE SOONER THAT WE CAN ADDRESS THE LIGHTING ISSUES FOR OUR SEABIRDS, BECAUSE THEY ARE AN IMPORTANT PART OF OUR ECOSYSTEM.\r\n\r\nBUT IF WE CAN JUST FIGURE IT ALL OUT, GET IT ALL IRONED OUT AND MAKE SURE ANY CONCERNS ARE ADEQUATELY ADDRESSED SO MOVING FORWARD TO COUNCIL, WE WON'T GET SO MUCH TESTIMONY, BECAUSE THEN EVERYBODY WILL UNDERSTAND AND WE'LL BE ON THE SAME PAGE. AT LEAST THAT IS THE IDEAL IN A PERFECT WORLD. PERHAPS THE REPORTING WILL BE MORE FAIR AND ACCURATE IN WHAT THE BILL WILL SEEK TO ACCOMPLISH, AND ALL OF THE CONCERNS WILL THEN BE ADDRESSED, AND THEN WE'LL HAVE FULL SUPPORT FOR THE BILL. MAHALO, CHAIR. >> ANYONE ELSE, BEFORE WE CLOSE? YES, MEMBER MOLINA. >> THANK YOU, MADAM CHAIR.\r\n\r\nMIGHT AS WELL GET IN MY TWO CENT WITH THE ORIGINAL LIGHTING BILL, AND NOW WE HAVE A PROPOSAL THAT HAS MORPHED INTO ADDRESSING LIGHTS FROM THE BUSINESS SECTOR, AS WELL AS THE COMMUNITY SECTOR. YOU KNOW, PEOPLE'S HOUSES, RESIDENTS, NOW BALLPARKS. COMMITTEE IS THE MORE APPROPRIATE PLACE TO WORK ON. I THINK A LOT OF PEOPLE DON'T HAVE A CLEAR UNDERSTANDING OF THIS. WE MAY HAVE IT, BECAUSE WE WORKED WITH THIS STUFF EVERY DAY. THE SCIENCE COMMUNITY MAY HAVE A GOOD UNDERSTANDING, BUT A LOT OF EVERY-DAY FOLKS THAT ARE UNABLE TO COME AND TESTIFY, AS MEMBER KAMA MENTION OUR LOCAL RESIDENTS WHO ARE WORKING JOBS. THESE MEETINGS ARE BEING HELD IN THE DAYTIME AND IRONICALLY, NIGHT-TIME IS WHEN THEY WOULD PARTICIPATE, AS THEY WOULD TO WATCH THEIR CHILDREN PLAY IN GAMES.\r\n\r\nSO I BELIEVE IT'S BEST TO HEAR FROM ALL SEGMENTS OF THE COMMUNITY. BECAUSE THIS WILL HAVE A GREATER IMPACT ON THE COMMUNITY WITH THIS CURRENT LEGISLATION. SO WE NEED TO ABSOLUTELY MAKE SURE EVERYBODY HAS A FULL UNDERSTANDING OF THIS. SO COMMITTEE IS THE APPROPRIATE PLACE TO HAVE A MUCH MORE FULLER AND BROADER DISCUSSION ON

THIS. THANK YOU. >> ALL RIGHT, MEMBERS. WE SAID WE NEED TO LET THE MEMBERS GO.\r\n\r\nSO MEMBER SINENCI, MEMBER SUGIMURA, MEMBER PALTIN, WE'LL SEE YOU BACK AT 2:15. MEMBERS, THE REST OF THE MEMBERS, WE'RE IN RECESS UNTIL 2:15, ALL RIGHT? MEETING IN RECESS. [GAVEL] [GAVEL] WILL THE MAUI COUNTY COUNCIL MEETING PLEASE RECONVENE, A CONTINUATION FROM FRIDAY, JULY 15TH, 2022. MR. CLERK, WELL, MEMBERS, WHAT IS YOUR PLEASURE? DO YOU WANT TO TAKE UP THE NEXT ITEM WOULD HAVE BEEN THE LIGHT BILL. I BELIEVE, MR. CLERK, WAS IT LIGHT BILL?\r\n\r\n>> YES, CHAIR. THERE'S THAT ITEM AND ALSO BEFORE THE BODY ARE THE OTHER TWO, ALSO REMAINING BEFORE THE BODY IS THE OTHER TWO BILLS FOR SECOND AND FINAL READING AND COMMITTEE REPORT 22-62. >> OKAY. >> MEMBER, KING, DO YOU HAVE ANY SUGGESTIONS BEFORE WE TAKE THIS UP? >> ARE WE TALKING UP THE LIGHTING BILL? I THOUGHT WE WERE GOING THROUGH COMMITTEE REPORTS FIRST. >> WE COULD. >> THAT WOULD BE THE NEXT LOGICAL ORDER, BECAUSE WE ONLY HAVE ONE COMMITTEE REPORT LEFT.\r\n\r\n>> AND THEN AFTER THAT, THE IDEA WAS FOR US TO TRY TO GO THROUGH THE HARD ONES. SO THAT WE COULD FLY THROUGH THE REST. >> OKAY. WELL, I CAN, IF YOU WANT TO TAKE UP BILL 21, IS THERE ANYBODY WAITING TO TESTIFY ON IT? >> MR. CLERK? >> CHAIR, THERE ARE THREE INDIVIDUALS WHO SIGNED UP TO TESTIFY ON NOW FOUR INDIVIDUALS SIGNED UP TO TESTIFY ON BILL 21. >> PLEASE CALL THEM UP.\r\n\r\n>> WITH TESTIMONY ON BILL 21, CD 1, FD 1 (2022) AT THIS TIME. AND THAT ITEM ONLY. THE FIRST PERSON SIGNED UP TO TESTIFY IS JORDAN MOLINA, FOLLOWED BY JOHN PELLETIER . ALOHA MAUI COUNTY COUNCIL, JORDAN MOLINA, THE DIRECTOR OF PUBLIC WORKS TESTIFYING ON BEHALF OF THE DEPARTMENT ON BILL 21. FIRST I WOULD LIKE TO SAY THIS BILL DOES PROVIDE BENEFITS TO MAUI COUNTY. THE CONVERSION TO L.E.D.S WILL HELP US REDUCE OUR ENERGY CONSUMPTION, DECREASE POLLUTION IN MAUI COUNTY AND FURTHERING OUR REDUCTION, OUR DEMANDS ON AND GIVING US ENERGY SAVINGS TOWARDS ENVIRONMENTAL BENEFITS. HOWEVER, THERE'S SOME INAPPROPRIATE MEASURES THAT ONLY SERVE TO UNNECESSARILY HARM MAUI COUNTY. REGULATING BLUE LIGHT CONTENT REQUIRES TREMENDOUS COST, BUT OFFERS NO VERIFIABLE PROTECTION OF SEABIRDS. THERE'S NO EVIDENCE THAT SEABIRDS BENEFITING FROM LIMITING A CERTAIN COLOR OF BLUE LIGHT.\r\n\r\nTHE DEPARTMENT CLEARLY WENT THROUGH THE MATTER OF REVIEWING ALL EVIDENCE AND STUDIES WHEN WE GOT PUT THROUGH THE LAWSUIT, AS WELL AS IN PREPARING OUR ENVIRONMENTAL ASSESSMENT FOR OUR STREET LIGHT CONVERSION PROJECT. NONE OF THE EVIDENCE CAN FIRMLY STATE THAT A CERTAIN PERCENTAGE OF A CERTAIN COLOR OF LIGHT WILL REDUCE SEABIRD FALLOUT. OF CONCERN IS THE IMPACT TO OUR STREET LIGHT CONVERSION. THIS WILL BE A DIRECT LOSS OF MILLIONS OF DOLLARS IN BOTH HAVING TO PURCHASE NEW FIXTURES TO BE COMPLIANT, AS WELL AS DELAYING THE PROJECT AND THE REALIZATION OF THE ENERGY SAVINGS THAT COME WITH CONVERTING TO LEDS. ADDITIONALLY THIS BILL'S ATTACK ON THE WORK OF THE PUBLIC AND COMMUNITY RESPONSIBLE STREET LIGHTING STATUS FOR MAUI COUNTY. AS PART OF THE CONVERSION PROJECT A COMMUNITY STAKEHOLDER GROUP WAS ASSEMBLED TO EVALUATE VARIOUS LIGHT PROJECTS AND VARIOUS LIGHTING CHARACTERISTICS OF CONCERN TO DETERMINE WHICH IS THE BEST LIGHT FOR MAUI COUNTY? THIS GROUP INCLUDED REPRESENTATIVES FROM SAVE OUR SEABIRDS AND THE U.S. INSTITUTE FOR ASTRONOMY AND IN ADDITION TO REDUCING LIGHT POLLUTING AND IMPROVING VISIBILITY WAS JUST AS IMPORTANT.\r\n\r\nTHE LAST CONCERN I WOULD LIKE TO EXPRESS IS THE COSTS FOR THE PUBLIC WORKS DEPARTMENT TO BECOME BLUE LIGHT POLICE. THIS WILL REQUIRE FUNDING AND TRAINING TO GET A HANDLE ON ALL OF THE CRITERIA THAT COMES WITH MEASURING AND ENFORCING BLUE LIGHT CONTENT AND DEVELOPING A LIST OF APPROVED PRODUCTS FOR PEOPLE TO BECOME COMPLIANT. IN CONCLUSION, THIS BILL DOES PROVIDE GOOD BENEFITS, BUT IT DOESN'T HAVE TO DO SO RECKLESSLY. THE BLUE

LIGHT CONTENT IS A RECKLESS MOVE AND DELAYS OUR STREET LIGHT CONVERSION PROJECT AND ATTACKS THE COMMUNITY IS NOT CONSISTENT WITH THE GOALS OF OUR ISLAND AND COMMUNITY PLANS. ON BEHALF OF THE DEPARTMENT I URGE THE COUNCIL TO DELETING THE BLUE LIGHT CONTENT AS IT PROVIDES NO VERIFIABLE BENEFITS TO REDUCING SEABIRD FALLOUT. >> MEMBERS, CLARIFYING QUESTIONS. 30 SECONDS, MEMBER KING.\r\n\r\n>> THANK YOU. MR. MOLINA, ARE YOU A SCIENTIST? DO YOU HAVE A BACKGROUND IN THIS KIND OF SCIENCE? >> I AM NOT A SCIENTIST. >> OKAY. AND THEN THIS IS THE FIRST TIME WE HAVE HEARD ABOUT YOUR TASK FORCE.\r\n\r\nWHY WAS THAT NOT BROUGHT TO THE COMMITTEE BACK IN JANUARY WHAT WE GOT THIS BILL? >> THERE WAS NO INTEREST COMING TO DISCUSS THE MATTER. >> THE COMMITTEE DID HAVE INTEREST AND WE SENT YOU A LETTER ASKING FOR COMMENTS AND THERE WAS NO MENTION. >> SO CLARIFY, THERE WAS NO LETTER SENT TO THE DEPARTMENT OF PUBLIC WORKS. THERE WAS A LETTER SENT TO THE PUBLIC WORKS COMMISSION. >> THEY ASKED US TO DO THAT. YOU WERE AT COMMITTEE.\r\n\r\nTHANK YOU, CHAIR. >> ANY OTHER QUESTIONS, MEMBERS? IF NOT, THANK YOU FOR YOUR TESTIMONY, MR. MOLINA. THANK YOU. MR. CLERK.\r\n\r\n>> CHAIR, THE NEXT PERSON SIGNED UP TO TESTIFY ON THIS ITEM IS JOHN PELLETIER, TO BE FOLLOWED BY THOMAS CROWLEY. >> ALOHA, CAN YOU HEAR ME? >> YES, CHIEF, HI. >> HI. FORGIVE ME I WAS JUST BOUNCING IN BETWEEN MEETINGS TRYING TO BE AS EFFECTIVE AS POSSIBLE. I KNOW I'M ON THE CLOCK FOR THREE MINUTES. SO I JUST WANTED TO CLARIFY, WHEN I SPOKE ABOUT A WEEK AND A HALF AGO, I HAD ASKED FOR AN EXEMPTION, NOT AN EXTENSION.\r\n\r\nAND THE WAY IT WAS WRITTEN, AND WAS ASKING FOR ALL PUBLIC SAFETY, NOT JUST FOR MPD. AND SO THERE'S A THREE-YEAR BASICALLY A 1095-DAY EXEMPT AUTHENTIC THAT WE DON'T HAVE TO WORRY ABOUT THIS MOVING FORWARD, BECAUSE WE'RE TALKING ABOUT LIFE BEING AFFECTED ON THIS, AND ALL OF THE REASONS THAT I MENTIONED IN PUBLIC. JUST AS COUNCIL MEMBER KAMA MENTIONED, I HAVE TO SUPPORT LIFE-SAFETY FIRST AND FOREMOST. SO THERE'S A DOJ STUDY DONE QUITE SOME TIME OUT OF COPS OFFICE AND WHAT IT BASICALLY SAYS IS THAT THERE WAS METHODOLOGY USED, AND THEY HAD PROGRAMS IN THE UNITED STATES AND UNITED KINGDOM AND CONCLUDED THAT IMPROVED STREET LIGHTING, IMPROVED STREET LIGHTING, LEADS 21% DECREASE IN CONTROLLED AREAS. I'M ONLY MENTIONING THAT BECAUSE OF WHAT WE SAW ON THAT DEMONSTRATION FROM MR. ERIC MIYASATO AND I THOUGHT THAT WAS TELLING. IN LIGHT OF THAT, I THINK I'M GOING TO ASK THAT WE PLEASE PUT THIS BACK TO COMMITTEE WORK.\r\n\r\nIF WE'RE GOING TO DO SOMETHING, I THINK WE NEED TO HAVE A DEMONSTRATION OF WHAT THIS LIGHTING SYSTEM WOULD ACTUALLY LOOK LIKE FOR THE PUBLIC? AND WE COULD ACTUALLY SEE IT AND WE COULD ACTUALLY EXPERIENCE IT. BECAUSE I THINK IT'S TOO IMPORTANT OF A SITUATION FOR US, JUST TO DO THIS BASED ON REPORTS. WE DON'T KNOW WAS HIS DEMO FACTUAL? MAYBE IT WAS, MAYBE IT WASN'T, BUT I THINK WE NEED TO DO THAT. AS IT STANDS RIGHT NOW, THIS IS PROBLEMATIC. SO I THINK IF WE JUST ARE A LITTLE MORE DILIGENT, AND WE GET THE DUCKS IN A ROW, WE CAN SEE WHAT WE CAN DO MOVING AHEAD.\r\n\r\nBECAUSE I DON'T WANT A HUMAN SAFETY ISSUE IN THIS BILL. I WANT TO MAKE SURE THAT WE DON'T HAVE THAT. I WANT TO MAKE SURE THAT WE DON'T HAVE A PUBLIC SAFETY COMPONENT HERE. THANK YOU. >> THANK YOU. MEMBER KING. >> THANK YOU, CHAIR.\r\n\r\nCHIEF, DO YOU DRIVE DOWN THERE AT NIGHT? BECAUSE THERE'S LIGHTS THAT THAT ARE SHIELDED AMBER LIGHTS, AND ALSO THE SAME KIND OF LIGHTS ON THE LIGHT I LIVE ON. SO THERE ARE EXISTING RIGHT NOW, IF YOU WANTED TO SEE WHAT THEY LOOK LIKE. >> I JUST THINK BASED ON WHAT THAT DEMONSTRATION WAS, I MEAN, WE KNOW WE'RE AT 13 FATALITIES AND HERE IS WHAT I WOULD OFFER, DO WE FEEL RUNNERS AND WALKERS THAT ARE WALKING ON THE STREET ARE ADEQUATELY. I KNOW YOU ARE HOLDING UP THE SIGN, BUT AM I ALLOWED TO FINISH SINCE I WAS ASKED THE

QUESTION. >> PLEASE FINISH. >> SO WHAT I WOULD SAY, WE KNOW THAT INDIVIDUALS THAT THEY'RE NOT EQUIPPING THEMSELVES WITH LIGHTING ON THE OUTSIDE PROJECTING OUT.\r\n\r\nTHEY MIGHT BE WEARING A VEST? IF WE HAVE STREET LIGHTS THAT CAUSE THAT ISSUE, IF WE DO, I THINK THAT WE JUST NEED TO BE FULLY AWARE AS A COUNTY AS TO WHAT THAT IS GOING TO BE. BECAUSE I HATE FOR US TO HAVE PEOPLE GET HURT, BECAUSE THEY WERE WALKING AND NOT SEEN. I REALLY THINK THAT DEMO FROM THE GENTLEMAN ON FRIDAY REALLY ILLUSTRATED A POINT. LIKE I SAID, IT WOULD BE HEY, HE IS IN A CONTROLLED ENVIRONMENT AND IT WAS STAGED I GET THAT. THAT IS WHY I'M ASKING MAYBE WE SHOULD HAVE SOMETHING THAT WOULD DEMONSTRATE THIS IS WHAT IT WOULD LOOK LIKE, THIS IS WHAT THIS WOULD LOOK LIKE, SO EVERYBODY COULD GET THERE SEE IT, TOUCH IT AND EXPERIENCE IT. >> I'M SAYING THAT YOU CAN SEE IT NOW.\r\n\r\n\r\nWE HAVE IT ON OUR ISLAND. >> YEAH, BUT HIS DEMONSTRATION, HE SHOWED SOMETHING TOO, THAT WAS WAY DIFFERENT THAN WHAT WE'RE TALKING ABOUT. HOW DO YOU HOW DOES ANYBODY NOT HAVE QUESTIONS? THAT IS WHY I'M SAYING IF WE'RE IN A RUSH TO VOTE, OKAY, BUT IF WE'RE JUST GOING TO BE A LITTLE DILIGENT AND SAY CAN WE JUST TAKE A MOMENT AND PERHAPS PUT IT TO COMMITTEE AND PAUSE AND FIGURE THIS OUT, AND LIKE I SAID, I ASKED FOR AN EXEMPTION NOT AN EXTENSION. AND A THOUSAND DAYS FOR US TO FIGURE OUT WHAT KIND OF LIGHTING SYSTEM WE'RE GOING TO GET AND I UNDERSTAND THERE'S ANOTHER EXEMPTION WRITTEN WITHIN THAT. BUT THAT IS NOT WHAT I HAD ASKED FOR ON BEHALF OF THE PUBLIC SAFETY. I KNOW THAT CHIEF VENTURA AND I SPECIFICALLY SPOKE ON THIS ISSUE TOGETHER AND WE WERE TRYING TO DO THIS JOINTLY TOGETHER, BUT WE JUST CAN'T BECAUSE OF OUR SCHEDULES.\r\n\r\n\r\nSO I'M NOT JUST ASKING ON BEHALF OF MPD. I'M ASKING ON BEHALF OF THE PUBLIC SAFETY FOR ALL OF THE COUNTY OF MAUI AND THAT THE CHIEF OF FIRE AND I ARE UNITED IN THIS MESSAGE TODAY. >> OKAY. ARE THERE ANY OTHER QUESTIONS, MEMBERS? MEMBER MOLINA AND MEMBER PALTIN. >> SORRY ABOUT THAT. ALOHA CHIEF.\r\n\r\n\r\nNONE QUICK QUESTION, SO YOUR PREFERENCE, YOU'RE SATISFIED WITH THE CURRENT LIGHTING THAT WE HAVE AT THE MOMENT, YES OR NO ANSWER IS FINE. >> YOU KNOW, AND I HAVE HAD THAT WITH YOU OPEN PANDORA'S BOX ON IT. I WOULD SAY I'M ABSOLUTELY NOT SATISFIED. THERE IS NOT ENOUGH LIGHTING. IED >> MEMBER PALTIN. >> THANK YOU, CHAIR. THANK YOU, CHIEF.\r\n\r\n\r\nIS THAT COMMITMENT FROM YOU AND CHIEF VENTURA TO FULLY PARTICIPATE IF IT GETS REFERRED BACK TO COMMITTEE? >> I HAVE NO PROBLEM PARTICIPATING. THE WORD "FULLY" YOU ARE GOING TO HAVE TO DEFINE THAT, BUT I WOULD GIVE YOU WHATEVER RESOURCES AND WHATEVER WE CAN DO. I WILL DEFEND THE FORMER PRESIDENT, WHAT IS -- NO, YOU WILL HAVE MY COMMITMENT, OF COURSE, BECAUSE WE WANT TO MAKE SURE WE DO WHAT IS BEST FOR MAUI COUNTY. SO I SUPPORT THE COUNCIL AND I'M AVAILABLE FOR ALL OF YOU, AS NEEDED. SO YOU'LL HAVE COMMITMENT FROM MPD. >> THANK YOU.\r\n\r\n\r\nTHANK YOU, CHAIR. >> MEMBER SUGIMURA. >> THANK YOU FOR BEING HERE, CHIEF. I'M CONCERNED ABOUT YOUR DUI CHECKPOINTS AND ALL OF THAT. THE DEMONSTRATION YOU TALKED ABOUT WAS ONE THING. I'M CONCERNED ABOUT YOU BEING ABLE TO DO THE OTHER PARTS THAT REQUIRE LIGHTING. >> WELL, THAT IS AN ISSUE, TOO; RIGHT?\r\n\r\n\r\nWE HAVE TO MAKE SURE THAT WE HAVE THINGS -- SO COUNCIL MEMBER SUGIMURA, YOU REALLY BRING UP A GREAT POINT. IF YOU ARE GOING TO DO SOME OF THOSE TASKS THAT YOU HAVE TO ESTABLISH PROBABLE CAUSE ON A CHECKPOINT, YOU HAVE TO HAVE ADEQUATE LIGHTING OR YOU OPEN UP THE ABILITY NOT TO DEFEND THAT. AND YOU HAVE GOT TO MAKE SURE THAT WHEN YOU MAKE THOSE ARRESTS, YOU DO IT TO BEST OF YOUR ABILITY. IF THEY SAY OH, THE LIGHTING HERE, YOU WEREN'T ABLE TO DO THAT, AND IT'S NOT ADEQUATE TO THIS PARTICULAR STANDARD, OR THEY COULDN'T SEE THE STRAIGHT LINE THEY ARE WALKING OR COULDN'T SEE FOR WHATEVER REASON, ARE WE GOING TO WALK DOWN AGAIN PANDORA'S BOX AND CREATE

FLASHING PEOPLE THAT HAVE THEIR HIGHLIGHTS, BUT THEY DON'T. THEY JUST HAVE THIS REALLY STRONG HALOGEN LIGHTS THAT CAN EVEN OBSCURE YOUR OWN DRIVING AT NIGHT. SO LOOKING FORWARD TO WORKING MORE ON THIS BILL. >> ANY MORE DISCUSSION? LET THE RECORD SHOW VICE-CHAIR RAWLINS-FERNANDEZ HAS JOINED THE CALL. NEXT WE HAVE MEMBER KING. >> THANK YOU, CHAIR.\r\n\r\nI'M WILLING TO TAKE THIS BACK INTO MY COMMITTEE AND HOPE WE GET RESPONSES FROM THOSE WHO DIDN'T RESPOND BACK IN FEBRUARY WHEN WE SENT LETTERS AND CAME AT THE LAST-MINUTE. I UNDERSTAND THERE'S BEEN SOME SENSATIONALISTIC JOURNALISM ABOUT THIS AND GOTTEN FOLKS ON THE WRONG TRACK OF WHAT WE'RE TRYING TO DO. IT'S DIFFICULT THAT PEOPLE WERE GIVEN THE INTENTION THAT WE WERE CLOSING DOWN NIGHT SPORTS AND I SPOKE TO THE DIRECTOR OF PARKS AND RECREATION, WHO WAS GOOD WITH THAT EXEMPTION. SO I'M HOPING THAT DOESN'T TURN INTO ANOTHER ATTACK ON AN ENVIRONMENTAL BILL LIKE WE HAD WITH THE SINGLE-USE PLASTIC BAN AND WE SAW THE COMMUNITY PLASTERS WITH POSTERS THAT SAID "SAVE OUR PLATE LUNCH." IT WAS ABOUT THE PLATE AND NOT THE FOOD. SO I HOPE WE GET PARTICIPATION FROM THOSE WHO DIDN'T PARTICIPATE IN THE BEGINNING OF THE YEAR WHEN WE STARTED WORKING ON THIS BILL. I HEAR THE MEMBERS AND APPRECIATE THEIR CONCERN. >> ANY MORE DISCUSSION?\r\n\r\nMEMBER PALTIN. >> THANK YOU. LIKE MEMBER SINENCI, I WOULD LIKE TO THANK EVERYBODY WHO GOT US TO THIS POINT. I THINK THERE'S A LOT MORE PARTICIPATION NOW AND I THINK RECOMMITTING WILL ALLOW FOR A BROADER, FULLER DISCUSSION THAN WHAT WE HAD IN THE PAST. AS MEMBER KING SAID, THAT SHE DIDN'T GET MUCH RESPONSE TO HER INITIAL QUERIES. IT SEEMS THAT EVERYBODY IS FULLY AWARE NOW OF WHAT IS GOING ON. I THINK THAT RECOMMITTAL WITH THE POSTINGS, AND ALL OF THE ASFS THAT HAVE HAPPENED BETWEEN MOVING OUT OF COMMITTEE AND TODAY WILL GIVE PEOPLE A CHANCE TO READ WHAT IS CURRENTLY BEING PROPOSED, AND ADD THEIR MANA'O TO THAT PROPOSAL.\r\n\r\nI THINK THAT IT'S GOOD TO ENGAGE AS MANY PEOPLE, AND NOT ONLY INCLUDE WHAT THEY HAVE TO SAY, BUT EDUCATE AS TO WHY SEABIRDS ARE SO CRITICAL TO US, BECAUSE A LOT OF TESTIMONY, A LOT OF PEOPLE WERE MORE CONCERNED WITH BUSINESSES, AND HUMAN IMPACTS. WHERE THE IMPACTS TO THE SEABIRDS ARE JUST AS IMPORTANT, BUT LET'S SEE IF WE CAN FIND A WAY FORWARD THAT PEOPLE CAN COME TOGETHER ON. SO TO EDUCATE FOLKS AND TRY TO COME TO A MUTUALLY AGREEABLE SOLUTION IS BEST AT THIS POINT, BECAUSE I HAVE NO DOUBT, IF WE CONTINUE ON, THAT THERE WILL BE MORE TESTIMONY ON THE SAME THING, AND WE WOULDN'T HAVE GIVEN FOLKS A CHANCE TO HAVE PARTICIPATE IN THE DISCUSSION, IF WE CONTINUE TO DO THE COMMITTEE WORK ON THE COUNCIL FLOOR. SO THAT'S MY SENTIMENT. THANK YOU. >> THANK YOU. ANYBODY ELSE?\r\n\r\nMEMBER SUGIMURA. YOU'RE MUTED. >> I AGREE WITH THIS DISCUSSION AND APPRECIATE THAT WE HAVE BROUGHT UP THE DISCUSSION AND WE'RE ABLE TO INCLUDE THE PEOPLE WHO HAVE COME OUT IN FORCE. THINGS DIFFERENT FROM THE BIG ISLAND BILL, BIG ISLAND IS NOT RESIDENTIAL. THAT IS A BIG CHANGE FROM BIG ISLAND TO US, WHERE IT'S EVERYBODY; RIGHT? THE WORD "ALL." VERSUS ONLY COMMERCIAL, WHICH IS WHAT THE BIG ISLAND FOCUSES ON, COMMERCIAL. SO THAT IS ANOTHER CONCERN I HAVE FOR HOW WOULD WE -- HOW WOULD THIS AFFECT OUR WORKING FAMILIES, WHO ARE JUST STRUGGLING TO KEEP THEIR FAMILIES GOING AND IF THEIR LIGHT BULB GOES OUT, THEY HAVE TO BUY A SPECIAL KIND.\r\n\r\nI DON'T KNOW. BIGGER DISCUSSION, I APPRECIATE IT MEMBER KING AND EVERYBODY ELSE. THANK YOU. >> ANY MORE DISCUSSION? MEMBER MOLINA. >> THANK YOU, MADAM CHAIR AND MEMBER KING FOR TAKING THIS BACK INTO COMMITTEE. AS THIS BILL HAS PROGRESSED OVER THE LAST COUPLE OF WEEKS MORE AND MORE PEOPLE FROM MAJOR SEGMENT OF OUR COMMUNITY, THAT OF PARENTS, THE MIL, BUSINESS FOLKS, WERE COMING OUT TO EXPRESS THEIR CONCERNS.\r\n\r\nMAYBE IT HAS TO DO MORE WITH NOT HAVING A FULL

UNDERSTANDING OF THE BILL, WHICH IS WHY YOU NEED COMMITTEE IS THE APPROPRIATE PLACE. I KNOW IT CAN BE FRUSTRATING, BECAUSE I HAVE BEEN WHERE YOU ARE AT MEMBER KING, YOU WANT TO GET SOMETHING OUT AND THINGS COME UP AT THE LAST-MINUTING. WE WANT TO MAKE SURE THAT EVERYBODY HAS A FULL UNDERSTANDING NOT JUST THE SCIENCE COMMUNITY, BUT OUR RESIDENTS WHO CANNOT PARTICIPATE IN THOSE MEETINGS BECAUSE AS WAS STATED BY MEMBER KAMA, WORKING TWO AND THREE JOBS WITH KIDS. IT'S ABOUT THE BIRDS AND ABOUT ACTIVITIES INVOLVING OUR SOCIETY, EVERYTHING, CULTURAL ACTIVITIES, SPORTS ACTIVITIES. THAT IS WHY THIS BILL HAS FAR-REACHING EFFECTS. SO WE NEED TO TAKE A CLOSER LOOK AT IT AND SEE WHERE WE CAN REACH SOME TYPE OF COMPROMISE ON IT? THANK YOU.\r\n\r\nSUPPORT THE RECOMMITTAL. >> ANY OTHER COMMENTS? IF NOT, DO WE NEED ROLL CALL? ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY AYE? >> AYE. >> ALL AYES, ZEROS NO, ONE EXCUSED, PRO TEM KAMA. MOTION CARRIES.\r\n\r\n\r\nTHIS MATTER WILL BE RECOMMITTED TO THE CARE COMMITTEE. MR. CLERK NEXT ONE. >> CHAIR, BEFORE THE BODY, THE REMAINING ITEMS BEFORE THE BODY ARE COMMITTEE REPORT 22-62, BILL 65 (2022) AND BILL 92 (CD 1 (2022) WHICH ONE DID YOU WANT TO PROCEED WITH NEXT. >> 22-62, JUST TAKE IT IN THE ORDER YOU MENTIONED. >> YES, CHAIR. PROCEEDING WITH COMMITTEE REPORT, 22-62. WE'LL TAKE FULL NAME ON THIS ITEM AT THIS TIME.\r\n\r\n\r\nCHAIR, THE FIRST PERSON SIGNED UP TO TESTIFY IS ON THIS ITEM IS JOE KENT, FOLLOWED BY THOMAS CROWLEY. >> ALOHA, CAN YOU HEAR ME AND SEE ME? >> YES. >> ALOHA CHAIR LEE AND COUNCIL MEMBERS. MY NAME IS JOE KENT, AND I'M THE EXECUTIVE VICE PRESIDENT OF THE GRASSROOT INSTITUTE OF HAWAI'I. WE'RE AN ECONOMIC RESEARCH ORGANIZATION, AND A NONPROFIT TAXPAYER WATCHDOG THAT PROMOTES THE VALUE OF INDIVIDUAL LIBERTY, ECONOMIC FREEDOM AND ACCOUNTABLE GOVERNMENT. I'M ALSO A PAID LOBBYIST FOR OUR INSTITUTION. BILL 107 SEEMS TO BE A WELL-MEANING ATTEMPT TO LOWER HOUSING PRICES, BUT RESPECTFULLY, OUR ANALYSIS OF THE BILL IS THAT IT WOULD HURT THE PEOPLE IT'S SUPPOSED TO HELP.\r\n\r\n\r\nTHE BILL WOULD AFFECT THE PRICE CALCULATIONS FOR ALL HOMES THAT QUALIFY FOR AFFORDABLE HOUSING AND THROUGH A COMPLICATED MEANS TO LOWER THE PRICE BY 20-25%, NOW THIS WOULD LEAVE TO DEVELOPERS TAKING LOSSES. THE COUNTY COULD COVER THOSE LOSSES, BUT THAT WOULD MEAN TAXPAYERS WOULD BE PAYING TO REFUND DEVELOPERS FOR THOSE COSTS. IN OTHER WORDS,, MAUI RESIDENTS WHO ARE STRUGGLING TO PAY THEIR MORTGAGES WOULD ALSO BE PAYING FOR THE MORTGAGES OF THEIR NEIGHBORS. AND IF IT'S DONE THROUGH BONDS, THEN THE TAXPAYERS WOULD HAVE TO REPAY THE BOND PLUS INTEREST, AND INTEREST RATES ARE HIGH RIGHT NOW. SO THIS MEANS THAT MONEY WOULD BE GOING TO DEBT SERVICE. ANY MONEY FROM THE COUNTY OR FROM FOUNDATIONS DOES NOT HAVE TO BE GRANTED TO DEVELOPERS TO COVER THEIR LOSSES. DEVELOPERS ARE NOT GUARANTEED THAT MONEY FROM THE COUNTY.\r\n\r\n\r\nSO THEY WOULD HAVE TO SPEND THEIR MONEY AND TAKE A HUGE RISK OF A LOSS ON THE PROJECT WITH THE HOPE THAT THE COUNCIL WOULD LOOK FAVORABLY UPON THEM. AS WE KNOW THE COUNCIL DOESN'T ALWAYS LOOK FAVORABLY UPON ALL AFFORDABLE HOUSING PROJECTS. MANY, BUT NOT ALL. SO IN SUMMARY, THERE'S NO SUCH THING AS A FREE LUNCH. THERE'S NO WAY IT HIDE THE LOSSES, BUT EITHER PUSHING DEVELOPERS OR TAXPAYERS AND THIS BILL INCREASES THE RISK FOR HOME BUILDERS, WHO MAY TAKE SIGNIFICANT LOSSES, ESPECIALLY WHEN IT COMES TO 100% AFFORDABLE HOUSING PROJECTS. THANKS FOR ALLOWING ME TO TESTIFY. >> THANK YOU.\r\n\r\n\r\nMEMBERS, DO YOU HAVE ANY QUESTIONS FOR MR. KENT? IF NOT, THANK YOU VERY MUCH. >> THANK YOU. >> WE HAVE ONE. WHEN YOU RAISE YOUR HAND, CAN YOU RAISE IT A LITTLE HIGHER, SO I CAN SEE. >> SORRY.\r\n\r\n\r\n>> MEMBER SUGIMURA HAS A QUESTION. >> THANK YOU. THANK YOU, MR. KENT FOR BEING HERE. YOU'RE SAYING THAT THE PROPOSED LEGISLATION, YOU'RE SAYING

THAT YOU ARE AGAINST IT GOING TO DEVELOPERS, AND MORE TO THE INDIVIDUAL HOMEOWNERS? >> WHAT I'M SAYING IS THAT THERE WAS PREVIOUSLY IN PREVIOUS TESTIMONY A REBUTTAL THAT THE COUNTY COULD REPAY THE LOSSES FROM THE DEVELOPERS FROM THIS BILL. BUT I'M JUST SAYING THERE'S A PROBLEM WITH THAT CONCEPT, BECAUSE THAT MONEY -- >> COULD YOU FINISH UP, MR. KENT. >> SURE. THAT MONEY WOULD BE A SCARCE RESOURCE. IT WOULD BE DIRECTED AWAY FROM PAYING FOR RENTS FOR EXAMPLE. A LOT OF RENTERS ARE ON THE VERGE OF BECOMING HOMELESS ON MAUI. SO THIS WOULD DIRECT MONEY AWAY FROM THEM, AND TOWARDS DEVELOPERS INSTEAD. >> THANK YOU. >> ANY OTHER QUESTIONS, MEMBERS? IF NOT, THANK YOU VERY MUCH, MR. KENT. >> THANK YOU. >> MR. CLERK. >> CHAIR, THE NEXT PERSON WE HAVE SIGNED UP TO TESTIFY IS THOMAS CROWLEY. >> ALOHA, COUNCIL, TOM CROWLEY SPEAKING ON MY OWN BEHALF. SOMETIMES IT'S FULFILLING WHEN YOU GIVE TESTIMONY AND THEN EVENTUALLY, IT WAS PROBABLY THREE OR FOUR YEARS AGO I GAVE TESTIMONY ON THIS FUNDAMENTAL IDEA. THAT THE CALCULATIONS THAT WERE BEING USED IN OUR AFFORDABLE HOUSING GUIDELINES DIDN'T LINE UP WITH THE CALCULATIONS THAT WERE BEING MADE BY MORTGAGERS TO GRANT MORTGAGES. SO WE WERE PUTTING PEOPLE INTO CLASSES AND SAYING IF YOU MAKE THIS MUCH MONEY, YOU CAN BUY A HOUSE FOR THIS MUCH, BUT THEN THE MORTGAGE COMPANY SAYS NO, YOU NEED TO MAKE MORE MONEY THAN THAT, FOR A HOUSE AT THIS VALUE. THAT PUT THESE PEOPLE IN A CATCH-22. SO THIS MEASURE IS TRYING TO FIX THAT, AND I SUPPORT IT FROM THAT ASPECT. THAT HOPEFULLY, IT IS IN -- YOU KNOW, TOGETHER WITH WHAT THE LENDERS WOULD LEND FOR THESE HOUSES. HOWEVER, YOU HEARD TESTIMONY FROM SOME OF THE LENDERS WHO SAID NO, THIS STILL DOESN'T WORK. SO I DO THINK THIS NEEDS TO GO BACK TO COMMITTEE AND NEEDS TO BE WHERE THE AFFORDABLE PRICES AND THE CALCULATIONS USED IS WITH THE CALCULATIONS BEING USED BY THE LENDERS, THAT SAY, YES, IF YOU MAKE THIS MUCH MONEY, WE'LL LEND YOU THIS MUCH MONEY, IN ORDER TO BUY THE HOUSE. THERE'S ONE THING THAT I THINK THE COUNTY COULD DO THAT WOULD BE SIGNIFICANT, THAT THE OLD RULES SAID ONLY CONSIDERING PRINCIPAL AND INTEREST AND THIS ONE IS CONSIDERING PRINCIPAL, TAXES AND INSURANCE AND OTHER FEES. YOU KNOW, WHAT THE COUNTY CAN DO TO HELP AFFORDABLE HOUSING RIGHT OFF THE BAT IS SAY WE'RE GOING TO GIVE A 5-YEAR EXEMPTION FROM REAL PROPERTY TAXES FOR ANY OF AFFORDABLE HOUSES AND YOU DON'T HAVE TO CALCULATE THAT IN. RATHER THAN HAVING TO COME UP WITH MONEY THAT YOU WOULD GIVE DIRECTLY TO THE PURCHASER OR MONEY THAT YOU WOULD BE GIVING TO THE DEVELOPER, THE COUNTY JUST DOESN'T HAVE THAT COMPONENT IN THERE. SO PLEASE GIVE SOME THOUGHT TO WAIVING PROPERTY TAXES FOR A PERIOD OF FIVE YEARS FOR ANY AFFORDABLE HOUSE THAT IS BEING SOLD. BASICALLY GIVING THE MONEY DIRECTLY TO A PERSON AND HELPING FACILITATE THEIR PURCHASE OF THE HOME. BUT I DO BELIEVE THAT THIS SHOULD GO BACK TO COMMITTEE RIGHT NOW, AND SHOULD COME TO THE AGREEMENT, IF YOU WILL, OF THE LENDERS, WHO SAY, YEP, THIS WORKS. WE WOULD BE ABLE TO LEND MONEY TO PEOPLE IN THESE INCOME CLASSES IN THESE AMOUNTS. SO AGAIN, GREAT IDEA. I'LL TAKE CREDIT FOR HAVING IT SEVERAL YEARS AGO, AND PRESENTING IT TO THE COUNCIL, BUT NOBODY ACTED ON IT THEN. THANK YOU, MR. JOHNSON, FOR ACTING ON IT NOW, LET'S JUST GET IT RIGHT AND MOVE IT FORWARD. THANK YOU. >> MR. JOHNSON, QUESTION? >> THANK YOU, CHAIR. I'M GOING TO STICK WITH CLARIFYING QUESTIONS. MR. CROWLEY, I ONLY HAVE 30 SECONDS. WHEN WE HAD RCAC HELP ACROSS THE NATION WITH GETTING PEOPLE INTO THE FHA LOANS AND WHEN LENDER DID WE HAVE IN THE COMMUNITY THAT SAYS THIS FORMULA DOESN'T WORK? THIS IS A MATH FORMULA THAT INCLUDES -- >> IT'S NOT A MATH FORMULA THAT DOESN'T WORK AS JEFF GILBREATH CAME IN. >> HE IS NOT A LENDER. >> HE IS NOT A LENDER. THE BOTTOM-LINE WE HAVE TO MAKE SURE

THAT THE LENDERS ARE SAYING THAT THE PERSON YOU PUT IN THIS PRICE RANGE CAN AFFORD THE AMOUNT THAT YOU SAYING THAT THEY SHOULD. AS LONG AS THOSE THINGS LINE UP, THEN YOU'RE GOOD. >> THANK YOU SO MUCH. THANK YOU, CHAIR. >> ANY MORE QUESTIONS, MEMBERS?\r\n\r\nDO WE HAVE THE NEXT TESTIFIER, MR. CLERK? >> YES, CHAIR. THE LAST PERSON SIGNED UP TO TESTIFY ON COMMITTEE REPORT 22-62 IS KAI NISHIKI. >> MS. NISHIKI. >> GOOD AFTERNOON, CHAIR.\r\n\r\nCOUNCIL MEMBERS. KAI NISHIKI, SPEAKING ON MY OWN BEHALF. THE COUNTY HAS CENTERED ON THE NEEDS OF DEVELOPER FOR DECADES AND LOOK WHERE IT HAS GOTTEN US. WE HAVE ALL SEEN THE PRESS RELEASES OF RECORD-SETTING SALES NUMBERS FOR REAL ESTATE. WHAT THAT MEANS FOR OUR RESIDENTS IS ABSOLUTE DEVASTATION. MAUI COUNTY'S HOUSING SITUATION IS A DISASTER. A TRUE CRISIS.\r\n\r\nAND I QUOTE A FEATURED SPEAKER AT A RECENT GRASSROOTS INSTITUTE SEM MAR, MAUI'S SKY-HIGH HOME PRICE AS YOU DISPLACEMENT OF THE POPULATION THAT COMES WITH IT OUR SELF-INFLICTED WOUND." WHILE I DO NOT AGREE WITH ALL THAT HE SAID, THAT IS A TRUE STATEMENT. THIS IS A MAN MADE DISASTER. I WOULD ARGUE WE'RE IN A ABSOLUTE HOUSING STATE OF EMERGENCY AND WHEN DISASTER STRIKES THE PEOPLE LOOK TO OUR GOVERNMENT, YOU, TO STEP IN. THIS IS ONE OF THOSE TIMES. HOMES THAT ARE BILLED AS AFFORDABLE AREN'T, JUST READ THE THOUSANDS OF MESSAGES ON THE BOARDS RIDICULING THESE NO. 1 COMMENT, AFFORDABLE FOR WHO? WE HAVE HEARD FROM LENDING EXPERTS THAT LEAVING OUT OTHER INSURANCE PRICES WE'RE NOT USING THE SAME MATH AS LENDERS TO COME UP WITH THESE SALE PRICES AND THAT IS NOT HOW YOU MAKE GOOD POLICY.\r\n\r\nWE'RE SETTING OUR RESIDENTS UP TO FAIL. GOOD AFFORDABLE HOUSING POLICY CANNOT BE BASED ON INCOMPLETE OR FAULTY MORTGAGE MATH. THERE'S NO WAY AROUND IT. WE HAVE AN OBLIGATION TO OUR WORKFORCE, NOT DEVELOPERS. THAT DUTY MEANS THAT WE HAVE TO CORRECT OUR SALES PRICE GUIDELINES AND THEN USE ALL OF THE TOOLS THAT WE HAVE TO WORK WITH THE DEVELOPERS, AND BUILDINGS TO MAKE THAT POSSIBLE. DURING COMMITTEE MEETINGS, INNOVATE AND CREATIVE DEVELOPERS WERE WILLING TO WORK WITH COUNTY TO MAKE THIS HAPPEN NOW. ALSO DURING COMMITTEE, MARIAH FROM THE FINANCIAL OPPORTUNITY CENTER, WHICH HAS BEEN FUNDED FOR I BELIEVE THE THIRD YEAR FROM THE COUNTY OF MAUI AND GETS HOMEBUYERS ARE FOR HOMEOWNERSHIP SAID WITH THE NEW GUIDELINES TO QUALIFY MORE RESIDENTS ON HER LIST.\r\n\r\nAMAZING. THAT RIGHT THERE SHOULD BE ALL YOU NEED TO HEAR TO REALIZE WHAT A GAME-CHANGER MAUI COUNTY HAS THE RESOURCES TO FIX THIS PROBLEM. MILLIONS AND MILLIONS OF DOLLARS. WE ABSOLUTELY HAVE THE ABILITY TO HOUSE OUR PEOPLE FAIRLY. THIS COUNCIL HAS BEEN SETTING OUR COUNTY UP, BILL BY BILL, TO DO BETTER. MAHALO. PLEASE DO NOT LET FEAR OR SCARCITY MINDSET KEEP US FROM FIXING MORTGAGE CALCULATIONS THAT ARE JUST NOT ACCURATE.\r\n\r\nWHO DOES THAT SERVE? PLEASE BE BOLD, SOLUTION-ORIENTED. A YES-VOTE IS A VOTE FOR TRUE EQUITY. A VOTE FOR OUR RESIDENTS BEING HIT BY THIS CATASTROPHIC DISASTER THAT IS DESTROYING OUR COMMUNITIES. PLEASE HELP US IN THIS TIME OF CRISIS. MAHALO VERY MUCH, AND THANKS FOR WORKING ALL THESE HOURS, VERY MUCH APPRECIATED. >> THANK YOU.\r\n\r\nMEMBERS, QUESTIONS? >> THIS IS OUR LAST CALL FOR TESTIMONY ON COMMITTEE REPORT 22-62. >> MEMBERS ARE THERE ANY OBJECTIONS TO CLOSING PUBLIC TESTIMONY AND ACCEPTING WRITTEN TESTIMONY INTO THE RECORD? >> NO OBJECTIONS. >> ALL RIGHT. MR. CLERK, PLEASE CALL THIS ITEM UP. >> CHAIR, YOU SBC YOU PERFECT YOUR AFFORDABLE HOUSING COMMITTEE, COMMITTEE REPORT 22-62 RECOMMENDING THAT BILL 107 CD 1 (2022) ENTITLED, "A BILL FOR AN ORDINANCE AMENDING SECTION 2.9 MAUI COUNTY CODE RELATING TO AFFORDABLE HOUSING SALES PRICE GUIDELINES" BE PASSED ON FIRST READING AND ORDERED TO PRINT.\r\n\r\n>> MR. JOHNSON. >> THANK YOU, CHAIR. I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 22-62. >> MOVED BY MR. JOHNSON, SECOND BY MR. SINENCI TO

APPROVE THE RECOMMENDATIONS IN COMMITTEE REPORT 22-62. DISCUSSION, MR. JOHNSON.\r\n\r\n>> THANK YOU, CHAIR. MENS, YOUR AFFORDABLE HOUSING COMMITTEE MET ON NOVEMBER 29, 2021, MAY 23RD, 2022, AND JUNE 30TH, 2022. YOUR COMMITTEE DISCUSSED CAPPING TOTAL HOUSING COSTS AT 3 IS% OF GROSS INCOME WITHIN EACH WORKFORCE HOUSING INCOME CATEGORY INSTEAD OF PER INDIVIDUAL HOME. YOUR COMMITTEE AGREED TO AMEND BILL 107'S EFFECTIVE DATE TO BE WITHIN 30 DAYS OF THE RELEASE OF THE 2023 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AREA MEDIAN INCOME GUIDELINES, TO ALLOW DEVELOPERS TIME TO ADJUST FINANCING FOR THEIR PROJECTS. YOUR COMMITTEE SUPPORTED BILL 107'S POTENTIAL TO INCREASE HOUSING AFFORDABLE AND VOTED TO PASSAGE. I RESPECTFULLY ASK FOR YOUR SUPPORT OF THIS MOTION. MAHALO. >> DISCUSSION, MR.\r\n\r\nSINENCI? NO? ANYBODY ELSE, DISCUSSION? >> THANK YOU, CHAIR. I SPEAK IN SUPPORT OF THE MOTION. WE HEARD FROM MANY TESTIFIERS IF WE DON'T DO SOMETHING NOW OUR KIDS' KIDS WILL NOT BE ABLE TO AFFORD TO LIVE IN MAUI COUNTY. I SUPPORT MEMBER JOHNSON AND THE COMMITTEE CHAIR AS HE HAS GOT A PLAN AND WE HAVE GOT THE HAWAI'I COMMUNITY ASSET STRATEGIC PLANNING.\r\n\r\nWE HAVE ALREADY GOT -- IN OUR AFFORDABLE HOUSING FUND, I'M HOPING THAT THIS IS A PATH FORWARD IN USING THOSE ADDITIONAL FUNDS. >> ARE YOU FROZEN? ARE YOU STILL TALKING? WE'LL COME BACK TO YOU THEN. ANYONE ELSE HAVE ANYTHING TO SAY? MEMBER SUGIMURA AND THEN MEMBER KING. >> THANK YOU.\r\n\r\nI HAVE AN AMENDMENT SUMMARY FORM. STAFF, IF YOU COULD SEND IT FORWARD. DID IT COME THROUGH? YOU CAN GO ON TO THE NEXT SPEAKER AND WE'LL WAIT FOR IT TO GET SENT. IT WAS SUPPOSED TO BE SENT FROM TASHA KAMA. >> MEMBER KING >> THANK YOU, CHAIR. I HAD A QUESTION FOR MEMBER JOHNSON.\r\n\r\nWHEN WE HAD TESTIMONY ON FRIDAY, PEOPLE SAID THEY WOULD CONTACT OVER THE WEEKEND FOR IDEAS ON THE BILL. WERE YOU CONTACTED BY ANY OF THEM? >> MEMBER JOHNSON. >> THEY SENT ME SOME EMAILS, BUT YOU KNOW, WE DIDN'T HAVE A DIALOGUE. BUT THEIR EMAILS WERE SENT BY WRITTEN TESTIMONY. THEY SENT ME THE WRITTEN TESTIMONY. >> I THOUGHT THEY WERE GOING TO HAVE A CONVERSATION WITH YOU ABOUT THE BILL.\r\n\r\nSO IT WAS PRETTY MUCH WHAT WE HEARD. CAN YOU JUST KIND OF GIVE US YOUR IMPRESSION OF WHAT IT WAS SENT IN WRITTEN TESTIMONY, IF THAT WAS APPROPRIATE OR NOT? >> WELL, WHAT I HAVE HEARD IS THAT A LOT OF THEM THEY SPOKE THEY WEREN'T AT THE TABLE. I HAD MENTIONED THAT WE HAVE HAD THREE MEETINGS ON THIS PARTICULAR ITEM. SO I DON'T KNOW IF IT'S A PUBLIC HEARING EVERYONE IS INVITED. SO I'M NOT SURE WHAT ELSE WE CAN DO? THANK YOU.\r\n\r\n>> THANK YOU. THANK YOU, CHAIR. >> MEMBER MOLINA. >> THANK YOU, MADAM CHAIR. FIRST OF YOU A, TIP OF THE CAP TO OUR AFFORDABLE HOUSING CHAIR. HE HAS CERTAINLY TAKEN THE BULL BY THE HORNS ON THIS ISSUE. JUST IN GENERAL.\r\n\r\nSO I REALLY COMMEND YOU FOR THAT, MR. JOHNSON. THIS IS ONE OF THOSE RARE TIMES WHERE I'M NOT IN SUPPORT OF LEGISLATION RELATED TO AFFORDABLE HOUSING. I THINK AGAIN IT'S MAYBE SIMILAR TO THE OUTDOOR LIGHTING BILL. MAYBE JUST CONSIDER TAKING IT BACK TO COMMITTEE TO REWORK IT A LITTLE BIT? BECAUSE WE DID HEAR FROM PEOPLE WHO ARE STRONG HOUSING ADVOCATES, LIKE MR. KUA, AND ALSO MAYBE WE SHOULD MAYBE GET MORE LENDERS INVOLVED.\r\n\r\nMY UNDERSTANDING THAT WE HAD SOME MORTGAGE COUNSELORS, BUT JUST GET MORE INPUT. BECAUSE I CERTAINLY WOULD HATE TO PASS SOMETHING WITH UNINTENDED CONSEQUENCES CREATING DISINCENTIVES AND EXPENSES NOT ANTICIPATE. SO I JUST WANT TO BE SURE. SO MY PREFERENCE WOULD BE THAT THE CHAIR CONSIDER TAKING IT BACK TO COMMITTEE. I KNOW WE SOMETIMES WANT TO MOVE THINGS OUT ASAP AND THERE WERE SEVERAL MEETINGS. I DON'T KNOW WHAT KIND OF OUTREACH WAS DONE WITH THE OTHER FOLKS WHO HAD CONCERNS? IT IS CORRECT IT'S NOTICED, BUT SOMETIMES WE JUST HAVE TO GET MORE ADDITIONAL INPUT.\r\n\r\nI WOULD HOPE,

TOO, AS MEMBER KING ASKED, AS THESE FOLKS WHO TESTIFIED ON FRIDAY, WHO HAVE GOTTEN IN TOUCH WITH MEMBER JOHNSON. BUT I GUESS THEY JUST SUBMITTED THEIR TESTIMONY IN WRITING. SO FIRST, I'M NOT COMFORTABLE WITH MOVING IT OUT TODAY. THANK YOU. >> MEMBER SUGIMURA. >> THANK YOU. THANK YOU VERY MUCH, CHAIR.\r\n\r\nSO I WAS SURPRISED TO HEAR JEFF GILBREATH IN HIS TESTIMONY, AND HE DID SUBMIT WRITTEN TESTIMONY, SAYING IT WAS NOT PART OF WHAT HE WAS TRYING TO GET WITH THE COMPREHENSIVE AFFORDABLE HOUSING REPORT HE DID FOR US, AS WELL AS HAWAI'I COMMUNITY FOUNDATION. THEY WERE PRETTY CLEAR IT MAY BE GOOD, BUT IT NEEDED MORE WORK. I AGREE, IF THE CHAIR WOULD ALLOW, TO SENT IT BACK TO COMMITTEE TO GET THESE DETAILS WORKED OUT. SO WE DON'T WALK DOWN THE PATH OF PUTTING BLOCKAGES TO DEVELOPERS, AND RESIDENTS TO HAVING MORE HOUSING. SO THAT IS MY GENERAL COMMENT. >> MEMBER JOHNSON. >> THANK YOU, CHAIR.\r\n\r\nI FIGURE I WOULD SPEAK UP NOW, BECAUSE BOTH MEMBERS MENTION THE IDEA OF BRINGING IT BACK TO COMMITTEE. THIS BILL DOESN'T LIVE IN A VACUUM; RIGHT? AND WE HAVE OTHER BILLS THAT WE'RE GOING TO BE MOVING FORWARD WITH. WE'RE GOING TO LOOK FOR THE PROPER WAYS TO SUBSIDIZE THE LITTLE GUYS AND CREATING OTHER WAYS TO ALLEVIATE THEIR CONCERNS. THIS BILL IS A MATH FORMULA, SAYING THESE ARE AFFORDABLE HOUSING GUIDELINES STARTING NEXT YEAR WHEN THE HUD GUIDELINES ARE POSTED. IT'S A FORMULA THAT ALLOWS OUR BUYERS WHO GIVE THOSE PRIME FHA LOANS THAT A MAJORITY OF PEOPLE USE THEIR FIRST TIME HOMES FOR. ONCE AGAIN, THEY HAVE OUR ONE PERSON CAME IN AND SAID 40% INCREASE IN PEOPLE GETTING THEIR LOANS FOR THEIR HOUSES.\r\n\r\nTHIS IS A VERY SIGNIFICANT THING. REMEMBER WE HAD BILL 61 THAT OPENS UP THE WAY WE USE OUR AFFORDABLE HOUSING FUND AND BILL 111. IT'S JUST LIKE WHEN OUR TESTIFIER JUST SAID, TO ANSWER THOSE QUESTIONS, AFFORDABLE FOR WHO? WHAT YOUR DEFINITION OF "AFFORDABLE?" THIS IS ADDRESSING THE HOW MUCH? AND I DON'T WANT TO TAKE IT BACK TO COMMITTEE. I THINK THERE WILL BE MORE BILLS THAT WILL HELP WITH THIS. WE'RE HELPING LONG-TERM RESIDENTS WITH THESE HOMES. THAT IS WHAT COUNCIL MEMBER KAMA WAS SPEAKING ON.\r\n\r\nTHIS IS A BILL TO HELP OUR LONG-TERM RESIDENTS. BILL 111 AND BILL 61, AS WELL AS THIS BILL, AS WELL AS MORE BILLS IT'S A CONSTANT REORGANIZATION OF HOW WE'RE DOING THIS. YOU DON'T LOOK AT THIS BILL IN VACUUM IS MY POINT. THANK YOU, CHAIR. >> ANY OTHER MEMBERS? MEMBER PALTIN. >> THANK YOU, CHAIR.\r\n\r\nTHIS IS ANOTHER DIFFICULT ONE. I TOTALLY GET WHERE MEMBER JOHNSON IS COMING FROM ON THE AFFORDABLE FOR WHO? I THINK THE MAJORITY OF THE PEOPLE THAT HAVE BEEN ABLE TO TAKE ADVANTAGE OF AFFORDABLE HOUSING ARE PRIVILEGED IN SOME WAY OVER FOLKS THAT ARE UNABLE TO . BECAUSE LIKE MR. HOW CROWLEY SAID, THE MATH DOESN'T WORK. AT THE SAME TIME, I THINK THAT THOSE OTHER BILLS THAT MR. JOHNSON IS TALKING ABOUT NEEDS TO BE PASSED CONCURRENTLY ON THIS ONE, BECAUSE WE DON'T WANT TO PREVENT MORE HOUSES FROM GETTING BUILT. AT THE SAME TIME, WE'RE MAKING IT MORE ABLE TO QUALIFY FOR A LOAN, AND FROM THE TESTIMONY THAT I HEARD FROM MR.\r\n\r\nAPO AND MR. GILBREATH, THEY ARE WILLING TO HELP US CONCURRENTLY. AT COMMITTEE WE HAD THE MORTGAGE LENDERS SPEAK AND THE ONE THING I RECALL THAT WE DIDN'T ADDRESS IS THE MISSING PORTION HOW TO LINK THE TWO? I HEARD MEMBER JOHNSON REFERENCE BILL 61 AS A START, BUT WE NEED TO LINK IT, I THINK, TO HOW TO GET THAT TO HAPPEN. THE OTHER THING THAT REALLY HIT ME IS HEARING FROM MR. HIGA AND I GOT AN EMAIL TESTIMONY FROM YOUTH COUNCIL, THAT MEMBER KING HAD STARTED. THAT THEY ARE LOOKING AT THIS AS THEIR PROJECT BILL.\r\n\r\nI THINK WHEN THE YOUTH SPEAK, AND WHEN THEY WANT TO GET INVOLVED ON MATTERS THAT REALLY AFFECT THEM. I WOULD LIKE TO LISTEN AND INVOLVE THEM AS WELL. SO MY REFERENCE ALSO WOULD BE TO RECOMMIT, AND WORK THOSE ISSUES OUT ABOUT LINKING BILL 61 AND BILL 107.

SO THAT IT'S A CONCURRENT PASSAGE. NOT BILL 61, BUT A MECHANISM TO GET THE FUNDS THAT HAVE BEEN ALLOWED TO OPEN UP FROM BILL 61 TO 107. AND ALSO, INVOLVED MR. GILBREATH AND MR. APO FOR THEIR I GUESS MR. KUA AND BRINGING THE KIDS ALONG, TOO.\r\n\r\nBECAUSE IT'S AN ISSUE THAT THEY HAVE EXPRESSED INTEREST IN. >> MR. JOHNSON, IT'S LOOKING LIKE YOU MAY NOT HAVE ENOUGH -- YOU MAY NOT HAVE FIVE TO PUSH THIS FORWARD. SO WOULD YOU CONSIDER RECOMMITTING? >> I WILL CONSIDER IT. OKAY. I HAVE TO.\r\n\r\nLET'S DO IT. BECAUSE WE HAVE -- THE IDEA WAS THAT IT'S NOT GOING TO START UNTIL NEXT YEAR ONCE THE HUD GUIDELINES COME OUT. SO IF THAT'S WHAT WE HAVE TO DO, WE'LL RECOMMIT IT THEN. >> OKAY. SO YOU WANT TO WITHDRAW YOUR MOTION. >> I WITHDRAW YOUR MOTION. >> AND WHO WAS THE SECONDER?\r\n\r\nMEMBER KING? MEMBER SINENCI, I THINK, HE'S GONE. I DON'T KNOW WHERE THEY WENT? WELL, I THINK VICE-CHAIR IS ON. BUT NOT HER VIDEO. MEMBER KAMA IS GONE AND I'M NOT SURE WHERE MEMBER SINENCI WENT. MR.\r\n\r\nCLERK, CAN WE WITHDRAW THE MOTION IF THE SECONDER IS NO LONGER ON THE CALL? >> YES, CHAIR. MY UNDERSTANDING IS THAT TO WITHDRAW A MOTION, ONLY THE MOTION-MAKER NEEDS TO STATE THE INTENTION. THANK YOU, CHAIR. >> YOU WITHDREW AND MAKE A MOTION TO RECOMMIT. >> I MOVE TO RECOMMIT THIS BILL TO THE AFFORDABLE HOUSING COMMITTEE. >> IS THERE A SECOND?\r\n\r\nMOVED BY MEMBER JOHNSON AND SECONDED BY MEMBER MOLINA TO RECOMMIT COMMITTEE REPORT 22-62 TO THE AFFORDABLE HOUSING COMMITTEE. MR. KRUEGER. >> YES, CHAIR. I JUST WANTED CLARIFICATION IF THE RECOMMITAL INCLUDED THE ENTIRETY OF THE COMMITTEE REPORT 22-62, AS WELL AS BILL 107, CD 1 (2022)? >> YES, THE ENTIRE COMMITTEE REPORT. >> THANK YOU. >> ALL RIGHT, THANK YOU.\r\n\r\nI KNOW IT'S DISAPPOINTING. WE'LL MAKE THE BILL BETTER. WHAT IS THE NEXT ITEM, MR. CLERK? I'M SORRY, I DIDN'T TAKE THE VOTE. ALL THOSE IN FAVOR THE MOTION, RAISE YOUR HAND AND SAY AYE? TWO, FOUR, FIVE, SEVEN AYES, TWO EXCUSED.\r\n\r\nMOTION CARRIES. EXCUSED ARE MEMBER SINENCI, AND PRO TEM KAMA. AND THEN MEMBER -- MR. CLERK, WHAT IS THE NEXT ITEM? >> CHAIR, THE LAST ITEMS REMAINING ON THE AGENDA ARE BILL 65 AND 92, CD 1. >> CAN YOU BRING THEM UP >> ONE AT A TIME. >> YES, CHAIR. SO PROCEEDING WITH TESTIMONY ON BILL 65 (2022) FIRST.\r\n\r\nCHAIR, THERE ARE CURRENTLY NO INDIVIDUALS SIGNED UP TO TESTIFY ON THIS ITEM. SO WE'LL DO A LAST CALL. IF THERE ARE ANY INDIVIDUALS INTERESTED IN TESTIFYING ON BILL 65 (2022) AND HAVE NOT TESTIFIED ON IT YET, PLEASE IDENTIFY YOURSELF NOW. I REPEAT THIS IS LAST CALL FOR THIS ITEM. >> IS THERE ANY OBJECTION TO CLOSING PUBLIC TESTIMONY AND ACCEPTING WRITTEN TESTIMONY FOR BILL 65 (2022) >> NO OBJECTIONS. >> SO ORDERED. MR.\r\n\r\nCLERK. >> YOU HAVE BEFORE YOU BILL 65 (2022) ENTITLED, "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES REGARDING THE ISSUANCE OF A MANAGEMENT RIGHT-OF-ENTRY FOR BRUSH CLEARING AND PUBLIC PARKING PURPOSES." >> MR. MOLINA. >> THANK YOU, MADAM CHAIR. MOVE TO PASS BILL 65 (2022) ON SECOND AND FINAL READING. >> MOVED BY MR. MOLINA.\r\n\r\nSECONDED BY MEMBER SUGIMURA TO MOVE BILL 65-2022 ON SECOND AND FINAL READING. DISCUSSION? MR. MOLINA. >> THANK YOU, MADAM CHAIR. BILL 65 WOULD AUTHORIZE THE MAYOR OR HIS AUTHORIZED REPRESENTATIVE TO EXECUTE THE RIGHT-OF-ENTRY PERMIT ATTACHED AS EXHIBIT 1 FOR PARCEL IDENTIFIED ALLOWING FOR PUBLIC CLEARING AND CLEARING OF OVERGROWN BUSH FROM STATE OF HAWAI'I LAND CONSISTING OF APPROXIMATELY .524 ACRES AS IDENTIFIED IN EXHIBIT A. BUDGET DIRECTOR STATED THAT \$10000 WAS ALLOCATED IN THE FISCAL YEAR 2023 BUDGET TO CLEAR THE AREA AND CREATE 50 PARKING STALLS. THE RIGHT-OF-ENTRY IS VALID FOR ONE CALENDAR YEAR UPON APPROVAL

OF THE AGREEMENT.\r\n\r\nMUCH MAHALO TO MS. NISHIKI FOR HER EFFORTS.
THANK YOU, MADAM CHAIR. >> ANY MORE DISCUSSION? ALL THOSE IN FAVOR OF THE
MOTION OF PASSING BILL 65 (2022) ON SECOND AND FINAL READING, PLEASE
RAISE YOUR HAND AND SAY AYE. . >> AYE. >> WE HAVE BACK MEMBER SINENCI AND
VICE-CHAIR RAWLINS-FERNANDEZ.\r\n\r\nSO WE HAVE EIGHT AYES, ZERO NOS, ONE
EXCUSED, PRO TEM KAMA. MOTION CARRIES. NEXT ITEM, MR. CLERK. >> CHAIR,
THE NEXT ITEM IS BILL 92 CD 1 (2022) WE'LL CALL TESTIMONY ON THIS ITEM AT
THIS TIME. CHAIR THIS ARE NO INDIVIDUALS SIGN UP TO TESTIFY ON THIS ITEM.
BUT WE'LL DO A LAST CALL.\r\n\r\nIF THERE ARE ANY INDIVIDUALS WHO WISH TO
TESTIFY ON THIS ITEM, PLEASE IDENTIFY YOURSELF NOW. I REPEAT, THIS IS OUR
LAST CALL FOR TESTIMONY ON BILL 92, CD 1 (2022) MEMBERS ANY OBJECTIONS TO
CLOSING PUBLIC TESTIMONY AND ACCEPTING WRITTEN TESTIMONY IN FOR THE BILL?
>> NO OBJECTIONS. >> SO ORDERED. MR. CLERK. >> CHAIR, YOU HAVE BEFORE YOU
BILL 92 CD 1 (2022) ENTITLED, "A BILL FOR AN ORDINANCE AMENDING CHAPTER
2.60 MAUI COUNTY CODE RELATING TO RESIDENCY REQUIREMENT FOR BOARDS AND
COMMISSION MEMBERS ." >> MEMBER MOLINA.\r\n\r\n>> THANK YOU, MADAM CHAIR.
MOVE TO PASS BILL 92 CD 1 (2022) ON SECOND AND FINAL READING. >> MOVED BY
MEMBER MOLINA, SECONDED BY MEMBER SINENCI TO PASS BILL 92 ON SECOND AND
FINAL READING. CD 1, (2022) DISCUSSION, MEMBER MOLINA. >> THANK YOU,
MADAM CHAIR. BILL 92 WOULD ESTABLISH A REQUIREMENT FOR BOARD, COMMISSION
OR COMMITTEE MEMBERS TO BE MAUI COUNTY RESIDENT WITH GENERAL
UNDERSTANDING OF MAUI COUNTY AND RESIDENT IS DEFINED AS A "PERSON WHO
MEETS THE REQUIREMENT OF A HOME EXEMPTION CLAIM UNDER SECTION 3.48.050
MAUI COUNTY CODE." OTHER THAT ON THE REQUIREMENT TO OWN AND OCCUPY REAL
ESTATE PROPERTY AS A PRINCIPAL HOME. RESIDENCY BY AN APPOINTEE OUTSIDE OF
THE COUNTY , OR FAILURE TO REPORT A RESIDENCY CHANGE OUTSIDE OF THE
COUNTY WOULD JUSTIFY REMOVAL FROM THE BOARD, COMMISSION OR
COMMITTEE.\r\n\r\nI WANT TO THANK MY COLLEAGUE FROM WEST MAUI, MEMBER
PALTIN, FOR INTRODUCING THIS LEGISLATION. I ASK FOR THE MEMBERS' FULL
SUPPORT OF THIS MOTION. THANK YOU. >> ANY MORE DISCUSSION, MEMBERS? IF
NOT, ALL THOSE IN FAVOR OF THE MOTION, PLEASE RAISE YOUR HAND AND SAY
AYE? >> AYE. >> OKAY.\r\n\r\nI SEE ONE, TWO, THREE, FOUR, FIVE, SIX,
SEVEN -- EIGHT AYES, ONE EXCUSED. PRO TEM KAMA. MOTION CARRIES. ZERO NOS.
MR. CLERK, HAVE WE COVERED ALL OF ITEMS? >> CHAIR, THERE IS NO FURTHER
BUSINESS BEFORE THE COUNCIL.\r\n\r\n>> OH, MY GOODNESS. ALL RIGHT,
MEMBERS, DO YOU HAVE ANYTHING YOU WISH TO ADD? THIS HAS BEEN A VERY
CONFUSING DAY. YES, MR. SINENCI. >> THANK YOU, CHAIR. JUST EXTENDING MY
SENTIMENTS SAFE TRAVELS TO OUR COMPADRES GOING TO NACO IN
COLORADO.\r\n\r\n>> YES. AND WE ALL DITTO THAT. SAFE TRAVELS TO ALL.
ANYTHING ELSE ANYONE? MEMBER MOLINA. >> THANK YOU, MADAM CHAIR. JUST WANT
TO FOLLOW THAT BLESSINGS FOR OUR MEMBERS GOING TO COLORADO.\r\n\r\nIF YOU
GET A CHANCE, PLEASE SAY ALOHA TO MY DAUGHTER, WHO LIVES THERE. THANK
YOU. >> YES, PLEASE DO. MEMBER SUGIMURA. >> THANK YOU. QUITE A MEETING WE
JUST HAD OVER TWO DAYS, AND I WANT TO THANK ALL OF THE MEMBERS WHO
SUBMITTED BILLS AND GOT TO KIND OF HASH IT ALL OUT. AND APPRECIATE THE
HARD WORK.\r\n\r\nTHANK YOU. >> THANK YOU. ALL OF YOUR HARD WORK,
EVERYONE'S HARD WORK IS VERY MUCH APPRECIATED. MEMBER KING. >> THANK YOU,
CHAIR. I WAS JUST GOING TO CAUTION WHEN YOU GO TO COLORADO, JUST BE SAFE.
I THINK THEY WERE THE FIRST STATE TO LEGALIZE MARIJUANA.\r\n\r\n[LAUGHTER
]BE GOOD. AND THANKS CHAIR, FOR RUNNING THE MEETING. I KNOW YOU'RE STILL
A LITTLE BIT UNDER THE WEATHER AND IT'S NOT EASY TO DEAL WITH THE NEW
SUNSHINE LAW. THANK YOU FOR HELPING US NAVIGATE THROUGH IT. WE'LL
PROBABLY STILL BE NAVIGATING IT THROUGH OUR COMMITTEES. MY PREDICTION IS
THAT OUR COMMITTEES WILL BE A LITTLE -- OUR COMMITTEE MEETINGS MAY BE A

LITTLE MORE COMPACT NOW, ONE OR TWO ITEMS INSTEAD OF FOUR OR FIVE,
KNOWING THAT TESTIMONY COULD TAKE MOST OF THE MEETING. SO MAYBE THAT IS A
GOOD THING?\r\n\r\n>> YES. THANK YOU, MEMBER KING. I APPRECIATE THE
COMMENTS. EVERYONE, ALL OF YOU TAKE CARE UNTIL WE SEE YOU TOMORROW
PROBABLY. AND THIS MEETING OF JULY 18TH, 2022, APPROXIMATELY 3:28 IS NOW
ADJOURNED. [GAVEL]