

TRANSCRIPTION

Council of the County of Maui on 2022-09-20 9:00 AM - Regular Meeting

september 20th, 2022. Maui county council meeting. SEPTEMBER 20th, 2022.
[Gavel] Roll call, MR. Clerk. >> chair, proceeding with roll call, members participating from non-public locations should state, who if anyone, except minors, is present with them as part of roll call. Council member shane sinenci. >> aloha kakahiaka and cha le. >> thank you.\r\n\r\n>> council member mike molina. >> mike, unmute yourself, mike. Mike molina, can you hear us? Okay, move on to the next. >> council member kelly takaya king. >> is there any particular reason -- they both can't -- they should be unmuted. >> chair, there might be a technical issue.\r\n\r\n>> howdie doodie time. >> council member mike molina, can you hear us? >> can you guys hear me in ? >> I can't hear you guys, sorry. >> I don't think anyone is talking mike. >> now I can hear you. >> nobody was talking. >> okay.\r\n\r\n>> alice -- recording has stopped your microphone looks like it's on, but we can't hear you. (Maui county council meeting in recess) [Gavel] >> will the maui county council regular council meeting of SEPTEMBER 20th, 2022 please reconvene. MR. Clerk, for the record, I see that vice-chair rawlins-fernandez has joined us on the call. Can you continue with roll call? Or did you finish? >> no, chair.\r\n\r\nCurrently I called council member shane sinenci. So the next member to call is council member mike molina. >> okay. Good morning everyone. Thank you. My understanding there's some technical difficulties with the audio, but I'm here in my residence in makawao, transmitting from here, and I have been informed that the pa'ia district office, there are no testifiers. Thank you, MADAM Chair.\r\n\r\n>> thank you thank you. >> council member kelly takaya king. >> aloha kakahiaka, and cha le everyone. I see two screens that say "poor network," and hping that is not my connection. I'm here at my home office after a very early morning ea committee meeting and we have reports of no testifiers at the south maui district office. >> council member gabe johnson? >> aloha chair, council members.\r\n\r\nCommunity members. Cha le to all of you. My understanding there's no testifiers at the lana'I district office and I'm here and ready to work. Thank you, chair. >> council member tamara paltin. >> aloha kakahiaka, cha le. There's no testifiers at the office.\r\n\r\n>> council member yuki lei sugimura. >> I wish all could see how many are with us today. Look forward to a great meeting. >> presiding officer pro tempore tasha kama. >> aloha kakahiaka, chair, and cha le to all of my colleagues and everyone out here in the chambers. I am also in the chambers and looking forward to an expeditious meeting today. Thank you, chair.\r\n\r\n>> we can always dream. >> council vice-chair keani rawlins-fernandez. >> aloha kakahiaka. My moloka'I nui ahina. I'm at the moloka'I district office, alone on my side of the office and community outreach specialst zhantell lindo on the other side of the office. Currently have no tiffers at the localia district office and aloha to everyone in the chambers, ad logged in. Mahalo, chair.\r\n\r\n>>. Thank you. >> council chair alice legislation lee. >> good morning, cha le. Welcome everyone. We have a nice group in the chambers ad nice to see everyone -- everything almost back to normal. We hope to have an expeditious meeting, as mentioned by pro tem kama. We also have a very full agenda.\r\n\r\nSo we all need to -- members, stay with our clarifying questions, okay. Very good. Thank you. MR. Clerk. >> chair, there are nine memberses present, a quorum is present to conduct

the business of the council. For the record, I'm deputy county clerk james krueger, and also present in the office of the county clerk are legislative division staff joy murashige, lauren saladna and dell yoshida and richelle thompson, first deputy counsel.

>> opening remarks by member yuki lei sugimura. >> thank you, chair. For my opening remarks, it's a gift that I received and I wanted to share with the community, and those present. I think I got it at a veterans' service at one of the memorial services and it came from danny matteo, who was our county clerk, as you all know, is missed. On SEPTEMBER 24th, would be three years since he passed away so suddenly. But it was typical of danny mateo and I have been saving this for the right moment and I think this is the right moment. This is a message from a friend, who loved life, and he was our council chair, he was the county clerk.

He was the moloka'I council member, and a person who was just full of life: I MISS Him. His message that he left with me is short. It's called "his wisdoms of golden rules of living," author unknown. If you open it, close it. If you turn it on, turn it off. If you unlock it, lock it up. If you break it, admit it.

If you can't fix it, call someone who can. If you can borrow it, return it. If you value it, take care of it. If you make a mess, clean it up. If it belongs to someone else, get permission to use it. If you don't know how to operate it, leave it alone. And if it's none of your business, don't ask questions.

That is danny mateo. MISS That guy often and this is the flag he gave me at the service. One day I opened up his business card and I found on the back of the business card his message and to share it and this is the moment. thank you. >> thank you for sharing. Members the pledge of allegiance. Please join me.

I pledge allegiance to the flag of the united states of america, and to the republic for which it stands, one nation under GOD, indivisible, with liberty and justice for all. MR. Clerk. >> proceeding with ceremonial resolutions. Members of the public MAY testify in the council chamber at courtesy testimony site or remotely through the information listed on the meeting agenda. Individuals in the council chamber MAY sign up to testify with a staff member located at the desk in the 8th floor lobby. Individuals at courtesy testimony sites MAY sign up with staff at the site.

Individuals participating remotely MAY sign up in the meeting chat. If you are connected to the meet big phone you will be automatically be added to the testifier list. Individuals are currently on mute and will be unmuted when it's their time to testify. Individuals connect by videoconference should keep their video and microphone off and turn them only when it's their time to testify. Testimony is limited to the items listed on the agenda. Individuals MAY testify for three minutes with up to one minute to conclude per item. When testifying please state your name and the name of any organization you represent, as well as the items on which you will be testifying.

Please also identify to the council if you are a paid lobbyist. Individuals MAY also be disconnected from the meeting at any time for breaking decorum. At this time, individuals MAY testify on ceremonial resolutions. We currently have one individual signed up to testify and that is zhantell lindo. MS. Lindo. >> mahalo, thank you for this opportunity.

I wanted to testify on behalf of the ceremonial resolution and congratulate our team for always representing our island, and our state, with such grace and beauty and strength. Congratulations to everyone and thank you for this opportunity. >> thank you, MS. Lindo. Any questions, members? If not, MR. Clerk.

>> chair, we might have one person signing up to testify.

>> who might that be? >> perhaps not. Apologies, chair. Then there's n one else signed up to testify, the last call, if there's anyone else who wants to testify on ceremonial resolutions, please identify yourself now. Again, last call for testimony on ceremonial resolutions. Oh, we do have someone who wishes to testify.\r\n\r\nCould you please state your name. >> good morning, my name is wade hondo, the athletic director at baldwin high school ad I'm here on behalf of the coach balangitao and the maui interscholastic league. On behalf of the mil, we would like to thank the council for the resolution, and recognizing and celebrating our student-athletes, our maui county student-athletes. We would also like to congratulate the recipients and their families for their many years' of commitment to their sports. I think we can see now that all of your hard work and sacrifices have really paid off. Congratulations to all today and again, thank you very much, council. >> thank you, MR.\r\n\r\nHondo. My questions, members? If not, thank you vry much. MR. Clerk. >> once again last call for testimony on ceremonial resolutions. If there's anyone to testify on a ceremonial resolution, please identify yourself now.\r\n\r\nAgain, this is last call. >> aloha. Can you folks hear me? >> yes. >> this is aunty -- I'm sorry, I think I have my video on. I am listening and I'm surprised there was just one testifier. So i think everybody is looking for a friday meeting instead o a tuesday meeting.\r\n\r\nSo they are probably -- you know, not ready for it. And that's why I quickly signed in. But I wanted to talk about resolution 22-216 and for the record, I'm francine alvona, testifying on my behalf. >> apologieises right now we're only calling testimony on ceremonial resolutions 22-209, 22-214, and 22-215. >> do you call back in for resolution 22-216? >> yes. >> yes. We will call resolution 22-216 with the other resolutions and testimony for that will come up later in the agenda. >> thank you.\r\n\r\nYou folks have a good day. I'll see you later. >> thank you, aunty, aloha. MR. Clerk. >> chair, no one else has indicated that they would like to testify on ceremonial resolutions. >> members, are there any objections to closing public testimony and accepting written testimony for ceremonial resolutions?\r\n\r\n>> no objections. >> so ordered. MR. Clerk. >> chair, proceeding with ceremonial resolutions. You have before you resolution 2-209 entitled, "congratulating maui county winners at the 2022 island movers/hawai'I high school athletic association state track and field championships." member sugimura. >> thank you, chair.\r\n\r\nI move to adopt resolution 22-209. >> second. >> moved by member sugimura and seconded by pro tem kama to adopt resolution 22-209. Discussion? Member sugimura. >> thank you, chair. MAY I please ask the clerk to read the resolution in its entirety? >> MR. Clerk.\r\n\r\n>> congratulating maui county winners at the 2022 island movers/hhser yao yao state track and field championships. Whereas, student-athletes representing three maui county high schools captured four state championships at the 2022 island movers/hawai'I high school athletic association state stormtracker and field championships on MAY 13, and 14 at kunuiakea stadium at the campus of kamehameha schools in kapalama in honolulu; and whereas, these maui county student-athletes continued the maui interscholastic league tradition of producing notable performances at te state track and field championships and whereas, maui high school senior kaimana cantereer captured the championship in the 800-meter run with a time of one minute, 59.92 secondss and in doing s became the first maui high school runner in its history to best two minutes in thet; and whereas, baldwin high school senior justin kahalewai

will be honored kaimana cantere. >> members, any comments, questions? Member moma. >> thank you very much, MADAM Chair and mahalo member suggest MARCH for this well-[Stk-efb/]Ed resolution for our very fine young student-athletes and champions. Congratulations to all of us and it's extra special when you do it on the road, because it's really difficult. You -- you're performing in general not in front of the home crowd, to speak, and what you have done is certainly an accomplishment and the lessons that you learn and carry with you from these experiences will certainly benefit you well down the road in life.\r\n\r\nCongratulations to all of the coaches for your commitment and hard work for these young people and the schools and last, but not least the parents, students make sure you show your love to your parents because they are with you all the time and I'm certainly sure times it could get tense with practice and academic responds. So your parents are with us and make sure you show them some love and great job in raising these wonderful, wonderful athletes. Best of luck to all of you, mahalo, MADAM Chair. >> mahalo, member molina. Wonderful words, you will probably a track and field star in your day. Member johnson. >> thank you, chair.\r\n\r\nI want to echo the sentiments of congratulations, really exciting to see you folks do great things. I want to look forward to you doing great things as you grow into adulthood and see where this takes you. Mahalo, chair. >> thank you. Anyone else? All right. Member sugimura, you mentioned we have people here.\r\n\r\nAre you going to introduce them and then I'm going to take the vote and then I'm going to ask you to introduce those folks to say a few words, and then you mentioned a video. >> from kaylee volner. >> that is all set up? >> who is off to college. >> okay. Members, if there's no more comments or discussion, all those in favor of adopting the resolution say aye? >> aye.\r\n\r\n>> nine ayes, zero nos, motion carries. MR. Clerk. Please call up our guests. >> oh, yes. The individuals who are being recognized, please come forward. >> we have justin kahalewai from baldwin high school and joseph randol are both here in person and the other two are so he is from maui high school and listening in on line.\r\n\r\nI don't know if we have a way of seeing him? Jordan? Jordan from my office, who coordinated this -- oh, there you are. Hi. Oh, good. So maybe we can have you say a few words first? Kaimana cantere is here.\r\n\r\nVideo. He just logged on. Do you want to say a few words? >> you're unmuted. O muted, I should say. You're muted. There you go -- oops, can you say something?\r\n\r\nSo we can test your audio? >> just say hi? >> yes. >> there you go. Good. >> I just want to say it's an honor to be recognized as one of the people who represented maui county under track and field sport. I have no other words besides that.\r\n\r\n>> thank you very much, kaimana. Thank you for joining us and congratulations again. We have two young men here. >> yes. >> would you like to say something. >> chair, if they could say a few words and if could have the coaches and parents stand behind them? >> okay.\r\n\r\n>> you were given leis before, but parents. >> parents, you can come down while they are speaking and coaches, please go up to the microphone and say who you are. >> I'm joseph randol. I would like to say it's truly an honored to be recognized by the council for this award. I would like to thank my family for their commitment and hustle to rise me. I always like to thank my coaches for believing, and for their coaching -- I'm really grateful for. Just such beautiful people in my life that I will truly cherish forever.\r\n\r\nThank you. >> thank you, MR. Randol. Next speaker. >> hi. My name is justin kahalewai. I would just like to

thank my parents and my family, friends and coaches for all their support and blessings for getting me where I am.\r\n\r\nThank you. Thank you very much. >> thank you. [Applause] If you would just stand there and if all of the parents and coaches could stand in back of you, please. >> can we run the video? >> we can. Jordan, can you run the video from kaylee volner?\r\n\r\n>> where is jordan? >> jordan is in my office. Is it working, jordan? The share screen? While he is getting that up, we have kaylee's-points track coach MR. Grossman from seabury and the athletic director from seabury. Maui high school, the athletic director, and other family members and wade hondo.\r\n\r\nI think wade came in. I owe you a lei also. Can we have the video? Congratulations to all the track athletes and I'm glad they were recognized today. This group of four lost two track seasons because of the pandemic and remained steadfast and continue to work hard. I think to be successful through this process it was pretty emotional for them, I think, to do this and finally have a state championship. So thank you for recognizing them today.\r\n\r\nThank you. [Applause] >> can you offer te resolutions to the folks receiving them and the leis, and the photos? >> thank you. We gave everybody the leis and if you could stand there, we want to do a quick photo. >> okay. Who is taking the picture? >> ocs.\r\n\r\n>> okay. All of you come forward. >> come forward everyone, over here. >>thank you. >> and all of the council members. MR. Clerk, MAY we have the next item.\r\n\r\n>> yes, chair, you before before you resolution 22-214 entitled, "congratulating the 2022 international va'a federation va'a world sprint championships gold medal winners from maui county." . >> vice-chair rawlins-fernandez. >> mahalo, chair. I move to adopt resolution 22-214. >> second. >> moved by vice-chair rawlins-fernandez, seconded by member johnson to adopt the resolution. Discussion? Perhaps we could have the clerk read the resolution in its entirety. >> congratulating the 2022 international va'a federation va'a world sprint championships gold medal winners from maui county whereas, the 2022 international va'a federation or ivach yaw yao world sprint championships considered the olympics of outricker canoe paddling was held at dorney lake many windsor, england from AUGUST 7-16th; and whereas, this year marked the 20th ivach va'a world sprint championships and the first championships to be held in european waters and whereas, this global competition occurs every two years, and features men's and women's canoe races for youth, adult, and paralympic divisions and for the first time included 75 and 80-year-old divisions and whereas, before leaving for england, maui county women's team member mary akiono, who competed in five world springs champions events shared that it's awesome to have quality canoe paddlers who can just jump into the canoe and blend very well and expressed her excitement about the addition of the age 75 division; and whereas, the state of hawai'I participates a its own country at the championships similar to the sport of surfing and is separate entity from the usa outrigger racing canoe club on the mainland; and whereas, all of the women's canoe paddling teams from hawai'I were eager to compete against hundreds of other paddlers and vigorously participated in the intense trial canoe races before being selected to represent hawai'I in the actual competition; and whereas, under the leadership, guidance and mentorship of maui county canoe paddler vanessa weising, who voluntarily inherited thevol of coach and kihei canoe club paddlers known throughout the championships as no.\r\n\r\n33, successfully won 8 of the 12 gold medals presented at this year's championship; and whereas, maui paddler vanessa weiss and moloka'I

paddler torrey gad gman were the gold medal winners of the wombs 60 division 500 meters double hull; and whereas, moloka'I paddlers penny martin and camie kimball were the gold medal winners of the women's 70 division, 500 meters straight women's 70 division 500 meters with turn and women's 70 division 500 meters double hull and maui paddlers diane wetz heel, yawned sheriff, mary - akiono, and donna newhart were the gold medal winners of the women's 75 division, 500 meters and with turn; and whereas, maui paddlers julie shoup, jen edwards, michelle well mering, suz conlon, sandy carvalho and allison lee were the gold medal winners of the women's open division I,000 meters with turn; and whereas, the next ivah va'a world spring championships will be held in hilo, hawai'I in 2024 which will be the first time that hawai'I will be host this international canoe racing competition; and whereas, the athletic ability, determinacious accuracy, skill and excellence achieved bit maui county kupuna women canoe paddlers that the world sprint champions has brought great pride honor and recognition to our community; and, now, therefore be it resolved by the council of the county of maui 1, that it hereby applauds, praises and congratulates the 2022 ivach va'a world sprint championship maui county gold medal iner's and 2 that certified copies this resolution be transmitted to vanessa weissing torrey goodman, penny martinger camie kimball,dayane wetzel wanda sheriff, mary acion osering donna newhart, julie shoup, jen edwards, michelle willmering suz con loan, sandy carvalho, aliasson leibsering the honorable david y. Ige, governor of the state of hawai'I michael p. Victorino honorable mayor mak. >> vice-chair. >> our paddlers who represented maui county on the world stage at cloudy dorney lake. I have to especially recognize my two aunties, aunty pena rawlins martin and aunty camie, who always showcase what we deem as our moloka'I hamas. These events are referred to as the masters events here in hawai'I and indeed, mastery is what you have all demonstrated and accomplished. We look forward to seeing you al with hardware in hilo in two years. Mahalo, chair.\r\n\r\n>> well-said. Anyone else? Anyone else? If not, all those in favor of the motion, raise your hand and say aye? >> aye. >> I cannot see member king. Eight ayes, zero nos.\r\n\r\n>> can you hear me? >> okay, we can hear you. Nine ayes, zero nos, motion carries. Congratulations to everyone. [Applause] Now we want to give leis. Could you please come to the podium -- would anybody like to speak on behalf of the organization? Feel free to go up to the microphone, state your name.\r\n\r\n>> good morning, honorable chair lee and members of the county council. My name is vanessa weiss and proud to be the coach and coordinator of tis contingency, that competed in the 2022 va'a world sprint in england and proud to represent maui county. At this time, I would like to introduce to you the gold medal winners that represented my club in contributing eight of the 12 gold medals won by hawai'I region. I'm so proud of them. I will start with younger ones. So when I call your name, just stick the hand out. From our women's open division, that means anywhere from 18 to, I guess now 80. I have jen edwards.\r\n\r\n\r\nSandy carvalho. Michelle willmering. >> allison lee. Suz conlon and julie shoup. They competed in the 1500-meter with five turns, and beat a lot of intently competitive women around the world. It was a pleasure to watch that particular race. O the other end of the spectrum from our 75-age division, I have diane wetzel.\r\n\r\n\r\nWanda sheriff. Mary akiono. And donna newhart. [Applause] This was tuly exciting. I helped coach the 70s and 75s, and this was te first time the ivf included in the 75-80 division. That is a breakthrough and I hope they continue that in

hilo. So we'll just wait ad see.\r\n\r\nThat is their decision. I just stand before you representing the women's 60 division. And the only person missing is my teammate torrey goodman from moloka'I. Obviously, she couldn't be here. But we won a gold medal in our double hull event. From our 70 division, unfortunately, the ones mentioned camie kimball and penny martin from moloka'I couldn't be here also. But their crew, who actually, I'm on usually, but I was one year too short. They won three.\r\n\r\nThree of the eight was won by their crew. So my hat is off to my best friends. [Applause] Once again, mahalo from all the of us. We're honored. We truly are. This is wonderful. >> thank you very much.\r\n\r\nWe are honored, and thank you for all of your hard work and sportsmanship. We would like to give you some leis right now and congratulate you in-person. [Applause] >> MR. Clerk. >> chair, you have before you resolution 22-215 entitled, "recognizing SEPTEMBER 2022 as childhood cancer awareness month." vice-chair rawlins-fernandez. >> mahalo, chair. I move to adopt resolution 22-215. >> second.\r\n\r\n>> moved by vice-chair rawlins-fernandez, seconded by member sinenci to adopt resolution 22-215. Discussion? Vice-chair rawlins-fernandez. >> mahalo, chair. MAY I request the clerk read the resolution in its entirety? >> MR. Clerk. >> recognizing SEPTEMBER 2022 as childhood cancer awareness month, whereas, each year in the united states, an estimated 15,780 children underage 19 are diagnosed with cancer; and whereas, each year lebanonly, an estimated 400,000 children are diagnosed with cancer; and whereas, childhood cancer comes in many formses including olympic ma, lymphoma, brain, spinal cord and bone cancer and various forms of cancers caused by human papilloma virus or hpv; and whereas, cancer remains the no.\r\n\r\n\r\n1 cause of death by disease for children in this country and sadly 20% of children with cancer will not survive their battle; and whereas, many infants, children and teens will also suffer from acute and long-term effects of cancer and treatment-related health issues including organ and nerve damage, secondary cancers, infertilize cognitive impairment and mental health issues and whereas, families dealing with the devastating impacts and hardships caused by childhood cancer are deserving of recognition, encouragement, and advocacy; and whereas, constant support will be shared by reaching out to those impacted by childhood cancer in our communities, learning more about their issues and needs and donating to medical research and treatment; and whereas, many organizations are dedicated to serving and enriching the lives of children and families affected by childhood cancer, including kids cancer connection, inc.; american cancer fund for children; american cancer society in hawai'I; cancer kids of hawai'I, inc.; hawai'I children's kansas foundation, st. [Skwra-ud/] Children's research hospital, hawai'I and pacific cancer foundation and whereas in honor of those who have lost their lives to childhood cancer, those who are currently battling childhood cancer, and their families and friends who love and celebrate them, now terefore, be it resolved by the council of the county of maui 1, that it recognizes SEPTEMBER 2022 as childhood cancer awareness month; 2, that it supports increasing awareness and support services for children and families affected by childhood cancer; and 3, that certified copies of this resolution be transmitted to steven firestein, founder o kids cancer connection, inc., DR. Amy firestein, clinical director of kids cancer connection, inc., the honorable michael p. Victorino, mayor, county of maui and the honorable david y. Ige, governor, state of hawai'I. >> vice-chair rawlins-fernandez, any more discussion? >> mahalo,

chair. I'm in strong support of the resolution. Mahalo. >> thank you.\r\n\r\nMember sinenci. >> thank you, chair. Just like to speak in support of the resolution before us this morning. No family is untouched by childhood cancer, and so I just wanted to send out prayers to all that are battling cancer at this moment, also to all of the families that have helped with this journey. Your journey is our journey, too and to express our support. Thank you, chair. >> ch thank you very much for those beautiful words.\r\n\r\nMember johnson. >> thank you, chair. I also am in full support. Oh I don't know if many folks know this, but I had a form of childhood cancer when I was young and that turned me into the environmentalist I am today, because I beat it and I won. But I know the cause of it was environmental pollution in the town that I grew up in. So there's some kids that don't make it through that journey, and I just want to stand in strong support of that. I do believe that our medical technology has been getting better, but it always could do better.\r\n\r\nI think to have our government support this is a way to really help those folks and save them. Thank you, chair. >> thank you for sharing your story, member johnson. Anyone else? If not, all those in favor of the motion, please say aye and raise your hand. >> aye. >> nine ayes, zero nos, motion carries.\r\n\r\nWe do not have representatives here in the chamber, but I think they were planning -- hoping to join us online; MR. Clerk, do you see anyone? >> chair, if the firesteins are online, you are welcome to unmute yourselves now. Chair, I do not see them logged into the meeting. >> okay. We'll make sure they get the resolution. Thank you, members.\r\n\r\nMR. Clerk. >> chair, proceeding with testimony on the setting of the consent calendar. Chair, as of right now we do not have any individuals that would like to testify on the setting of the consent calendar. But we'll do a last call. If there's anybody who does wish to testify on the setting of the consent calendar, please identify yourself now. Again, last call.\r\n\r\n>> chair? >> yes, member king? >> I was looking at the testifier list and looks like there's one zhantell lindo is signed up for the consent calendar. >> chair? >> yes. >> that is for the consent calendar itself. Right now we're accepting testimony only on the setting of the consent calendar.\r\n\r\n>> oh, I see. Okay. Thank you. >> no one here to testify? Are there any objections to closing public testimony and accepting written testimony for the setting of the consent calendar? >> no objections. >> so ordered.\r\n\r\nMembers, at this time, we'll set the consent calendar. >> chair? >> yes, vice-chair rawlins-fernandez? >> I would like to request removing county communication 22-223 from the consent calendar, please. >> 22-223, did you say? >> yes. Mayor informing of a vacancy on the commission of healing solutions for homelessness due to the passing of George Kaimiola.\r\n\r\n>> anyone else with a request? Members at this time, we'll set the consent calendar. As a reminder, the calendar can still be adjusted even after its set. Are there any requested changes to the consent calendar at this time? No objections to setting the consent calendar. The consent calendar is set. Members, before proceeding, I am notifying you that I will be enforcing rule 9f, no member MAY speak more than twice on any motion.\r\n\r\nMembers MAY speak for two minutes during their first opportunity to speak on a motion. During their second opportunity, the members will have one minute. MR. Clerk. >> proceeding with testimony on minutes. There's currently no one signed up to testify on minutes. If there's any individuals who would like to testify on the minutes, please identify

yourself now.\r\n\r\nThis is our last call fr testimony on minutes.
Chair, no one has indicated that they would like to testify. >> are there any objections to closing public testimony and accepting written testimony for minutes? >> no objections. >> so ordered. MR.
Clerk.\r\n\r\n>> chair, proceeding with minutes. You have before you for approval the minutes from the regular meeting of MAY 6th, 2022. >> vice-chair rawlins-fernandez. >> mahalo, chair. I move to approve the minutes of the regular meeting of MAY 6th, 2022. >> moved by vice-chair rawlins-fernandez. Seconded by pro tem kama to approve the minutes of MAY 6th, 2022. Any discussion? Vice-chair rawlins-fernandez. >> mahalo, chair.\r\n\r\nJust a quick question. If the clerks would be able to respond regarding the minutes in MAY. It's SEPTEMBER. Just wondering what was the delay? >> MR. Clerk? Or staff?\r\n\r\n>> chair, yes, we do our best to work on minute as expeditiously as possible. But we -- council meeting have been quite long this year. So minutes have been taking a bit longer than usual. What we're attempting to work through and complete them as quickly as possible. Thank you. >> mahalo, deputy clerk. Very much understandable.\r\n\r\nMahalo for that response. Mahalo, chair. >> member sugimura. >> I guess I want to thank the staff in the clerk's office, because not only do they do these and help us, but also they help with elections. I know elections was an undertaking. so I just want to mahalo them, and that MAY have been part of the reason why we're asking this question today. But thank you very much for your hard work.\r\n\r\n>> any other comments or questions? If not, all those in favor of approving the minutes, raise your hand and say aye? >> aye. >> nine ayes, zero nos, motion carries. MR. Clerk. >> chair, proceeding with testimony on the consent calendar.\r\n\r\nIndividuals at this time MAY testify on the consent calendar itself. We currently have one individual signed up to testify, zhantell lindo. >> MS. Lindo. >> mahalo, council members. Thank you for allowing me this opportunity. My name is zhantell lindo, testifying on consent calendar item 22-223. And im testifying on my own time, and on my own behalf.\r\n\r\nI first off wanted to ask the council to consider finding an appropriate place for honoring current people who are serving in our commissions, and in our volunteer services, our community boards? The space in the agenda to honor them? Because I feel like the way this is listed, it was just to replace him, and I know that is not the intention, because I don't think somebody like george can be replaced. But as the new chair of the homeless commission, the healing solutions for homelessness would be a great idea to honor people and not a fancy resolution like you have done in the beginning, but probably warrants a special place on the agenda to thank them for their services, especially when they are actively servicing. So I would like to say thank you to george and his family for allowing him to serve on this newly-constructed commission that has had its share of challenges. He was the vice-chair. He also worked for family life center, and was adamant about his aloha, and his commitment and hard work to homelessness, and really trying to eliminate and be compassionate in the way he dealt with initiatives and ideas to solve our homeless and poverty in maui county.\r\n\r\nSo I am not speaking officially on behalf of the commission, but I'm sure my fellow commissioners join me in thanking him for his service, and his time, and that we were very honored and privileged to benefit from his wisdom, and his life, and the way he walked out his life in service of this county, and of our people. Mahalo to his family for allowing him that time and space to do so. Mahalo. >>

thank you, MS. Lindo. Any comments or questions for MS. Lindo?
Thank you very much. >> chair? >> yes. >> there's no one else signed up to testify on items on consent calendar. We'll do a last call at this time. If there's anyone else who wishes to testify on an item on the consent calendar, please identify yourself now. I repeat, last call.
chair, no one else has indicated that they would like to testify at this time. >> any objection to closing public testimony and accepting written testimony for items on the consent calendar? >> no objections. >> so ordered. >> chair, proceeding with the consent calendar. You have before you county communication 22-214 from the chief of police transmitting a copy of the budget approved by the e-911 board in the amount of \$1,650,713. County communication 22-215, from the chief of police, transmitting a copy of the grant agreement with the state of hawaii department of human services, office of youth services for the kalo prix in the amount of \$89,000. County communication 22-216, from the director of transportation, transmitting a copy of the notice of grant award from the state graspering for the transportation planning portion of the maui pickupo fiscal year 2023 unified planning work program totaling \$200,000. County communication 22-217 from the director of transportation, transmitting a copy o the check received for payment of dues, paid pursuant to H.R.S. 279d, from the state department of transportation for the transportation planning portion of the maui mpo fy'2023 unified planning work program totaling \$350,000. County communication 22-218 from the director of finance informing of the sale of \$60,875,000 of general obligation bonds serious 2022 on AUGUST 1, 2022. County communication 22-219 from the fire chief, transmitting a copy of the finalized memorandum of agreement with the state of hawaii department of land and natural resources for lifeguard services at makena state beach park in the amount of \$1,610,237. County communication 22-220, from the planning director transmitting a copy of the intent to commit letter of the grant-in-aid award from the state of hawaii, officer of planning for the coastal zone management grant in the amount of \$463,697. County communication 22-221 from the prosecuting attorney informing of the department's intent to expend \$5226 in federal forfeiture funds for travel expenses. County communication 22-222 from the prosecuting attorney transmitting a copy of the grant agreement with the state of hawaii department of transportation for the maui prosecutor's office traffic records grant in the amount of \$8491.02. County communication 22-224 from the mayor informing of the vacancy on the south maui advisory committee due to there nation of thomas coom cook.
County communication 22-25 from the mathematics informing of the appointment of randol beach to the south maui advisory committee. County communication 22-226 from the mayor informing the appointments of tom richard blackburn-rodriquez, wayne nishiki, jennifer rose sullivan and brian thomas ward to the south maui community plan advisory committee. County communication 22-227 from the director of finance, informing the acceptance of waterline easement k affecting lots 48 and 55 kehalani subdivision module 2, tax map key (2 (3-5-001:075 portion. County communication 22-228 from the director of finance manufacturing the acceptance of waterline easement m, n, and o, affecting lots 60, 61 and 62, kehalani subdivision module t, tmk (2)3-5-001:075 portion. >> >> vice-chair rawlins-fernandez. >> mahalo, chair, I move to file all items on the consent calendar. >> moved and seconded to file all items on the consent calendar except 22-223. >> it's no longer on the consent

calendar, because we removed it from consent.\r\n\r\n>> all right, any more discussion on this item? If not, all those in favor of the motion, please say aye, raise your hand. >> aye. >> nine ayes, zero nos, motion carries. MR. Clerk. >> chair, proceeding with county communications, testimony on county communications will be accepting testimony on county communications at this time.\r\n\r\nAs well as on cc 22-223, which was removed from the consent calendar. There are no individuals signed up to testify on any of these items at this time. We'll do a last call. If there's anyone who would like to testify on county communications, including cc 22-223, please identify yourself now. Again, last call. >> hi. It's me again.\r\n\r\nI'm not sure if this is the time to testify? On 22-216? >> apologies, not yet. Right now we're only on county communications. >> okay. Thank you. [Laughter]I have to follow the new laws. New rules.\r\n\r\n>> chair, no one else has indicated that they would like to testify on these items. >> any objections, members to closing public testimony and accepting written testimony for county communications? >> no objections. >> so ordered. MR. Clerk. >> chair, you have before you county communication 22-223 from the mayor, informing of a vacancy on the commission on healing solutions for homelessness due to the passing of George Kaimiola.\r\n\r\n>> vice-chair Rawlins-Fernandez. >> Mahalo, chair I move to file county communication 22-223. >> second. >> moved by vice-chair Rawlins-Fernandez. Seconded by member Paltin to file county communication 22-223. Any more discussion? Vice-chair Rawlins-Fernandez. >> Mahalo, chair. And Mahalo for the opportunity to speak to honor MR.\r\n\r\nKaimiola for his services to our community. I think our commission on healing solutions for homelessness chair Zhantell Lindo really summed it up nicely; that George really walked his talk, and through his lived experiences, wanted to bless others as he was blessed. And I really enjoyed seeing him at the different events, and wanting to extend my aloha to his wife, and his 'ohana, and he will be sorely missed. Mahalo, chair. >> thank you. Members, comments? Member Paltin.\r\n\r\n>> thank you, chair. I fully echo the words of my colleague and grateful that she pulled this out. I first met MR. Kaimiola at the senior luncheon, and he was offering to help me carry all of the things inside. And then after that, you know, every event that I saw him at, and his wife, you know, we always talked story at the church events, and like that. I will definitely MISS Him, and you know, I don't know if that is as common as it used to be to have these types of members in our community that are so engaged, and you know, right or wrong, just show up, and care. So for me, definitely he will sorely be missed.\r\n\r\nThank you. >> thank you. Member Sugimura. >> thank you, chair. I echo the sentiments of our members. I first met George Kaimiola when he was with the Bailey House Museum, when I first met him years ago and thought wow, this guy is very special. I saw him in his new role in terms of helping the homeless, and he definitely had a very compassionate heart and spirit.\r\n\r\nI will MISS Him. I have to admit,, as much as I have been working with Zelfa for many years and heard that her husband passed away? Oh, my gosh, that is her husband, he is so special like her. So my heart goes out to their family. I know that during the Kupuna luncheons, Zelfa was visiting him at the hospital and I'm so sorry he passed. Thank you for bringing this forward and speaking thank you. >> member Sinenci.\r\n\r\n>> I wanted to extend our deepest condolences to the Kaimiola 'ohana and his sons. >> thank you; MR. Molina. >> thank you, MADAM Chair. I too, want to express my condolences to the entire Kaimiola

'ohana and agree with the wonderful things said about MR. Kaimiola. Certainly true and very straightforward person and so dedicated, especially very spiritual man and the lord now has a wonderful angel working with him.\r\n\r\nHe will certainly be missed and express our deepest condolences to his wife. Mahalo, chair. >> thank you. Anyone else? Pro tem kama and member johnson. >> thank you, chair. I think what member paltin was referring to, such a person that still has the aloha spirit roaming around this earth on maui, and I think what made george so special was his faith, that he actually lived, and activated that.\r\n\r\nTo have love for people. Love for the GOD he worshipped and that is the george kaimiola that I knew, and that is the george I will always know. That his love for GOD, his love for his fellow man, his love for his family, and that is what he did, and that is how he lived, and that is what I will always remember about him. So thank you, chair. >> thank you. Member johnson. >> thank you, chair.\r\n\r\nI can only add -- I can't really add much to what was already said. I really appreciate all of george's hard work with our houseless community. They often say houseless work is the hardest work, and I just want to appreciate him and recognize his hard work. It says a lot about one's character when they choose that kind of line of work. So I want to thank him and all of his family, who have gone through a hard time, when someone passes so young. Thank you so much. Thank you, chair.\r\n\r\n>> thank you. Anybody else? If not, thank you very much. This item will be filed. MR. Clerk. >> chair, the item still remains on the floor.\r\n\r\nCouncil hasn't voted on it yet. >> all right. Was there a motion? >> yes, chair. >> all those in favor of the motion to file, please say aye and raise your hand aye. . >> aye. >> nine ayes, zero nos, motion carries.\r\n\r\nMR. Clerk. >> chair, you have before you county communication 22-229, from the director of finance transmitting 116 contracts and grants for AUGUST 2022. >> vice-chair rawlins-fernandez. >> mahalo, chair 22-229. >> okay. I move to file county communication 22-229, except for the grants and contracts that members MAY wish to remove. >> moved by vice-chair rawlins-fernandez and seconded by member sinenci to file county communication 22-229 except for the contracts and grants that members wish to refer. Members, do you have any items to refer?\r\n\r\nMember johnson? >> thank you, chair. If the body allowses I would like to refer three to my committee, and the following numbers are g5654, and g5655, and g5656. They are all with family life center, homeless case management, and homeless outreach program, and moloka'I homeless shelter. Thank you, chair. >> any objections, members? So ordered. That these three contracts be referred to the affordable housing committee pertaining to family life center.\r\n\r\nAll right. Any more? That you would like to refer to committee, members? I don't see any hands. All right then, all those in favor of the motion to file county communication 22-229, except for the items/contracts mentioned and requested by council member johnson, raise your hnd and say aye? >> aye. >> nine ayes, zero nos, motion carries.\r\n\r\nMR. Clerk. >> clair, you have before you county communication 22-230 from council member sinenci transmitting a proposed amendment to bill 356 (2022) Entitled, "a bill for an ordinance amending chapter 22-04a maui county code relating to kula agricultural park. >>." council member sinenci. >> chair, if there's no objections to defer this until the bill is taken which. >> bill which? >> 56. >> any objections, members?\r\n\r\n>> ono objections. >> so ordered. Next item. >> clair, you before you county communication 22-231 from council member sinenci

transmitting a proposed amendment to bill 105 cd 1 (2022) Entitled a bill for an ordinance amending chapter 2.12 and title 22, maui county cde to establish policies related to the department of agriculture." council member sinenci. >> thank you, chair. If there's no objections, I would ask that this also be deferred county communication 22-231 until bill 105, cd 1 is taken up. >> any objections, members?\r\n\r\n>> no objections, chair. >> so ordered. Next item. >> chair, proceeding with county communications recommended for referral to your budget, finance, and economic development committee, county communication 22-232 from the county auditor, transmitting the county of maui single-audit report for the fiscal year ended JUNE 30, 2021 submitted by n&k cpas, inc. And county communication 22-233 from the county auditor transmitting the following report n&k cpas, inc. Relating to [Tp-fpbl/] Data schedules for section 8 and family self-sufficiency programs entitled 1, county of kaula department of housing and human concerns independent auditor's report on supplementary information fiscal year ended JUNE 30, 2021 and 2, county of maui department of housing and human concerns independent accountant's report on applying agreed upon procedures fiscal year ended JUNE 30, 2021 and county communication 2 had he-234 from the director of finance transmitting the short-term investment reports as of JUNE 30, 2022. And 22-235 from the director of water supply transmitting the department of water supply's monthly source report and groundwater use report report for the month ending AUGUST 2022. >> any objections. >> no objections.\r\n\r\n>> so so in ordered. >> the first individual we have signed up to testify is eric miyasato, followed by jordan hocker. >> MR. Miyasato. >> hello, can you hear me? >> yes, we can. >> thank you.\r\n\r\nAloha, council. My name is eric miyasato, a licensed electrical engineering and I'm in the lighting industry in hawaii. I am disappointed that bill 21 only had one opportunity to discuss the revisions in the care committee. I have submitted written documents on the technical aspects and definitions. The current bill does not define the type of light to use in turtle nesting areas. The U.S. Fish and wildlife and florida fish and wildlife called for amber or red spectrum lights to be used, not filtered lights. The big island light used on roadways and parking lots are filtered lights, and would not comply with turtle nesting areas. Also in florida, turtle nesting areas are protected by the coastal construction control line.\r\n\r\nThis ranges from the waterline to the sandy dunes, roughly about 200-300, depending on topology and in this area the use of amber and red spectrum lights are used. Outside of this area, they use shielded and down-directed lights. International dark sign association calls for 2,000 k ad lower in temperature. Lastly, there is liability for existing businesses for adequate lighting all existing businesses will have to hire consultants to determine the right types of lights to replace. Then they would have to submit for permits with the documentation required. this is a very large burden for existing businesses. For example, in wailuku would have to comply with the bill and change lights to less than 2% blue content.\r\n\r\nDepending on the type of light they use, and what color the pump handles are, the user filling the gas might not be able to distinguish between diesel and gas. This is an application where color is important. I ask that this bill go back to the care committee to to write a better and workable ordinance for the people of maui. Thank you. >> hank you. Members, any questions? Member sugimura.\r\n\r\n>> thank you very much for testifying, and I know that you have been an advocate for

trying to get this right. So since you are in the industry, you're saying that the way the bill is witten now will cost small businesses and would that impact residents also? Small businesses -- [Inaudible] >> for small businesses, they would have to make sure that they have adequate light-levels in their parking lots, in their walkways. If someone was to trip in that area, so by changing the type of light, they would have to see what type of light source and amount of light would be needed in this area in order to fulfill the lighting requirements. >> okay. Would this impact all businesses, or just businesses that are close to the ocean that will impact I guess we threw in turtles and first it was on seabirds, but now it has turtles and are you saying that all businesses will be impacted by this? >> I am saying that all businesses would be impacted by this that are not covered under the exemption.\r\n\r\n>> and most of the exemptions that you see would impact most small businesses? Or most businesss? >> it would affect most businesses. The exemptions are mainly for sports fields and other special events. >> thank you. We have a problem. Thank you very much.\r\n\r\n>> chair? >> pro tem kama. >> thank you. If you don't know the answer to the question, MR. Miyasato, it's okay. Do you have a sense of what that cost might be? >> one eample, you know, like hotel rooms, their exterior lana'I, that is a covered lana'I, but is it considered outdoor?\r\n\r\nIs it considered indoor? If that light was to be changed, rough cost of a fixture is probably \$300 to \$400. The labor to change that, about \$100. Now multiply that by the number of hotel rooms on maui. It could be in the hundreds, or million to change, and that is only one application. You also have to look at shopping center businesses within the shopping center signages, other types of application of lighting that is also affected by this bill. >> thank you, chair. Thank you, MR. Miyasato.\r\n\r\n>> any other questions or comments? If not, thank you very much. mr. Clerk. >> the next person signed up to testify is jordan hocker, to be followed by mike moran. >> aloha council members my name is jordan hocker resident of kula and I'm testifying today on committee report 22-96, regarding the inclusion of a resolution into the 2023 hawai'I state association of counties package. It would give maui county an opportunity to set its own minimum wage.\r\n\r\nI want to recommend the adoption of this as someone who closely followed the state legislature in terms of minimum wage increase, I was disappointed to see the schedule. Because I did not feel it was aggressive enough to actually address our cost of living and instead, it's likely our cost of living will go up in relation to that schedule. Being that every island is different here, giving the counties the ability to set that on their own, I think wuld be a wise choice. I think it's about having the power to do so, not necessarily saying okay, once we have that ability, then we're going to do that without thoroughly vetting it. I know there's a concern with small businesses, and how that would affect small businesses, but what has been the norm is basically businesses have not been accounting properly for the cost of labor in their business plans and banks have been giving loans to businesses that are not adequately setting aside the money that they need to actually pay for labor and the cost of living. And the fact of the matter is that when our economy is so heavily based in tourism, we have a lot of people who show up here to make money. Without really considering how that is going to affect our workers here in maui county?\r\n\r\nI think that we need to have the ability to set our own separate of the state, because it's much harder to get legislation passed that helps maui county than it is to

have our county council be able to undertake something like that, which is so deeply personal and unique to what we need here. I would like to bring up the example of how a small business has actualingly adopted to the state legislation for minimum wage. And that would be pukalani superette has actually shifted to where they are hiring ahead of the schedule. So any new-hires and their current employees are moved up to that \$18 an hour. And the reality is pukalani superette is a small, local grocery store that has been able to withstand the test of time post-pandemic can make this change, than businesses profiting millions of dollars a year off of tourism, these corporations that move in, like the recent fast-food chains that we have had, they can pay a living wage in maui county. If pukalani superette can do it any corporation grossing millions or billions of dollars has the ability to do it and think we should be taking control of that here locally within maui county. So I strongly support the adoption of that resolution being included -- bell ringing.\r\n\r\nThank you so much. >> thank you. Members, questions? If not, thank you very much. MR. Clerk, how many more testifiers do we have? >> chair, there are seven.\r\n\r\n>> members, are you ready for your morning break? Ten minutes? It is [Gavel] [Gavel] >> will the council meeting of SEPTEMBER 20th, 2022, please reconvene. Members, we have about seven people signed up to testify for committee reports, another 14 or so for the next category, resolutions. And about 12 for bills. So I want to commend you for keeping your comments short, and perhaps you can keep it even shorter, as we move forward. Thank you.\r\n\r\nMR. Clerk. >> chair, the next person signed up to testify on committee reports is mike moran, to be followed by nelden. >> good morning, chair and council members, mike moran for the kihei community association. Chair lee, I have been watching and I understand the situation of the timing and I see how far you are in. My intent on 22-90 and 22-93 and my intent was to say on 90, we're testifying on this countless times -- I have lost track of how many hearings you have had and I thought we were at the end line and I try not to comment on other testifiers, but I feel obligated when I hear somebody jump in with the same thing all -- this is a business person, who has a business interest and maybe he I not a paid lobbyist. As far as I can tell, he cannot even from maui county.\r\n\r\nOw much credence do we give to this, as opposed to the people who live here, the people who speak for the creatures who don't have voices? Of course, that is your decisions as council members. But as one who has participated frequently for our association, I find it distressing. We continue to support it and think committee chair king has made numerous adjustments and so have all the others who are participated in the bill. So we hope you can move this forward today, but of course, it's your choice. So I will cut it off there, and not make it any lengthier and move on to 22-93, which we had spoken on this before. It seems to have a great need, but there's so many in the community who don't get it.\r\n\r\nI hear the complaints about they don't like this new system. Why it is, they just don't and it seems like this council is trying to do what they can to act rectify the situation and we too, speak in support of this and I believe anybody who knows about this would be in support of this as well. So thank you for the opportunity to testify and I will cut this short, too. Aloha >> aloha, mike. Any questions, members? If not, thank you very much. MR.\r\n\r\nClerk. >> the next person signed up to testify is nelden, followed by lisa. >> aloha, good morning council. Turning the camera on. All right. Run the clock. Good morning everyone.\r\n\r\nNelden with the

industry 20 years -- I was able to testify in committee and I thought we had some good effort going forward, but I think we still fell short of what we need to see happen to, you know, be fair to everyone. You know, in looking at the H.R.S. Side of things, there is an exemption that classifies special events as temporary outdoor lighting. Special outdoor events as temporary lighting is the language we would like to see happen in the bill. The second issue in the bill I see is classifications. I got to speak with director molina, to play out the scenarios of you know, where does -- where do we fit in the realm of classifications? And it's kind of a blur between class 2 and class 3, special events should be really in its own class. You know, it's very special indeed, as the industry, we use specialized equipment beyond what you would see on a standard building or open space.\r\n\r\nWe use things such as intelligent lighting fixtures master control controls color intensity and movement and finding complaint bulbs for fixtures would be b manufacturers only. It would have to be manufacturer-driven to get something compliant. Second is enforcement, even with the lack of wareness, this bill has been on the books since 2007. Talking to director molina, there's been only one complaint that has risen to the violation stage of enforcement. So this kind of supports our advocacy for proper exemption of special events being temporary in nature have not risen to the violations in the years that the rule has been on the books. If it did happen and it was enforcement, we're talking about an administrative rule of 150 dollar initial fine and \$50 a day, and keep in mind that every event would be a separate case and investigation, making it very difficult to enforce. Finally, the appearance of fairness. You know with the current set of exemptions as a matter of technical fact on outdoor luminaries, the fabsering concerts and memorial complex sports games would carry an impact equal to or greater than other special events on private properties, including hotel properties.\r\n\r\nSo to single out hotel properties would not be unfair, but detrimental to events tied to our no. leconomy from concerts to luaus and I don't know if they know that impacts that and would jeopardize the groups and markets -- for visitors and kama'aina. >> could you please conclude your testimony? >> in conclusion, we need more time to discuss the bill's impact with the stakeholders far outside of these walls and bring a commonsense approach to balancing the environmental concerns, with the industry, instead of leaving unclear rules on the books left up for interpretation by bureaucrats that have neither the time or resources to properly enforce a bill that far-reaching. Mahalo, chair. >> thank you. Members, are there any questions?\r\n\r\nYes, member king. >> thank you, chair. Aloha, MR. Momwad. We have discussed this issue many, many times in committee. We have always seen the visitor industry come to committee. My question for you, you currently have lighting right now that is unshielded, that is lighting that is L.E.D.? >> all string lightings when you purchase them from the store and online is unshielded, costco -- >> that is something in our ordinance as illegal and that is why we aded the statement we're allowing all legal lights to three years to comply, but you know, there's several entities right now using lighting that is not legal due to our current ordinance.\r\n\r\nSo I just wanted to ask you about that and whether you plan to change to legal lighting under our current ordinance? >> that is kind of figuring out what class we would fall in? When you look at string lighting by definition in the classifications, it doesn't say - - it will be under all others, but between class 2 and 3. You call it out

in the level of exemption, too. So there's a little bit of an imbalance of where does the square fit? Does it fit in the classification hole no. 1 and exemptions carves it out separately -- that is what is confusing. >> right now L.E.D.S have to be shielded under all classifications and probably the first thing is to check the current ordinance that you are operating under.\r\n\r\nThat is all. thank you, chair. >> any other questions, members? >> a paid lobbyist, legislative arm of the visitor industry for maui county and represent over 108 property and allied business members and more than 22,000 workers. When the council recommitted bill 21 on JULY 15th it was done so additional information and concerns could be gathered from the community. And when the amended investigation o the bill was presented to the committee it was noted in written testimony that hotel properties conducting special events with temporary lighting were not listed on the exclusion list. W submitted the written testimony requesting that permitted special events with temporary lighting of hotel properties be added to the list section 20-35, no.\r\n\r\n4. Now in the latest version of bill 21, hotel and transient accommodation properties are specifically listed not to have any exemption for temporary lighting. Many of the special events held outdoor at hotel properties are for fundraising efforts for our local non-profits, such as the ipono awards, and hawai'I food and wine. These organizations give part of their proceeds back to the community. Additionally, these special events employ outside companies, that rely on these outdoor events to support their families. Mhla is strongly opposed to this recent amendment and requests that the council defer any further movement on this bill until the industry is consulted on the loss of income for special event companies, wedding businesses, florists, photographers, and equipment rental companieses. The fact that special events with temporary lighting can occur at various locations outdoors, except hotel properties is very punitive. Thank you for the opportunity to testify.\r\n\r\n>> members, question? member sugimura thank you. Thank you for being here. You're saying by including the new verbiage, that was done in committee, 20.35.070 exemptions, item no. 4. The phrase added on "except for hotels and other transient accommodations." the impact would be far-reaching. >> correct. For example, a private property right next door to a hotel and sea-level rise exposure area would only have to comply from MAY to DECEMBER.\r\n\r\nSo why the distinction where hotels cannot? >> thank you. >> other questions, members? No other questions. Thank you very much. >> thank you. >> MR.\r\n\r\nClerk. >> the next person to testify is jeff bagshaw, follow by jay penniman. >> aloha maui county council, jeff bagshaw again with the division of forestry and wildlife and in support of the the bill to limit the blue light content to 2% to down direct lighting, and ensure those lights are fully protected, not just to protect seabirds and turtles, but to also protect our freshwater. As testified before, we have to consider our freshwater security and this MAY seem like a stretch, but bear with me for just a moment. 30% of our freshwater, 30% on maui is generated by native forests without clouds actually forming raindrops. It's when clouds hit the mountain side condense on native plants which are superior to eucalyptus or conifers, channeled to our aquifers and those plants just don't grow on water alone. They need nutrients throughout the world seabirds provide those nutrients.\r\n\r\nWe're aware there's are burdens and costs. Let's balance both columns. Let's really consider the costs. If you were to take the production of those seabirds out of the chain, and had to

replace with human efforts, I estimate that would cost about \$11 million each year on Maui, \$11 million to fertilize 80,000 acres with human efforts. The seabirds are doing this for us for free and that is how this connects to our freshwater. So even if you are not interested in native plants, birds, seabirds, turtles, you are getting freshwater this way. Yes, there are costs.

But we have been cheating. We have been cheating and receiving these benefits for a long time and maybe something at the visitor's industry could do this -- I would put out there, look at all of the stuffed animals, keychains, cats, posters, stickers, of one of our most iconic animals, sea turtles. People come here depending on an experience with the sea turtle. They expect that. That is again a benefit we're getting from the native ecosystems for free, and that is personal businesses as well. So we're benefiting from these resources. We have to pay back.

Otherwise, we're going to have to pay back exorbitantly and I want to emphasize, no plans to do aerial spraying or aerial fertilizing, but that is what it would cost to replace these animals. So please consider the real costs. We can get numbers from somebody say it's going to cost this much to replace a bulb, but not balancing the ecosystems that we're receiving benefits for free. Thank you. >> questions? Member Sugimura. >> thank you.

Thank you very much, Jeff, for being here. Right now without the law you are seeing the benefits that you just described, is that what you are saying? >> yes. We don't know -- we can only guess estimate from previous populations of seabirds. That is why we're trying -- if we have a thousand seabirds fall out, how many die, that is less. >> thank you. >> we know the ecosystem is already impaired.

>> so you see dead birds? You see dead birds in whatever areas you in your jurisdiction of the department of land and natural resources and eastside of Haleakala, do you see any other place, according to the U.S. Fish and Wildlife Services? >> we do. Over a thousand seabirds fall out each year. Now that is only the ones we find. I don't have the data on how many of those don't survive. But I should also emphasize we keep getting the question about hotspots and exact areas, and inland versus coastal?

These birds and animals are attracted inland, where they tire when lighting -- so yes, this should apply -- we should focus on lighting islandwide, not just on the coastal areas. If you are out to sea and look at the coastline, it's like it's on fire. >> thank you. >> members, any more questions? Member Kama. >> member Paltin. >> I was recently seeing the coastline like it was on fire, and in regards to what the -- not being complied with, and I just was wondering legislation is just a piece of paper.

Have you folks have had any efforts to get compliance with existing legislation? On Kauai, I heard that centers for biological diversity drove around the island to find compliance. >> unfortunately, we can't -- our agency, the division of forestry and wildlife can't really go and knock on doors and say hey, you need to change your lighting. That is really out of our -- >> to clarify, have you reached out to centers for biological diversity, if they would be willing to come over here and do what they did for Kauai over here? >> that is a great idea. Not to my knowledge, no. That kind of effort from partners would be -- that is a really great idea.. >> thank you, chair.

>> any more questions? If not, thank you very much, MR. Bagshaw. MR. Clerk. >> the next person signed up to testify followed by Kalani Rodriguez. >> aloha, chair Lee, and members of the council.

Chale. At the time that the turn of the heat of the earth and at the time that the heavens turned and changed and at the time

that the sun was subdued and at the time of the night of then began the source of deepest, darkest darkness, the depending of darkness, of the depths of the darkness, of the depths of the darkness of the sun in the depths of night, so night was born. Yin and yang elements come in pairs such as the moon and sun, male and female, dark and bright, cold and hot and so on. Yin and yang are not mutually exclusive terms and white world is composed of diversify forces that coexist and complex each other and even rely on one another to exist, the nature of the yin and yang lives notice interchange and intra play of the two components. The alteration of day and night is just an example. There cannot be a shadow without light, and that interpretation from the chain. Coastal biology is the study of the role that darkness plays in living organisms and showing that interrupting darkness by light pollution causes drastic effects for most organisms changing their food gathering and feeding habitats date of birth habits, their mating and reproduction behavior and migration behavior, and social behavior.

Approximately 30% of invertebrates are nocturnal, feeding on darkness, and their everyday behaviors are biologically evolved to be conducted in uninterpreted darkness and human health is affected and linked to cancer and psychological disorders. From the islands of Maui Nui, MAY you choose wisely, and recognize that the ecology of the night is something that can be restored, if you choose to recognize its importance. Mahalo. >> questions, members? vice-chair Rawlins-Fernandez, and then member King. >> Mahalo, chair. Aloha, MR. Penniman. Mahalo for your very eloquent testimony today. And concisely one of the things I have been thinking about, I was hoping when this bill came back to council, that a lot of the conflict would have been resolved in committee. So that I don't think anyone on the council denies the ecosystem services that native seabirds provide and want to protect our seabirds. Was there no way to find common ground for these opposing forces to co-exist in this bill? Because we're still getting testimony against some of the components that I was hoping would have been worked out in committee. Or are those just non-negotiable, that this council will just have to decide whether we're going to force these things upon those that are testifying against the bill, or was there a way to find some common ground? So it isn't so conflicting? >> do not believe that the elements of this bill are as radical as the opposing testimony presents, and I think you have only to look at the island of Hawaii, and note that they are operating on a perfectly balanced and their tourism industry is not hurting. They are doing fundraising events. They are having sports events. People are living normal lives with a bill that is all, but identical to what we're asking. >> Mahalo, M. Penniman. >> member King. >> thank you, chair. My question was in line with what was asked by vice-chair Rawlins-Fernandez and the conflict of what the hotels are doing? Because the hotels are mostly along the shoreline is one of the things that the community decided not to look at, because we were listening to our experts. Would you agree that that is probably the area that does the most harm, because of their location, and because those lights are not just temporary lights, they are consistent every night almost is an event. >> that is correct. And the lack of enforcement has been an ongoing issue and it still is. And we have very limited resources for addressing that. We have addressed it with some hotels. There is actually legal action going on right now, because of light -- shoreline lighting from the resort industry, and it's an ongoing problem that needs

to be further addressed. And part of our work is to continue to do that. There are areas that we'll continue to go to. The current lighting ordinance is clear about not directing lighting towards the on and off ocean and yet hotels carry on luaus with brilliant lights blasting across the ocean. So it's just a constant effort that we have to keep up, and that will bring the county into compliance with street lighting which is a major benefit. It will continue to be the need for enforcement, and education for those in the coastline areas.

>> and chair, one follow-up question, because MR. Penniman has been in committee and council meetings when we discussed this and discussed what is available. So the lighting that is available in your participation in our discussions is your understanding of this issue seems not be that much more expensive and actually much more efficient. So it appears that the change to this will save on utility bills and I'm not sure the threat of having to close down events is happening? Do they have to close any events on the big island, when they came into compliance, which they have been doing for ten years? >> I'm not aware of any impacts such as that on the big island. The lighting is available.

It continues to become more and more accessible, and worldwide people are looking at defining the level of short wavelength content in line with what hawai'I island is doing now. They have done it in all their wildlife sensitives and even more restrictive on short wavelength light and they are aware of even more suppliers of these types of lights than we have identified so far looking from hawai'I. I do not believe it will be that big of an economic impact. >> thank you very much, MR. Penniman. >> you're welcome. >> member paltin. >> thank you, chair.

Thank you, MR. Penniman. I had a few quick questions, yes o no. I received the data that you sent. Did you receive the analysis to the data that you provided? >> I did not. When did you send that? >> a little while ago. Have you ever analyzed that data set that you provided us? >> >> we have analyzed it in various ways and there's a number of different analyses that could be done. We have not published any of that data at this point. >> and then I guess my final question is given the stringent shielding laws that we have now, and looking at coastline from from my cousin's boat in the dark time hours, there doesn't seem to be compliance with that shielding and I was just wondering the rationale between -- behind continuing to go wth legislation as a route, and then when it's currently not being followed? >> I think that the original had good intention. I think there's further clarification in this ordinance as the bill proposed for an ordinance would improve upon that.

Going on the expectation that the department of public works would do, if this becomes law, I think improvement wuld be vast. We have a continual issue of trying to make the understanding that shielding does not just mean protecting from light going upward, but it also needs to protect light going to the on and ocean and this is improved update to the outdoor lighting ordinance. >> thank you.. >> thank you. Any other questions? If not, thank you, MR. Penniman. >> thank you.

Aloha. >> the next person is kalani rodrigues, followed by junior nakoa. >> aloha, chair lee, and members of the county council, can you hear me? >> yes. >> thank you. I'm just a little bit -- we work for a private lighting company. We're a small lighting company and have been doing shows over 30 years.

We do a lot of events on te big island. This hasn't affected our work at all. The events that we do are so temporary and fleeting when you consider the amount of time and light you are putting up anywhere whether it's on the

beach, in the air, compared to tennis courts or stadiums, whether they be high school or professional or whatever? I'm kind of just blown away that when we're talking about exemptions for these events, they are temporary. There are so few, and they are so frequent, I think council member king hit it on the head. The big island has a lot of what this bill, I believe, was meant to be, what it was designed to be. When you look back at the shore, you keep talking about looking back at the shoreline.

You are not looking at these concerts. You are not looking at the minimum amount of string elements you lights you are talking about. You are talking about big box stores and talking about parking lot and I don't understand how we can say that and I do support the bill if done correctly. If you added up the lumens, the foot candles that are emitted from what we do, compared to one stadium, it just blows my mind that we're talking about this. It just -- again, I mean if you want to take light meter readings, and I just don't see how -- and then we're talking about private events as opposed to nonprofit events. We do make-a-wish. We do the shriners.

We have done a lot of non-profit events and the reason that we have been able to do these events, and contribute to them, is because of the private events. A lot of these we donate all of the equipment and our time, and it's balanced. So we're able to help make-a-wish, and the shriners, and it blows my mind that people think a seabird is going to be able to identify oh, that's a nonprofit event. So that light is okay. That is a paid event, I'm going to crash. That's bizarre. It's bizarre we're discussing this.

I have never seen a single dead seabird, and I have been doing this for 30 years, not one. I have run into turtles nesting on the beach in Kaua'i remotely, but a single seabird, no. Not that I don't think something should be done. I want to protect the seabirds. I believe in that. The way we're looking at this just kind of blows me away. Thank you for your time.

>> council member king. >> thank you. Do you currently use unshielded string lights for events. >> we don't have any unshielded string lights and the focus on string lights, a lot of what we do is concert lighting. If you go to a concert or convention, or -- >> they use unshielded fest lights? L.E.D. Lights. >> unfortunately all of the string lights that we own are unshielded.

Again, in this industry, I don't know what a shielded string light is. >> they have covers, which are not that expensive. But if you are using unshielded, you are actually violating the current law. So maybe you could look at the current ordinance. >> is that just on Maui or elsewhere? I apologize. >> I'm just talking about the current law in Maui.

But our ordinance we're advancing the current ordinance is following along with the big island, which the hotels over there are bragging about being in compliance with these laws. You are not the only ones not in compliance. So that would be the first place to go and look at that. >> thank you, we will. >> >> >> any more questions or comments? Member Sugimura. >> thank you.

Thank you for being here. Thank you for testifying. So you're saying that if we pass this law, you would have to change your lights? You would have to purchase new lights to comply with the law? >> I don't think -- doing events on private property are not exempt. So we couldn't use any of the lighting fixtures that we use -- not just string lights. When you talk about the vast array of theatrical lighting fixtures, a lot of them are specialized for the stage and lighting industry.

If you go to a concert, change color and do all of that fun stuff, that makes a show fun. You wouldn't be able to do that. A good example, if you

go to the maui arts and cultural center, they have lighting systems up outside, that they use; you know, if you see it change colors and lights move down to the singer and turn to blue? That is what they do. So they are all programmed via lighting console and it's a fairly complex system. I don't know -- I mean, a lot of these lights are adjustable in color temperature, because you have a full spectrum of color. But I don't think any are specifically designed to be compliant with this.\r\n\r\n>> thank you. >> members, any other questions? If not, thank you very much. MR. Clerk, I did receive a request from a MR. Kyle iris, did you see that? Members, there is a provision on our agenda that says since the testimony will be taken before each agenda section unless extenuating circumstances required otherwise subject to the approval by a majority of council.\r\n\r\n\r\nSo we have a request before us by MR. Kyle kiris to provide testimony, because he cannot -- this is the only time he can do it. So members, I put this out to you. >> I'm sorry? It's a slippery slope. It's hard to -- where do we draw the line? Are we going to get other requests from testifiers saying that they have to go back to work and we'll let them jump the line?\r\n\r\n\r\n>> well, it's up to the members. So we have one no. Any others? Any others? Any other nos? If not, MR. Clerk, could you please call up MR.\r\n\r\n\r\nKiris. >> yes, chair. So I suppose at this time we're accepting testimony from MR. Kyle kiris. >> mahalo, chair, and council members. I just wanted to provide some brief testimony regarding bill 105. I appreciate the fact that everyone has been able to submit testimony and have dialogue. I guess representing the farm bureau, I just wanted to provide sort of a synopsis.\r\n\r\n\r\nThe duties that are spelled out for entry into the code, I think everyone looks at those and says wow, this is really good. It's just such an enormity of roles and responsibilities and duties thereon, with a new department, we would envision that the administrative burden of trying to report on all of those duties, especially for the first few years, would be very difficult. To me, what is presented seems like a great start for a strategic planning for a strategic visioning, aspect for the the department and I believe the farm bureau and other allied industry organizations would appreciate the time for grading some of the performance measures and action steps to allow for those duties and responsibilities to be easier achieved and reported on by the director, the deputy, and their staff. We just don't want to set them up for failure, and the concern is with such a huge, vast array of responsibilities, that MAY be difficult for anyone, let anyone, and we recognize the need for collaboration amongst entities at various levels and recognize the need for developing programs in collaboration with the new department. We want it to be successful. >> thank you. Members, do you have any questions for MR.\r\n\r\n\r\nKiris? If not, thank you very much. MR. Clerk. >> mahalo. >> the next person signed up to testify back on testimony for committee reports is junior nakoia, to be followed by scott rawlins can you hear me? >> yes, we can.\r\n\r\n\r\n>> what the heck just happened? Calling to -- I don't know, in the beginning you can talk at one time all about the stuff, I talk about. I never had the opportunity. Okay? Now I have to wait for every one and a brother can cut in front of me. it's like school, call the principal, you know what I mean? It's kind of weird, kind of screwed up.\r\n\r\n\r\nHopefully, you can figure it out, because this is very confusing for the people who testify, yeah? But I don't know what the heck I said. Well, I want to talk about 22-90. >> committee reports. >> yes, that is what I mean, all over the damn place.

Okay. So 22-90. The lighting one, yeah? >> right.\r\n\r\n>> I will tell you guys, you guys are bad as. You figured by now, how many meetings you had already? >> junior, what did I tell you about your language? We MAY have children watching this show, okay? >> I never said -- >> you want me to repeat it? You said it about five in a row. C'mon.\r\n\r\n>> okay, my bad. Okay. Now the lighting one. Okay. So how much time with the exemptions and I will give you a short, sort, explanation. When I was working with the film industry, they had to do all kind of changes because of the lighting, because of the seabird thing. And they probably not going to like what I'm saying, but I don't give a crap, okay?\r\n\r\n\r\nBecause I care about my island, and all our native birds and turtles and all that stuff. That is why I went on the stupid show to make sure they do everything right, yeah? So just make sure everybody is doing everything right. Because I tell you right now, the problem is enforcement. Even in the planning department, every place else, enforcement, enforcement, enforcement, okay? Because I think plenty of those guys in the hotel industry, I bet you anything, we could go and find violations all over the place. So these guys, don't let them -- the guys that are protecting our birds and turtles, looks like they are going to file a suit, because of this whole thing about protecting ours.\r\n\r\n\r\nLook at what is happening to our island and our resources? Like brother said, the birds help make the water fresh. We have no more freshwater, guys. Hawai'I homes has to use our water, you know what I mean? So if we can find a way to keep freshwater in our system, let's do it. So I'm done, totally all over the place. You better be ready for me today.\r\n\r\n\r\nOkay? So that is all I can talk about? I can't go all over the place any more? >> yes. You can come back. >> I know. That is a problem, to come back.\r\n\r\n\r\nOkay, goodbye. You will have me all day. Dang it. >> looking forward to it, junior. Any questions, anyone? Thank you we'll see you later. >> the next person signed up t testify is scott rawlins, followed by zhantell lindo.\r\n\r\n\r\n>> excuse me, good morning, chair lee, council members. I'm scott rawlins, maui county reclamation division chief to testify on bill 21. We're in support of limiting light pollution and mitigating the effects on the environment and that goes without saying. We plan to comply with the ordinance, however we have not completed a complete review of our facilities to know if it's 100% and the hardship it MAY cause at this point? As I have testified in the past, to consider allowing for the exemption of our county wastewater times. They are limited in number. And essential public service operating 24 hours a day, seven days a week. As you know, our facilitis are large in nature, perimeter lighting you alighting of walkways, treatment basins and channels and to monitor our treatment process, safety of our employees and others, and it also provides scurity and deterrent from intruders.\r\n\r\n\r\nWe require adequate lydia kulbidaing for individuals causing problems with our treatment plants. Night-time calls for staff answering alarms or retrieving equipment for emergency repairs requires adequate lighting in order to see surrounding areas, minimize areas where people can hide, and avoid hazards: any lights not in compliant MAY be somewhat simple, but adding additional lighting to supplement changes MAY prove quite invasive to our treatment plants and expensive and immediate painting will be a major project for us. Short of this, there should at least be a provision that if it's not 100% possible for some reason, which I don't have those reasons now, in county facilities or essential activities could be allowed to apply for an exemption and maybe through

the board of variance and appeal? If so, maybe you can say that is so? Also, I ask that you change the effective date to 1/1/2024, that gives our department, our division enough time to study our facilities, and request any necessary funding for changes. Another minor issue i noticed, it's not in the bill, but in section 030, it says it will be administered and enforced by the department of environmental management and since we split departments that should be the department of public works. That should be a change also.\r\n\r\nI appreciate the time to testify. Thanks for your consideration. >> member king. >> thank you, chair. Thank you for being here, MR. Rawlings and for your support of the bill. Have you reached out to the big island?\r\n\r\nBecause they have been complying with these requirements for ten years. >> no, we haven't talked with the big island. >> you can find the information on compliant lights actually exist now. You also -- I'm not sure if you realize this, but the bill goes into effect in the first of JANUARY, but you have three years to comply. So basically you have three and a quarter years to come into compliance. >> thank you for clarifying that. >> thank you.\r\n\r\nThank you, chair. >> I saw member johnson's hand up. >> thank you, chair. Good morning, MR. Rawlins, thanks for joining us. To clarify your testimony, the lighting you said is essential for your operations and you went down a list of safety and security issues. I think that everybody has that, you know?\r\n\r\nEvery facility has safety issues and security issues when it comes to lighting. Was there anything specifically to wastewater treatment plants that need lighting? I'm just asking, because security and safety, that would be -- I think everybody has that, but something specific to your operations? >> MR. Rawlins. >> thank you for the question. I believe it's safety and security at this pint, nothing special about wastewater treatment.\r\n\r\n>> okay. Because I understand, we don't want people slipping and falling. We want well-lit areas and I just wanted to follow-up on that. Thank you, chair. >> any more questions, members? Member sugimura? >> thank you.\r\n\r\nThank you, MR. Rawlins for testifying. So I believe I guess have you looked for any of these lighting that is bing proposed for us to convert or just wait until the bill gts passed? >> MR. Rawlins. >> we'll be looking at converting our lighting and making sure everything is L.E.D., et cetera and we haven't done an extensive study yet. So we'll se where that leads us.\r\n\r\n>> will you need more time to see how we can comply with this before we can enact the law and the feasibility of it. >> that is why I was asking for another year in order to look at it. >> thank you. >> thank you. >> any more questions, members? If not, thank you very much, MR. Rawlins.\r\n\r\nMR. Clerk. >> chair, the last person we have signed up to testify on committee reports is zhantell lindo. If there's anybody else connected to the meeting who would like to testify on committee reports, please sign up now in the meeting chat or with the staff person. Zhantell lindo. >> mahalo, council, chair lee, I'm testify OCTOBER my on time. My name is zhantell lindo testifying on my own time for cr22-92 supporting the adoption of resolution 22-178. The approving appointment of rogerene kali arce as the director of agriculture.\r\n\r\nI just wanted to speak on behalf of our community, even though no one is here and nobody else testified on this. I think it's a sign everybody is confident in this choice and it's not a lack of support, but more just super support that we don't need to testify on this, because it's an easy decision. So kali is going to benefit our county and I look forward to her becoming the director of the department of ag. Mahalo. >> mahalo.

Questions, members? If not, thank you very much.\r\n\r\nMR. Clerk. >> chair members, do you want to before we go to the next section, take a lunch break? Or go to -- start the next section? Okay. >> there are two more testifiers. >> okay.\r\n\r\nMR. Clerk. >> chair, the next person signed up to testify is josiah mishita, followed by jordan molina. >> aloha, chair lee, vice-chair rawlins-fernandez, and members of the maui county council, thanks for allowing me the opportunity to testify today in support of kali arce as the new director of the department of ag. We have had had a chance to talk with all of you folks previously. So I won't belabor the point, but we stand in strong support and ask for the members' continued support of the new leadership and the department of ag. Thank you very much.\r\n\r\n>> questions, members? If not, thank you. >> chair, the next person signed up to testify is jordan molina, to be followed by albert perez. >> thank you, chair. Members of the council, my name is jordan molina, the director of public works. I'm here testifying on committee report 22-90. The department requests consideration for amending the implementation period for this ordinance. There's several different dates in this bill currently.\r\n\r\nYou have one year for the director of public works to establish rules on height restrictions. You have no timeframe for the director of public works to establish a list -- you have three years for existing fixtures to get compliant, and then you have three months for this ordinance to take effect. So you have competing dates in this ordinance and to request a consistent implementation time for us to get prepared to develop those rules, develop those lists that are required under this ordinance, and request one year implementation time for this ordinance. That is all we have to ask for today. Thank you for your consideration. >> member sugimura. >> thank you, director.\r\n\r\nSo you're asking that -- give us a year, or what would you like to recommend? Because the department of public works is heavily involved in implementation, and compliance. >> amending section 7. So the ordinance will take effect JANUARY 1st, 2024. >> I didn't hear you. What did you say in 23? 24? >> to give us an extra year for the ordinance to take effect JANUARY of 2024. >> come up with your rules and being compliant thereafter, three years? >> yes, I think we'll be on better footing to hit the ground running than in the next months to get that accomplished. >> point well-taken. Thank you.\r\n\r\n>> member king. >> thank you, chair. Sorry, I just had a delivery, so I was in and out. Sorry about that. Thanks for being here, director molina. So you have three years to come into compliance after it goes into effect. Often we'll have bills that go into effect immediately, but allow time for departments to make administrative rules.\r\n\r\nAre you saying that you only need a year? You don't need the full -- [Inaudible] >> thank you, chair. So like I mentioned there's several different clocks at play in this ordinance. Because the three-year component only applies to change of the existing fixtures, as I understand it. It doesn't apply to new installations, which will be relying on us establishing this list of compliant lighting fixtures. That list, my understanding is going to be to be in effect of JANUARY 1st, 2023 as currently -- but then you go ahead and allow one year for [Gavel] [Gavel] Will the SEPTEMBER 20th, 2022 council meeting please reconvene. MR.\r\n\r\nClerk? >> chair? >> yes. Vice-chair. >> chair, your video is not on. >> we can't see you >> there you go. >> that is good to know.\r\n\r\nBecause I didn't turn it off. This place is haunted. >> can I finish my question, chair? I was in the middle of asking director molina. Great. So director molina, for you,

if we change the start-date to JULY 1st? >> any additional time will help us prepare.\r\n\r\nOne quick comment as to why the existing fixtures versus new fixtures get a different clock, because I think both will be faced with a similar challenge. (Lost broadcast) [Music] [Gavel] . >> will the SEPTEMBER 20th, 2022 council meeting please reconvene. We apologize to everyone. For all of these interruptions. But we apparently are having network problems, connectivity problems throughout the whole building, not just this floor. So until -- we're hoping to take some time off during the lunch period to work on these issues. So we'll take a lunch break from now, 12:07 to 1:10, okay?\r\n\r\n1:10, everybody returns. Meeting in recess. [Gavel] [Gavel] >> will the council meeting of SEPTEMBER 20th, 2022, please reconvene. Clerk, let's pick up where we left off. >> chair, continuing with testimony on committee reports. The next person signed up to testify is albert perez, to be followed by -- -- [Inaudible] >> aloha, chair lee, members of the council. Albert perez, maui tomorrow.\r\n\r\nI had a couple of major items and then just briefly mention support for some others. So the first one is cr22-90. And that is the seabird lighting bill. I would like to support that. And I just wanted to share my experience with some of these seabirds so I'm sure of what we're talking about. So my friend simon russell and I went hiking into hale'akala and came out a little late, and it was already getting dark going up the switchback and as soon as I heard their call, I knew why they were called that, because they sound like awwa hoo. So we got up to switchbacks and by that time it was really dark. I just have this memory of them all around us in the bushes, and flying around us, and it was pitch black.\r\n\r\nAnd I could see simon's silhouette against the milky way, and the birds, they were flying around his head. So he could feel the wind from their heads, but they could see perfectly so I wanted to share that experience that is what we're talking about a bird that is so well-adapted to darkness, that it can see perfectly well at night. So that to me describes why it's so important that we shield them from these lights, because they get disoriented. So anyway, support that part of the bill. Support that bill. For the next one, I would like to testify about resolution 22-199, and this is the council's wanting to send something to the legislature to amend the sunshine law. And I actually, I just looked at it, today I looked at the wording of the amendment to the sunshine law, and I think that this proposal to amend it is unnecessary.\r\n\r\nSo the recent sunshine -- sorry. The recent sunshine law amendments do not prohibit taking testimony at the beginning of a meeting. What the bill does say is that testimony shall not be limited to the beginning of the meeting. This means you can offer people a choice of testifying at the beginning, or when the item comes up on the agenda, just like you were doing before. This is really the best of both wrlds, because no. 1, it allows people that cannot stay all day to testify early, and no. 2, it allows other people that do want more information to be able to view presentation on their agenda item before testifying.\r\n\r\nAnd people should have to choose and not do both. I would like to see the council going back to that method because of the current practice is discouraging public testimony from those who cannot stay all day. I believe this resolution is unnecessary . Moving on to bill 138, tourism management commission. Just very briefly, we strongly support this. Bill 91, the wetlands, I have testified numerous times about this. Wetlands provide services that we would otherwise have to pay a lot of money to provide. And they protect our reefs, which protects the

shoreline.\r\n\r\n>> MR. Albert, we're only on committee reports. >> see, but this -- you know, I could claim extenuating circumstances because I have other work to do, but I will wait. So thank you. >> thank you. Members any questions for the testifier? If not, thank you very much.\r\n\r\nMR. Clerk. >> chair, the last person we currently have to testify on committee reports is jennifer car aja. >> aloha council, I'm here to support support for kali. They are doing their own strategic plan and hoping that they can include different groups, but I'm in support of their work so far. Yes, hope that you can support her too. I will make it qick, so you can continue with the agenda.\r\n\r\nGoodbye. >> members, questions? If not, thank you very much. MR. Clerk. >> chair, I think council member king might have a question. >> I'm sorry, I didn't see that.\r\n\r\nMember king. >> it's okay. It was a little late. In poker I would be accused of a string bet. I wanted to ask, are you here, jennifer, still? >> yes. >> there you are.\r\n\r\nHi. Thanks for testifying, and I wanted to ask you, you had some proposed amendments to the bill that you just spoke about 105 or no? >> I didn't testify for bill 105 yet just for support of kali for bill 105 was on the agenda and I was trying to be super quick and support kali, so I could testify on that later. >> I'm sorry, I got confused between albert testifying -- I'm sorry. >> it was really quick. >> thank you. Sorry, chair.\r\n\r\n>> anybody else, members? If not, thank you very much. Next. >> the next person signed up to testify on committee reports is sheryl king. >> MS. King. >> aloha.\r\n\r\nCan you hear me all right? >> yes, we can. >> last-minute -- thank you for your patience here. My name is sheryl king. For committee report 22-90. [Speaker not understood] It's been a long journey. Thanks for sticking with it. It's such an important issue.\r\n\r\nAs you MAY all have heard, in my previous testimonies, as a marine biologist, I have dedicated my life to saving native wildlife, and now in the last five years, seabirds as well. The natural beauty of this island and the world . Being around animals and I will absolutely admit my perspectives on this issue, this bill is obviously skewed in the animals' favor over the potential difficulties that this bill MAY cause humans. It MAY sound complicated, but it really doesn't have to be. [Speaker not understood] Future generations our kids, our animals everyone in our community and so it doesn't get even worse. I know it's not considered fair to compare human lives to animals, but if it was the case that this many people as wildlife would be confused or tragically killed by lighting, we would really try to figure out a way to fix it much faster through community outrage. And this would not b okay. It's just a bummer to realize that we're not prioritizing these native wildlife's lives.\r\n\r\nSo I really think everyone wants to do the right thing, and wants to save the environment. We just have to figure out the best way to do that. This is a good step. So everyone here, and all know the facts and know what is real -- [Inaudible] It's just going to say okay we're okay with more wildlife dying -- I know we're not okay with that. Just want us to really do the right thing on this. We don't want to kick the can down the road. We have made such good progress and awareness, and it's growing.\r\n\r\nI know everyone wants to help these animals. So we're not getting any younger and maui county isn't getting any darker. So the time is now. Thank you for what you are doing and love to clarify anything that you might have questions. Just want to make this good for everyone. Thank you. >> member king?\r\n\r\n>> thank you, chair. No relation to sheryl. She is a pretty cool person. So sheryl, thank you

again for the turtles and how they are affected and if you could send that presentation to the council for members that didn't get a chance to see it last night? >> I think it's been recorded by human resources council as well. So more people can see it. >> if you could send that recorded version, that would be really helpful.\r\n\r\nI think we have MR. Penniman's powerpoint. >> okay. >> thank you >> thank you. >> there are no other individuals signed up to testify on committee reports. If you do, please identify yourself. I repeat, this is our last call.\r\n\r\n>> is somebody trying to log on? >> was anybody indicating that they would like to testify? No, chair. There's no one else indicating that they would like to testify on committee reports. >> all in favor for closing public testimony and accepting written testimony for committee reports. >> no objections. >> so ordered.\r\n\r\n>> chair, proceeding with committee reports you have before you from your climate action, resilience, and environment committee, county report 22-90, recommending that bill 21, cd 2, fd 1 (2022 (Entitled a bill for an ordinance amending chapter 3.25 mawk maui county code relating to protecting wildlife from outdoor lighting and preserving dark skies be passed on first reading and ordered to print. >> member king. >> thank you, chair. I move to adopt the recommendations in committee report 22-90. >> moved by member king and seconded by member johnson to approve the recommendations in committee report 22-90. Discussion, member king. >> thank you, chair. Your climate action, resilience, and environment committee met on AUGUST 31st, 2022 and reconvened on SEPTEMBER 8th, 2022 to discuss bll 21, cd 1, fd 1 (2022 ((To regulate outdoor lighting fixtures and protetsing native seabirds and turtthes from gaming disoriented from artificial light. Your committee agreed to amend bill 21, cd 1, fd 1, most impactful amendments being hotel uses, expanding the exemption for sporting events and special events, and broadened the exemption for police, fire and other emergency services.\r\n\r\nSupported legislation protecting wildlife, native hawaiian cultural practices, from the destructive impacts of light pollution and voted to recommend passage of the bill on first reading. Last night, maui marine council held a webinar, it was actually attended by folks across the state. And they again reiterated that we have been through many, many committee meetings and even council meetings on what happens when seabirds, native seabirds and native honu are disoriented by lighting. So I want to thank them for that and that was also part of what has been disseminated through our utility bill by hawai'I electric company. So with that, I know we have had discussion over and over and over again, and if there are questions about compliant lighting fixtures available, we have that information to share with members, too. We just recently had honolulu beach side -- contact us with information. They are very excited because all of their lighting and on the big island, they are excited to share their data with us as well.\r\n\r\nSo with that, I will respectfully support yur committee's recommendation, and thank everyone for their participation in this discussion of the bill over last few months. Thank you, chair. I also have one amendment I would like to propose, chair, is this a good time to do that? >> well, any more discussion? Now would be a good time for your amendment. >> okay. Thank you, chair.\r\n\r\nI don't have an asf, because it just kind of came up in discussion today. But I would like to propose to amend the bill to change from JANUARY to JULY 1st, 2023. >> second. >> moved by member king and seconded by member sinenci to move -- is it effective date? To JULY 1st, 2023. Any discussion?

Member king? >> thank you, chair. This was a request made by director molina to give the administration possibly the next administration a chance to create the administrative rules, and complaint list.\r\n\r\nThe compliant list is not going to be that difficult, because there are existing lists we can pull from. Writing the administrative rules seems to be the issue that they have. So I would hope that everybody can support this. >> any more discussion? Member sugimura? >> thank you. Just kind of fyi, I can only see myself on my computer screen.\r\n\r\nIf I look up, it's kind of weird. I don't know if it's making any difference? Anyway, I'm going to speak against the motion before us today. He asked that -- >> chair? >> member king when we talked about that when he was here and we talked about changing the compliance time to two years. So a a compromise, rather than changing the compliance time to two years, I would like to see the effective date be the beginning of the next fiscal year, and then keep the three-year compliance date. So that effectively gives over three-and-a-half years for anyone to become compliant.\r\n\r\n>> any more discussion? Member sinenci. >> chair, this is on the amendment? I can wait until the final vote. >> what is that? Oh, all right. Yes, this is on the amendment.\r\n\r\nAny more discussion on the amendment? If not, let's take a roll call, MR. Clerk, on the amendment . >> chair, proceeding with the recall vote, council member shane sinenci? >> aye. >> council member mike molina? >> aye. >> council member kelly takaya king?\r\n\r\n>> aye. >> council member gabe johnson? >> aye. >> council member tamara paltin? >> aye. >> council member yuki lei sugimura? >> no.\r\n\r\n>> pro tem tasha kama? >> yes. >> raburn keani rawlins-fernandez? >> aye. >> and council chair alice l. Lee? >> aye. >> chair, there are eight ayes, one no, motion carries.\r\n\r\n>> chair, I would like to support this bill as amended, and I wanted to mahalo council member king for listening to both the scientist s, as well as our county departments and making those exemptions and accommodations, so everybody has enough time to go ahead and make the necessary changes. This isn't easy. We have seen in past legislation, including our plastics bill and our pesticides bill, time for people to get used to. I think as people get more acclimated to it, I think overall, it comes out everyone is happy, and can rest assured that our ecosystem is saved. Mahalo for this. Thank you. >> member sugimura.\r\n\r\n>> I have an amendment, chair. >> all rght, what is your amendment? >> so I have it written -- can I ask the clerk to help me transmit it to everybody? >> is it that long? >> I can read it. >> yes, read it. >> can you help me transmit it to everybody?\r\n\r\nThank you. Move to aend section 20.35.070a, by adding the following subsections: no. 7, temporary outdoor lighting uses for concerts, theatericlal performances, provided the lights are used or facilities or amenities are in use. No. 8, unshielded string lighting with no more than 6' provided that 11:00 P.M. And 6:00 A.M. And no. 9, temporary lighting low lights for public festivals, cultural activities, celebrations and seasonal or holiday observances, provided that such lights are used for no more than 30 calendar days in a year. That is my motion.\r\n\r\nI need a second. >> moved by member sugimura , seconded by member kama. Further discussion? >> in between that meeting, the chair meeting and today, and to amend this to add to those exemptions. These items. Just to make it clear. So that's it.\r\n\r\n>> all right, any more discussion? Members? Member king. >> thank you, chair. I speak against this motion. Actually what this motion does is existing law from our current ordinance by allowing people who are breaking the law now to be

in compliance. We really want them to do is get into compliance.\r\n\r\nSo tat they are obeying the existing law and look toward to the protections we're trying to put in. I would not want to see us go backwards by amending the law just to accommodate everybody with the most convenience to them. What we need to do is environmental protection. I believe that the exemptions that we have in there are far enough and if we -- [Inaudible]. Thank you. >> anyone else? Vice-chair rawlins-fernandez. >> mahalo, chair.\r\n\r\nIt sounded like member sugimura was reading something. Would it be possible for her to put it in the chat? It was kind of long. >> MR. Clerk? >> chair, we emailed out the asf as well. >> mahalo, deputy clerk.\r\n\r\n>> thank you >> thank you. >> while she is reading it -- she probably read I. MR. Clerk, roll call on the amendment? >> chair, proceeding with roll call on the amendment, council member shane sinenci? >> no. >> council member mike molina? >> no.\r\n\r\n>> council member kelly king? >> month. >> council member gabe johnson? >> no. >> council member tamara paltin? >> no. >> council member yuki lei sugimura?\r\n\r\n>> yes. >> presiding officer pro tempore tasha kama? >> yes. >> council vice-chairperson keani rawlins-fernandez? >> aye. >> council chair alice l. Lee? >> aye.\r\n\r\n>> six nos, motion fails. >> back to the motion, MR. Clerk. >> chair, the main motion as amended is on the floor. >> roll call. You have more discussion? >> I want to speak to it?\r\n\r\n>> all right, member sugimura. >> thank you everybody for this effort to save the wildlife, and I guess, turtles and birds through this ordinance. Thank you, kelly king for your hard work that I want to say that first of all, I want to speak to MR. Miyasato, who has been testifying, and is he born and raised on maui and love for our island. In testimony, some people were thinking that he doesn't belong to speak out and I want to thank him for being an electrical engineer and spending his time, his free time, trying to help a place that he grew up. I just wanted to speak on his behalf on that, and appreciate enough to spend their personal time, because it is his personal time, for our community. I do want to say I'm concerned and I will tell you that that being out in the community, just be careful, members, because the community is saying, if we have to pay for these light fixtures, and we cannot afford it, I hope the county is going to help us pay.\r\n\r\nThese are not big businesses making this comment, but people I see going shopping and talking-story with people. It's a good thing to save the wildlife, and the turtles, and you know, everything else that we care about for the future. I just want to say that please care about the people. We cannot afford to make this change, and to find the fixtures, I guess you all know that MR. Adams, who testified early on, who has not testified recently, his company is the one that primarily has provided the lighting for the big island, which we're modeling this bill after. And over time, different businesses will see that there is money to be made and then provide -- I hope that we do not -- companies that look at us as being non-compliant, and I wish that we would have listened to director of public works, and scott rawlins from environmental management being that they need to do their work in order to find the fixtures that we have, or make, I guess, do an inventory, and figuring out what is this going to cost? So that we, the taxpayers, will be able to see the law is going to cost us.\r\n\r\nIt's not only going to be big business, but it's going to afc affect all of the taxpayers. With that, I will voting against this bill. Thank you. >> any more discussion? >> thank you, chair. This is a false narrative it will cost money and

with three-and-a-half years to come into compliance, most people's lights are going to burn out in that time. But these lights are compliant lights, in florida, there are local companies like beach side lighting in honolulu that provide 100% compliant lights, and are willing to do so now.\r\n\r\nIt's not just one company in hawai'I, or one person in hawai'I that supplies these lights. The list of compliant fixtures as well, this is how we affect change. When we affected changes, the stores are making money and don't have to supply plastic bags for the general populous. I watched the same kind of push-back and fear-mongering with the styrofoam ban and big relations move called save our plate lunch and it wasn't about the plate. The styrofoam box, but it was about the food. Now we're getting our plate lunches in compostable containers, which respects the environment, doesn't cost that much more and the more businesses that get on-board, the cheaper it becomes because they are able to buy in bigger bulk. So this is the same thing.\r\n\r\nWe have sen the video of folks in florida, who have switched over, and actually saved money on their utility bill, because these lights are more energy-efficient, there's less greenhouse gas emissions and they are actually lasting longer. So they are saving more money, in the hundreds of dollars that we have seen. So I think there's a fear out there, and there's folks, who don't want to come into compliance with even the existing law of trying to kind of backpedal. If we're going to move ahead with respect for the 'aina and respect for the ecosystems we have to figure out a way to exist -- co-exist and not put us first. We have been looking at this with other ordinances and moratorium bill. We had the hotels come out en masse, asking for a compromise. We did not do that, because we wanted to put our local people, and the environment first.\r\n\r\nAnd that is what this bll does; member sugimura was the one who proposed the amendment that exempted the hotels. And it's just recognition that it shouldn't be that difficult for the hotels that are making mega dollars. We all seen what rates are these days, to come into compliance. And they will probably actually save money on their bills. I don't foresee any activity being stopped because of this bill and it will just encourage over the next three-and-a-half years for people to come into compliance to help save our environment and save on our wildlife and those who are come into compliance with the plastic bag ordinance and sunscreen ban that going into effect next month, all the companies that I know are of already eliminating those chemicals. So I'm really impressed with this community and how fast we do get on-board, once we see the environmental benefits, and I think this is going to be another tool in our arsenal of protections for the environment. So I hope we can pass this bill out today, and move o, and protect our wildlife, protect the cultural practices that happen in the dark skies, protect whatever astronomical research we're doing and I would love to see -- we have heard the benefits of the dark skies and people who are actually writing about drk skies up country.\r\n\r\nYu know, let's get some of that down country, too. Let's save the wildlife while we're at it. Thank you. >> member king, you are lucky I have a slow watch. >> oh, was I -- >> slightly over time. Members? Vice-chair rawlins-fernandez.\r\n\r\n>> mahalo, chair. How is your watch working now? Is it on? Okay . All right. I'm going to vote in favor of the motion, because as member king said, I want to put our natural environment ahead of our economic drivers that rely on our environment. And I want to protect our seabirds, especially those that are going endangered, and our sea turtles. So I watched the care

meeting and one of the things that struck me, and it's concerning right now for me is something that corporation counsel brought up. And there's some deputy corporation counsels that I trust more than others, and MR. Whitaker is one that I trust a lot. And he brought up the concern that some of what this policy is grounded, the data does not support that direction. It's not substantiated strong enough to withstand litigation. And that is concerning to me, because I want this to happen. I want us to protect the seabirds, turtles and to have darker skies. And we won't be able to achieve that if this law is overturned by a court, and an injunction is granted by a judge. So in committee, when the chair at the time, member king, said this is a policy decision, and he responded that yes, it is a policy decision, but in order for us to build a strong enough case so that when we're sued, and it sounds like we might be, that we will prevail, and it's really important that we prevail in court. So that our policies aren't overturned by the court. That is my concern today. This is first reading, and it needs to go to second reading. I am going to support it on first reading. I am hoping, as I stated earlier, that a lot of the concerns that were brought up when this came to council the last time would have been addressed, and it's unfortunate that it hasn't all been addressed. I know that member king worked hard to address a lot of them, and I really appreciate that. But it sounds like there's still some concerns that are unresolved. One of which is the one that MR. Whitaker brought up. Mahalo, member king for your work on this. The last thing I wanted to bring up is member sugimura brought up the cost thing. So perhaps as we're moving into budget, I would support investing in more into protecting our seabirds by providing, if it becomes some kind of grant program to support our residents that cannot afford this type of compliance. I think that's everything. Mahalo, chair. Chair, you are doing the you can only speak twice for each motion for each member. >> right. >> this is my first time. I somewhat a little bit disagreed and that was the concern at the first bill, and when we got to second reading, it's true from what I hear that light and seabirds data isn't conclusive. I spoke to some folks on kua'i. They said the only thing that they know in regards to seabirds is that they don't know. however, many in the environment -- it's not good for astronomy and it's not good for turtles, and it contributes a lot to light pollution. I think that the main thing is that possibly we as humans think that it's better if it's brighter. But when you look at the sky at night, you can't see the stars. It's not following the way of nature. Something that we really gotten away from and that is why we do think of ourselves as separate. You know, we can't fix it all-in-one go. We have exemptions for sports. We have exemptions for cultural activities, but it's a first step, and it's educational. Bigger is not always better and brighter is not always better, and to appreciate -- so I will be voting in support of the motion today, and with the only in it's not just about the birds, and that light is better. We only need the amount of light that we need, and to appreciate the brilliance of the stars, because you know, we try to imitate nature, but we can never be better. Thank you. >> any more comments? Questions? MR. Clerk. Roll call. >> chair? >> I'm sorry? >> I think member johnson and myself wanted to speak to the motion. >> I'm sorry, I didn't see that. Member johnson and then member molina, or is it the otherway? >> member johnson. >> thank you, council member. I rise in full support of this motion. The work we did in

committee, got a lot of press, because it does affect everyone. Some of the discussion is not focused on the idea that it's light pollution. Light pollution; right? So we would be remiss if we didn't come u with rules and legislation to address a type of pollution; right? I think that is what this -- I support it. You know, I have many years working in conservation on lana'I, and that ws exactly what we were doing is protecting the waho and I know one of the testifiers was speaking of in the idea of if you ever hear these birds at night, how beautiful they are.\r\n\r\nI mean, there's so many reasons and a lot of testifiers went through how it helps our water system, increasing 30% of the water, a thousand birds downed a year through our lighting systems. We have to do something, and I think it's kind of a slap in the face for the folks who work in conservation, the green collar jobs. If we're not doing our end and ask them to hike up a mountain to protect these birds I don't think we're doing enough. So that is what I wanted to say. I rise in full support. Thank you, chair. >> thank you.\r\n\r\nMember molina. >> thank you, MADAM Chair. I will support this bill at first reading and certainly the debate on data worthy to consider of. But I thank member king for being very patient because it was sent back and revisions were made, but certainly not to the satisfaction of all. It is what it is. Change can be difficult for a lot of people and it's understandable. But we have to find that right balance between protecting birds and residents.\r\n\r\nOf course, there's a delayed implementation. If there are real problems -- assuming this passes of course, future council can make the whatever necessary revisions it has to, as to go as far as even repealing this. That is something for a future council to decide. But this council, or a majority of the members feel that let's go ahead and address these concerns, and as maui is growing, we need to also pay attention to environmental concerns. After all, this is what makes our place special for those of us who grew up here. We remember much more innocent maui, with a heck of a lot less lights, and traffic, and everything else. We have to -- while we grow, we have to do what we need to do to protect the essence of our former community that many of us experienced much more innocent, less, I guess, urbanized community, if you will.\r\n\r\nSo I will be supporting it. I thank everyone involved and certainly appreciate everyone's input this. There's been really good, valid arguments both for and against this initiative from member king. Anyway, see what happens, but I will support this at first reading today. Thank you, MADAM Chair. >> anyone else? I see no hands.\r\n\r\nMR. Clerk. >> chair, proceeding with roll-call vote on the main motion as amended. Council member shane sinenci? >> aye. >> council member mike molina? >> aye.\r\n\r\n>> council member kelly takaya king? >> aye. >> council member babe johnson? [Kpwa-eub/] Johnson? >> aye. >> council member tamara paltin. >> aye.\r\n\r\n>> council member yuki lei sugimura? >> no. >> presiding officer pro tem tasha kama. >> a with reservations. >> vice-chair rawlins-fernandez? >> aye. >> council chair alice l. Lee?\r\n\r\n>> aye. >> chair, eight ayes, one no, motion carries. >> next item. >> chair from your government relations, ethics, and transparency committee, committee rport 22-91, recommending following: 1, that resolution 22-196 b filed, and 2, that resolution 22-201 be filed. >> member molina. >> thank you, MADAM Chair. Move to adopt the recommendations of committee report 22-91 >> second.\r\n\r\n>> moved by member molina, seconded by member sugimura to approve the recommendations in committee report 22-91. Discussion? Member molina. >> thank you, MADAM Chair. Your government relations, ethics, and

transparency committee met on august 30th and 31st, 2022 to discuss the proposed resolutions to approve for inclusion in the respective legislative packages, a proposed state bill, related to the residential landlord-tenant code, your committee heard from and agreed with the numerous testifiers who called for the protection of hard-working families, who are affected by the shortage of housing inventory and outcries by the ever increasing cost of homeownership and rent and agreed it's of the utmost importance and pointed out the negative impact on maui county's workforce. I ask for the members' full support. Thank you. >> any more discussion? \r\n\r\nIf not, all those in favor of the motion, raise your hand and say aye? >> aye. >> >> nine ayes, zero nos, motion carries. MR. Clerk. >> chair, you have before you committee 22-92 recommending that resolution 22-178 entitled, "approving the appointment of rogerene kali arce as the director of agriculture" be adopted by member molina. >> thank you, MADAM Chair. \r\n\r\nMove to recommend the adoption of the committee report 22-92. >> second motion moved by member molina and seconded by pro tem kama to approve the recommendation in committee report 22-92. Discussion, member molina. >> thank you, MADAM Chair your government relations, ethics, and transparency committee met on AUGUST 30th, and 31st of 2022 to discuss resolution 22-178 to approve the appointment of rogerene kali arce as the director of agriculture, and the interview of the appointee. During MS. Arce the task that she has of building a department in county and her goal -- additionally, since being appointed by the mayor, as director of agriculture, MS. Arce has already met with the agricultural groups in each district and received input on the types of support that they need and considering her impressive resume and voluminous oral and written testimony received in support of her appointment, your committee was satisfied that MS. Arce met the qualifications for serving as director of agriculture, and express our gratitude to her with resolution 22-178, approving her nomination as director of agriculture. Thank you, MADAM Chair. \r\n\r\n>> thank you. Vice-chair rawlins-fernandez. >> mahalo, chair. I speak? Strong support of confirming acting director kali arce. I know people have been calling her kali, it's kal [Kwrao -eufplt/] As our first department of agriculture director. In committee, testifiers -- described challenges, MS. \r\n\r\nArce was faced with and brilliantly transformed a problem into an opportunity. And that is something that I would hope for every one of our county leaders. That they would see the opportunity in every problem and be the creative visionary our community deserves. One quality that our community highlighted that truly stands out is that MS. Arce possesses is that she is someone that is one of us, a community member. Someone that is passionate about this work. Accessible to all members of our community and relatable and someone that our community members see themselves in and confident with all of our community as she has done in the past from keiki to kupuna, native plants, ranchers, farmers of all kinds, community members have rallied around her pledging their commitment to see her and the department flourish. \r\n\r\nI want to again thank the selection committee for choosing someone so qualified, and so grounded as a kanaka. It's such a privilege to sit on the council that gets the first moloka'i resident as the department director. I look forward to watching her nurture the growth of this department from the 'aina up. mahalo, chair. >> anyone else? Member johnson, and then member -- >> thank you, chair. I also rise in full support of the decision to make acting director arce the director. \r\n\r\nI know council member

rawlins-fernandez said a lot of things I wanted to say. So I can just say ditto from one farmer to another, I'm humbled and happy that we'll be working together in any capacity that we can. I had meetings with acting director arce in regards -- she shares that passion I share. So we're going to hopefully get some stuff going, and ready to hit the ground running when she is confirmed. Mahalo, chair. >> member paltin. >> thank you, chair.\r\n\r\nI also support MISS Arce and I feel she is up to it. I also wanted to give a shout-out to the administration for the process that they followed in selecting her, all the selection committee members, and you know, they shared with us during the confirmation committee hearing. I was refreshing and more of that, please. Thank you. >> member sugimura. >> thank you. I think I want to say ditto, ditto, ditto, starting with keani.\r\n\r\nGood job, gabe and tamara. I just want to say that she is a rising star, because one morning I turned on hawai'I news now and she was being as our new and first county department of ag director. I said kali, you make ice cream. She had made ice cream; right? Talk about value-added. She said she learned to make ice cream so she would do that with her kids. She brought that to the tv for the new casters.\r\n\r\nSo they were commenting on her ingenious creative way of using agricultural products. I would also like to tell her to get take over the axis deer task force. She was very clear, she said, that is a job that her department of ag will not take over, but she stands by me in terms of legislation, and different projects that I had put on our to-do list that came from the task force of doing composting. There are parts of this, which we already have in motion, that she did say she will work with us. So I value her. She is a breath of FEBRUARY air and first director of the department of agriculture. Thank you.\r\n\r\n>> member sinenci. >> thank you, chair. I, too, will uphold my vote in support o MS. Arce from committee. And I wanted to mahalo the hring team for bringing forth such a qualified applicant for the first-ever county department of agriculture. I also appreciative of her going ot into the districts, including the hana districts and also putting out her/ [Inaudible] >> anybody else? If not, all 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, you before you committee report -- including in the harr student advisory council legislative package a state bill at open meetings be adopt member molina. >> thank you, MADAM Chair. Move to adopt the recommendations of committee report 22-93. >> second.\r\n\r\n>> moved by member molina, seconded by member johnson to approve the committee -- the recommendations in the committee report 22-93. Discussion, member molina. >> thank you very much, MADAM Chair your government relations, ethics, and transparency committee met AUGUST 30-31, 2022 to discuss resolution 2222-199, cd 1, maui county county legislative package a proposed state bill related to public meetings act 264 enacted JULY 2022, the state sunshine law thats and creates this requirement that testimony be taken either immediately prior to discussion of each item, or prior to each categories, or set of agenda items rather than allowing you atestimony to be taken at the beginning of the public meeting. To say it places unfair restrictions on public bodies and the conduct of its meetings and possesses challenges to meet legal deadline, the state bill would remove the requirement that the presentation of testimony not be limited to the beginning of the agenda of the meeting. Your committee expressed -- noted the proposed state bill would help to streamline and allow predictability for testifiers. Your

committee also noted that streamlining the testimony for council for taxpayer dollars and by exempting legislative bodies at any point other than the beginning of the meetings. Your committee voted 6-2 to recommend adoption. Thank you.

any more discussion? Member paltin. >> well, >> well, thank you, for the same reasons. >> any more discussion? If not, roll call, MR. Clerk. >> roll-call vote, council member shane sinenci? >> aye. >> council member mike molina (2022) entitled, "a bill? >> aye. >> council member kelly king? >> aye. >> council member gabe johnson? >> aye. >> council member paltin? >> no. >> council member sugimura? >> yes. >> council pro tem? >> yes. >> council vice-chair rawlins-fernandez? >> no. >> council chair alice l. Lee? >> aye. >> chair, there are seven ayes, two nos, motion carries. >> thank you. Next item. >> chair, you have before you committee report 22-94 recommending the following -- oh, apologies.

Yes, committee report 22-94 recommending the following: 1, that resolution 22-195, cd 1, entitle, "approving for inclusion in the 2023 hawaii state association of counties legislative package a state bill to remove the minimum age requirement for police officers be adopted and 2, adoption of 22-200, cd 1, entitled, "approving for inclusion in the 2023 maui county council legislative package a proposed state bill to provide an incentive to recruit and retain more police officers. >> MR. Molina. >> thank you, MADAM Chair. Move to adopt the recommendations in [Kpho-t/] Report 22-94. >> moved and seconded to approve the recommendations in committee report 22-94. >> thank you, MADAM Chair your great committee met AUGUST 30th, and 31st of 200 and discussed the proposed resolution to approve for inclusion in the respective legislative packages a proposed state bill to provide an incentive to recruit and retain police officers, by removing the minimum age requirement for police officers retirement of 55 years, for police officers to retire, but maintains requirement for 25 years' of serious. Your committee notes the proposed legislation seeks to address concerns expressed by the maui county police officers by improving the department of police's ability to recruit and retain officers while also addressing the cost impacts to the state of hawaii's employees' retirement system, resulting from - excessive overtime due to staff shortages. Your committee noted that police officers often feel overworked and as a result, feel they are being placed in unsafe working conditions.

And that a number of police officers have relocated and sought employment in states where there's no minimum age requirement for retirement or that offer more competitive retirement benefits of the assistant chief at the meeting noted police officers and their families face increased stress and most often make personal sacrifices including missing out on important life events. He said, removing the minimum age requirement would help attract applicants, and allow for more years. The director of personnel services expressed support, but said sections of the H.R.S. Prohibits the increase or enhancements until the ers is fully funded and directed in 2012 the hawaii state legislature enacted amendments that impacted retirement benefits for all employees with respect to unfunded employees' retirement system, 53-54% funded \$14 billion shortfall. In order to decrease the concerns raised by director, the first deputy corporation counsel advised amending by noting corresponding changes to H.R.S. Section 88-99, which the committee agreed to. And after all of that, MADAM Chair your next question committee voted 7-0 to recommend adoption of resolution 22-19 5 cd 1 and resolution 22-200, cd 1. I ask for the members' full support of this motion. Thank you,

MADAM Chair. >> you're welcome.\r\n\r\nDiscussion? Member paltin, and then member sugimura. >> thank you, chair. This bill was created in discussion with some of the police officers. It was a request by them, and you know, in speaking with them, I did mention that it is kind of a long shot, and that we, the county council, doesn't pass state legislation. And they still wanted it to be moved forward. So I'm happy to accommodate.\r\n\r\nI think that the rest of the emergency services that had this firefighters, lifeguards, you know? They come along, plenty of people are happy to see them and like them and not all the time are people happy to see police until they really need them. And right now, we hve such a shortage that it's a hardship, and we're losing our recruits to other jurisdictions tat offer this type of benefit specifically. So you know, if they want us to put it forward, I think it's the least that we can do and if we cannot pass it, put it forward, and let them take it from here. Thank you. >> thank you. Member sugimura.\r\n\r\n>> thank you. I support this, but I just wanted to also MR. Molina presented because I was going to say, boy, we're going to MISS You. You did a good job presenting the iem and mouthful you put in a very interesting way. Thank you very much, member molina. That's all. >> any other comments?\r\n\r\nMember king. >> thank you, chair. I support this motion -- both of tese recommendations, and I think it's especially at the hsac-level, I think it's very important, when we can can get all the counties, and I'm assuming we'll be able to get all of the counties on-board, that we focus on the issue of recruitment and how many vacancis that we have? And that we have to -- we're asking the police department to find new creative ways to get recruitment to happen, to fill all those vacancies and this is one thing we can do, the support of the statewide legislation. So I not only will support this, and will support it at hsac, but I'm also hoping that members of the council, who will -- who will survive me and MR. Molina next year will come out enforce and testify in favor of this bill. Because I think it makes a difference, hearing from the counties about the need for recruitment is a big deal for the state legislature.\r\n\r\nThank you, MR. Molina and thank you, chair. >> thank you. Anyone else? Member molina. >> MADAM Chair, I want to get in a thank you. I believe it was member paltin who introduced this and want to give credit where credit is due.\r\n\r\nThank you, member paltin for this. >> I was just thinking that, but you are such a classy person, I knew you would say that. Any other comments? Members? MR. Clerk. I supposed we could take a voice-vote.\r\n\r\nAll right. All those in favor of the motion, raise your hand and say aye? >> aye. >> nine ayes, zro nos, motion carries. MR. Clerk. >> chair, you have before you committee report 22-95 recommending the following col 1, that resolution 22-197 entitled (.") Approving are for inclusion in the 2023 hawai'I state association of counties relating to the hawai'I public procurement code" be adopted and 2, that resolution 22-202, entitled, "to approve for inclusion in the legislative package a state bill relating to -- [Inaudible] Be adopted." he member molina.\r\n\r\n>> thank you very much, MADAM Chair. Move to adopt the recommendations of committee report 22-95. >> second. >> moved by member molina, seconded by member king to approve the recommendations in committee report 22-96. Discussion, member molina. >> thank you very much, MADAM Chair. Your great committee met AUGUST 30th and 31st, 2022 to discuss the proposed resolutions to approve for inclusion in the respective legislative packages a proposed sate bill to preserve administrative resources by ensuringing that only qualified con

transmitting arsons and subcontractors are award capital improvement projects based on past experience, efficient operation and safety, your committee notes the proposed state bills were modeled after legislation proposed by the indian illinois iowa foundation for fair contracting and drafted in response to concerns proposed by skilled laborers who felt cheated out of fir wages but failed to bring the issue up with their employers out of fear for their job security and for those who ensured procurement laws are followed and expressed quality guising contractors and subcontractors and this information be disclosed and made available for public inspection for increased accountable. Your committee received testimony since the mit1990s the organization's compliance team filed many complaints ben low-roguе contractors who cheated employees out of wages, vacation pay and retirement pay and by establishing verifiable standards and objective criteria, the legislation would ensure public agencies employee high-role contracts that adhere to high ethickal standards and ensure training for employees and follow high's laws for procurement wage standards and security and voted for the resolutions and thank member paltin for this consideration, as well as we had MR. Dwight burns as a resource to provide assistance to the committee.\r\n\r\nThank you, MADAM Chair. >> thank you. Discussion, members? Can you raise your hand? Member paltin. >> thank you, chair. You know, I did get some feedback that this doesn't go quite far enough, but it has worked in the triple I states.\r\n\r\n\r\nyou know, it's a really simple thing, and it puts the onerous on the contractors and it lets them know we're kind o paying attention. The part I especially liked about it was the transparency aspect. So it's just one step forward to try and make the industry more accountable. And so you know, I think the bad actors will come out against it, but it's something that we need. Thank you. >> any more discussion? Member king.\r\n\r\n\r\n>> thank you, chair. I support te motion, and I think just to build on what member paltin said, that this also pts the onus on our departments to make sure that the contractors are in compliance. What we have seen over the past few years wth the different departments and the different councils, and some of the charges that hve been brought up against public officials even, the more transparency we can bring, the more responsibility and accountability we can bring to procurement processes. I think the better. If not now, when, is what I say. I think this would be an opportune time for the state legislature to pass a very meaningful piece of legislation. Thank you, member paltin, and thank you, member molina and thank you, chair.\r\n\r\n\r\n>> thank you, member king. Anybody else? If not, roll call -- oh, probably not. All those in favor of the motion, raise your hand and say aye? >> aye. >> nine ayes, zero nos, motion carries. MR.\r\n\r\n\r\nClerk. >> chair, you have before you committee report 22-96 resolution 22-198 entitled [O-eufpbltd/] Approving for inclusion in the 2023 hawai'I state association of counties legislative package, a state bill related to [Inaudible] >> resolution 22-2023 entitled, "approving for inclusion in the 2023 maui county council legislative package a state bill relating to the minimum wage be adopted. >> member molina. >> thank you, ma'am declare. Move to adopt the recommendations of committee report 22-96. >> second. >> moved by member molina, seconded by member johnson to approve the recommendations in committee report 22-96. Discussion, member molina. >> thank yu, MADAM Chair.\r\n\r\n\r\nLast one for me for now, members. Your great committee met AUGUST 30th and 31st, 2022 to discuss the proposed resolutions to approve for inclusion in the prespective legislative

packages a propose state bill to ensure counties MAY appropriately respond to local economic conditions by authorizing counties to establish a county minimum wage by ordinance, your committee notes many residents work multiple jobs to earn enough money to live in maui county, and should livable wages -- the propose state little would be enabling legislation to allow counties to exercise home role by setting the minimum wage for their higher than sections 387 of H.R.S., a deputy corporation counsel said the proposed resolution would not affect civil service employees because those wages are affected at the state-level through collective bargaining and director of personnel services said it will not allow for unilateral action for civil service employee because for each bargaining unit would be required. The committee voted 5-3 to recommend adoption of the resolution. I would like t thank member johnson. >>, MR. Molina. Any further discussion?\r\n\r\nMember johnson. >> thank you, chair. If I could just add, I want to thank council member molina for allowing this to be discussed in this committee. This proposal to empower counties in hawai'I to set the minimum wage that are higher than the state and federal. This proposed legislation is about home-rule and acknowledges that counties are best suited to respond to economic conditions by setting minimum wage. According to the state department of business, economic development and tourism, wage for single adult varies between counties by more than 30%. County government to the people and understand the concerns of small local businesses regarding the raises of minimum wage. Let me be clear, this bill raises minimum wage, but allows for debate in maui county, rather than at the state capitol in honolulu.\r\n\r\nThere are MR. Other districts that do this, cook county, illinois, san jos\ and west hollywood in california allow municipalities to set the local minimum wage. I look forward to seeing this legislation through the state legislature. I then look forward to robust and genuine discussion of local workers and businesses during the next council term. We as maui county can move forward in a way that improves our economy and quality of life. Mahalo. >> member king.\r\n\r\n>> chair, thank you. I'm going to support this proposed legislation. I think it's going to be a hard sell, but I think most o us who are employers understand -- I don't understand how anybody could even use the upcoming minimum wage is supposed to be -- you are going to have t pay more. It's a very competitive for employees. So if this bill has a chance of passing, I think it's on that alone. I just wanted to say I will support it, but it will take a lot of lobbying at the state legislature and I hpe those who support this come forward and be active at the state legislature this year. >> all those in favor of the motion, please raise your hand and say aye?\r\n\r\n>> aye. >> nine ayes, zero nos, motion passes. Roll call. >> chair, proceeding with the roll-call vote. Council member shane sinenci? >> aye. >> council member mike molina?\r\n\r\n>> aye. >> council member kelly takaya king? >> aye. >> council member gabe johnson? >> aye. >> council member tamara paltin? >> aye.\r\n\r\n>> council member yuki lei sugimura? >> presiding officer -- >> aye. >> chair, there are eight ayes, one no. Motion carries. >> resolutions. Testimony? >> yes, chair, proceeding with testimony on resolutions.\r\n\r\nThe first person we have signed up to testify on resolutions is lisa lu, followed by lisa darcy. >> oh, my gosh. I have been waiting five years to testify on my first agenda iem. I was the first person in this meeting. This is just painful for the public to take time out of their day to participate in democracy. I will move on. I am here to testify on resolution 22-216. This

resolution exist because of the intent that was -- someone decided to do what they wanted to do instead of the right thing to do and let me explain.

Council member king put a budget proposal for safe sleeping lot for south maui as a pilot lot to develop language. I was in one of those meetings and in the APRIL b fed meeting you were all in attendance and by reading from page 21 of the minutes. MS. Yoshimura, so if another organization let's say women helping women, if they wanted to apply for the grant, they would have to work with share your mana is what you are saying? Council member king, correct. MS. Yoshimura, I will ask christ tsuhako to assist with the language and put into the operating budget the pge 9 under hugan program it states, " up to 200,000 dollars must be used to establish a safe zone sleeping space for the houseless [Speaker not understood] The mayor puts out a press release on september 8th stating, " the maui county council and the mayor's office worked together to identify the jay walter center as the county's preferred site." and goes on to say, according to the mayor victorino, the pilot program could pbegan following contact details and the pilot program is allocated to receive up to \$200,000 in the fy'2023 budget.

Now I have some questions. What loophole was used to ignore the intent of the bill, and the prosthoo tha was to be followed? Are you going to tell us which council members worked with the mayor to identify and push for approval before consulting with share your mana, or do I have to do that research, too? And lastly, when are we going to face the truth we all know erick someone did not want to give lisa darcy an ounce of power when it came to homeless services, because if they did, it would delegitimize the time and effort they put in to vil defy and ostracize her within the community and spend years as advocate with little resources while being gas lighted by leadership. Giving her a real platform to [Speaker not understood] Do the right thing. Mahalo for your time and consideration.

>> any questions?

If not, thank you very much. MR. Clerk. >> next person signed up to testify is lisa darcy, followed by jordan hocker. >> good afternoon everyone. My name is lisa darcy, and I'm the founder of share your mana and commissioner on healing solutions for homelessness. Maui county to tackle the unhoused complexities and needs.

I'm a little overwhelmed from the previous testifier trying to concentrate. I'm not a paid lobbyist. I'm still hoping and waiting. I'm here to testify on the passage of resolution 22-216, I'm testifying on a series of events as I have been privied. Recognizing I have continued exclusion. So I MAY not have the complete picture. Leaders take the necessary path and work within a community.

Politicians take an easy path and make unilateral decisions and exclude community. Leaders build trust, politicians build a power base. Resolution 22-216 identifies -- clearly identifysies mayor victorino -- and maybe king and members of share the mana and the previous testifier worked together this past spring to carefully design a budget item on page 9 of maui countipisckal 2023 budget t be implemented of many of those inhabitable conditions both mentally and physically, if passed through the budget with the mayor signedion recently we carefully amended the enabling legislation to make this feasible for very small pilot project, very small. And we're waiting patiently for director tsuhako to release the rfp to agencies could apply for the grant. Leadership was at work through all of this process. A unanimous vote from all council members kept this moving. However, unbeknownst to council member king and sharior mana, other council members and the department of housing and human concerns had other

designs.\r\n\r\nThey met privately, intentionally not including share your mana and thus deviating from the design process. SEPTEMBER 8th the mayor publicly usurped the process in a surprise press conference, that eliminated the budgetary requirements. He and director tsuhako tethered themselves in a 180-degree turn from previous testimony. Let me be clear by not allowing the grant to go through the expected application process and to be awarded -- instead to have a back-room discussion and remove the measures which guaranteed community participation is unethical and I believe it's illegal. Off page 44 states penalties for intentionally knowingly violates this ordinance MAY upon conviction be fined not more than a thousand dllars or imprisoned 30 day or both. I'm hoping this is not where we're at today. It's so painful to be able to have to bring this testimony forward, and mahalo, and MAY these shenanigans cease.\r\n\r\n>> members, questions? Vice-chair rawlins-fernandez. >> mahalo, chair. Aloha, MS. Darcy, mahalo for your testimony today and for your patience testifying today and the previous testifiers and I hope we can improve this process of testifying, so it doesn't have to continue this way. My question for you is did you meet with the cameron center folks and the administration prior to the announcement of that parking lot being selected for the pilot program? >> no, I received a call from chair lee directly after the press conference, asking to meet at the cameron center the following day.\r\n\r\nThat is the only information share your mana had received. Actually sorry, it wasn't a call. It was actually a text. >> oh, okay. So you met with them after. >> after the press conference, the next day. >> okay, so you met with them.\r\n\r\nMahalo, MS. Darcy. Mahalo, chair. >> for carification, it was not a meeting to discuss the process. It was -- I don't know -- the intent of the meeting was to introduce me to cesar, but I have known him for decades. So that didn't make sense. Xer mahalo for that clarification.\r\n\r\nI was going to ask a follow-up question. Mahalo, chair. >> mechanic king. >> thank you, chair. Thank you for being here, lisa. That meeting was after the fact. And do you consider that a consultation?\r\n\r\n>> thank you for asking, because I was very clear that tis was not a consultation, and that -- because as I still have on my books a meeting with the parks director to talk about locations. I have been asked to be a part of that for next week. So I am still -- I re-emailed the parks and everybody what is going on? Is this a done-deal? Because it was intended to be in a park, where you would have the bathrooms and you would have the shade and all of that. And jst a little privacy. So there was no -- no, no.\r\n\r\nNo. No. It was not a consultation. >> thank you >> thank you. >> MS. Rawlins-fernandez. >> mahalo, chair.\r\n\r\nI am assuming, and member king can correct me if I'm wrong, that the intention is to try to pass this on the floor today. If it is, should we just request MS. Darcy as a resource person? So that when the item comes up, we can ask follow-up questions instead of during public testimony? >> no objections. >> it's a great suggestion. >> if MS.\r\n\r\nDarcy is available. Thank you. >> I do want to mention to you, MS. Darcy, that the way the meeting came about was cesar contacted you, then he contacted me, then you contacted me to ask if member king should come along? And I have that documented. Thank you. >> just to let you know -- >> any objections to having MS.\r\n\r\nDarcy be a resource person when the item comes up? >> no objection. >> thank you. So ordered. So we'll call you in a little while, when this item comes up. >> mahalo. >> next testifier.\r\n\r\n>> cair, the next person we have signed up to

testify is jordan hocker. >> aloha, council members of it's been nice to spend this day with you today. So my name is jordan hocker and the two previous testifiers really outlined the situation really well. So I will just speak to something that I have seen in my work, and why I think share your mana should not be skipped. It is a little suspect that this specific entity was left out of the loop. So in regards to the mayor's administration and the department of housing and human concerns, i have witnessed a large amount of bias toward ours unsheltered community members. I believe this bias how willing the administration is to work with boots on the ground, people who provide support, the reality is that share your mana has a perspective that the administration -- that the department of housing and human concerns does not, and it's this insight for basic human rights violation around people's material possessions in the sweep.

The department of housing and human concerns has a compassionate relocation model, okay? And the mayor is quoted within the housing meeting as saying you can lead a jackass to water, but you can't make him drink. Okay. That form of bias doesn't get people the help that they need. I know that the people that this parking lot is supposed to be functionally providing a safe space for our working-class homeless and probably walked people through the process of having to show up after being cited for sleeping in their cars. If you don't know -- if you haven't lived it, if you haven't walked directly to try to make sure that their rights are protected, then you don't know. And the mayor's administration and the department of housing and human concerns don't know.

That is not their perspective. They're not one step away from being in that. And so I find it deeply troubling that share your mana, we put forward the idea, for something that we need in the community, to serve our community members, being left out of this process, I mean, it's one thing to not like what somebody has to say, because they are telling the truth. It's completely another thing to usurp something that they put time and effort into based on their community experience to try to help people, who not fit as unsheltered community members and people in their cars going to work. They are not drug addicts and not lazy and don't deserve to be cited. So as a pilot project that came about as part of the share your mana's work, I will urge this council to uphold this resolution today. Thank you for your time.

>> thank you. Any questions, members? Okay, if not, thank you. We shall go on to the next testifier. >> the next person signed up to testify is mike moran, followed by scott crawford. >> once again, chair, and council members, mike moran for kca, and 22-2 23 and 22-222. On 22-216, that we do follow the laws, and this concept was first mentioned by kca five years ago when a member brought up this issue. While all districts, I think all districts have some issue with the homeless/houseless people, in south maui, we have no shelter.

So it's a little bit more pronounced where are these people going to go? And this concept was offered so give them at least a better place. As testified before, none of us are advocating this is a solution. It's a temporary stopgap to allow working families, often maybe single, but also families, who do the normal family things with kids going to school and can't make rent. So can we at least allow them a safe place to sleep in their cars? We don't have the intimate knowledge that the previous testifiers said, but what the mayor said -- there's nothing in south maui. Anyway, that is all we can contribute to this issue.

We do like the concept and we do support the measure today. And then moving on

to 222, a strong south maui issue and doesn't seem -- we're still having this community discussion. I was challenged by someone yesterday, just last week, why did you guys wait ten years to do this? It's like, we didn't wait ten years. We have been trying since the condition was -- and why didn't you go to the governor? We did. Why didn't you -- we went to everyone we could.\r\n\r\nAnd we appreciate the council stepping up, even though there's not much you can do to force a state agency to do something. But you are doing what you can by trying to do this, and we certainly appreciate it. Of course, we don't see much support from the state agencies. We do from state legislature members, but they, too, can only do so much. So we're in support of this resolution as something that we can support. So thank you for the opportunity to testify. >> thank you.\r\n\r\nAny questions, members? If not, thank you very much, MR. Moran. >> the next person signed up to testify is scott crawford, followed by tweety lynn. >> aloha, MADAM Chair, and members. On behalf of the 'ohana, testing in support of 22-219. For open space funding for the acquisition of kipahulu point. These are funds that were already approved in the budget and very thankful to the mayor's office and council's support of this item and coming back for basically approving the resolution to release the funds.\r\n\r\nYou know, encumber and approve the grant, and also approve the county to be able to -- [Inaudible] Because of the sensitive timing of this, we have been informed by the sellers ' agent that they have a backup offer in place, that would go into effect if we are not able to close, and so we would like to ask for you to pass on the floor and waive committee referral . We have been working very closely with the mayor's office, and corporation counsel, as well as hawai'I land trust to get all of the paperwork in order. The grant funds, the documentation, all of that is in process, and we're really thankful for their support for this. We're just closing in on the final couple few weeks to put everything together. So I'm happy to take any questions and also to be available as a resource person, when you get to this item, when you get to it; and with that, I will express my thanks for your support for kipahulu 'ohana. >> thank you. Questions? Member sugimura, and then member sinenci.\r\n\r\n>> thank you. So MR. Crawford, you mentioned that there's a deadline, or time-sensitive. Can you share what the deadline is? >> closing date in the purchase contract is OCTOBER 15th and we have been told by the sellers' agent that we could possibly get an extension beyond that, but that is really the date we're looking at. But we do feel confident we can make that date with all of the work that has been done up to this point with all the paper work. >> I'm sorry, you said OCTOBER 15th?\r\n\r\n>> correct. >> thank you. >> member sinenci. >> thank you, chair. Due to the time-sensitivity of this item, can we ask MR. Crawford to stay on as a resource, if members have questions for him? >> any objections, members?\r\n\r\n>> no objections. >> okay. Do you want to save your questions for him? >> thank you, chair. >> MAY we have the next testifier. >> chair, the next person we have signed up to testify is tweety lynn, followed by mariah marquez. >> hi everybody.\r\n\r\nI see you have been working hard by listening, and discussion, and I can see all that hard work. I too, have been waiting until at least 9:00 and I embrace all of what you have been doing. I am very much in favor of money to kipahulu 'ohana. This is a dream come true. This is a dream that has been long -- one of the last things my husband jacky boy has wanted to be with the 'ohana would be embracing this land. That particular land we do not want it to be a gentleman

estate, but owned by the kipahulu 'ohana, a hawai'I corporation. We eat in this community and harvest from this community and those who want to come in have not that kind of lifestyle, or love for the people, the 'aina, and all things that goes with it.\r\n\r\nWe are very fortunate enough where we were even -- where I came across this open space money that was going to be awarded for this kind of project. So I encourage the maui county to please move forward and to moving this. We do not want to give someone else a chance to even buying this land, and changing the mind of the owner. We have been working close with them through the steps, and im just fortunate enough where I am able to speak to you, and to encourage you to please, please, let it be in our hands, and kipahulu 'ohana finally have ownership to land. All of the lands that we have are all leased lands or agreement lands. Finally, with this land, we're able to fulfill part of our vision, which is to fishing, growing limu, providing some kind of housing, growing vegetables, planting trees, all those things that which we have always ben doing. Like I say now, it's going to be back with kipahulu 'ohana trust and the county.\r\n\r\nWe will all comply. I heard you keep saying words like that, to comply, and that is what we have always tried to do. I thank you very much, and you folks all have a wonderful afternoon. And I hope ---- thank you, shane, thank you rawlins, thank you molina, and thank you kelly king and sugimura and most of all, alice, thank old timers and mahalo, gabe johnson, lana'I, keep it how the people wanted it to be. We have a lot of friends all over and they all maybe not come out to support fully like I have been, but I know they are behind us. Thank you. Any questions?\r\n\r\nPlease refer to scott. Thank you. >> okay. We got that order. All right. All my classmates at st. Anthony are bossy.\r\n\r\n[Laughter] Classmate, yes. All right. Next testifier. >> chair, the next person we signed up to testify is mia marquez, followed by zhantell lindo. >> mia marquez, it's your time to testify. >> council members, she is currently still driving. So it might be better if we put her towards the end.\r\n\r\n>> then we'll move on to the next testifier, which will be zhantell lindo, followed by junior nakoa. >> >> mahalo, council members. Zhantell lindo, testifying on my own time and own behalf and new chair of the healion solutions for homelessness and testifying on my own behalving resolution for the safe zone sleeping project. First off, I just want to say that plenty accusations, plenty of passion going on, and I learned a long time ago from my tutus that passion is good and unrestrained and not focused on solutions. So I just want to put that out there, because oh, my heart was racing too. I had to kind of restrain myself back to one positive place. So this kind of took me by surprise, only because we've heard talk about the site selection, but was real casual.\r\n\r\nWe weren't consulted as a commission, which I think we would have or should have been, too. The most important thing for me, I was excited at the first, because in the magnitude of what is going on with homelessness, a proactive approach to at least address something was a good idea to me. I personally felt like just the speed, and eecution of being able to find a site that was compatible and suitable MAY not have been best idea, but sometimes from not so great ideas, we get to work on them until they become the best idea and solution. So first, I'm going to follow my own rule, and i won't do that to maui people and just to speak to the resolution itself. So that I can be the expert in my own kuleana. First of all, as I read the resolution in the second whereas, there are two things that concern me: it specifically says that the appropriation

includes the following conditions, that the grantee must consult share your mana. First of all, from what I understand, the mayor did not confirm that cameron center people were grantee and that verbiage says that it can happen without the project being hindered.\r\n\r\nI'm not sure if this resolution I to stop to reselect the site, but I hope it's not, because then I would not support the resolution. I think we need to move forward on something. The commission has been criticized for doing nothing for 18 months and junction about us and part of this is that we're always stuck in talk. But you give people like gabe johnson and tamara and other proactive people and responders and act out, even if we're going to get bashed, but we try something and we'll try again -- bell ringing. It doesn't define "consult," or what that means and I also want to address if I could have -- I don't support this resolution. I want us to work it out. Love lisa darcy, but I believe that any ordinance or resolution for homeless is going to be specified for consultation, it should be to the commission that you guys approved, and that the mayor approved, and that it should not be just to one organization.\r\n\r\nBecause the commission is composed of all combinations ad collaboration of organizations for good input and insight, including me. Mahalo. >> questions? Member paltin. >> thank you, chair. I just wanted to clarify, was that you liked wat we wre doing or you didn't like what we were doing? >> I like what you guys do when you are proactive.\r\n\r\nI don't want this resolution, if it meanses we're not taking a special step to try to do something and to do this -- this cannot be a political initiative, but has to be a healing solution and keep unafraid to make a move -- it's a pilot project. >> would it be okay to request MS. Lindo as a resource person? >> any objections? No objections. MS. Lindo, will you be available?\r\n\r\n>> all day. >> all day. Okay. Thank you. MAY we have our next testifier. >> I had a question for her. >> she is going to be our resource person.\r\n\r\nCould you wait until then. >> I just wanted to find out what background she had for the item? I can ask. >> isn't she the chair of the homeless commission? >> the majority feels that they would like her to be a resource. >> okay. >> MR.\r\n\r\nClerk. >> chair, the next person we have signed up to testify is junior nakoia, followed by francine arrona. >> I will tell you guys right now, this system is screwed up. Screwed everybody up, yes seriously. Now that we're talking about what, resolutions? The one with share your mana and everybody is scared for political 'aina -- I'm not scared. This is typical political actions bottom-line, just speaking the truth, and then 22-219. Support the kipahulu, we take care our own place.\r\n\r\nSo support those buggers. This is where the confusion starts. Talking about the agenda, 22-220, so I just put that -- I'm going to talk about -- I don't care if I get scolding. Communication 22-220. Sma money that \$400,000 is going to the sma people. The planning director the sma permit, and she said the reason why she did, because not enough money -- not enough people inside the department. So maybe hiring some more people, to get the permits -- not somebody else, the planning director sign the sma and not somebody else. Now, back to 22-220 communication.\r\n\r\nI support. The sunscreen -- don't put that bugger on the beaches, especially ka'anapali. You know what I mean? The disrespect we're getting from tourism, you know what? Put that bugger over there -- don't put that bugger over there. I'm pau. See you guys later on.\r\n\r\nI think we have to go back to where we can talk in the beginning and we're pau, and if you want to stay longer and talk to you

and talk to you. >> any questions for junior nakoa? Okay. We'll see you later. Thank you. Next testifier. >> the next person we have signed up to testify is francine arrona followed by faith chase.\r\n\r\n>> good afternoon everyone. >> hello you know, it's good that I retired and I can listen to all the mana'o that you folks have to share with us. I learn something every day. Anyway, I'm also calling again for the resolution 22-216. mahalo, zhantell lindo. You said everything that I wanted to say. That is the biggest concern I had when I looked at the resolution that just one specific organization and nothing against what lisa darcy is doing, but just one organization to receive all of the applications before the grant is given out. We have many organizations out there, every service.\r\n\r\nSo the commission, let's do a correct process in going with this resolution. We need to urge the mayor that we have to be transparent. There's so many issues in pa'ia alone we're facing critical transitions in taking care of people that don't have a place to sleep. We have our core group would comes out mondays. You know, some say they are against that. You know, it's working. We're taking care of the fire -- they have security -- taken care of that.\r\n\r\nDue process in picking a site, there's many issues with that site area, but yes, it's a pilot program. So let's get it off on the road. Let's work it. Let's do something, like lindo said. Do something. Let's get this going, and then we work from there. But don't forget to let the community know what you're doing step-by-step.\r\n\r\nSo that we can promote you, we can be behind you, we can work with you. My gosh, why have all of these agencies -- I saw the criteria, and all of the feedback, the survey of the grants, and so the no so good and the good. So we have to make this work. Nothing against share your mana, but we need a more direct process and to -- mahalo, I waited all morning and afternoon to share my mana'o with you, and you have had your own share of technical difficulties this morning. But anyway, my blessings to all of you. Continue your good work and let's move forward with this. Mahalo.\r\n\r\n>> mahalo, to you. Questions? Thank you, aunty francine. >> next person signed up to testify is to be followed by sam small. >> hi. Aloha. Maui county council members, two items.\r\n\r\nI didn't put it in the text message and I would like to speak on kipahulu item 22-219 first. This is my backyard playground. Such protection [Inaudible] I think you should all be very, vry, very proud. Thank you for supporting and continuing to support that. And and they meet their OCTOBER 15th deadline. I need to speak on 22-216, and I apologize for having to follow the sweet testimony of zhantell and aunty, but I'm baffled. I'm wondering maybe is there a committee that can introduce a bill that becomes a grant babysitter, or something?\r\n\r\nBecause this is not the first time that grants have been hijacked. I wouldn't go down that road and sent that in a lot of different testimonies. I mean, I have had to chase correct the trajectory and hold people accountable with grant dissemination. It's exhausting. I don't understand -- super speaky. Argue that thank you for this resolution, a sad ditch to make a contribution to approaching the problem of houselessness from it's a crisis and quite frankly, a parking lot is nothing, deserves an emergency declaration, especially with someone like lisa darcy. These shenanigans have to stop.\r\n\r\nI appreciate the resolution to resolve this debacle, this one situation and the greater problems. I concur with my chair on the healing solutions for homelessness and concur with the chair for healing solutions for homelessness in some respects that it would be proposed to be consulted

making these decisions. I am in support of this resolution, because share your mana has 18 years on maui of -- she has had to deal with unnecessary push-back and gag orders on humanitarian issues. If she's a resource, please somebody ask her a little history. Because you never get to hear that. You never get to hear what her resume and read our cv and the audacity of the victorino administration -- nobody is recognizing hard work of volunteers, volunteers, unpaid. I'm unemployed.\r\n\r\nI seek part-time jbs, whatever, im unemployed -- unpaid volunteer. There's samaritans -- it's so sad. I'm so sad. Please fix this, because I hate these problems within our local government ad most of you know that I have had to file lawsuits and I have won. I hate when the problems have to drive me to be the one to file the lawsuit. It's not fun and we're on a island. Basically we all know each other.\r\n\r\n\r\nYou are a pebble in the middle of the ocean. So trying to say, excuse me, the testifiers before me, I love them personally and professionally. But lisa darcy is an amazing resource. Bell ringing. Lisa darcy was carefully chosen for this specific area. Please, please, do whatever you got to do to fix this. All she was told was to be a consultant.\r\n\r\n\r\nSo I don't know -- I guess it was -- had to be hijacked because was a great political pr. I have no idea. Thank you for the resolution to try to fix this. Sorry for babbling. I'm just dismaid and I was out of range for a while and came back to a bunch of bs, so appreciate anything you can do to fix this. Thank you. >> thank you or thank you.\r\n\r\n\r\nMembers, questions? Vice-chair rawlins-fernandez. >> mahalo, chair. Member king had her hand up first I will yield to her. >> member king. >> MS. Chase was part of the team trying to put this together, if we could ask her to be a resource as well when we get to this item.\r\n\r\n\r\n>> members? No objections. So ordered. >> thank you. Vice-chair rawlins-fernandez. >> mahalo, chair. I was just going to ask for clarification on her testimony, but I dn't know, do you want me to ask the clarification now or hold until the item comes up?\r\n\r\n\r\n>> could you hold it? >> yes, mahalo, chair. >> thank you. >> I'm sorry, chair? Did we ask MS. Chase if she would be available? >> sure, yes.\r\n\r\n\r\nWhile I really appreciate that, I will do my best, but I'm not sure how long it will be. I will stay on as long as I can. It's been a long day and thank you for the work to fix the testimony timing. Thank you. >> chair? >> yes, vice-chair. >> since there's no guarantee MS.\r\n\r\n\r\nChase will be available when item comes up, could I ask for clarification real quick? >> okay. MS. Chase? >> I will make it quick. Aloha, MS. Chase.\r\n\r\n\r\nMahalo for your testimony and all your community service, all unpaid out of aloha. So I just -- we have tried to -- this council has tried to provide grants to share your mana directly before, and MS. Darcy has told us that she is just unable to apply, go through the application process and apply for the grants when we've line-iteded directly to share your mana. So I just wanted clarification on your use of the word "hijacked"? So who was this grant hijacked from? >> sorry, I was speaking in the greater scheme of other grants, and I really don't want to bore you with those, because it's not relevant. But it feels the same way. It's similar.\r\n\r\n\r\nWhile she was meant to be consultation sort of organization, that was skipped over is probably maybe not the right word, disregarded rather than hijacked. Thank you for the clarification. There's other grants that have been hijacked that have been laborious. >> I know which grants you are likely talking about. Okay, I just wanted to clarify that. Mahalo for the clarification. Mahalo, chair.\r\n\r\n\r\n>> we have more testifiers, MR. Clerk. >> chair,

the next person signed up to testify is sam small and followed by jeff bagshaw, who is the left person we have signed up to testify on resolutions. If there's anybody else who wishes to testify on resolutions, please identify yourself now. Sam small. >> thank you. Appreciate it, as always, it's an honor to participate in this process with you all.\r\n\r\nThank you to other members of the community; there's many of us out there, who put a tremendous amount of time and energy of our own private time, because we care. And so sma is something that I care deeply about, because I have got direct experience of how abused the system is. You guys are being offered close to half a million dollars to administer sma permit process, and our function as a county is extraordinarily dysfunctional, when it comes to sma. You have an investigation into greg brown, because the director allowed a permit examiner to sign off on an sma exemption on their own authority. Does anybody know anywhere where that is allowed? The sma -- the state recognizes that maui county has empowered the director to be the administrator for sma permits. How is that an employee ever the director was able to signoff on greg brown's monster hotel, which has now generated tremendous expenses; you are going out of house to hire a consultant, to run the investigation.\r\n\r\nThat never should have happened. >> MR. Small? >> yes. >> can you tell me which resolution you are testifying on? >> yes, that the county is receiving close to half a million dollars 2022, something like that. I don't have it in front of me.\r\n\r\nIt's on the list. >> it's a resolution, huh? >> I told them that I wanted to testify on that issue, and they told me--this is where they put me on the queue. So I can only respond to how they placed me to speak. >> r. Small? >> reso 22-220. >> sunscreen dispensers. >> no.\r\n\r\nYou are receiving close to half a million dollars for the administration of sma permitting. Do I have that right? >> is it a county communication that you are speaking on and we closed that testimony a while back. So now we're on resolutions, and then every section was open to new testimony. So we finished and closed the communications section and now we're on resolutions. >> well, I told them I wanted to testify on 2022 and this is where they put me on the queue. So I'm not responsible where they put me in the queue.\r\n\r\n>> members, any objections to letting him proceed based on the confusion over the number? >> no objection. >> can you proceed, MR. Small, and I apologize for the error. >> I totally understand it. I appreciate you are trying to refine the system, and it's not an easy thing. I appreciate your diligence, and you responding to the community's needs, our ability to be able to testify this way is fantastic, and I support you in this.\r\n\r\nThe director -- sma is a mess. It has been brought in front of several committees. Shane sinenci worked with chris salem extensive and sma was transferred over to kelly king and there needs to be a complete review our sma process, because our departments are doing a deplorable job. Agnus told me directly he is working to remove maui's administration of the sma, because we're doing such a lousy job of it. And everyone is affected by how sma permits are administered. I don't live in napili bay, but I as a citizen had my rights violated by waikiki, a plan examiner, that are affidavits that signed -- belinda named her for taking bribes to be able to facilitate getting plans approved. Greg brown never deserved to get the plan -- the sma exemption that rulon waiki awarded him.\r\n\r\nIn place for michelle Mclean. I still ask again, by what authority? I can't find any authority that allows an employee to sign off on the director's

responsibility? But that is what happened. I bring all of this up, because you are about to receive half a million dollars to continue a farce, continue a faulty administration of these sma permits -- bell ringing. >> that's it. >> thank you, MR.\r\n\r\nSmall. Any questions, members? If not, thank you very much. Appreciate your patience. Thank you. >> yes, no problem. Thank you all.\r\n\r\n>> chair, the last person we have currently signed up to testify is jeff bagshaw. >> aloha, county council, thanks again for your patience and your diligence on this long day. I will be uncharacteristically short. Just I wrk with the kipahulu 'ohana, when I was with the national park service years ago and, by the way, I'm speaking for myself and not my agency. I think they'll do a great job with the grant money. They are very responsible and I hope that goes through. That will be great for the whole community there.\r\n\r\n\r\nAnd just to report to you that on no. 220, the natural sunscreens at the parks are wildly popular ad doing what we had hoped, which is initiate them to the idea of using mineral sun blocks and they work great. So that that being across county parks would be another great step in helping people evolve. So I hope that goes through as well. Thanks for your efforts. That's all. >> thank you, MR.\r\n\r\n\r\nBagshaw. Any questions, members? Member king. >> thank you, chair. Aloha, jeff. Thanks for being here today on both issues. I just -- I know dlnc was involved with the first mineral sunscreen dispensers and are they involved in this tranche of dispens as well.\r\n\r\n\r\n>> only to the extent of working with the county's environmental office. And just giving her feedback on how it works for us and that is our involvement. So we're happy to assist, if we can. >> great. Thank you. Thank you so much. >> any more questions?\r\n\r\n\r\nIf not, thank you very much. MR. Clerk. >> chair, there's no one else currently signed up to testify on resolutions. So we'll do last call at this point. If there's -- oh, someone just signed up. Kai nishiki.\r\n\r\n\r\n>> good afternoon, kai. >> good afternoon, testifying on resolution 22-216. I am in opposition to this resolution. I think it's kind of ridiculous that this is being proposed or just like, even given any time today. It is a great solution to have the houseless at the cameron center, and I'm actually quite surprised that share your mana would be suggesting in their testimony that we have the houseless in a park. I mean, I know that anyone I talk to, like, wants to not have the houseless in our parks. So that the parks can be used for our keiki, in a safe and clean manner. So I think they should be asked, like, what I your objection to the cameron center?\r\n\r\n\r\nIt's close to all of the facilities that can servicethem, in a very safe manner with the police station there and the hospital and all of the other services that could be provided. So you know, I just feel like this is a huge waste of the council's time, and you know, if we're going to be talking about wasting the council's time on something like this, you know? The public would really offer to have that option to offer testimony in the beginning, or on the items that they want to speak on, and that right there would be helpful conserving te council's time, and the public's time. Thank you. >> thank you. Members, questions? no questions.\r\n\r\n\r\nMR. Clerk. >> chair, the next person signed up to testify is kalani warner. >> good afternoon, council chair. I apologize, I snuck in there last second there. I know you have the word for good morning, but whatever it is for afternoon, good afternoon. And thank you for your time.\r\n\r\n\r\nBeen here all day with you folks. I thank you for all your work and everything that you do. We caught that first flight from oaf o'ahu and I rise in support

of resolution 22-221, in support for resolving the grievance between united public workers and maui county the members of upw was out and performed essential work in conditions that brought on anxiety, and health risks throughout the pandemic. Our contract calls for the likely exposure and MAY cause death is the most severe, which this pandemic provided. But in our contract, it says before you go to arbitration, you should be able to consult with the employer and mayor to resolve a grievance and that is how we came to this, and our members came out 100% yes-vote in support of this resolution. Ing that you thank you for your time. >> thank you very much, MR.\r\n\r\nWarner. Questions, members? Member sugimura >> thank you kalani for hanging out all day. Is this time-sensitive? >> it's not time-sensitive, but something really overdue on behalf of the membership. >> thank you. >> any more questions?\r\n\r\nVice-chair rawlins-fernandez. >> mahalo, chair. Aloha, MR. Warner. Mahalo for your testimony today, for waiting so long. Are you able to stay a little longer, or do you have to go back? >> yes, I'll be here.\r\n\r\nI'll be here. >> okay. I will see if members would be interested in taking it up today the item, and if so, to have you available for questions. >> oh, yes, definitely. I will wait a little longer. >> chair, any objection to having him serve as a resource person? >> no objections.\r\n\r\n>> members? >> no objections. >> so ordered. Could you stay a little while? >> yes, I will. Thank you. >> thank you.\r\n\r\nAll right, MR. Clerk. >> chair, there are no other individuals signed up to testify on resolutions. So we'll proceed with last call at this time. If there's anybody else who would like to testify on any items in the "resolutions" section, please identify yourself now. Again, last call for testimony on "resolutions." >> any objections to closing public testimony, and accepting written testimony on resolutions? >> no objections.\r\n\r\n>> so ordered. MR. Clerk. >> chair, proceeding with resolutions. You have before you resolution 22-210 -- >> chair? >> yes, I read your mind, member molina, MAY we take our afternoon break before we dive into the resolutions? >> any objections, members?\r\n\r\nTen-minute break? >> I thought that was against the law. [Laughter]I'm kidding. Because you are not allowed to take any break after you hear the testimony. Right? >> MR. Raatz?\r\n\r\n>> that is the problem with government, too many rules. >> thank you, chair lee. We have been advised under the new sunshine and law by the department of operational processs if you want to close testimony on an item or section of items as you are doing today, you have to first begin deliberation. If you take a recess immediately after the last testifier, when you come back, testimony would still be opened. >> do you want testimony to still be opened? Okay, let's finish the testimony then. >> chair?\r\n\r\n>> yes. >> I think we closed public testimony. Resolution 22-210 is pretty simple. If we wanted to start deliberations with that, we could do that, and then take our break? I think -- did I understand that correctly, MR. Raatz, that we start our deliberations and take a break, but not take a break immediately and then recess? >> thank you, council chair, and council vice-chair.\r\n\r\nYes, that's correct. We have been advised as long as you start deliberations, then you can take a recess mid-deliberations and testimony can be closed. Thank you. >> okay, members, you want to start deliberating on resolution 22-210? >> yes. >> okay. No objections. So ordered.\r\n\r\nMR. Clerk, can you call that item up. >> chair, you have before you resolution 22-210, entitled, "authorizing the transfor of unencumbered appropriation balance within the office of the

county clerk fiscal year 2023 budget." vice-chair rawlins-fernandez. >> mahalo, chair. I move to ways the requirement for referral in accordance of rule 7g of the rules of the council. >> second. >> all right [-frblgs/] It's been moved to waive the rules of the council on resolution 22-210. Discussion?\r\n\r\nVice-chair. >> mahalo, chair. Members, the urgency, as time-sensitivity of this is that the transferred relates to funding for temporary workers for the 2022 general election. With the election approaching very quickly, this resolution is very time-sensitive. Mahalo, chair. >> any questions, members? Discussion?\r\n\r\nAll those in favor of the motion to adopt the resolution, please raise your hand and say aye? >> aye. >> nine ayes, zero nos, motion carries. Vice-chair rawlins-fernandez. >> mahalo, chair. I move to adopt resolution 22-210. >> second. >> moved by vice-chair rawlins-fernandez, seconded by pro tem kama to adopt resolution 22-210. Discussion?\r\n\r\nVice-chair rawlins-fernandez? >> mahalo, chair. Members the purpose of this resolution is to authorize the transfer of unencumbered appropriation balance in the office of the county clerk in the amount of \$168,960 from category a, salaries, to category b, operations and equipment, for a contract with employers option to provide temporary workers for the 2022 elections. We do have a representative from the office of the county clerk available for any questions, and I will add that I met with the office of the county clerk to figure out how we can improve some of the services? And this was one of the ways. So that we'll get more staffing to support all of our workers during -- particularly during election day, but throughout the election period. So I fully support for better servicing our community for the general elections.\r\n\r\nMahalo, chair. >> yes, vice-chair rawlins-fernandez -- member sugimura. >> thank you. So I, too, want to strong support this because, I too, talked to members of the elections, and they were looking for additional -- they heard you made the commitment, right, commitment, very much keani rawlins-fernandez so we can have more expeditious work being done in the general election. Thank you, james, joyce, and thank you everybody. >> kathy. >> kathy.\r\n\r\n>> any more questions? >> jo jo. >> comments? All those in favor? >> aye. >> nine ayes, zero nos, motion carries. Now MR.\r\n\r\nRaatz, can we take a ten-minute break? Okay everybody. Let's take a ten-minute break before the state legislature passes a law [Gavel] [Gavel] Will the SEPTEMBER 20th, 2022 council meeting please rconvene. So members, here is the deal, we have the opportunity -- several people have to leave today at 5:00. So knowing that, and it's almost 4:00, would you like to take testimony, the rest of the afternoon? So on the bills for first/second reading, out of consideration of the people who have been waiting all day to testify? If it's not, we're all going to jail, because that is what I have been advised, okay? So secondly, that is one choice.\r\n\r\nThe other choice is to continue on the track we're on, and keep going through the resolutions, and reschedule the meeting for let's say monday at 1:30. Either way, we're going to have to reschedule this meeting. So how is everybody's schedule at 1:30 on monday? What time are your interviews? Most of us are going to be at hsac next week. Tuesday on. >> 8:30, 10, 11:30, 2:30 and I think there's a meeting at 4:00. >> okay, another option is to just keep going until we dop today. That is an option.\r\n\r\n>> chair? >> let's talk fast. >> well, most of us have appointments this evening. The majority rules here. >> how about tuesday? >> well, I won't be here. >> wednesday?\r\n\r\n>> let m check what time

I'm leaving? How is tuesday everyone? >> hsc starts wednesday. >> no, no, no. I was going to leave early. How is tuesday everybody? Tuesday morning at 9:00? >> I can do that.\r\n\r\n>> I can adjust my schedule. >> looking good? Looking good. >> yes, tuesday. The 27th. >> let me check my schedule . Okay, I can do tuesday at 9:00. >> chair? >> I'm going to go after that.\r\n\r\nLet me get back to you -- let me minimize that. Who can make -- who cannot make it on tuesday? 9-12? Raise your hand. Member molina? >> I could do afternoon. But it's just me. >> I cannot do afternoon.\r\n\r\nBesides member molina, who he is he is has a hard time getting to tuesday at the 9:00? >> what about canceling the chair's meeting in this place? >> member molina cannot make the meeting and then member paltin has to leave at 11:00 tomorrow. So we don't have a full attendance tomorrow at the chair's meeting. All right. So at this point, tuesday at 9:00. Is everybody okay with that? That takes care of rescheduling -- recessing and reconvening on tuesday. Now as far as proceeding with today's agenda, do you want us to go through where we -- to pick up where we left off on resolutions and just going until 5:00? Or the other way is to take all the testimony that is left for today, and then do all of the deliberations on tuesday.\r\n\r\n>> testimony. >> testimony. >> testimony. Testimony. Vice-chair rawlins-fernandez? >> I also kind of question the legality of it? But yes, testimony is fine.\r\n\r\nSo if we don't plan to take up any of the items today at all, then I think we should let our resource personnel know. So that they can go instead of just waiting around for nothing. >> yes. We haven't decided on that yet. We haven't decided on a course of action. >> okay. Time-sensitive items.\r\n\r\nSo even if we're able to take a vote on it, even though it won't become law until we adjourn, would still be helpful to the administration, and our attorneys. >> MR. Raatz, member paltin? >> thank you. I just wanted to clarify, if we take the testimony today, it's still open when we open on tuesday. >> yes. >> but the people that testified today won't be able to testify on tuesday.\r\n\r\n>> yes. >> okay. Then we got to make that clear to the folks, because they might choose to testify right before. >> if they testify today, we'll tell them they cannot come back on tuesday to testify again. >> okay. I'm not sure if a lot of folks who want to do that. >> I don't think too many people want to wait several hours again to testify.\r\n\r\nWe're thinking of them, because for us, it doesn't matter. We all have to be here anyway. So we're trying to consider the convenience of our public. Now MR. Raatz, can you explain whether our choices that we're considering are legal or not? >> thank you, chair lee. Yes, we have been having our legal staff look at the new sunshine law and make sure we're clear on the new requirements.\r\n\r\nYou're allowed to accept testimony before you get to the category or the item, if you would like. So for the folks who are waiting to testify on bills, even how to you haven't gotten to bills to allow them convenience to testify today. That is fine. They have the right to wait until immediately prior to you getting to the deliberations on the bills. Again, as long as the testifiers are given that choice, you're in compliance with the new sunshine law. >> all right, any questions to MR. Raatz?\r\n\r\nVice-chair rawlins-fernandez. Oh, you didn't have your hand up I did. Mahalo for that clarification, MR. Raatz, on how we remain in compliance with the new state law. I also asked MR. Warner if he would stay for the item, if members wanted 22-221. So there's 219 and 221, if we wanted to take those up today. >> we have actually another option, members.\r\n\r\nWe could postpone any remaining -- except for the ones

that we want to take up today. We could postpone any remaining items and post a new agenda for tuesday. Comments? Feedback? >> if we post a new agenda, chair? >> the clerk says we have enough time to post. >> chair, so if we post a new agenda, then everyone that has testified on all of the items today would be able to testify again, because it would be a new agenda.\r\n\r\n>> yes. >> no, we finished -- if we finished this section, defer everything else, and then the new agenda would have everything that we haven't taken up yet. >> right. Conceivably we would take up at least the resolutions today, yes? And then finish up with the bills for first reading and second reading on tuesday. How's that? Okay?\r\n\r\nMR. Sinenci. >> so we could release the testifiers who signed up for bills, and bills on first and second and final reading. >> yes, we would do that. Resolutions, we'll do. Try to do, if all of us pitch in, and be concise in how we handle all of the discussions. Okay.\r\n\r\nMR. Raatz, can we do that? Can you take care of that. >> thank you, chair lee. The only possible wrinkle, we do have folks signed up to testify on bills. While you have testifiers signed up, unless you happen to lose quorum, the meeting would be canceled and the remaining members would be told to accept the testimony, even though you don't have testimony to take action. But the idea is that you need to try your best to accommodate folks who have signed up to testify before you either -- before you adjourn.\r\n\r\nThank you. >> okay. E're not talking lack of quorum, but lack of almost everybody. >> thank you, chair. I think the way the sunshine law reads, when you lose quorum, as long as you have one board member, the council is considered a board for purposes of the sunshine law. That person would be with staff, required to document the testimony, and make that available for public viewing. >> everybody agree to that?\r\n\r\n>> agree to what? >> agree to let member paltin to stay back and take all of the testimony for today. >> chair? >> yes. >> are we talking about adjourning now, and then or just the members leaving now and member paltin would just be here to take the rest of the testimony? >> we'd finish the resolutions, al the testimony adjourn and then reschedule bills fr first and second reading. >> yes.\r\n\r\n>> if we finish the resolutions, we already took the testimony on resolutions. So if we finish our work on all of the resolutions today, let's say by 5:00, what's left would be the bills for first and second reading. For which we have not received testimony. So she can receive testimony on all of the bills, so that when we meet again next tuesday, we will not have to take testimony, you can go straight into deliberations. >> well, doesn't that fall into that same issue that we had before we broke -- before we had our afternoon break, which is close testimony and not go into deliberations >> we'd still have to have testimony again. >> plus, I really think it's not fair to testifiers to only one council member, you know, they came here to talk to all of the nine council members, and it doesn't seem right to just abandon the testifiers. My personal preference would be to just go through the rest of the testimony today, since we have to do that, and then recess until next tuesday.\r\n\r\n>> the only problem with that is that we do have a couple of time-sensitive resolutions. So you know, the thing is we need to come to a resolution, because the fastest way, I think, to deal with this is to continue on with the resolutions, and then whatever is completed by 5:00 is completed. And then we adjourn the meeting and then post for another one on tuesday. Is that agreeable to everybody? Okay. MR. Molina?\r\n\r\n>> I was going to say finish up resolutions and finish up the testimony as

long as it takes and adjourn from there. I'm good with that. >> okay. All right. Everybody agrees that we're going to have a hard stop at 5:00. I'm going to finish up with resolutions and then take testimony on the bills. Up until 5:00 today. Up until 5:00. And then we'll resume -- this discussion is just taking up a lot of time.\r\n\r\n>> member king, you're unmuted. Okay. Chair, sorry, I just want to make sure I understand what your suggestion is. >> okay. Can you hold on? Vice-chair, what is your question? >> no, no, I was just going to restate it, so I understand what we're doing.\r\n\r\nI'm sure the public is confused, too. >> well, this gentleman started talking and he has been here all day. So I thought he was deserving of an answer, but his questions keep coming. So you know, we can't keep discussing -- because honestly, we haven't decided exactly what we're going to do yet. So vice-chair, what is your question or comment again? >> well, you are going to ask if we're okay with that, and I didn't understand what it was that we would be okay with? So I just wanted to restate to make sure that I understand it correctly.\r\n\r\n>> okay. >> so it's 4:06. We're going to deliberate and vote on all of the resolutions. Then we're going to take testimony on the bills on first reading, and the bills on second reading until 5:00. Now this is the part that I'm not sure, are we recessing? Or are we adjourning? >> well, MR. Raatz said it's best that we -- >> chair, lee,, if I MAY? Under our understanding of the sunshine law, you can't actually adjourn while you have testifiers waiting.\r\n\r\nYou can recess until you can accommodate testifiers, or if you lose quorum, the meeting would be terminated. Not adjourned but terminated. And any remainder would be able to accept the testimony on the body's behalf. >> to make things simple, we'll just recess the meeting, okay? Recess the meeting no matter what happens. We'll recess the meeting no matter what happens. It's too complicated any other way.\r\n\r\nSo MR. Clerk, we'll finish up on the resos. >> yes, chair. Proceeding with resolutions. You have before you recommended for referral to government relations, ethics, and transparency committee, authorizing settlement of department of health statement the hawai'I v. Department of water supply county of maui, docket no. 2022-cw-eo-11." resolution 22-212 ensatellited," authorizing the settlement of claim no. 4067712 of pauli tiu." and recommended for referral to your planning and sustainable land use committee, is resolution 22-213, entitled off and on referring to the maui planning commission a proposed bill to amend ordinance 2924 (Conditional zoning (N. For emergency airstrip operations at kapalua airport." x any objections to referring these items.\r\n\r\n>> month objections which are [Kphr-erbg/]. >> resolution 22-216 entitled, "urging the mayor to follow the applicable budget condition, providing greater transparency and ensure compliance with the conscience's legislative intent in the establishment of the safe zone sleeping pilot project." member king. >> thank you, chair. I would like to ask for consideration of resolution 22-216. And move to adopt resolution 22-216 >> second. >> moved by member king and seconded by member johnson to adopt resolution 22-216. Discussion, member king. >> thank you, chair. First I want to iterate that this is not a discussion on the best location for this project. This is really a discussion on the process that was used or was usurped for this actual budget item.\r\n\r\nSo members, on SEPTEMBER 8th, 2022, the mayor's press release stated that he signed bill cd 1 fd 1 (2022) Entitled a bill for an ordinance amending chapter 10.76 section 13.04a.070, maui county code relating to the use of vehicles for purposes of human habitation at county parking

lots." this was an enabling bill to help us with a budget item of this same -- that falls into the same category. The press release also stated that the maui county council and the mayor's office worked together to identify the jay walter cameron center in wailuku as the county's preferred site. Personally I was not involved in that and had no knowledge that was going on. But members, the fiscal year 2023 budget ordinance clearly reflects the council's intent that the grantee must consult with share your mana prior to grant application. The mayor's press release mentioned that the administration had started implementation of pilot project, but made no mention of the required consultation of share the mana having occurred. Adopting this resolution today would ensure the mayor's urged to follow the budget condition, which is the will of this body. And so this is really aout when we put things in the budget and we often put specific nonprofits in there, this was one that we did not put the nonprofit as receiving it, but we put the nonprofit we recognized as being part of the consultation of how this project is done, which to me, when I read the details of this -- of what was being proposed is in danger the not being successful, because the devil is in the details, as it's not necessarily just about the site.\r\n\r\nBut some of the county has decided -- the administration has decided will be required, such as car registration, and safety checks and some of these things that are very sensitive issues for the houseless population, which is why we wanted to bring in share your mana to help with these details. Part of the intent was to help the homeless people with some of these issues and help them get registered and help them get licensed or safety checks. But if they can't come into the parking lot before they have these things, it's likely to be a very limited success at all, plus I talked to some of the houseless people, who have worried about the location being in proximity to the police station. So the issue is just having the best possible situation for success, and that was why we put in the requirement to consult with share your mana. This is why folks, who I have been talking to before I proposed this budget item, are very upset. Because they did have specific ideas and specific intent in how this project should go forward once a site was picked. So that is the situation we're in, and I appreciate the members' consideration of this very sticky issue, because it's really about process.\r\n\r\nIt's not about the actual project location. Thank you, chair. >> any more discussion? Member paltin. >> thank you, chair. I just wanted to ask as to the time-sensitivity? Because I just feel like you hear from the administration, if they are at the grant application stage is it too late?\r\n\r\nDo they plan on doing this? Or what? So just inquiring as to that. >> I can respond. >> member king. >> I can respond. Thank you for that question, member paltin.\r\n\r\nI actually went with lisa darcy to meet with chair lee, and cesar from the cameron center. E did say it was a done deal and they were told they would be given the contract. So that was one of the really disturbing things is that the process had been usurped. So if we can back it up, and go through the process that we're actually consulting with the folks that will be the ones using this parking lot, it will have the best chance for success. But right now, they have announced that they plan to start it on OCTOBER 1st and doesn't give us much time for the process. >> to follow-up, if we pass the resolution, the intent is to stop the process from starting on OCTOBER 1st? >> well the intent would be to get the administration to -- an actual consultation with share your mana, on the way this is being

proposed, on some of the details of the proposal.\r\n\r\nAnd aso, give them a chance to be partners in this project. Because they were the ones that actually created it. >> okay. Can I yield to director tsuhako. >> she is on the lne. Members, any objections to calling upon her for her comments? So ordered.\r\n\r\nDirector tsuhako. >> thank you, MADAM Chair. >> do you have a question? >> I dd. Thank you, MADAM Chair. Let me respond. The administration's purpose in selecting cameron center as the grantee is because this was created as a pilot project.\r\n\r\nThe selection of the site -- now I'm not sure who talked MR. Cesar into offering cameron center as the site, but I think the media messages have been really clear, it's close to the police department, it's close to social services at meo, as well as the site of cameron center itself. So people might have access to that. It's centrally located, and it's not in a park that is meant for recreation for the entire community. There was some challenges initially in the discussion with cameron center about the site, but it seems like we're making progress on overcoming some of those obstacles. The grant agreement hasn't been executed yet. My staff is still working with cameron center to go through it and ensure that all of the requirements of our county grantees are met through that execution of that agreement.\r\n\r\nSo we haven't gotten an agreement yet. But cmeron center is working on the application that we ask of all grantees to finish. The language in the budget ordinance, I think, reading grantee shall consult with share your mana. I don't think it requires the grantee to pay for consultation fee with share your mana. If that was this body's intent, it wasn't reflected in the language. I think that you know when I checked with finance, we, meaning the department, wasn't able to make a selection and offer a grant, because it's a pilot project. And the idea is we're going to see how how efficiently it works before there's a determination that we'll execute larger procurement for more sites, more programming.\r\n\r\nI think it's feasible, and I think it's a logical way to take things from -- and to actually operate a pilot project. We're not trying to create a big project, you have all the evaluation processs in place. There's no formal evaluation of the project and really based on what our outcomes been worked out with cameron center. So I think it's prudent to start with one site and see how that works? And then develop an rfp, if the choice is to offer this program in a much wider and different geographic areas of the island? But anyway, council member paltin, that was the answer. We haven't executed the agreement yet.\r\n\r\n>> thank you >> thank you. Were you going to consult with MS. Darcy still? >> it is -- once that grant agreement is executed it will be the responsibility of the grantee as noted in the proviso that the grantee shall consult with share your mana. >> chair? >> member king, and then vice-chair rawlins-fernandez. >> the budget item actually says that they need to consult with share your mana before the grant application.\r\n\r\nSo that is one of the disturbing things. The fact it's a pilot project was -- it was written as a pilot project. So that is nothing new. But I was written as a pilot project with the intent that share your mana would help it become successful. Because details that you are working off of are not acceptable to the houseless community. It will not be successful, and you will never do another project. So that is one of the problems, and if you recall, director tsuhako, when I proposed this, you told me it was not your top priority.\r\n\r\nSo you know, having an organization work on this, who this is all they do, this is their work, this is their top priority. That was to have consultation

before the grant application. We were told by cesar, this is supposed to start on OCTOBER 1st. Thank you, chair. >> could you hold on one second. Member johnson, you have a quick question and vice-chair rawlins-fernandez. >> thank you, chair.\r\n\r\nYou I would like to hear from your resource personal lisa darcy regarding the consultation fee and anything else had he she has got. Thank you, chair. >> consultation fee. >> thank you for the question. That is I'm not sure where director tsuhako got that. The process by which the budget actually says is that grantee must consult with share your mana prior to grant application. So it doesn't mention fees.\r\n\r\nIt's really about bringing in expertise, and the knowledge of how to mke this most successful, and the other pieces that we have been waiting to apply for this grant. And we were expecting to be able to be a part of the application process, and I have already spoken with an umbrella agency that had spoken about supporting this, because we haven't been in the position to be able to do that, when the original grant, the one that the county gave to share your mana would years ago and I said I can't handle it and you gave it to me anyway, which I thank you for. Now we're in a better position. So we have been sitting here waiting for these normal processes to occur. And that is why this has ben a really shocking experience than the normal process has been. It's specifically -- we're specifically here, so this is successful. Maui county doesn't even know what success looks like and you can't even get your head around it.\r\n\r\nI know what success looks like and feels like and I won't give up. No matter how -- you know, crazy this gets, I'm never going to give up. I know it's really important that you not eliminate. >> thank you, lisa. Thank you for answering the question. We have other questions from the members. Vice-chair rawlins-fernandez.\r\n\r\n>> mahalo, chair. Okay. So this I from budget session. This was a priority from members. Because of so many budget amendments that we have come through in the process that are introduced, allowing each member to, including provisos or conditional language that we include in our budget that we adopt. So in looking at the language, the conditional language, grantee. So what is a grantee?\r\n\r\nA grantee is someone tat receives a grant. So a person cannot become a grantee until they receive a grant. So that already is a little confusing. Prior to the grant application. So it probably should have been any consultant, intending to apply for this funding, you know, consult with share your mana prior to -- and that would have been a little clearer. Because of the language that is what we adopted is grantee, so that would be the person who receives the grant. But I understand that the cameron center has not received the grant yet, because out of respect for trying to figure out this process.\r\n\r\nSo consult is the next word that is not clear in the language here. So there is no criteria that would deem this element of the language as satisfied. So I understand that there was a meeting, and often times when we have consultations, it looks like a meeting. And it's to receive feedback from the community, or in this case, a specific entity, which is share your mana. And so I understand that a meeting did take place. Now because there is no definition of what the "consultation" is or is not, then, it is really vague. And it's up to the discretion of those executing the vague language that we as a council adopted to understand what this means.\r\n\r\nIt sounds like they tried to and again, there isn't any criteria outlined that would enable the department to understand when they have met this criteria of "consult"? So my last question, or that wasn't a question. Those were comments. But

my question in following up with the comments from MS. Darcy. MS. Darcy, I mean, so your intention was to bid on the rfp, the rfp was put out, and I hope that is not why we're stopping this whole process. Is it because share your mana had intended to bid on the rfp?\r\n\r\n>> >> I can't speak for other agencies. The understanding that this was going to hve an rfp, and many people -- and I know there's another agency that was interested in being a part of this. So yes, I think it's really important that you stop because of that. It's really important that you don't just have one person deciding where this is going to go. We put a lot of time -- this has been a community effort, and if I do -- if we do all this work and whoever mayor just decides this h they can do whatever they want, it's really important that we stop. If there is an rfp, I would replace that with when there is an rfp. Mahalo.\r\n\r\n>> mahalo, MS. Darcy. So that was in the meeting minutes there was an guaranty there would be an rfp, because the conditional language doesn't state that there would be. I know this is about member king said this was about process and not site selection. But I really like the site that was selected, and I really don't want to risk losing it. So is part of it you don't support the site that was selected? >> one of the -- thank you.\r\n\r\n\r\nIt's really important, because a lot of people are stuck right here. A lot of people who have not have any lived experience are stuck right here. It's not about the location. In fact,, I never work on my own. The share your mana works in balance with many, many individuals, who are extremely knowledgeable about what helps them to be successful, and what does not? So we haven't even been able to get to that, because the team really thought we would have a chance at being kind of the one of the groups that gets maybe holding this forward. So we haven't even gotten a chance to discuss this.\r\n\r\n\r\nAgain, wording was intentionally put in because the administration has never replied back through this entire four years, three years, whatever, to any emails, to any call, to my text to, any cries of absolute panic and help. The mayoral administration hasn't replied to one email. And we have had so many different -- we put in hundreds of people have signed petitions, and we have never even been replied to. >> mahalo, MS. Darcy. >> again, it's to include. So this is successful.\r\n\r\n\r\nIt's not designed to be successful. >> mahalo, MS. Darcy. >> I think it's time for lori tsuhako to have an opportunity for feedback, but I just wanted to before we end the day, clarify that the way I got involved in the beginning was I did think about the cameron center and I mentioned it to the mayor. But then I thought being a legislator, I would now step away, because as I explained to lisa, after we make an appropriation in the budget, the mayor implements. It's the mayor's job to implement. And not the council's job to implement.\r\n\r\n\r\nSo what happened is the mayor contacted cesar of cameron center, and then cesar contacted me to set-up with lisa darcy, in spite of the fact, they have knowledge none each other for a long time, and I called her -- I texted her and asked if we could set up a meeting. That was just an informational getting-to-know you meeting and I was not involved after that. Then the department and the mayor's office took over, and I don't know what happened after that. So now you're up-to-date and now MS. Tsuhako is in charge of the project. So she's the one to ask about details. >> mahalo for the clarification on that, chair.\r\n\r\n\r\n>> director. >> thank you, MADAM Chair and thank you, MADAM Vice-chair for your clarifying comments. After your meeting with MS. Darcy, and council member king, and cameron center friday, I believe

I received several emails from the cameron center, informing me that the meeting had occurred. There was a question about whether there was a fee involved in the consultation? I didn't know that. I asked for clarification about that, whether that was the intent of this body?\r\n\r\nAnd then I received an email forwarded from the cameron center, informing that MS. Darcy was going to withdraw any further involvement with the project, because she was not pleased with how the cameron center was selected for this pilot project. So that is what I had to go on. I didn't speak to MS. Darcy directly. But I did see the email that she sent to cameron center. So what happened is that the department has contacted cameron circumstance, curtis jameson has been working with them on getting the information needed to execute a grant agreement.\r\n\r\nI think the date of OCTOBER 1 was set as a target, and I think that target date was set in order to encourage the department to do our process very efficiently. So that we could get to a point of offering the space for people to park in, without any unnecessary delays. So that was the urgency is that I think the mayor and also cameron center itself wanted to get started to offer that service. So we have been pursuing all of the regulatory requirements the department has to address in order to execute the grant agreement. And that has been ongoing since the time of the mayor's announcement and signing of bill 108. That's all I have, MADAM Chair. >> other members have questions? Member sugimura.\r\n\r\n>> thank you. Thank you, MS. Tsuhako. So some of the comments I have heard is that maybe the cars would not be registered. Will there be rules as we hear about no drinking, no drugs and are there going to be those kind of rules? >> member sugimura, those are very good questions, but we're concentrating on process right now, procedure, basic procedure of selection of how this whole thing evolved? What you're talking about is actual operations, and that is a future discussion.\r\n\r\n>> okay. I thought it would all be part of the one decision. Thank you. I'm fine. >> thank you. Anybody else? Member paltin.\r\n\r\n>> sorry. I just with the 26 minutes we have left, I don't think we're going to come to a resolution. Is it possible we can address this in committee and ask the administration maybe to work with m. Darcy on the side, and maybe when we get to committee, that it will be no need for the resolution. >> members, how do you feel about that? The suggestion is to refer this to committee for further discussion. >> agreed. >> so would that be acp?\r\n\r\nHuman concerns and parks? Do you want it to go to your committee? Do you have time? >> chair, I'm kind of -- I'm really at capacity right now. I don't know how council member kama's committee is at this time? >> if member johnson doesn't have time, I can take it. >> member johnson, do you have time?\r\n\r\n>> let me just check my schedule here . Do I have to tell you right now? >> yes, you do. >> I'm really busy with the upcoming changes -- we're -- I don't think I have time. >> you don't have time. >> okay. >> so now we're back -- yes? Member king.\r\n\r\n>> I have three committee meeting dates in NOVEMBER, and I could cancel one of them. So if member johnson wants to take this on, I could give you that extra time. Because it was in your committee before the actual ordinance. >> that's correct. >> okay. >> member johnson, you are volunteering to take this item. >> sold.\r\n\r\n>> all right. Thank you very much. Without objection, this item will be referred to the affordable housing committee. Any objections? >> chair? >> member king. >> . >> no objections to referring this item and the motion to adopt the resolution was withdrawn.\r\n\r\n>> no objections. >> thank you

everybody for your corporation on this one. MR. Clerk, shall we move on to the next one? >> chair, you have before you resolution 22-217, entitled "referring to the maui planning commission bill 127 (2022) Amending the state land use district classification from agricultural district to urban district conditional bound are you amendment pore the proposed kuikahi village workforce housing project in wailuku, maui, hawaii." . >> member johnson. >> thank you, chair. I move to discharge the affordable housing committee from further consideration of and adopt resolution 22-217. >> second.\r\n\r\n>> moved by member johnson, seconded by member sinenci to -- what was that? You are asking for waiver. >> move to discharge. >> oh, discharge. Discharge. Okay. Discharge.\r\n\r\n>> and to adopt. >> we'll discharge first. >> okay. >> discharge any discussion on that? No? All those in favor of the discharging, raise your hand and say aye. >> aye.\r\n\r\n>> all ayes, zero nos, motion carries, MR. Johnson. >> thank you, chair. The bill would approve a state district boundary amendment that is needed for the kuikahi village workforce housing project. The affordable housing committee recommended approval of the project under chapter 2.97 fast-track resolution. Bill 127 was referred to the committee as well, but it was referred out of resolution to refer the bill to the appropriate planning commission pore land use ordinances in the charter. The rules of the council allow for resolutions referring land use planning commission to be adopted on the floor without committee referral and no waiver is required for action today.\r\n\r\n>> any more discussion? >> chair? >> yes. >> so my understanding what occurred on the floor, there's a motion to discharge and the body voted 9-0 to discharge. There's no other motion on the floor currently pending. >> I thought the motion was to now adopt the resolution. >> so we interpreted that was two motions put on the floor at the same time.\r\n\r\n>> we took a vote on the discharge. >> yes. >> shall I make a clean-up? Okay, I move to adopt resolution 22-217. >> second. >> I thought you did say that. You did. Okay.\r\n\r\nThat's all right. All right. Any more discussion? No? all those in favor of the motion, say aye? >> aye. >> all ayes, zero nos, motion carries.\r\n\r\n>> mahalo, members. >> next. >> chair, you have before you resolution 22-218 entitled, "urging the administration to authorize retention bonuses for maui police department officers." . >> member sugimura. >> thank you. Members, this resolution was posted to the council agenda, and I got a call from the administration saying they are working on this. So no need for the resolution, but if you allow me just to say a few words about it, and why, tamara? Anyway, so I move to file resolution 22-218. >> second.\r\n\r\n>> >> move to file resolution 22-218, discussion, member sugimura. >> thank you, thank you, members of I initially introduced this resolution to highlight our wonderful police officers, who work so hard to protect and serve our community. this was -- this suggestion did come from shopo, and supported by them, and I guess they also were speaking with the administration simultaneously. Unfortunately, we have seen the trend of police officers leaving the force, and police departments struggling to retain and recruit officers. So this resolution sought to urge the administration to incentivize our valued police officers, to remain with the department through retention bonuses. After posting this resolution, I received a call from the representative, from the administration, who informed me they are, working on it. So we will definitely see something in the future as an amendment to help retain our police officers, and I look forward to speaking with the chief about this

at the appropriate time.\r\n\r\nI'm now confident that the administration is making progress with this issue, and that is why I'm asking to file this at this time. So i rspectfully request the members' support of this motion, and I want to thank ocs for writing the resolution and for corp. Counsel to get it expeditiously put on your agenda, chair, only to find out it's already in motion. Thank you very much, members. I want to see this is going to happen. Thank you. . >> very good.\r\n\r\nAny more discussion? All those in favor of the motion, you did make a motion? >> yes, to file. >> all those in favor of the motion to file, raise your hand and say aye. >> aye. >> nine ayes, zero nos, motion carries, MR. Clerk.\r\n\r\n>> chair, recommended for referral to your budget, finance, and economic development committee, is resolution 22-219 entitled, "authorizing the use of open space, natural resources, cultural resources, and scenic views preservation fund bybrant to kipahulu 'ohana oink to be used to purchase property in kipahulu maui, hawai'i and authorizing the county to receive a perpetual conservation easement." to your climate action, resilience, and environment committee. >> chair? >> yes. >> mahalo, chair. So I asked if we could take action on 219 to support the corporation counsel and others in the administration to get the work done. There's a time sensitiviate societied e e time-sensitivity associated with this item. Can I make the motion now?\r\n\r\nIf there's no objections, to also take up 22-221 at the same time and the clerk would have to call it up. >> members? >> no objections, chair. >> no objections, MR. Clerk. >> chair, you before us resolution 22-221 entitled, " authorizing settlement of grievance case ms-20-04 filed on behalf of all united public workorses bu-1 employees in all departments." vice-chair rawlins-fernandez. >> mahalo, chair.\r\n\r\nI move to waive the requirement of committee referral and report for resolution 22-219, and 22-221 in accordance with rule 7g of the rules of the council. >> second. >> moved by vice-chair rawlins-fernandez. Seconded by -- [Inaudible] Seconded by member paltin to waive the rules of the council, 22-219 and 22-221. Any more discussion before we have more people talk on the call about dinner? Vice-chair rawlins-fernandez. >> no further discussion. These items are time-sensitive and I can explain with the motion.\r\n\r\n>> let's take a vote on the motion of waiving the rule. All those in favor the motion, raise your hand and say aye. >> aye. >> nine ayes, zero nos, motion carries, vice-chair rawlins-fernandez. >> mahalo, chair. I move to adopt resolution 22-219, and 22-221. >> second. >> moved by vice-chair rawlins-fernandez, and seconded by member paltin to adopt resolutions 22-219, and 22-221. Discussion?\r\n\r\nVice-chair, did you hear that? calling for the question. Keep it short. >> oh, okay. I will quickly say this. Members, the purpose of the resolution is to authorize the mayor to execute grant g5808 from open space, natural resources, cultural resources, and scenic views preservation fund to kipahulu 'ohana iowaing to provide \$2.5 million for the purchase of approximately 9.35 agers in kipahulu identified as tax map key (2)1-6-223 budget appendix part 2 and we have members of the administration if members have questions. Resolution 22-221, approving settlement of grievance case ms-20-04, filed on behalf of all united public workers in all departments and more the mayor to executive settlement agreement on behalf of the director of finance to satisfy settlement of this case, and we do have MR.\r\n\r\nWarner here if members had any questions? And for further discussion I could take this up with a pesentation, if that is why MR. Whitaker turned on his video? Okay. Just checking. So we also

have MR. Whitaker here, if members have any questions?\r\n\r\nMahalo, chair. >> members? MR. Whitaker, did you have something to say? >> yes, I just need to add on something to the kipahulu -- no. 22-219. You will notice that in that resolution it says that the county will receive a perpetual conservation easement. We just received word that the hawai'I land trust is willing to cooperate with us, and although we don't have a final vote from the board of health as expected that they will be able to hold the conservation easement along with the county.\r\n\r\nUnfortunately due to the time-sensitivity, and we need to close very quickly, the county will initially hold the conservation easement, and then after te closing, we expect to file an amended conservation easement in which they will come up as a holder of that easement, which will make it a lot easier for the county. Thank you very much for allowing me to put that on the record, chair. >> any questions, memberses? So we can proceed with the vote the way it is. >> correct. Thank you. >> no more discussion?\r\n\r\nMembers ready to vote on the resolutions? All those in favor of both resolutions raise your hand and say aye? >> aye. >> nine ayes, zero nos, motion carries. >> chair? >> did we have MR. Nishita wanting to say something?\r\n\r\n>> I apologize, chair. It's just a concern I have and defer to MR. Raatz or moana lutey. In the be it resolved section, it aidentifies approving the settlement as discussed in the executive meeting in the great committee. If you just ask for consideration about maybe amending the language in there to be consistent with the actions taken today. That would be appreciated. Thanks.\r\n\r\nM >> vice-chair vice-chairpersons. Rawlins-fernandez. >> I move for reconsideration. >> of 221. >> of 221 >> moved by vice-chair rawlins-fernandez an seconded by pro tem kama for reconsideration for 22-221. Vice-chair rawlins-fernandez. I move to amend the resolution to strike that section in be it resolved -- therefore, be it resolved, clause. Sorry, I'm trying to pull it up. >> I'm sorry, could you just hold on to that, reconsideration is still on the floor.\r\n\r\n>> okay, sorry. >> we need to vote on that. Let's vote on that. All in favor of the reconsideration, raise your hand and say aye. >> aye. >> all ayes, zero nos, motion carries. Now you can continue.\r\n\r\nTamara is not here. Okay. The vote was two excused, seven ayes, the excused are member paltin, and member king. That was on the reconsideration. Now do you want to continue on with your amendment? Vice-chair rawlins-fernandez. >> yes, mahalo, chair.\r\n\r\nSo right now we're on the main motion of adopting resolution 22-221. I move to amend the resolution by striking the word "department," under -- >> the word "department"? That's all? Just striking the word "department?" >> managing director nishita clarified. >> chair, and vice-chair, the be it resolved section no. 1 approved settlement of grievance case filed on behalf of all united public workers bul employees in all departments, currently it says under "the terms in an executive meeting before government relations, ethics, and transparency committee." I'm not sure if it's sufficient enough to just strike-out starting from the word "under" to the words "transparency committee. The remaining ending the sentence and defer to attorneys if that would satisfy the intent of the resolution to ratify the agreement? >> okay, mahalo, deputy managing director nishita. I move to strike under the first be it resolved under the term in executive meeting before its great committee.\r\n\r\n>> second. >> MR. Nishita, does that cover it? >> yes, like I said, I defer to the attorneys to just make sure it's clear from a legal standpoint that we're being authorized. >> MR. Whitaker, are

you on the line? MS.\r\n\r\nLutey, under the name of richelle thompson.
>> oops, sorry. It is me. Thank you, chair. Could we -- so the union ratified what their agreement is on this. So I think you could clear this up by saying "as ratified by upw." >> in addition to what she already proposed? >> yes.\r\n\r\n>> the verbiage? >> in the word approved settlement as ratified by the union. I guess it's somewhat repetitive. I will type something in the chat and see if that makes it a little bit clearer? >> with that language, chair, and replace with the language that corporation consultant lutey is putting in the chat. So while we're waiting for that, I'll withdraw my motion. If we can get the seconder and wait for that language, can I make a motion to waive rule 19c of the rules of the council.\r\n\r\nSo we can take action after amending? Chair, would that be okay? >> who seconded her first? Pro tem kama. You withdraw your second and vice-chair, repeat what you just said. >> mahalo, chair. I move to waive rule 19c of the rules of the council, so we can take action today.\r\n\r\n>> to waive the rule to take action today. Any further discussion, vice-chair rawlins-fernandez. >> mahalo, chair. I would need a second. >> I'm sorry. Seconded by pro tem kama. Okay.\r\n\r\nYou can proceed vice-chair rawlins-fernandez. >> mahalo, chair. I think it's clear with the members what we're trying to accomplish today by including that language as recommended by the administrate, and our attorneys. So that we can support our employees, as quickly as possible. Mahalo, chair. >> did she type the message in the chat? I don't see it.\r\n\r\n>> we still need to vote on 19c waiver. >> okay. 19c waiver, all those in favor, raise your hand and say aye? >> aye. >> we got one back. Member king is excused. I see member molina.\r\n\r\nMember paltin is back. Eight ayes, one excused. Motion carries. Now I see the information in the chat. Vice-chair rawlins-fernandez. >> mahalo, chair. I move to amend the resolution to strike the language under the terms in executive meeting before its great committee.\r\n\r\nSo that it will read: that it approves settlement of grievance case ms-20-04 as ratified by the united public workers in grievance case ms-20-04 on behalf of all united public workers employees in all departments." >> second. >> moved by vice-chair rawlins-fernandez, seconded by pro tem kama to amend the motion to include the verbiage just read by the vice-chair. Discussion? Vice-chair rawlins-fernandez? >> no further discussion, chair. >>> anybody else? No further discussion.\r\n\r\nAll those in favor of the motion, raise your hand and say aye? >> aye. >> all ayes, that means eight ayes, one excused. Motion carries. Safe travels. We can't. We have to go on. You're welcome.\r\n\r\nAll right, MR. Clerk. >> chair, the main motion as amended is still before the body at this time. >> all those in favor of the main motion raise your hand and say aye. >> aye. >> eight ayes, one excused. The excused is member king.\r\n\r\n>> mahalo, chair, and mahalo, MR. Warner for staying. >> you have before you recommended for referral to your climate action, resilience, and environment committee, authorizing the county to enter into an agreement with the maeier visitors and convention bureau regarding the placement and maintenance of reef-safe sunscreen dispensers at maui county beach parks and other locations. >> member I sinenci. >> consideration for 22-220. What I your motion. >> move to adopt resolution 22-220. >> okay. Do we have to waive anything?\r\n\r\nAll right. Second. >> second. >> moved by member sinenci, seconded by vice-chair rawlins-fernandez to adopt resolution 22-220. Discussion, MR. Sinenci. >> mahalo, chair. This resolution

encourages the administration to expedite the process for maui visitors and convention bureau to place and maintain reef-safe sunscreen dispensers at maui county beach parks and other locations.\r\n\r\nIt's type sense terri schiavo given the maui county code takes effect on OCTOBER 1st, and will prohibit the use of non-reef-safe sunscreen. They would like to have all dispensers in place and council members' support of my motion. I have one friendly amendment to add in the be it resolved no. 3. >> are you adding somebody's name? >> yes, just to add the department of lnd and natural resources any objections to that friendly amendment. >> no objection. >> any more discussion?\r\n\r\nIf not, all those in favor of the motion, raise your hand and say aye? >> aye. >> member kama? Eight ayes, one excused. Member king is excused. >> mahalo members. >> so MR.\r\n\r\nClerk. >> chair, you have before you resolution 22 -- >> chair? I was just going to say it's 5:01 and you said hard stop at 5:00. >> we're going to do one last one; right? MR. Clerk, we have just one last one. >> we have two resolutions remaining, chair. >> go.\r\n\r\n22-222 and 223. >> chair, you have before you resolution 22-222, entitled, "urging the governor of the state of hawai'I and other state officials to support the community and state land use commission's condition of safety before kulanihako'I high school opens. >> any objection to referring this to pslu committee? >> month objections. >> chair, sorry yes, MR. Molina? I would like consideration to act on this resolution on the floor today. >> any objections, members.\r\n\r\n>> no objections. MR. Molina, go ahead th, member paltin. On behalf of the council member king, I move to adopt resolution 22-222. >> second. >> moved by member molina, seconded by vice-chair rawlins-fernandez to adopt resolution 22-222:discussion. >> thank you very much, MADAM Chair. I know some MAY be giggling and sounds like that taxi commercial, 222, nothing, but 2s. Getting serious here.\r\n\r\nCan we have the clerk to read the resolution in its entirety? >> MR. Clerk. >> do you need it to be read in the entirety. >> it's up to the body. I'm okay if nobody wants it read into the record. >> member paltin.\r\n\r\n>> chair, I just wanted to remind the body, we did take this matter up in pslu and had a discussion, and this was the course of action we decided on. So we're good. >> yes. Everybody's good. >> okay. With that being said, MADAM Chair, I will just go ahead and speak to the motion. Anyway, I was asked by member king to bring this to your attention.\r\n\r\nThis is somewhat of an impromptu performance by me and bear with me. Our committee meeting there was concern about the proposed roundabout and bigger concern the state did motrespond to questions and some of us made some strong comments and yours truly was one of them. Recently, I have -- deputy superintendent m.Tanacka contacted our office and wanted to speak to me, I guess, maybe in relation to my comments. With that meeting i invited area representative member king. He explained to us what happened. They did receive the communication from the pslu committee to be part of this. Through that, she said te person who takes messages like that was on vacation.\r\n\r\nSo it never got around to -- they never got around to responding in time to the committee as far as whether they were going to send somebody to be at the pslu meeting. So that was the basis explanation and expressed his aologized for it. Myself and member king mentioned or concerns and to make sure that the governor's ear will be heard as far as not only us, but members of the south maui community with this proposed roundabout, and hence the proposed resolution here today, MADAM Chair. Thank you. >> any other comments or discussion? If not, all

those in [Tpa-eufrbgs/] Raise your hand and say aye? >> aye.\r\n\r\n>> eight ayes, one excused, member king. Motion carries final one. >> that you willing, members. >> chair, recommended for referral to your planning and sustainable land use committee is resolution 22-223 entitled on or before referring to the planning commissions and advisory commissions to the maui planning commission a proposed bill to facilitate the use of electric vehicle." any objections? >> no objections. >> so ordered. All right.\r\n\r\nSo then we're end of the calendar for today. The next meeting is next tuesday at 9:00. And was it 9:00? 9:00. Okay. Any parting remarks? >> so recess; right? >> yes, we're going to recess. >> thank you, chair. Maybe the clerk wants to add something.\r\n\r\nBefore you recess, I tink it should be made very clear at the end of this session, you are going to be using the same venues and exact date and time the reconvened meeting. thank you. >> we'll be recessing this meeting, reconvening next tuesday at 9:00 here in the chambers, and at our district offices. The testimony will be available on the bills for first and second reading. And that's all. And hopefully, w can conclude our business next tuesday, because we wouldn't be able to finish this up for weeks after that. So any final word MR.\r\n\r\nClerk? >> just to clarify for the public, for the recess, they can use the same bluejeans link posted for today's meeting. Thank you. >> thank you. Final remarks? You know how people go through our lahaina district office for marriage licenses, I got one. Somebody came to see -- to our office today for a divorce.\r\n\r\nAnyway, we aim to please one way or the other. All right, thank you very much for a full day, and we'll see you next tuesday. This