

TRANSCRIPTION

Council of the County of Maui on 2022-10-10 9:00 AM - Regular Meeting
(Recessed from 10/07/2022)

[GAVEL] >> WILL THE COUNCIL MEETING OF FRIDAY, 10/7/22, PLEASE RECONVENE TO OCTOBER 10TH AND IT'S APPROXIMATELY 9:05 A.M. MEMBERS, WE'RE RECONVENING, SO WE WANT TO KEEP THIS MEETING AS TIGHT AS POSSIBLE, BECAUSE MEMBERS HAVE VARIOUS APPOINTMENTS TO KEEP. AND SO CAN WE HAVE ROLL CALL, MADAM CLERK. >> COUNCIL MEMBER SHANE SINENCI? YOU'RE MUTED. >> SHANE, YOU'RE MUTED. >> MOVE ON TO THE NEXT ONE AND WE'LL CATCH UP WITH HIM. >> COUNCIL MEMBER MIKE MOLINA.\r\n\r\n>> GOOD MORNING, MADAM CHAIR AND FELLOW COLLEAGUES ON THIS MONDAY MORNING, OCTOBER 10TH, FOR OUR RECESSED MEETING. NAMASTE. FOR THE RECORD, I'M TRANSMITTING OUT OF THE COUNCIL CHAMBERS IN WAILUKU AND NO TESTIFIERS AT THE PA'IA DISTRICT OFFICE. MAHALO, MADAM CHAIR. >> THANK YOU. >> COUNCIL MEMBER KELLY TAKAYA KING. >> ALOHA, CHAIR, AND COLLEAGUES.\r\n\r\nKAKAHIKA, AND NAMASTE, I THINK WE'RE STILL USING THE GREETING FROM FRIDAY. I DO WANT TO JUST REALLY SHORTLY ACKNOWLEDGE, AND THANK MARK SHEEHAN, A GREAT LEADER IN OUR COMMUNITY THAT WE LOST RECENTLY. I'M DOING THE MEETING FROM MY HOME OFFICE AND NO TESTIFIERS AT THE DISTRICT. THANK YOU, CHAIR. >> THANK YOU. >> COUNCIL MEMBER GABE JOHNSON. >> EXCUSED.\r\n\r\n>> CHAIR? >> YES. >> CAN I JUST -- >> WHAT WAS HER QUESTION? >> WE'RE ABOUT TO TAKE OFF. >> OKAY, DO HER ROLL CALL. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ. >> ALOHA.\r\n\r\nI AM ON MOLOKA'I NOW, AND TAKING OFF TO MAUI. THERE IS NO TESTIFIERS AT THE MOLOKA'I DISTRICT OFFICE. >> THANK YOU. >> COUNCIL MEMBER TAMARA PALTIN. >> ALOHA KAKAHIKA. SURF'S UP. BROADCASTING LIVE AND DIRECT FROM THE COUNCIL CHAMBERS.\r\n\r\nNO TESTIFIERS IN THE LAHAINA DISTRICT OFFICE. >> THANK YOU. >> COUNCIL MEMBER YUKI LEI SUGIMURA. >> GOOD MORNING EVERYBODY. NAMASTE. I JUST WANTED TO LET YOU KNOW THAT BESIDES SURF BEING UP, THANK YOU VERY MUCH, GOD, FOR THE RAIN THAT WE HAD OVER THE WEEKEND, BECAUSE WE SURELY NEED IT TO CONTROL AXIS DEER. I LOOK FORWARD TO A PRODUCTIVE MEETING.\r\n\r\nTHANK YOU. >> THANK YOU. >> COUNCIL PRO TEM TASHA KAMA. >> ALOHA KAKAHIKA, CHAIR. AND NAMASTE TO ALL OF MY COLLEAGUES. I AM HERE IN MY WORK SPACE IN MY HOME AND I'M ALONE AND LOOKING FORWARD TO AN EXPEDITIOUS MEETING, HOPING THAT BY THE TIME MEMBER RAWLINS-FERNANDEZ LANDS, WE'LL PROBABLY BE OVER. THANK YOU, CHAIR.\r\n\r\n>> COUNCIL MEMBER SHANE SINENCI? >> AGAIN, WE CAN'T HEAR YOU. JUST CAN'T HEAR YOU. OKAY. ALL RIGHT. HE'S THERE. WE SEE HIM.\r\n\r\n>> AND COUNCIL CHAIR ALICE L. LEE. >> IT LOOKS LIKE HE IS MUTED ON YOUR END. >> ON MY END? >> NO, HIS END. >> YES. THE MICROPHONE IS RED. FOR MYSELF, NAMASTE EVERYONE.\r\n\r\nI'M IN THE CHAMBERS, AS YOU CAN SEE. AND I'M PRESENT, READY TO GO. >> CHAIR, WE HAVE EIGHT MEMBERS PRESENT, NO MEMBERS ABSENT, AND ONE MEMBER EXCUSED. A QUORUM IS PRESENT TO CONDUCT THE BUSINESS OF THE COUNCIL. >> THANK YOU. SO WE'LL JUST PICK UP WHERE WE LEFT OFF. COULD YOU JUST GIVE A BRIEF DESCRIPTION, OR NOTIFICATION OF HOW WE WILL PROCEED WITH TESTIMONY.\r\n\r\nAND AFTER WE FINISH WITH TESTIMONY, WE'LL GO RIGHT INTO DELIBERATING ON THE BILLS UNDER LETTER N, AS IN "NANCY," AND HOPEFULLY, WE CAN FINISH AS QUICKLY AS POSSIBLE, BECAUSE WE'RE GOING TO START TO LOSE MEMBERS RIGHT BEFORE 11:00. >> THANK YOU, CHAIR. MOVING THROUGH THE ITEMS, BILLS FOR SECOND AND FINAL READING, ORAL AND WRITTEN TESTIMONY ON ANY -- ON ANY AGENDA WITHIN THIS SECTION IS ACCEPTED. EACH TESTIFIER WILL BE ALLOWED TO SPEAK FOR UP TO THREE MINUTES ON EACH ITEM. IF APPROVED BY THE PRESIDING OFFICE AND ANNOUNCED PRIOR TO THE ORAL TESTIMONY BEING TAKEN, THE TESTIFIER MAY

BE ALLOWED ONE MINUTE TO CONCLUDE THE TESTIMONY ON THE ITEM. THE TIME LIMITS FOR TESTIMONY AT THE COUNCIL MEETING MAY BE MODIFIED IF THE MODIFICATION IS INITIATED BY THE PRESIDING OFFICER AND APPROVED BY MAJORITY OF COUNCIL AND PROVIDING THAT A MODIFICATION WOULD APPLY EQUALLY TO ALL TESTIFIERS ON ALL ITEMS OF NO FURTHER ORAL TESTIMONY BY THE TESTIFIER ON THE ITEM SHALL BE PERMITTED, AND INDIVIDUALS REQUEST TO TESTIFY MAY BE DEEMED WITHDRAWN, IF THE INDIVIDUAL DOES NOT ANSWER WHEN CALLED TO TESTIFY. ANY -- SORRY, IF THE CONNECTION BETWEEN ANY TESTIFIER AND THE VIDEOCONFERENCE IS LOST, THE MEETING WILL STILL CONTINUE. ANY TESTIFIERS THAT TESTIFIED ON AN ITEM ON FRIDAY, OCTOBER 7TH, WILL NOT BE ALLOWED TO TESTIFY A SECOND TIME ON THAT PARTICULAR ITEM.\r\n\r\n>> CAN YOU PLEASE CALL THE FIRST TESTIFIER. >> OUR FIRST TESTIFIER IS INGRID COETZEE, FOLLOWED BY KELLI LUNDGREN. >> THANK YOU VERY MUCH. I HOPE EVERYBODY CAN HEAR ME THIS TIME AROUND. >> YES, WE CAN. >> GREAT. GOOD MORNING, CHAIR LEE, VICE-CHAIR RAWLINS-FERNANDEZ, AND MEMBERS OF THE COUNTY COUNCIL.\r\n\r\nI'M THE DIRECTOR OF NATURE AND HEALTH AT ICLEI BIODIVERSITY CENTER AND TESTIMONY ON BEHALF OF ICLEI. WE'RE LOSING BIODIVERSITY RAPIDLY BECAUSE OF THE CLIMATE CHANGE AND DESTRUCTION OF HABITATS AND MANY OTHER REASONS AND TO RAISE, THE MIGRATORY SPECIES THIS YEAR IS FOCUSING ITS WORLD MIGRATORY BIRD CAMPAIGN SPECIFIC ON LIGHTS AND POLLUTION MIGRATORY SPECIES. IN MY TESTIMONY AS A MEASURE THAT WILL BE TAKEN BY SUBNATIONAL GOVERNMENT PROTECT BIODIVERSITY, WHICH CAN CONTRIBUTE NOT TO BIODIVERSITY CONSERVATION WITHIN YOUR COUNTY, BUT SPECIFICALLY TO MEETING GLOBAL BIODIVERSITY OBJECTIVITIES. WITH THIS GOAL, MAUI COUNTY WILL TAKE A VERY BOLD STEP IN REDUCING THE IMPACT OF URBAN DEVELOPMENT, AND LIGHT POLLUTION ON WILDLIFE SPECIES SUCH AS SEA TURTLES, AND MANY OTHERS. IN THIS REGARD, YOUR PROPOSED BILL SUPPORTS THE CONVENTION ON SPECIES AND BIOLOGICAL DIVERSITY AND RECOGNIZES THE LINK BETWEEN CULTURE, AND HISTORY AND THIS IS IMPORTANT FOR ENHANCING THE WELL-BEING AND QUALITY OF LIFE OF PEOPLE OF HAWAI'I, BUT ALSO IT WILL MINIMIZE ENERGY CONSUMPTION. ANOTHER THING THAT I WISH TO HIGHLIGHT IS THAT IN DECEMBER THIS YEAR, THE WORLD'S ATTENTION WILL BE FOCUSED ON THE CONFERENCE OF PARTIES OF THE CONVENTION ON BIOLOGICAL DIVERSITY IN MONTREAL. IS IT A CONFERENCE OF PARTIES WHERE THE PARTIES WILL ADOPT A NEW GLOBAL BIODIVERSITY FRAME AND TARGETS AND ALSO ADOPT A NEW DECISION ON CITIES AND SUBNATIONAL GOVERNMENTS AND IN THE IMPLEMENTATION OF THE FRAMEWORK GLOBAL TARGETS.\r\n\r\nAND BY ADOPTING THE BILL, MAUI COUNTY WILL DEMONSTRATE TO THE WORLD ITS COMMITMENT TOWARDS TAKING ACTION AT THE LOCAL-LEVEL, PROTECTS NATURE, SEABIRDS AND WILDLIFE. I THEREFORE, RESPECTFULLY URGE THE COUNTY COUNCIL TO PASS THIS BILL AND TO BRING IT WITHIN THE COMMITMENTS THAT ARE HAPPENING AT THE GLOBAL-LEVEL. THANK YOU FOR THE OPPORTUNITY TO PROVIDE THIS TESTIMONY IN STRONG SUPPORT OF BILL 21. THANK YOU. >> THANK YOU. MEMBERS, ANY QUESTIONS? IF NOT, THANK YOU VERY MUCH. MAY WE HAVE THE NEXT TESTIFIER, PLEASE.\r\n\r\n>> OUR NEXT TESTIFIER IS KELLI LUNDGREN FOLLOWED BY JAY PENNIMAN. >> ALOHA, COUNTY COUNCIL AND NAMASTE. I'M A RESIDENT ON MAUI AND NOT A PAID LOBBYIST. I WANTED TO CALL IN AND TESTIFY IN SUPPORT OF BILL 21, ALSO IN APPRECIATION FOR THE SEABIRDS AND OUR AWARENESS OF THEM AND I HAD PLEASURE OF TAKING MY RED LIGHT ON THE BEACH AT NIGHT AND WATCH SOMETHING OF THE TURTLE NESTS. I ALSO HAD AN IDEA FOR YOU, FOR THIS BILL. AND I WANTED TO JUST BRING IT UP, AND SEE WHAT YOU THOUGHT. I WILL DO IT QUICKLY, BUT I WAS THINKING YOU COULD CREATE A BUDGET OF MONEY, AND I WILL TELL YOU WHERE IF SHOULD BE FUNDED SOON, TO WHAT I CALL REBATE PRIVATE ENTITIES, FACILITIES AND POTENTIALLY PUBLIC AS WELL, WHERE YOU CAN GIVE THEM A BIT OF A REBATE

ONCE THEY DO A RETROFIT.\r\n\r\nI FEEL LIKE ONE OF THE WEAKNESSES IN THE BILL, OR DETRIMENTS TO PRIVATE BUSINESSES IS THE COST FOR THEM. AND I WANT TO SAY THAT THERE'S NO GREATER COST THAN THE REDUCTION OF SEABIRDS. SO NATURE, I THINK, SHOULD BE THE PRIORITY. BUT IF WE CAN HELP THESE BUSINESSES BY PUTTING TOGETHER A BUDGET TO REBATE ONCE THEY HAVE DONE A RETROFIT. SO NO NEW CONSTRUCTION. BUT WHAT I WAS THINKING YOU COULD FUND IT WITH THESE NEW PARKING FEES COMING UP IN THE BEACHES. YOU KNOW, WE COULD USE THAT MONEY FOR NATURE, FOR THE ENVIRONMENT, FOR ECOLOGY, TO PROTECT IT.\r\n\r\nIF WE CAN HELP THESE BUSINESSES WITH A REBATE ONCE THEY RETROFITTED, AND HAVE A KIND OF FIRST-COME, FIRST-SERVED BASIS OF -- IF THIS WAS DONE OVER 36 MONTHS IS WHEN THEY HAVE THE TIME TO DO THE RETROFIT. I FEEL LIKE EVERYBODY HAS A STAKE IN THIS, AND EVERYBODY FEELS LIKE THEY HAVE DONE SOMETHING GREAT, YOU KNOW, FOR THE SEABIRDS AND THE HONU AND WITH THE PARKING FEES, I THINK THE HOTELS WOULD BE RECEPTIVE TO IT AND EVERYBODY, INCLUDING MOSTLY THE SEABIRDS AND OUR WILDLIFE WOULD APPRECIATE IT THE MOST. I APPRECIATE YOUR TIME. THANKS. >> THANK YOU VERY MUCH. ANY QUESTIONS, MEMBERS? IF NOT, THANK YOU.\r\n\r\nMAY WE HAVE THE NEXT TESTIFIER. >> OUR NEXT TESTIFIER IS JAY PENNIMAN, FOLLOWED BY -- >> NAMASTE. ALOHA KAKAHIKA, CHAIR LEE, VICE-CHAIR RAWLINS-FERNANDEZ, COUNCIL MEMBERS. I'M JAY PENNIMAN AND YOU KNOW WHAT MY ORGANIZATION AND I FEEL THIS BILL FOR AN ORDINANCE ECOLOGICALLY REDUCING BLUE CONTENT IN THE LIGHT AND EFFECTIVELY SHIELDING LIGHTS VISIBLE FROM THE OCEAN IS HUGELY BENEFICIAL. IT'S COME TO MY ATTENTION THE SUPPOSITION THAT THE COUNTY WILL BE PUT IN JEOPARDY BY SUED BY ENVIRONMENTAL GROUPS BY REDUCING BLUE LIGHT CONTENT BECAUSE THEY HAVE SHOWN OCULAR RESPONSE UNDER THIS ORDINANCE BE COMPOSED OF THIS IS A MISINTERPRETATION OF THE PAPER OF WHICH I'M AN AUTHOR AND THEORETICAL STRUCTURE FOR POTENTIALLY IDENTIFYING DISTRIBUTION TO VARIOUS SPECTERS OF LIGHT. THE PAPER STATES AT THE VERY BEGINNING AND QUOTE "COMPOSITE ASSESSMENTS GIVING EQUAL WEIGHT TO WILDLIFE GROUP RESPONSE, MELATONIN AND INDEX SHOWED LOWEST EFFECTS FOR LAMPS IN THE SHORTER WAVELENGTH." TWO OF HAWAII'S PREMIERE HAWAI'I GROUPS CONSERVATION FOR HAWAI'I AND CENTER FOR BIOLOGICAL DIVERSITY ARE CURRENTLY WORKING WITH ONE OF THE LARGEST HOTEL PROPERTIES OWE OUR SOUTH SHORE TO ADDRESS SEABIRD FALL OUT AT THAT PROPERTY AND USED THE SAME FORMULA TO DEFINE THE REDUCTION OF BLUE LIGHT CONTENT IN BILL 21. THE PROPERTY HAS BEEN COOPERATING AND CHANGED THEIR RULES TO COMPLY WITH THE NEW SHORT WAVELENGTH LIMITS. SEEMED A BIT FAR- FETCHED TO THINK THESE ENVIRONMENTALISTS WILL TURN ON THE COUNTY WHEN WHAT THEY ARE ASKING THE HOTELS DO TO REDUCE SEABIRD FALL-OUT.\r\n\r\nSECONDLY, MOST OF YOU HAVE PROBABLY HEARD OF NASA'S SUCCESSFUL COLLISION OF A ROBOT WITH AN ASTEROID AND THAT THE OBSERVATORY IS LEADING CHANGES TRAJECTORY AND THAT THE SKIES ARE OBSCURED FOR TELESCOPE VIEWING AND INSTALLING STREET LIGHTS PURCHASED WITHOUT ANY ENVIRONMENTAL ASSESSMENT AND ACCEPTING THE ENVIRONMENTAL ASSESSMENT DONE AFTER THE FACT AND DID NOT CONSIDER ALL OF THE RAMIFICATIONS OF INSTALLING THESE LIGHTS WILL ONLY INCREASE THE COMPROMISING OF OUR DARK SKIES. I SPENT A WEEK ON HAWAI'I ISLAND, MY WIFE AND I AND HER FAMILY SPENT TIME AND THE LIGHTS ON BOTH SIDES OF THE ISLAND PRIMARILY IMPORTANTLY TO THE SAME SHORT WAVELENGTH REDUCTION THAT BILL 21 WILL IMPLEMENT. THERE'S PLENTY OF TOURIST EVENTS AND FLOURISHING HOTEL PROPERTIES. I HAVE TO WONDER IF THE ASSERTION THAT TOURISTS AND EVENTS ARE GOING TO ABANDON MAUI IF WE IMPLEMENT BILL 21 AS WAS ASSERTED LAST WEEK BY THE HOTEL ASSOCIATION REPRESENTATIVE. MAHALO FOR YOUR TIME. >> THANK YOU, MR. PENNIMAN.\r\n\r\nQUESTION FROM MEMBER PALTIN. >> THANK YOU, CHAIR. CAN YOU CLARIFY WHICH SOUTH MAUI HOTEL YOU WERE TALKING

ABOUT? >> I DON'T KNOW -- BECAUSE IT'S LEGAL ACTION GOING ON IT'S PROBABLY NOT BETTER I GO INTO THAT. >> COULD YOU CLARIFY THE WAIKOLOA YOU WERE TALKING ABOUT. >> THE HILTON AT WAIKOLOA AND TRAVELED AROUND IN THAT AREA. >> WE WERE AT THE APUNA PRINCE AND THEY DIDN'T SEEM TO BE COMPLYING WITH THIS BILL.\r\n\r\nTHE LAST NIGHT, WE WENT IN THE OCEAN AND FROM THE OCEAN, THE WHOLE HOTEL LOOKED FULLY LIT UP. DO YOU KNOW WHAT THE CONSEQUENCES ON HAWAI'I ISLAND FOR NON-COMPLIANCE? >> I DO NOT. >> THANK YOU. >> ANY OTHER QUESTIONS, MEMBERS? MEMBER SUGIMURA. >> THANK YOU MR.\r\n\r\nPENNIMAN FOR YOUR DEDICATION TO THIS SUBJECT. I KNOW YOU DID A STUDY, IS IT ACCEPTED BY THE U.S. FISH AND WILDLIFE AS SCIENCE? >> YES. >> YOUR STUDY -- IT IS? COULD YOU GIVE US A DATE? I READ IT'S NOT. >> WELL, THERE'S BEEN CONFLICTING INFORMATION OUT OF FISH AND WILDLIFE SERVICE.\r\n\r\nLINDSEY ASPEN WROTE A LETTER TO THE PLANNING DEPARTMENT, IN WHICH SHE CITED HER RECOMMENDATION WAS THE SAME AS BILL 21. AND SHE IS FISH AND WILDLIFE SERVICE RESPONSIBLE FOR MAUI ISLAND. DLNR -- >> THAT PERSON IS FROM FISH AND WILDLIFE AND YOU'RE SAYING THAT THEY ACCEPTED YOUR STUDY? CAN YOU GIVE ME THAT NAME AGAIN WHO ACCEPTED YOUR STUDY. >> WHICH STUDY ARE YOU REFERRING TO? >> YOU ARE THE EXPERT AS BEING PRESENTED ON THIS BILL. SO I JUST WANT TO KNOW THAT YOUR DATA THAT WE'RE USING FROM YOUR STUDY, IF IT HAS BEEN ACCEPTED BY THE U.S. FISH AND WILDLIFE? BECAUSE THEY ARE CONDUCTING A STUDY RIGHT NOW.\r\n\r\n>> WE DO NOT HAVE A STUDY. WE HAVE NOT DONE A STUDY OF LIGHT DISTRACTION OF SEABIRDS. WE ARE LOOKING AT COMPOSITE RESULTS OF OTHER STUDIES. WE HAVE ONE INDICATION, IT CAN'T BE CALLED A "STUDY," BECAUSE IT'S SHORT-TERM AND WE'RE NOT DOING THE RESPONSE. WHEN THE NEW LIGHTS WERE PUT IN, THE STREET LIGHTS WERE PUT IN AN AREA IN CENTRAL MAUI, WE COULD LOOK BACK AT OUR DATA FOR FALLOUT IN THAT SAME AREA BEFORE THE LIGHTS WERE CHANGED, THERE WERE TEN BIRDS THAT WERE FELL OUT. AFTER THE LIGHTS WERE CHANGED IN THE NEXT THREE YEARS, THERE WERE 18 BIRDS THAT FELL OUT IN THAT AREA. >> WHAT AREA?\r\n\r\nWAILUKU? >> YES, WAILUKU, KAHULUI. >> WHAT I'M TRYING TO FIGURE OUT WE'RE BASING THIS BILL A LOT ON YOUR TESTIMONY. I'M TRYING TO UNDERSTAND THE FACTS AND THE DATA THAT IS GOING TO TAKE US TO CHANGING AN ORDINANCE THAT IS GOING TO AFFECT ALL OF MAUI COUNTY, MAUI, MOLOKA'I AND LANA'I, AND YET THE DATA, YOU ARE SAYING -- >> MEMBER SUGIMURA, JUST CLARIFYING QUESTIONS. >> SO I WANT TO CLARIFY, WHERE IN WAILUKU AND KAHULUI IS THE DATA OF THE 18 DEAD BIRDS? WHAT HE SAID? >> I'M SORRY.\r\n\r\nI CAN PROVIDE YOU WITH A MAP THAT WILL SHOW YOU WHERE THAT IS. >> THANK YOU. 18 BIRDS WE'RE GOING TO CHANGE AN ORDINANCE THAT WILL AFFECT MAUI COUNTY. THANK YOU. THAT IS CLARIFYING. >> MEMBER KING. >> THANK YOU, CHAIR.\r\n\r\nTHANK YOU FOR BEING HERE, MR. PENNIMAN. OBVIOUSLY, WE HAVE HEARD FROM OTHER EXPERTS AS WELL. YOU'RE WORKING WITH DLNR, DOFAW, ON THIS, I'M ASSUMING BECAUSE JEFF BAGSHAW DID SAY THAT THE DIVISION OF FORESTRY AND WILDLIFE SUPPORTS THE BILL. HE WAS REPRESENTING NOT JUST HIMSELF, BUT HIS WHOLE DIVISION. IS THAT CORRECT? YOU WERE WORKING WITH JEFF ON THIS DATA?\r\n\r\n>> THAT'S CORRECT. >> AND I THINK YOU DID, CORRECT ME IF I'M WRONG, I THINK YOU DID ALREADY SEND US A FALLOUT MAP THAT WAS REQUESTED EARLIER BY MEMBER PALTIN. >> WE SENT THE COMPLETE FALLOUT MAP THAT SHOWS WHERE BIRDS FELL OUT OVER THE ENTIRE ISLAND. WE DID AN ANALYSIS OF THREE YEARS PRIOR TO THE INSTALLATION OF THE LIGHTS IN THE AREA, AND WE LOOKED AT HOW MANY BIRDS FELL OUT IN THAT AREA AFTERWARDS? I HAVE NOT SHARED THAT MAP AT THIS POINT. >> OKAY. BUT WE GOT THE ORIGINAL MAPS THAT WERE REQUESTED.\r\n\r\n>> YOU GOT THE ORIGINAL MAP THAT HAS ALL OF THE FALLOUT THAT HAS HAPPENED SINCE 2009. >> THANK YOU. THANK YOU, CHAIR. >> MEMBER MOLINA, AND PRO TEM KAMA. >> THANK

YOU, MADAM CHAIR. JUST A CLARIFYING QUESTION, NOT A CLARIFYING QUESTION, BUT MORE ON PROCEDURE TODAY. I DON'T KNOW IF IT WAS MENTIONED FRIDAY, ARE WE UNDER TIME LIMITATIONS IN ASKING CLARIFYING QUESTIONS OF TESTIFIERS? >> YES, ONE MINUTE.\r\n\r\n>> ONE MINUTE. IS THERE A BILL OR SOMETHING THAT SIGNALS THAT? >> RIGHT THERE. >> ALL RIGHT, JUST WANTED TO MAKE SURE. THANK YOU. >> THANK YOU. PRO TEM KAMA.\r\n\r\n>> THANK YOU, CHAIR. THANK YOU FOR BEING HERE, MR. PENNIMAN. SO MY QUESTION TO YOU IS WHAT KINDS OF BIRDS FELL OUT OF THE SKY THAT NAMELY 18 BIRDS? WHAT WERE THE SPECIES OF THOSE BIRDS? >> TWO SPECIES PRIMARY FALLOUT ARE AWWA HU. >> AND THESE WERE THE PRIMARY BIRDS THAT FELL OUT IN CENTRAL MAUI.\r\n\r\n>> THAT IS CORRECT. >> THANK YOU. >> ANY MORE QUESTIONS? IF NOT, THANK YOU VERY MUCH, MR. PENNIMAN. >> THANK YOU. >> CHAIR, OUR NEXT TESTIFIER IS LAHELA AWAIOHAI.\r\n\r\n>> ALOHA CHAIR LEE. VICE-CHAIR RAWLINS-FERNANDEZ, I KNOW IS ON A PLANE RIGHT NOW AND TO OUR OTHER COUNTY COUNCIL MEMBERS. FIRST OF ALL, I APPRECIATE THE TIME YOU PROVIDE FOR US AND GIVE US THE OPPORTUNITY IN TESTIFYING. I AM TESTIFYING ON BEHALF OF THE HAWAI'I HOTEL ALLIANCE IN OPPOSITION OF BILL 21. AS I HAVE TESTIFIED ON A NUMBER OF OCCASIONS ON HOW WE SHOULD BE PROCEEDING IN HARD PROPOSALS THAT COME IN FRONT OF US. ONE THING I DO STATE CONSISTENTLY IS THAT ONE OF THE WAYS TO BRING A SMOOTHER TRANSITION WITH THOSE PROPOSALS THAT IS SUCH DRASTIC IMPACTS ON NOT JUST THE HOTEL OR THE VISITOR INDUSTRY, BUT OUR SMALL LOCAL BUSINESSES AS WELL IS TO BRING THE MAJOR STAKEHOLDERS TO TABLE FOR DISCUSSION TO COME TO A SENSIBLE, FAIR AND BALANCED SOLUTION. BY INCLUDING THE MAJOR STAKEHOLDERS IN SUCH DISCUSSIONS SOLID SOLUTIONS WOULD BE FOUND, IN RETURN WOULD REFLECT A MUCH SMOOTHER TRANSITION IN GETTING THE BILLS MOVED. HHA IS NOT AGAINST IMPLEMENTING MORE ENVIRONMENTALLY CONSCIOUS RULES, BUT IT'S IMPORTANT TO DO WHAT WE SHOULD, AND WHAT CAN BE DONE TO PROTECT OUR NATIVE HAWAI'I' SEABIRDS, AS WELL AS OUR IMPORTANT ECOSYSTEM.\r\n\r\nTHIS BILL AS CURRENTLY WRITTEN PUTS A HEAVY FINANCIAL BURDEN ON OUR HOTELS AND MORE SO OUR SMALL LOCAL BUSINESSES. ESPECIALLY THOSE IN THE ENTERTAINMENT INDUSTRY. I DON'T BELIEVE ADEQUATE AND COMPLETE STUDIES WERE DONE, AND I FEEL THIS BILL SHOULD BE DEFERRED UNTIL SUCH STUDIES ON THE IMPACT OF LIGHTS ARE COMPLETE AND THOSE STUDIES CAN BE SHOWN AND REFERRED TO. BILLS SEEM TO BE GETTING RUSHED THROUGH THE WITHOUT COMPLETE AND THOROUGH STUDIES. I ALSO BELIEVE WE SHOULD BE DOING A LITTLE MORE COMMUNITY OUTREACH ON THESE BILLS. AGAIN, HHA STRONGLY OPPOSES BILL 21, BUT I DO ASK THIS COUNCIL CONSIDER THE CREATION OF A WORKING GROUP. I DON'T BELIEVE MANY OF OUR TOTALS ARE FAMILIAR OR EVEN COMPLIANT WITH THE EXISTING LAW THAT WE CURRENTLY HAVE.\r\n\r\nTWO, BRING THE HOTELS, OR ALL THOSE NOT IN COMPLIANT TO BECOME COMPLIANT, PROVIDE AN OPPORTUNITY FOR OUR HOTELS AND FOR ANY OTHER BUSINESSES THAT AREN'T COMPLIANT WITH EXISTING LAW. PROVIDE THAT OPPORTUNITY, AND THE EDUCATION TO BRING THEM COMPLIANT. THREE, PROVIDE A COMPLETED AND THOROUGH STUDY, AND FOUR, IF WE'RE ABLE OR AFFORDED THE ABILITY TO DO WHAT I JUST STATED AND HAVE THE WORKING GROUP, WE'LL STRIVE TO ASSURE A SOLUTION TOGETHER. SO MAHALO FOR YOUR TIME. >> QUESTIONS, MEMBERS? MEMBER TAMARA PALTIN. >> THANK YOU, CHAIR.\r\n\r\nTHANK YOU, MS. AWAIOHAI. YOU ARE SPEAKING ON BEHALF OF THE HOTEL ALLIANCE BEING WILLING TO DOING A WORKING GROUP AND ALSO HELP TO BRING FOLKS INTO COMPLIANCE WITH THE EXISTING LAW BEFORE THE THREE YEARS? >> YES. >> IS THAT TRUE WHETHER OR NOT THE BILL PASSES? >> WHETHER OR NOT THE BILL PASSES, YES. LIKE I SAID, THE HOTELS ARE -- WE WANT TO BE ABLE TO FIND A SOLUTION.\r\n\r\nWE WANT TO SHOW THAT WE CAN WORK TOGETHER. THAT IS ONE OF THE MAIN THINGS -- ONE OF MY MAIN PURPOSES THAT I SERVE.

YES. SO WHETHER OR NOT IT DOES PASS, WE ARE WILLING TO HAVE THAT WORKING GROUP SO WE CAN WORK TOGETHER ON A VIABLE SOLUTION. >> THANK YOU. >> MEMBER MOLINA, MEMBER SUGIMURA. >> MADAM CHAIR, I THINK SOMEONE ELSE HAD THEIR HAND UP FIRST.\r\n\r\nMEMBER SUGIMURA. >> MEMBER SUGIMURA. >> MEMBER MOLINA. >> THANK YOU, MEMBER SUGIMURA. GOOD MORNING. JUST TO CLARIFY, SO YOU MENTIONED THAT YOU ARE PART OF THE HOTEL LOBBYISTS. HOW MANY HOTELS ARE AWARE OF THAT ARE NOT IN COMPLIANCE?\r\n\r\n>> I CAN GET THAT NUMBER BACK TO YOU, BUT I WILL VERIFY THAT. >> THAT IS INTERESTING TO HEAR. THE ORIGINAL LAW HAS BEEN IN EFFECT FOR 15 YEARS. AND MADAM CHAIR, DOES MAKE ME WONDER NOW THESE HOTELS NON-COMPLIANCE, IF COMPLAINTS WERE FILED AND IF OUR DEPARTMENTS DID ANYTHING TO REPRIMAND THESE HOTELS THAT WERE NOT IN COMPLIANCE? SO THANK YOU FOR SHARING THAT INFORMATION WITH US. THANK YOU, MADAM CHAIR. >> MEMBER SUGIMURA.\r\n\r\n>> THANK YOU, CHAIR. NICE SEEING YOU, LAHELA. YOU MENTIONED SMALL BUSINESSES. CAN YOU EXPOUND ON THAT? >> YES. IF YOU LOOK AT -- I REVIEWED A LOT OF WRITTEN TESTIMONY THAT WAS SUBMITTED. MAYBE LAST NIGHT.\r\n\r\nBUT EVEN OFF THE TOP OF MY HEAD, A NUMBER OF SMALL BUSINESSES THAT WOULD BE IMPACTED IS THOSE IN THE ENTERTAINMENT INDUSTRY. SO WE HAVE, IF YOU LOOK AT THE HOTELS, LUAUS, WE HAVE PRIVATE EVENTS OUT THERE. THEY CONTRACT ALL OF THOSE EVENTS OUT. SO WHEN THEY -- WHEN THOSE EVENTS ARE BEING HELD, THEY BRING IN ALL OF THE LIGHTING SYSTEM OR USE SOME THAT ARE ALREADY THERE, BUT MOST OF THEM HAVE THEIR OWN LIGHTING SYSTEMS. WHETHER OR NOT IT'S A PRIVATE INDUSTRY THAT BRINGS IN THEIR LIGHTING, OR THE HOTELS USING THEIR OWN LIGHTING, EITHER WAY, IT WILL IMPACT THESE SMALL LOCAL BUSINESSES, BECAUSE THEY NO LONGER -- I MEAN, CORPORATIONS WILL BE GOING ELSE BEFORE BASICALLY. SO I KNOW WE HAD TESTIFIERS SAID IT WOULDN'T HURT. IT WILL HURT.\r\n\r\nI THINK THAT THROUGH THE WRITTEN TESTIMONIES THAT ALL OF YOU READ THROUGH, THAT YOU WILL SEE IT WILL IMPACT THEM TREMENDOUSLY. >> ONE LAST QUESTION. SO WHEN WE PUT TOGETHER THIS GROUP, CAN YOU ALSO GET FROM YOUR HOTELS OR YOUR ENTITIES HOW MANY BIRDS AND TURTLES HAVE BEEN AFFECTED BY THEIR BUSINESSES? >> YES. >> THANK YOU. >> THANK YOU. ANYBODY ELSE?\r\n\r\nMEMBER KING. >> THANK YOU, CHAIR. THANK YOU FOR BEING HERE MS. AWAIOHAI. WE HAVE HEARD A LOT OF THESE SAME KIND OF ARGUMENTS ON OTHER ENVIRONMENTAL BILLS ON DAY ONE OF THE SUNSCREEN BILL EVERYBODY WAS IN THE COMPLIANCE, PRETTY MUCH ALL OF THE RETAILERS HAVE CHANGED, AND THAT WAS WAY LESS THAN THREE YEARS, LESS THAN A YEAR TO GET COMPLIANCE. YOU FOLKS HAVE OVER THREE-AND-A-HALF YEARS TO GET COMPLIANT. IS THERE SOME REASON WHY THERE'S NON-COMPLIANCE WITH THE EXISTING LAW, WHEN YOU HAD 15 YEARS?\r\n\r\n>> YOU KNOW, HONESTLY, I CANNOT ANSWER THAT RIGHT NOW. I JUST DO KNOW THAT NOT ALL HOTELS ARE IN COMPLIANCE. SO THERE'S STILL A FEW THAT NEED TO BE BROUGHT UP TO COMPLIANCE. BUT I ALSO FEEL THAT WE NEED THE OPPORTUNITY TO EDUCATE ALL OF -- YOU KNOW, NOT JUST THE HOTELS, BUT ALSO OUR SMALL BUSINESS OWNERS BEFORE THIS CHANGE DOES HAPPEN. BECAUSE IT IS A FINANCIAL BURDEN. IF THERE'S A WAY THAT -- -- IF THERE'S A WAY TO HELP. >> YOU DID HAVE THREE-AND-A-HALF YEARS AND I'M GLAD YOU ARE WILLING TO COME TOGETHER.\r\n\r\nIT DOESN'T TAKE THE COUNCIL FOR YOU GUYS TO GET A WORKING GROUP AND ALREADY HAVE AN EXISTING LAW TO GET INTO COMPLIANCE WITH. SO I'M SURE THAT THERE'S COUNCIL MEMBERS WHO WOULD BE WILLING TO HELP YOU, BUT I HOPE THAT YOU GUYS CAN GET TOGETHER WHETHER OR NOT THIS BILL PASSES, AND START ADDRESSING THE EXISTING LAW AND START ADDRESSING WHERE WE NEED TO GO WITH THE DATA THAT IS OUT THERE. BECAUSE WE GET THIS COMMITMENT TO MANAGEMENT AND WHEN IT'S INCONVENIENT, WE GET A LOT OF PUSH BACK. THANK YOU FOR BEING HERE. APPRECIATE YOUR WILLING TO GET THE INDUSTRY TOGETHER -- BELL RINGING. >> MAHALO, COUNCIL

MEMBER KING. >> ANYONE ELSE?\r\n\r\nMEMBER TASHA KAMA. >> THANK YOU, CHAIR. THANK YOU FOR BEING HERE, LAHEL A. SO MY QUESTION TO YOU IS HOW SOON WOULD YOU BE ABLE TO RAMP-UP SUCH A WORKING GROUP? >> I WOULD SAY WE WOULD BE ABLE TO GET A WORKING GROUP TOGETHER OVER THE NEXT I WOULD SAY MAYBE THREE WEEKS, MAYBE LESS? AND I WOULD PROBABLY PUT A TIME FRAME ON THAT, SO THAT WE CAN KIND COME UP WITH VIABLE SOLUTION OVER THE NEXT QUARTER. SO MAYBE THE NEXT THREE TO FOUR MONTHS HAVING SOME PLAN BEING ABLE TO BE SUBMITTED IN MOVING FORWARD.\r\n\r\n>> IN PUTTING THIS WORKING GROUP TOGETHER, PUTTING IT TOGETHER WITH YOUR STAKEHOLDERS, SMALL BUSINESSES, HOTELS, WOULD YOU NEED TO INCLUDE SOMEONE FROM THIS COUNCIL? OR NO? >> DEFINITELY, YES. I THINK THAT IS IMPORTANT. >> OKAY. THANK YOU SO VERY MUCH. I LOOK FORWARD TO HEARING MORE ABOUT YOUR WORKING GROUP AND HOW IT'S COMING ALONG, AND HOPEFULLY, IF THERE'S REALLY NO BIG RUSH TO PUSH THIS THROUGH, I WOULD HOPE THAT OUR COUNCIL AT THE TIME CONSIDER THOSE THINGS.\r\n\r\nTHANK YOU. THANK YOU, CHAIR. >> MAHALO, COUNCIL MEMBER KAMA. >> THANK YOU. ANY MORE QUESTIONS, MEMBERS? IF NOT, THANK YOU VERY MUCH. >> MAHALO.\r\n\r\n>> MAHALO. NEXT TESTIFIER. >> CHAIR, OUR NEXT TESTIFIER IS CLARE APANA, FOLLOWED BY -- [INAUDIBLE]. >> GOOD MORNING, COUNCIL. >> GOOD MORNING. >> GOOD MORNING, THANK YOU FOR THE OPPORTUNITY TO TESTIFY ONE MORE TIME. I WOULD LIKE TO SAY I'M TESTIFYING FOR MYSELF, AS A TRADITIONAL PRACTITIONER, AND ALSO FOR KANEIOLOUMA. WE HAVE NO FINANCIAL GAIN IN THIS BILL, EXCEPT TO TRY TO PROTECT WHAT IS LEFT OF OUR CULTURE, AND TO STAND STRONGLY FOR THE RIGHTS THAT WE HAVE AS KANAKA MAOLI TO PROTECT ENDANGERED SPECIES THAT WE WILL NOT SEE AGAIN IF WE DO NOT START TO DO SOMETHING TO PROTECT THEM.\r\n\r\nI AM HEARTENED TO HEAR THAT THE HOTEL INDUSTRY IS ON-BOARD TO START THEIR WORKING GROUP, AND TO BE COMPLIANT WITHIN THE THREE YEARS. I AM DISMAYED TO HEAR THAT THEY ARE NOT IN COMPLIANCE WITH THE EXISTING ORDINANCE. YOU KNOW, THEY MAKE A LOT OF MONEY OFF OF OUR KANAKA MAOLI TRADITIONS, AND PRACTICES TO ASK FOR CHANGING LIGHTS THAT OTHER COUNTIES HAVE ALREADY DONE FOR YEARS, I SPOKE OVER THE WEEKEND TO MY DAUGHTER, WHO SAID THAT HER VERY GOOD FRIEND DID THE KAUA'I ORDINANCE, AND SHE WAS VERY ADAMANT ABOUT PROTECTING THE SEABIRDS WITH THE LIGHTING BILL. SO IT'S NOT JUST MAUI COUNTY BEING REVOLUTIONARY, AND BRINGING SOMETHING ABSOLUTELY BRAND-NEW OUT. WE'RE BEHIND TIMES. WE'RE FOLLOWING IN THE FOOTSTEPS AND WE KNOW THIS WORKS. AND I CAN'T TELL YOU ENOUGH.\r\n\r\nI MEAN, I SPOKE TO THE RANGERS AT HAKALAU AND THEY WERE DOING SOMETHING FOR THE SPEAK BIRDS AT HALE'AKALA WHEN I WENT LAST MONTH. THERE'S A REAL DISCONNECT IN PROTECTION, AND USING OUR SEABIRDS AS SOMETHING TO SHOW THAT WE CARE ABOUT THE ENVIRONMENT. THIS IS WHAT THEY WERE DOING UP IN HALE'AKALA AND YET, AT THE SAME TIME, WE'RE WILLING TO LET SOMETHING AS SMALL AS CHANGING SOME LIGHTING STOP US FROM PROTECTING THESE BIRDS IN THEIR NATURE MIGRATORY ELEMENTS. THANK YOU SO VERY MUCH. I STAND IN VERY STRONG SUPPORT OF BILL 21. THANK YOU. >> THANK YOU. MEMBERS, ANY QUESTIONS?\r\n\r\nMEMBER KING. >> THANK YOU, CHAIR. THANK YOU FOR BEING HERE, CLARE. I JUST WANTED TO CLARIFY THAT YOU ARE NOT IN SUPPORT OF WAITING ON THIS BILL FOR THE HOTELS TO GET TOGETHER? >> NO. I THINK IT'S NICE THAT THEY SAID THAT THEY CAN BE COMPLIANT IN THREE YEARS. I THINK THAT IS WHAT YOUR BILL SAYS.\r\n\r\nI THINK THAT REALLY YOUR COMMITTEE HAS MADE A LOT OF THOUGHTFUL CHANGES, AND I MEAN, REALLY IF WE LOOK AT THE OTHER ISLANDS WE CAN SEE THAT WE'RE BEHIND TIMES. WE'RE WAY BEHIND. WE DO NOT -- I, WE DO NOT WANT TO WAIT ANY LONGER. PLEASE PASS THIS BILL TODAY. THANK YOU SO MUCH FOR YOUR WORK, COUNCIL MEMBER KING. >> MAHALO. MAHALO, CHAIR.\r\n\r\n>> ANY OTHER QUESTIONS? IF NOT, THANK YOU VERY MUCH

FOR YOUR TESTIMONY . >> OUR NEXT TESTIFIER IS DAVID HENKIN, AND MR. HENKIN IS THE LAST INDIVIDUAL TO BE SIGNED UP FOR TESTIMONY. >> ALOHA, COUNCIL, NAMASTE. MY NAME IS DAVID HENKIN. I'M WITH EARTH JUSTICE, AND I'M REGISTERED AS I LOBBYIST, BECAUSE I'M TESTIFYING ON BEHALF OF THE CENTER OF BIOLOGICAL DIVERSITY AND COUNCIL FOR HAWAI'I. I'M MINDFUL OF THE COUNCIL'S TIME THIS MORNING. SO I WILL KEEP IT BRIEF.\r\n\r\nWE HAVE BEEN IN STRONG SUPPORT OF THIS BILL. WE APPRECIATE ALL THE HARD WORK THAT THE COUNCIL HAS DONE TO HEAR FROM ALL OF THE STAKEHOLDERS. I MEAN, I'M REALLY SURPRISED TO HEAR FROM THE HOTEL ASSOCIATION THAT THEY FEEL THEY HAVEN'T AN OPPORTUNITY TO BE HEARD OR NEED SOME SORT OF WORKING GROUP -- INAUDIBLE INDICATIONS THAT A LOT OF STAKEHOLDER INVOLVEMENT, WENT UP TO THE COUNCIL. >> MR. HENKIN? >> YES. >> WE LOST YOU -- YOU FROZE ABOUT A FEW SECONDS AGO.\r\n\r\nCOULD YOU REPEAT THE MAYBE THREE SENTENCES OR FOUR SENTENCES? >> OH, I'M SORRY. I APOLOGIZE FOR FREEZING. YES. SO WHAT I WAS SAYING I'M SURPRISED TO HEAR FROM THE HOTEL ASSOCIATION THAT THEY FEEL THE NEED FOR MORE STAKEHOLDER INPUT, AND WORKING GROUP. THE CARE COMMITTEE TOOK THIS UP SEVEN MONTHS AGO. IT WENT THROUGH COMMITTEE.\r\n\r\nTHERE WERE AMPLE OPPORTUNITIES TO TESTIFY AND GET INVOLVED. FOLKS WERE INVITED TO GET INVOLVED. IT WENT BEFORE THE FULL COUNCIL AND QUESTIONS THAT WERE RAISED. SO THE COUNCIL DECIDED TO SEND IT BACK TO COMMITTEE. AND SO THERE'S BEEN MANY, MANY MONTHS' OF DELIBERATION ON THIS. SO THERE HAS BEEN AMPLE OPPORTUNITIES FOR INPUT. THIS BILL THEN GIVES THE HOTEL INDUSTRY AND OTHERS OVER THREE YEARS TO COME INTO COMPLIANCE.\r\n\r\nI GUESS, IF THERE'S SOME ISSUES THAT COME UP DURING THOSE THREE YEARS THAT THAT REQUIRES SOME FURTHER TWEAKING THERE'S OPPORTUNITY FOR THE COUNCIL TO DO THAT. YOU KNOW, THERE IS URGENCY. RIGHT NOW, WE'RE IN THE MIDDLE OF THE SEABIRD FALLOUT SEASON. THESE LIGHTS ARE ATTRACTING AND KILLING ENDANGERED SEABIRDS, AND YOU KNOW, THE STUDIES THAT MR. PENNIMAN REFERRED TO, THESE ARE PURELY SCIENTIFIC STUDIES AND CAN'T GET INTO THE SCIENTIFIC PUBLICATIONS UNLESS THEY ARE THOROUGHLY VETTED AND PEER-REVIEWED. SO THERE'S GOOD SCIENCE HERE. YOU HAVE HEARD THAT FROM EVERY EXPERT ON SEABIRDS AND WILDLIFE AND ASTRONOMY AND FOR THE HOTEL INDUSTRY AND OTHERS, IT'S AMPLE TIME.\r\n\r\nI'M TRYING TO THINK OF AN OUTDOOR EVENT THAT COULD BE COMPLIED WITH IT. IT'S NOT SAYING THAT YOU CAN'T HAVE OUTDOOR EVENTS, BUT SAYING THAT LIGHTS NEED TO BE LOW BLUE LIGHT CONTACT AND DIRECTED DOWN FROM THE OCEAN. SO I'M NOT SURE WHAT OTHER KIND OF PERFORMANCE, LUAU CAN'T HAPPEN LIKE THAT? AGAIN, THAT WORK WAS DONE IN COMMITTEE WITH DISCUSSIONS WITH FOLKS THAT DO THESE TYPES OF EVENTS. THIS IS A CRITICAL IMPORTANT BILL AND TO URGE COUNCIL TO PASS. >> OKAY. ANY MORE QUESTIONS?\r\n\r\nIF NOT, THANK YOU VERY MUCH, MR. HENKIN. >> THANK YOU. >> MADAM CLERK. >> CHAIR, NO OTHER INDIVIDUALS HAVE SIGNED UP TO TESTIFY ON THESE ITEMS. IF ANYONE WISHES TO TESTIFY ON BILLS FOR SECOND AND FINAL READING, PLEASE IDENTIFY YOURSELF NOW. THIS IS THE LAST CALL FOR TESTIMONY ON THESE ITEMS . >> MEMBERS ANY OBJECTIONS TO CLOSING PUBLIC TESTIMONY AND ACCEPTING WRITTEN TESTIMONY FOR BILLS FOR SECOND AND FINAL READING?\r\n\r\n>> NO OBJECTIONS. >> NO OBJECTIONS, CHAIR. >> SO ORDERED. >> CHAIR, PROCEEDING WITH BILLS FOR SECOND AND FINAL READING, YOU HAVE BEFORE YOU BILL 21, CD 2, FD 2, (2022) ENTITLED, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.35, MAUI COUNTY CODE RELATING TO PROTECTING WILDLIFE FROM OUTDOOR LIGHTING AND PRESERVING DARK SKIES." >> MEMBERS, I HAD HOPED THAT THE VICE-CHAIR WOULD HAVE BEEN HERE BY NOW . DO YOU MIND TAKING A TEN-MINUTE BREAK. >> I DON'T MIND, CHAIR, LET'S TAKE A BREAK. >> SUNSHINE LAW. >> WE CAN'T TAKE A BREAK AFTER TESTIMONY, UNLESS WE LEAVE TESTIMONY OPEN.\r\n\r\n>> I KNOW. WE'RE BETWEEN A ROCK AND A HARD PLACE

HERE. >> TAKE A BREAK. >> OKAY. MEMBERS, HOW ABOUT WE -- >> CHAIR? >> THE OTHER BILLS, THE BUDGET BILLS, ANY QUESTIONS? ANY OBJECTIONS.\r\n\r\n>> CHAIR? >> YES. , MEMBER KING. >> THANK YOU. I WOULD -- IF WE ARE READY TO CLOSE TESTIMONY, I WOULD LIKE TO GO AHEAD AND START DELIBERATIONS ON BILL 21 AND I THINK IF WE START DELIBERATIONS, WE CAN TAKE A BREAK. IF I CAN GET THE MOTION ON THE FLOOR, THAT WOULD BE HELPFUL. >> OKAY.\r\n\r\n\r\n\r\nANY OBJECTIONS TO DOING THAT, MEMBERS? IF NOT, LET'S DO THAT. WHERE WERE WE, MADAM CLERK? YOU CALLED UP THE ITEM. ARE WE READY FOR A MOTION? OR SOME KIND OF ACTION? >> YES, CHAIR.\r\n\r\n\r\n>> MEMBER KING. >> THANK YOU, CHAIR. I MOVE TO PASS BILL 21, CD 2, FD 2 (2022) ON SECOND AND FINAL READING. >> MOVED BY -- I'M LOOKING AT THE SCREEN, BECAUSE MY SCREEN IS FROZEN. I'M LOOKING AT THE BIG-SCREEN ON THE WALL. SO MOVED BY COUNCIL MEMBER KING AND SECONDED BY MEMBER SINENCI TO PASS BILL 21 ON SECOND AND FINAL READING. AND AT THIS TIME, BEFORE DISCUSSION, DAVID, IS IT OKAY FOR US TO TAKE A BREAK?\r\n\r\n\r\n>> THANK YOU, CHAIR LEE. THE ADVICE GIVEN BY THE OFFICE OF INFORMATION PRACTICES IS THAT YOU DO AT LEAST START DELIBERATIONS. SO IF YOU THINK YOU HAVE ACHIEVED THAT, THEN YOU CAN TAKE A BREAK. >> MEMBERS, ANY OBJECTIONS TO TAKING A TEN-MINUTE RECESS? >> NO OBJECTIONS, CHAIR. >> OKAY, TEN MINUTES. SO COME BACK AT, WHAT IS THAT?\r\n\r\n\r\n\r\n10:07. OKAY? 10:07. MEETING IN RECESS. [GAVEL] [GAVEL] >> WILL THE 10/10/22 RECONVENED MEETING PLEASE RECONVENE. IT'S NOW 10:13 AND ON THE FLOOR WE HAVE A MOTION TO PASS BILL 21 ON SECOND AND FINAL READING. DISCUSSION? MEMBER KING. >> THANK YOU, CHAIR.\r\n\r\n\r\n\r\nAND JUST TO NOTE, WE HAVE BEEN TO THIS POINT BEFORE. WE HAVE BEEN -- MEMBERS, WE HAVE SPENT NINE MONTHS ON THIS BILL. IT'S BEEN BACK AND FORTH AND PLENTY OF TIME TO COMMENT. WE HAD SIGNIFICANT DISCUSSION ON BILL 21, PROTECTING WILDLIFE FROM OUTDOOR LIGHTING AND PRESERVING DARK SKIES. THE TIMING OF THIS BILL IS APPROPRIATE, BECAUSE LAST SATURDAY WAS WORLD MIGRATORY BIRD DAY AND THIS YEAR'S THEME IS "DIM THE LIGHT FOR BIRDS AT NIGHT." THIS THEME WAS CHOSEN BECAUSE IT'S INCREASING GLOBALLY AND KNOWN TO ADVERSELY AFFECT MANY BIRD SPECIES. LAST WEEK AT HSAC CONFERENCE A SLOGAN REMINDED US WHY WE'RE HERE, DO IT FOR OUR KEIKI'S KEIKI'S KEIKI AND FIGHTING CLIMATE CHANGE AND PROTECTING OUR ENVIRONMENT IS A LONG AND HARD, AND WE MAY NOT BE HERE TO SEE ALL OF THE FRUITS OF OUR LABOR. BUT THAT IS OKAY, BECAUSE I KNOW EACH AND EVERY ONE OF YOU IS FIGHTING TO OUR ISLAND'S FUTURE, OUR KEIKI'S KEIKI'S KEIKI AND WE HAVE TAKEN SMALL STEPS TO PREVENT FUTURE HARM.\r\n\r\n\r\n\r\nI'M PROUD OF THIS WORK THAT THE COUNCIL HAS DONE TO PROTECT THE ENVIRONMENT, INCLUDING MIKE MOLINA HAS WORKED ON THE PLASTIC BAG BEEN YEARS AGO, BEFORE THIS COUNCIL WAS EVEN IN SESSION. THE FIGHT AGAINST STYROFOAM BOOGIE BOARDS AND ICE CHESTS AND PASSING THE WETLANDS BILL. THESE BILLS CAME FROM HARD WORK OF THE ENTIRE COUNCIL, BACK AND FORTH, INCLUDING MANY STAKEHOLDERS AND SEEN AS A HOLD, IT SHOWS THAT WE LISTENED TO THE VOTERS AND WORKED WITH THE ADMINISTRATION AND MADE HARD CHOICES TO PUT THE GOOD OF THE PEOPLE AND OUR ENVIRONMENT OVER TOURISTS WHILE UNDERSTANDING THEIR ROLE IN THE ECONOMY. WHICH EACH STEP FORWARD WE OVERCAME THE SAME FEAR TACTICS THAT WE FACE TODAY. THE PLASTIC BAG BAN DIDN'T PUT PEOPLE OUT OF WORK AND SMALL BUSINESSES NOW MAKE PROFITS OFF THE SALE OF REUSABLE BAGS AND THEY DON'T HAVE TO PAY FOR BAGS FOR THEIR CUSTOMERS. IT WILL BE -- YOU KNOW, WE HEAR THIS OVER AND OVER AGAIN, AND WE KNOW THAT THE HOTEL MORATORIUM DIDN'T END CONSTRUCTION INDUSTRY JOBS, AND THIS WILL NOT BE THE END OF THE OUTDOOR EVENTS AT HOTELS, BUT HOPEFULLY, THE END OF EVENTS NEAR THE OCEAN THAT ENTERTAIN TOURISTS AT THE EXPENSE OF OUR ENVIRONMENT AND END OF HOTEL EVENTS VIOLATING CURRENT LIGHTING RESTRICTIONS. THIS RELATES TO ANOTHER SLOGAN

THE HSAC CONFERENCE, WE DON'T WANT HAWAI'I TO BE A BAD PLACE FOR BAD BUSINESS IT'S HARD TO LISTEN TO TESTIMONY CLAIMING TO BE CHAMPIONS OF HAWAI'I CULTURE BY LUAUS AND ENJOY THE RICH BENEFITS OF OCCUPYING OCEANFRONT AND BEST BEACHES.\r\n\r\nWITH THAT BENEFIT COMES GREAT RESPONSIBILITY. TODAY THE HOTEL EVENTS INDUSTRY HAS THE OPPORTUNITY TO REBRAND AS ENVIRONMENTALLY-SENSITIVE BUSINESS AND THEY ARE ACTUALLY LEGAL UNDER THE CURRENT LAW, TO CONTINUE USING THEM AND HAVE OVER THREE-AND-A-HALF TO UPGRADE. SHIELDED COMPLIANT LIGHTS ARE WIDELY AVAILABLE AND NO REASON THAT EVENTS WON'T CONTINUE TO THRIVE. BECAUSE OF OUR WORK TOGETHER THE TOURISTS WILL BE STAYING IN HOTELS WITH GREEN UPGRADES AND ENVIRONMENTALLY-FRIENDLY LIGHTING. WHEN HE THIS GO TO THE BEACH, BRING THEIR REUSABLE BAG, MINERAL SUNSCREEN AND REUSABLE UTENSILS AND COOLERS AND WE LOVE IT AND WE LOVE THEM. FINALLY WHEN WE TALK TO THE PRESS, OUR CONSTITUENTS AND OUR FAMILIES IN THE FUTURE, WHEN WE LOOK BACK TO THE WORK WE DID TOGETHER, AND HOPEFULLY, FOREVER WHEN WE SEE THE REEF THRIVING AND STREAMS FLOWING OUR BIODIVERSITY FLOWING THAT WE DID THIS FOR OUR KEIKI'S KEIKI'S KEIKI. THANK YOU FOR THE COUNCIL'S WORK ON THIS BILL AND ASK FOR YOUR CONTINUED SUPPORT.\r\n\r\nMAHALO. >> THANK YOU. THE SECONDER IS SHANE SINENCI. DID YOU HAVE ANY COMMENTS? >> AGAIN, I BELIEVE I SAW MEMBER PALTIN, CHAIR. >> OKAY. WE CAN GO TO MEMBER PALTIN, IF YOU WISH.\r\n\r\n>> THANK YOU, CHAIR. I WAS GOING TO MOVE TO RECOMMIT, JUST SOME NEW INFORMATION CAME TO MY ATTENTION. I'M IN FAVOR OF IT, I WOULD JUST LIKE TO WORK ON THE VERBIAGE A LITTLE BIT MORE. >> SECOND. >> IT'S BEEN MOVED BY MEMBER PALTIN, SECONDED BY MEMBER SUGIMURA TO RECOMMIT THIS BILL. DISCUSSION, MEMBER PALTIN. >> THANK YOU, CHAIR.\r\n\r\nYOU KNOW, I'VE SEEN FIRSTHAND THAT SOME OF THE HOTELS DO COMPLY WITH THE CURRENT LIGHTING ORDINANCE WALKING AROUND NAPILI BAY, I HEARD FROM MR. BUD PIKRONE, THEY ARE COMPLIANT, BUT IT APPEARS THAT THE VAST MAJORITIES OF HOTELS ARE NOT COMPLYING AND SHORELINE PROPERTIES ARE NOT COMPLYING. WE HAVE HEARD IN OTHER COMMITTEES HOW OVERWHELMED PUBLIC WORKS IS AND UNDERSTAFFED AND IT COMES TO THE BURDEN OF THE COMMUNITY TO COMPLAIN TO GET ENFORCEMENT. I THINK, THAT YOU KNOW, THE LESSON THAT SHOWS ME IS PASSING A BILL WITH RESISTANCE, WITHOUT FULL EDUCATION, WITHOUT COOPERATION ISN'T GOING TO ACCOMPLISH OUR GOAL. AND THAT THE FIRST STEP OF CREATING A WORKING GROUP IS A GOOD SIGN, AND I'M ALL ON-BOARD FOR THAT. I FEEL THAT WE NEED A SHORT-TERM AND LONG-TERM WORKING GROUP. SHORT-TERM -- LONG-TERM TO GET COMPLIANCE WITH EXISTING LAW AND FUTURE LAW.\r\n\r\nI'M IN SUPPORT, BUT I THINK WE NEED TO WORK ON IT A BIT MORE BASED ON THE FEEDBACK. THANK YOU. >> ANY MORE DISCUSSION? MEMBER SUGIMURA. >> DON'T HAVE A MOTION ON THE FLOOR YET. WE HAD A MOTION MADE, BUT WE HAD DELIBERATION, BUT I DIDN'T HEARD A SECOND. DID WE?\r\n\r\n>> I HAD SECONDED. >> THE SECOND TO MEMBER PALTIN'S MOTION WAS FROM MEMBER SUGIMURA. THE SECOND TO YOUR MOTION WAS MEMBER SINENCI. PROCEED, MEMBER SUGIMURA. >> THANK YOU. SO IN ADDITION TO WHAT WE HEARD FROM LAHELA THIS MORNING, WE DID GET AN OCTOBER 2ND, 2022 MEMO, OR LETTER FROM ERIC MIYASATO, WHO IS AN ENGINEER, AND HAS HIS SPECIALTY IS LIGHTING. OTHER BUSINESSES THAT HE SAID WILL GET IMPACTED BY THIS BILL.\r\n\r\nSO THAT IS WHY MAYBE THE WORKING GROUP WOULD MAKE SENSE IS MCDONALDS TARGET, WAL-MART, KRISPY KREME, SAFE LAND, TASTY CRUST, STILLWELL'S, LA OTAS. MAUI TOYOTA. I MEAN, THERE'S A LOT OF BUSINESSES THAT ARE PROBABLY NOT AWARE THIS IS HAPPENING, TOO. SO I THINK THAT A GREATER DISCUSSION IS NEEDED. WE ARE HEARING FROM THE SMALL BUSINESSES THAT HAVE LUAUS OR THOSE KIND OF BUSINESSES THAT ARE PART OF THE HOTEL INDUSTRY, WHICH THEY SENT A LOT OF TESTIMONY. PRETTY LOUD AND CLEAR. SO MORE DISCUSSION IS NEEDED.\r\n\r\nSO

I SUPPORT THIS. THANK YOU. >> ANY MORE DISCUSSION? MEMBER KING? DID YOU HAVE YOUR HAND UP? MEMBER KING. >> THANK YOU, CHAIR.\r\n\r\nI SPEAK AGAINST THE MOTION, AND I THINK WE HAVE DISCUSSED THIS AND WE HAVE HAD PLENTY OF TIME FOR INPUT. I'M HEARTENED THAT THE HOTEL INDUSTRY SAID THAT THEY WILL CREATE A WORKING GROUP TO FIGURE OUT COMPLIANCE. WHEN WE HEARD EXACTLY THESE SAME ARGUMENTS ABOUT ALL THE OTHER BILLS THAT I MENTIONED THAT WERE ENVIRONMENTAL BILL AND ENVIRONMENTAL CHANGES TO THESE SAME GROUPS. WE GAVE LESS THAN A YEAR FOR COMPLIANCE WITH THE SUNSCREEN BILL. ON DAY ONE, EVERYONE WAS COMPLIANT. SO I HAVE CONFIDENCE THAT THEY CAN CREATE THE WAYS THAT WE HAVE THE ABILITY TO COMPLY RIGHT NOW WITH THE LIGHTING THAT IS AVAILABLE. THEY'LL HAVE THREE-AND-A-HALF YEARS AND SAID THEY CAN MEET FOR THREE WEEKS AND FIGURE THIS OUT.\r\n\r\nLET THEM DO THAT IN THIS WAITING PERIOD. I HAVE SEEN THE SAME THING -- THE SAME ARGUMENTS AGAINST THE HAWAI'I CLEAN ENERGY INITIATIVE, AND THE 100% RENEWABLE, YOU KNOW? LET'S KEEP TALKING ABOUT IT AND LET'S NOT SET THE GOALS UNTIL WE KNOW EXACTLY HOW WE'LL GET THERE. WE'LL NEVER GET ANYWHERE IF WE DON'T SET THESE GOALS FIRST. IT'S A WORTHY BILL AND HAS THE SUPPORT OF EARTH JUSTICE, OF THE SEABIRD RECOVERY ACT, OF THE DARK SKIES GROUP, OF THE INTERNATIONAL BIODIVERSITY GROUP AND DOFAW. WE HEARD YESTERDAY THAT THAT DIVISION SUPPORTS IT AND NOT JUST JEFF BAGSHAW. SO LET'S LOOK AT -- LET'S RESPECT THE DATA THAT IS COMING FROM OUR OWN ISLAND, LET'S RESPECT THE CULTURAL ADVISORS TO SAY DO THIS NOW AND NOT PUT IT OFF.\r\n\r\nIF IT CAN'T BE FIGURED OUT, FOR THE NEXT COUNCIL TO CHANGE IT. EVERY SINGLE ENVIRONMENTAL LAW THAT WE HAVE PASSED TO-DATE HAS BEEN FIGURED OUT, HAS BEEN COMPLIED WITH TO A CERTAIN EXTENT. THE LIGHTING BILL WE'RE STILL TRYING TO GET COMPLIANCE AND I'M GLAD MR. MOLINA POINTED THAT OUT. STRENGTHENING THIS BILL WILL HELP THEM GET INTO COMPLIANCE. I DON'T THINK THE FACT THAT WE HAVE A DEPARTMENT THAT SEEMS UNABLE TO ENFORCE CERTAIN THINGS SHOULD MAKE US KEEP FROM PASSING THESE VERY IMPORTANT INITIATIVES. THANK YOU.\r\n\r\n>> MEMBER KAMA. >> THANK YOU, CHAIR. I SUPPORT THIS MOTION, CHAIR. BECAUSE I THINK THAT OUR PEOPLE, OUR CONSTITUENTS, OUR SMALL BUSINESS OWNERS, NEED THE TIME TO COMPLY. THEY PROBABLY DON'T EVEN KNOW THEY ARE NOT IN COMPLIANCE, BECAUSE HALF THE TIMES LAWS ARE BEING PASSED AND PEOPLE ARE NOT PAYING ATTENTION AND THE PEOPLE THAT SHOULD BE PAYING ATTENTION ARE NOT, JUST LIKE OUR FARMERS; RIGHT? WE CREATED THE DEPARTMENT OF AG, BECAUSE OUR FARMERS WERE TOO BUSY TO COME TO THIS BODY AND PLEAD THEIR CASE REGARDING THESE ISSUES. WELL, WE HAVE SMALL BUSINESS OWNERS IN THE LIGHTING INDUSTRY, WHO ARE SAYING THE SAME THING TO US.\r\n\r\nSO THEREFORE, GIVE THEM THE OPPORTUNITY TO COME TOGETHER, AND TALK ABOUT WHAT ARE ALL OF THE IMPACTS TO THEM? AND WHO IS REALLY GOING TO BENEFIT FROM THIS ONE PIECE OF LEGISLATION THAT WE'RE TRYING TO RUSH THROUGH. NINE MONTHS IS NOT A LOT OF TIME. IT'S ENOUGH TIME TO HAVE A BABY, BUT WE'RE PASSING LEGISLATION THAT IS GOING TO IMPACT PEOPLE IN OUR COUNTY. WE'RE TALKING ABOUT THE ECONOMY. WE'RE TALKING ABOUT PEOPLE'S JOBS. WE'RE TALKING ABOUT MORE THAN WHAT THEY UNDERSTAND TO REALLY BE.\r\n\r\nSO I'M IN SUPPORT OF THIS LEGISLATION, JUST TO GIVE A LITTLE BIT MORE TIME, JUST TO GIVE TIME. THANK YOU, CHAIR. >> MEMBER SUGIMURA. >> THANK YOU. I'M JUST WONDERING IF CHAIR WE SHOULD DO A THREE-MEMBER PUBLIC HEARING ON THIS, JUST TO GET MORE INPUT ALTHOUGH I DO SUPPORT DEFERRING IT, SO THAT WE CAN GET THIS TASK FORCE AND COMMUNITY MORE ENGAGED. >> WELL, WE HAVE THIS OTHER MOTION ON THE FLOOR. >> OKAY.\r\n\r\n>> AND I SEE MR. MOLINA'S HAND UP. >> THANK YOU, MADAM CHAIR. WELL, FIRST OF ALL, MADAM CHAIR, I'M JUST VERY STUNNED AT THE REVELATION FROM MS. AWAIHI ABOUT HOTELS STILL NOT IN COMPLIANCE. I KNOW

WHAT WE DID THE LAW 15 YEARS AGO, I THINK PART OF IT WAS SUPPOSED TO BE COMPLAINT-DRIVEN AND I DON'T KNOW WHAT HAPPENED? IF THE WATCHDOG GROUPS WITH THE OLD ORDINANCE WERE KEEPING AN EYE OUT ON THINGS?\r\n\r\nBECAUSE I HEARD STORIES OF THE BRIGHT LIGHTS IN THE AREAS OF MAUI COUNTY AND NOW I'M HEARING THINGS EVEN ON THE BIG ISLAND AND HOTELS NOT BEING IN COMPLIANCE WITH THE EXISTING LAW THERE AS WELL. SO AT SOME POINT, I WOULD LIKE TO GET SOME FEEDBACK FROM THE PUBLIC WORKS DEPARTMENT THAT WAS TASKED WITH PROVIDING SOME OVERSIGHT. IF THERE HAS BEEN ANY VIOLATIONS OR CITATIONS GIVEN OUT? SO NOW WE'RE HEARING ALL OF THIS STUFF, BECAUSE NOW THAT WE HAVE HOTELS ARE NOT BEING COMPLIANT, I THINK IT HAS OPENED UP OTHER THINGS. FIND OUT WHAT THE HECK IS GOING ON HERE? WHY ARE HOTELS NOT BEING COMPLIANT? THEY SHOULD KNOW BETTER IF THAT IS THE CASE AND OTHER BUSINESSES.\r\n\r\n\r\nSO THIS COULD BE WHY SOME MEMBERS MAY WANT TO SEND THIS BACK TO COMMITTEE, AGAIN, AND I THINK WE HAD RESOLVED A LOT OF THESE ISSUES. BUT I THINK THIS IS TEACHING US A LESSON IF LAWS ARE GOING TO BE PASSED AND ESPECIALLY IF IT'S BEING INITIATED BY SCIENCE COMMUNITY AND ENVIRONMENTAL COMMUNITY, EVERYBODY NEEDS TO BE ON TOP OF THIS. IF THERE ARE HOTELS THAT ARE NOT IN COMPLIANCE, THEY NEED TO LET THE COUNTY KNOW. MAYBE THEY HAVE, AND SO WHICH IS WHY WE NEED THIS INFORMATION BACK FROM OUR OWN DEPARTMENTS TO FIND OUT IF ANY CITATIONS HAVE BEEN GIVEN OUT? ANY CONSEQUENCES? BECAUSE IT SEEMS LIKE MAYBE THE CONSEQUENCES ARE NOT STUFF ENOUGH TO MOTIVATE SOME OF THE HOTELS, OR OTHER SHORELINE BUSINESSES TO GET ON WITH IT AND FOLLOW THE LAW. SO IT'S KIND OF DISAPPOINTING WHERE WE'RE AT THIS POINT AND NOW WE HAVE TO CONSIDER IT BEING SENT BACK.\r\n\r\n\r\nBUT IF THAT BE THE CASE, I WOULD HOPEFULLY, IF IT DOES GO BACK, WE CAN MAKE A DECISION THIS TERM, BEFORE THE END OF THE TERM? BECAUSE I APPRECIATE MEMBER KING'S EFFORTS WITH THIS, AND EVERYONE ELSE, BUT WHATEVER LAW WE PASS, WE NEED TO MAKE SURE THERE'S ENFORCEMENT, OR TO KEEP AN EYE ON THINGS. DON'T LET THE FOX GUARD THE HEN HOUSE, BECAUSE ONE HOTEL ISN'T GOING TO RAT OUT ON ANOTHER, IF THERE'S VIOLATIONS. SO THIS IS A STUNNING REVELATION FOR ME, MADAM CHAIR. THANK YOU. >> ANY OTHERS WHO HAVEN'T SPOKEN YET? MEMBER SINENCI.\r\n\r\n\r\n>> THANK YOU, CHAIR FOR MY OPPORTUNITY. I WAS, I GUESS, STUNNED, TOO, TO HEAR THAT THE HOTELS HAVEN'T BEEN COMPLIANT FOR OVER 15 YEARS, AND THEN THIS KIND OF 11TH-HOUR PROPOSAL TO CREATE A GROUP. I MEAN, I THINK BECAUSE OF THE VIOLATIONS, THEY HAVEN'T SPOKEN UP FOR THE ENVIRONMENT PRIOR, BUT NOW WITH THIS AT THE TABLE NOW THEY ARE GOING TO BE SPEAKING UP FOR THE ENVIRONMENT. SO I'M NOT ALWAYS -- I MEAN, SUPPORTIVE, OR I DON'T HAVE THE CREDENCE IN THE INDUSTRY TO PUSH THIS FORWARD. I THINK THREE-AND-A-HALF YEARS IS A LOT OF TIME FOR EVERYBODY TO BECOME COMPLIANT. IT'S NOT NECESSARILY -- A LOT OF HOTELS LIGHT UP THEIR PALM TREES AND LIGHT UP THE TREES VERSUS SHINING LIGHTS UP INTO THE AIR AND THAT CONFUSES THE SEABIRDS. SO I THINK IT'S JUST A MATTER OF JUST LIGHTING UP THE TREES AND KEEPING THOSE BEAMS SHINING INTO THE OCEAN INTO THE SKIES.\r\n\r\n\r\n>> ANYBODY ELSE? VICE-CHAIR RAWLINS-FERNANDEZ, THEN MEMBER JOHNSON. >> MAHALO, CHAIR. AND I WOULD LIKE TO FIRST CLEAR THE RECORD THAT ON FRIDAY, I WAS CLEAR THAT I WOULDN'T BE ABLE TO BE IN THE CHAMBERS UNTIL ABOUT 10:15. THAT I WAS GOING TO BE IN MAUI AT 9:45 WHEN MY PLANE WAS LANDING. SO MAHALO FOR THAT. I AGREE WITH MEMBER PALTIN THAT I THINK THAT MORE WORK CAN BE DONE. SO THAT ALL OF THE CONCERNS WILL BE ADDRESSED.\r\n\r\n\r\nAND I AGREE WITH MEMBER KAMA, THAT OFTEN TIMES DIFFERENT STAKEHOLDERS ARE NOT AWARE OF THE WORK THAT WE'RE DOING, AND OF LAWS, LEGISLATION THAT WILL SOON BECOME LAW AND MAKE THEM DIRECTLY. HOWEVER, SOMETIMES LEGISLATION NEEDS TO BECOME A LAW BEFORE MORE PEOPLE KNOW THAT IT'S GOING TO AFFECT THEM. AND I THINK

IN THE THREE YEARS THAT THE BILL ALLOWS FOR COMPLIANCE IS A LOT OF TIME TO DO THAT WORK. SO I THINK PERHAPS WE CAN DO BOTH, THAT WE CAN PASS THE LAW AND DO A WORKING GROUP TO ADDRESS THE CONCERNS. SO I WON'T BE SUPPORTING THE MOTION ON THE FLOOR. BUT I REALLY DO APPRECIATE EVERYONE'S COMMITMENT TO ADDRESSING THE CONCERNS. MAHALO, CHAIR.\r\n\r\n>> MEMBER JOHNSON. >> THANK YOU, CHAIR. ALOHA. THANK YOU. CAN YOU HEAR ME? >> YES? >> I SPEAK AGAINST THE MOTION.\r\n\r\nLANA'I HAS UA'U AND KAUA'I AND HAWAI'I AND NOW IS THE TIME TO ACT WHEN WE DON'T HAVE THE -- LIGHT IS A FORM OF POLLUTION AND WE NEED TO START RECOGNIZING IT. THIS BODY IN PAST, AS WELL AS MANY, MANY MUNICIPALITIES DO REGULATE AGAINST CERTAIN TYPES OF POLLUTION. I THINK IT'S VERY FORWARD-THINKING THAT WE'RE LOOKING AT THIS AS A TYPE OF POLLUTION. SO I STAND IN STRONG SUPPORT [INAUDIBLE] >> ANYBODY ELSE? >> THANK YOU, CHAIR. >> THANK YOU. ANYBODY ELSE?\r\n\r\nMEMBER MOLINA. >> MADAM CHAIR, I HEARD IN TESTIMONY CORRECTLY, IT DOES GO BACK TO COMMITTEE AND WORKING GROUP IS FORMED WITH THE HOTELS, THEY WOULD LIKE THREE MONTHS? >> YES. >> PERSONALLY, I THINK IT'S A LITTLE TOO LONG. THIS LEGISLATION HAS BEEN OUT THERE. I THINK THEY COULD PUT SOMETHING TOGETHER AND GET SOME RESULTS OUT OF THEIR WORKING GROUP AND HOPEFULLY, BRING IT BACK TO US THIS TERM, IF THAT IS THE CASE. IT'S IRONIC HEARING ABOUT HOTELS NOT BEING IN COMPLIANCE, THEY ARE PUSHING TO HAVE THEIR OWN VERSION OF A TIG, I GUESS.\r\n\r\nQUICK HISTORICAL ANALYSIS, WHEN I DID THE BILL, WE HAD A REPRESENTATIVE FROM THE HOTEL INDUSTRY AT THE TIME. THEY WERE INVOLVED IF IT'S THE WILL OF THE MAJORITY OF THIS BODY TO SEND IT BACK IT COMMITTEE TO GET IT BACK TO US BEFORE THE END OF THIS TERM. THANK YOU. >> ANY MORE FINAL? MEMBER SUGIMURA? >> I WONDER IF WE COULD ASK CORP. COUNSEL OR PUBLIC WORKS HOW MANY COMPLAINTS WE HAVE HAD REGARDING THIS ISSUE AND WHO WAS IT?\r\n\r\nHOTEL? >> WE'RE DOWN TO MAKING A VOTE -- TAKING THE VOTE ON THIS. ANY FINAL REMARKS, ANYBODY BEFORE WE CALL FOR THE QUESTION? IF NOT, MADAM CLERK, ROLL CALL. EVERYBODY KNOWS THE MOTION; RIGHT? THE MOTION IS TO RECOMMIT THIS ITEM. >> BILL 21, CD 2, FD 2 (2022) COUNCIL MEMBER SHANE SINENCI?\r\n\r\n>> NO. >> COUNCIL MEMBER MIKE MOLINA? >> NO. >> COUNCIL MEMBER KELLY TAKAYA KING? >> NO. >> COUNCIL MEMBER GABE JOHNSON? >> MEMBER JOHNSON?\r\n\r\nWE'LL COME BACK TO HIM. >> COUNCIL MEMBER TAMARA PALTIN. >> YES. >> CAN YOU HEAR ME NOW? >> IS YOUR VOTE NO OR YES? MEMBER JOHNSON, CAN YOU REPEAT YOUR VOTE? >> CHAIR, I VOTE NO.\r\n\r\nI DON'T KNOW IF YOU CAN HEAR ME NOW. I VOTE NO. CAN YOU HEAR ME? >> YES. ALL RIGHT, CONTINUE, MADAM CLERK. >> COUNCIL MEMBER YUKI LEI SUGIMURA? >> YES.\r\n\r\n>> COUNCIL PRO TEM TASHA KAMA? >> YES. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ? >> NO. >> AND COUNCIL CHAIR ALICE L. LEE? >> NO. >> THAT IS SIX NOS, THREE AYES, AND NO EXCUSED.\r\n\r\n>> MOTION FAILS. BACK TO THE MAIN MOTION. MEMBERS, ARE YOU READY FOR THAT VOTE? MADAM CLERK -- MEMBER SINENCI. >> CHAIR, JUST FOR MY FINAL DISCUSSION, I SPEAK IN SUPPORT OF BILL 21. OUR UNIQUE BIODIVERSITY IS WHAT MAKES US APPEALING TO BOTH VISITORS AND RESIDENTS ALIKE AND WE OFTEN UNDERESTIMATE THE VALUE OF A HEALTHY ECOSYSTEM AND ALL OF THE BENEFITS THAT COME WITH IT. LIKE MANY OTHER PAST LEGISLATIONS, CHANGE CAN BE DIFFICULT AT FIRST. AS WE HAVE SEEN FROM OUR RESILIENT COMMUNITY, PEOPLE ARE CREATIVE AND END UP ADAPTING TO THAT CHANGE.\r\n\r\nI'M CONFIDENT THAT THE VISITOR INDUSTRY WILL COME UP WITH A PLAN WITHIN THE NEXT THREE-AND-A-HALF YEARS. I WANTED TO THANK COUNCIL MEMBER KING FOR STEWARDING THIS BILL, AND FOR BRINGING THE SCIENCE, THE SCIENTISTS, TOGETHER WITH OUR GOVERNMENT DEPARTMENTS, AND FOR EXEMPTING THIS BILL FROM SUCH THINGS AS SPORTS AND EMERGENCY PURPOSES. THANK YOU. >> ANYONE ELSE? VICE-CHAIR RAWLINS-FERNANDEZ. >>

MAHALO, CHAIR. I WILL BE SUPPORTING THE MOTION, THE MAIN MOTION MOVING FORWARD, TO PASS THE BILL ON SECOND AND FINAL READING.\r\n\r\nAS MEMBER MOLINA POINTED OUT, IN TESTIMONY WE HEARD THAT A WORKING GROUP COULD POTENTIALLY COME UP WITH LANGUAGE AMENDMENTS TO THE BILL THAT WE COULD CONSIDER SEPARATELY IN THREE MONTHS. THOSE WHO HAVE TESTIFIED HEARD THE DIFFERENT MEMBERS, WHO ARE OPEN TO HEARING THOSE PROPOSED AMENDMENTS. AND BECAUSE THE COUNCIL IS OPEN TO HEARING THOSE AMENDMENTS, IT'S A MUCH CHEAPER ROUTE THAN GOING TO THE COURTS. SO INSTEAD OF SUING THE COUNTY, WE HAVE HEARD THE COUNCIL SAY THAT WE'RE OPEN TO AMENDMENTS. I'M GOING TO SUPPORT PASSING THE LEGISLATION INTO LAW TODAY, AND HOPE THAT REALLY LIGHTS A FIRE FOR THOSE THAT ARE ASKING FOR SPECIFIC AMENDMENTS. BECAUSE I'M OPEN TO THAT. I'M NOT AGAINST HEARING ANY AMENDMENTS TO IT.\r\n\r\nAND SO MAHALO, CHAIR. >> ANYBODY ELSE? MEMBER SUGIMURA. >> THANK YOU. SO I HAVE AN AMENDMENT. >> OKAY. >> OKAY.\r\n\r\nSO I WANT TO AMEND THIS BILL TO INCLUDE ALL RESIDENTIAL. SO I MOVE TO AMEND SECTION 20.30.070A3 TO READ, " NO. 3 NON-OCEAN FRONT AND INCLUDE RESIDENTIAL PROPERTIES AND DELETE "PRIVATE SINGLE-FAMILY, DUPLEX, TRIPLEX AND FOUR- PLEX RESIDENTIAL INCANDESCENT LIGHT FIXTURES, THAT ARE FULLY SHIELDED -- I'M SORRY. THE REST OF THAT PARAGRAPH ACTUALLY SO I WANT TO INCLUDE ALL RESIDENTIAL, AND NOT ONLY -- THANK YOU. >> SECOND FOR DISCUSSION. >> THANK YOU. >> IT'S BEEN MOVED BY MEMBER SUGIMURA AND SECONDED BY PRO TEM KAMA TO AMEND.\r\n\r\nEVERYBODY, DID YOU RECEIVE THE ASF? TO AMEND THE MOTION TO INCLUDE ALL RESIDENTIAL PROPERTIES. >> YES. >> ANY FURTHER DISCUSSION? >> THANK YOU. >> IF I COULD? THE WAY THAT THE BILL IS WRITTEN, IT ALLOWS FOR CERTAIN KINDS OF RESIDENCES, I GUESS.\r\n\r\nSO I WOULD -- I UNDERSTAND THE OCEANFRONT. SO BECAUSE OF THE TURTLES, ALTHOUGH I DON'T THINK TURTLES ARE IN EVERY SINGLE BEACH; RIGHT? BUT SO I'M ADDING RESIDENTIAL PROPERTIES SO WE CAN INCLUDE ALL RESIDENCES NOT TO BE AFFECTED BY THIS BILL. >> YOU ARE TALKING ABOUT EXEMPTING ALL OF THESE PROPERTIES? >> RIGHT. SORRY. >> EXEMPTING.\r\n\r\n>> EXEMPTING THE PROPERTIES: >> ANY MORE DISCUSSION? ANYONE ELSE? MEMBER KING. >> THANK YOU, CHAIR. I SPEAK AGAINST THE MOTION, BECAUSE THIS WILL ALLOW HUGE CONDOS BUILDINGS THAT HAVE RESIDENTIAL UNITS IN THEM. THOSE ARE SOME OF THE PROBLEMS. I HAVE ACTUALLY SPOKEN TO THIS OF THESE FOLKS THAT LIVE IN THE CONDO AND DON'T BELIEVE IT'S A PROBLEM TO COMPLY.\r\n\r\nALTHOUGH I SAW NON-COMPLIANT LIGHTING ON THE BIG ISLAND, I SAW A LOT OF COMPLIANT LIGHTS IN THE WALKWAYS. WE HAD OCS ATTORNEYS AND STAFF GO THROUGH THE BILL AND I THINK WE SHOULD MOVE AHEAD WITH THE BILL AS-IS AND NOT THROW MONKEY WRENCHES IN IT TO RECOMMIT BACK TO COMMITTEE. SO I HOPE WE JUST VOTE ON THE BILL AND MOVE ON. >> ANYONE ELSE? ALL RIGHT, READY FOR THE QUESTION? ROLL CALL. >> COUNCIL MEMBER SHANE SINENCI?\r\n\r\n>> NO. >> COUNCIL MEMBER MIKE MOLINA? >> AYE. >> COUNCIL MEMBER KELLY T. KING? >> NO. >> COUNCIL MEMBER GABE JOHNSON? >> NO.\r\n\r\n>> HE SAID NO. >> COUNCIL MEMBER TAMARA PALTIN? >> MEMBER PALTIN? WE'LL MOVE ON. >> COUNCIL MEMBER YUKI LEI SUGIMURA? >> YES. >> COUNCIL PRO TEM TASHA KAMA?\r\n\r\n>> YES. >> NO. >> WHO WAS THE NO? WOW, THAT WAS A DELAYED REACTION. WE ALREADY HAD YOURS. OKAY. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ?\r\n\r\n>> AYE. >> COUNCIL CHAIR ALICE L. LEE? >> NO. >> TRY MEMBER PALTIN AGAIN. >> COUNCIL MEMBER TAMARA PALTIN? >> ALL RIGHT, MOTION FAILS, 4-4. YES, MEMBER SUGIMURA? >> THANK YOU.\r\n\r\nI HAVE ANOTHER ONE. SO THIS IS, I MOVE TO AMEND SECTION 20.35.070A BY ADDING THE FOLLOWING EXEMPTION: LIGHTING ON FELL AND STATE PROPERTIES AND AREAS UNDER THE JURISDICTION OF THE FEDERAL AND STATE GOVERNMENT INCLUDING, BUT NOT LIMITED TO HAWAIIAN HOMELANDS, STATE CONSERVATION

DISTRICT, AIRPORTS AND HARBORS." I THINK CORP. COUNSEL SAID EARLY ON WHEN WE DISCUSSED IT IN COMMITTEE, THEY BROUGHT UP THE POINT ABOUT FEDERAL AND STATE PROPERTIES THAT WOULD NOT BE EXEMPT BECAUSE IT WAS TAKEN OUT OF BILL. THIS WOULD BE AN EFFORT TO PUT IT BACK IN AND HAVE THEM EXEMPT. >> SECOND FOR DISCUSSION. >> MOVED BY MEMBER SUGIMURA, SECONDED BY PRO TEM KAMA TO PASS THIS AMENDMENT. EVERYBODY GOT THE ASF?\r\n\r\nTO EXEMPT CERTAIN ENTITIES SUCH AS FEDERAL AND STATE PROPERTIES. FURTHER DISCUSSION? MEMBER SUGIMURA. >> I THINK I EXPLAINED IT, BUT. >> OKAY, THAT'S FINE. >> LET'S MOVE ON THEN. MEMBER SUGIMURA -- NOT SUGIMURA.\r\n\r\nSINENCI, I MEAN. >> JUST THANK YOU, CHAIR. JUST FOR CLARIFICATION, IS THIS NOT H, OR LETTER H? I'M NOT SURE IF I GET THE UPDATED ONE. BUT IT LOOKS LIKE H, LIGHTING ON FEDERAL AND STATE PROPERTIES ARE EXEMPTED. >> I THINK THEY HAVE BEEN DELETED FROM THIS BILL. >> MEMBER KING, CAN YOU CLARIFY? >> CAN WE ASK CORP.\r\n\r\nCOUNSEL? >> CHAIR, CAN WE ASK MR. JAMES FORREST TO EXPLAIN WHERE WE'RE AT. >> MR. FORREST, ARE YOU ON THE CALL? MR. FORREST?\r\n\r\nDID YOU HEAR THE QUESTION, MR. FORREST? >> I DID, THANK YOU, CHAIR. THE QUESTION IS THAT WE DIDN'T RECEIVE ANY REQUESTS FROM STATE OR FEDERAL GOVERNMENT TO MAKE THIS EXEMPTION. >> MR. FORREST, ARE THEY ALREADY EXEMPT IN THE BILL? >> I'M NOT QUITE SURE ABOUT THAT.\r\n\r\nI CAN TAKE A LOOK. SORRY, I THOUGHT THE QUESTION WAS WERE THEY CONSULTED? >> NO, THE PROPOSAL IS TO EXEMPT FEDERAL AND STATE PROPERTIES. SO THE QUESTION THAT CAME UP IS ARE THEY ALREADY EXEMPTED IN THIS BILL? IN THIS PROPOSED BILL? DO YOU NEED SOME TIME, MR. FORREST?\r\n\r\nTEN MINUTES? >> YES, THANK YOU VERY MUCH. >> OKAY. FIVE MINUTES. MEETING IN RECESS UNTIL 11:02. [GAVEL] [GAVEL] WILL THE COUNCIL MEETING OF 10/10 PLEASE RECONVENE AND WE LEFT OFF WITH COUNSEL STAFF JAMES FORREST. MR. FORREST.\r\n\r\n>> THANK YOU, CHAIR. I WAS A LITTLE CONFUSED, BECAUSE STATE PROPERTY IS EXEMPT BECAUSE OF THE SPORTS. THE CURRENT BILL HAS ALWAYS DELETED LETTER H, WHICH IS THE PRIOR EXEMPTION FOR FEDERAL AND STATE PROPERTIES. OKAY? SO THE AMENDMENT WOULD BE TO PUT THE LANGUAGE BACK IN. TWO COMMENTS ON THAT. LAND SUCH AS AIRPORTS AND HARBORS, THEIR LAWS ARE GOING TO PREEMPT OUR LAWS.\r\n\r\nAND THEN LOOK AT THE ASF, IT SAYS THE PURPOSE IS TO AVOID POSSIBLE LITIGATION. THAT IS TRUE. ON THE OTHER HAND, AS A COMPONENT OF THE COUNCIL'S POWER AND LOCAL CONTROL, IT WOULD BE CONSISTENT WITH LOCAL CONTROL NOT TO EXEMPT THEM, BUT LET THEM HAVE THEIR, YOU KNOW, OBVIOUSLY, THE AIRPORTS HAVE THEIR RULES ALREADY. SO IF THERE WAS TRULY A CONFLICT THAT WOULD BE HAMMERED OUT IN COURT. WHAT I'M SAYING IF YOU EXEMPT THEM, YOU GIVE UP A LITTLE BIT MORE LOCAL CONTROL. IF YOU EXEMPT THEM COMPLETELY, YOU KNOW, BASICALLY, I DON'T THINK THERE'S MUCH EFFECT EITHER WAY. IT'S A NARROW EXEMPTION.\r\n\r\n>> THANK YOU. MEMBER SUGIMURA. >> CORP. COUNSEL, STATE AND FEDERAL DOES NOT ONLY MEAN AIRPORTS AND HARBORS, BUT THE HIGH SCHOOLS, ALL THE SCHOOLS; RIGHT? KAMEHAMEHA, LAHAINALUNA AND ALL START PROPERTIES, ALL FEDERAL PROPERTIES AND INCLUDING THE BRAND-NEW HIGH SCHOOL NOW HAS TO MAKE SOME CHANGES. SO THAT IS THE BIGGER PICTURE. IF WE COULD HAVE CORP.\r\n\r\nCOUNSEL WHITAKER, IF YOU WOULDN'T MIND, CHAIR. >> MR. WHITAKER. >> THANK YOU, CHAIR. COUNCIL MEMBER SUGIMURA IS CORRECT, THIS IS A LITTLE BIT BROADER THAN WHAT IS IN THE BILL. THE EXEMPTING ORDINANCE DOES EXEMPT FEDERAL AND STATE PROPERTIES INCLUDING AIRPORTS AND HARBORS. I PRESUME YOUR INTENT IS NOT TO REGULATE THE RUNWAY LIGHTS AT THE AIRPORT.\r\n\r\nYOU KNOW? BECAUSE AS MR. FORREST INDICATED THAT WOULD BE PREEMPTED. SO WE'D RATHER NOT HAMMER THIS OUT IN COURT. THANK YOU. >> ANY MORE DISCUSSION? VICE-CHAIR RAWLINS-

FERNANDEZ.\r\n\r\n>> MAHALO, CHAIR. QUICK QUESTION FOR MR. WHITAKER. MR. WHITAKER, IF IT'S PREEMPTED, WHY WOULD IT GO TO COURT? IT'S PREEMPTED? >> WELL, IT'S IN THE EXISTING LAW.\r\n\r\n>> MR. WHITAKER. >> THANK YOU. OF COURSE, THE ENFORCEMENT IS UP TO THE PUBLIC WORKS DEPARTMENT; RIGHT? AS WE HEARD EARLIER TODAY, PRIMARILY THE WAY THEY ENFORCE IS THROUGH COMPLAINTS. THEY RECEIVE ONE COMPLAINT ABOUT A GOLF COURSE. SO THAT IS WHY WE DON'T SEE ENFORCEMENT ELSEWHERE.\r\n\r\nSO THIS JUST CLARIFIES THAT THEY ARE NOT GOING TO BE ENFORCING ON FEDERAL OR STATE PROPERTIES WHERE THERE IS PREEMPTION. YOU COULD TAKE OUT STATE, IF YOU WOULD LIKE TO AS A COMPROMISE? STATE LAW DOES ALLOW FOR ADDITIONAL REGULATION, AND YOU HAVE ALREADY EXEMPTED SCHOOL ATHLETIC FACILITIES. HAVING THE FEDERAL EXEMPTION IN THE LAW IS HELPFUL. SO THAT TELLS THE ENFORCEMENT THEN WHERE THEY CAN AND CANNOT ENFORCE. VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO FOR YOUR RESPONSE, MR.\r\n\r\nWHITAKER. I GUESS I STILL DON'T UNDERSTAND IF IT'S PREEMPTED, THEN THEY WOULD BE PREEMPTED FROM ENFORCING, NO? IF THE QUESTION IS ABOUT ENFORCEMENT. >> MR. WHITAKER. >> PRESUMING THE PUBLIC WORKS DEPARTMENT DOES NOT ENFORCE ON FEDERAL PROPERTIES, THEN THE ISSUE MAY NEVER ARISE. HOWEVER, IF THEY ARE ALLOWED TO UNDER THE LAW, YOU ARE TAKING OUT AN EXISTING EXEMPTION, THE PRESUMPTION COULD BE MADE THE INTENTION IS TO ENFORCE.\r\n\r\nJORDAN MOLINA WON'T BE THE DIRECTOR AND OTHER DIRECTOR COULD ENFORCE TEN YEARS FROM NOW. IT'S JUST ADDING CLARITY. BUT YOU'RE RIGHT, IF THE PUBLIC WORKS DEPARTMENT DOESN'T ENFORCE AT THE AIRPORTS, IT WON'T BE AN ISSUE. >> MAHALO, MR. WHITAKER. MAHALO, CHAIR. >> MEMBER MOLINA.\r\n\r\n>> IF I MAY ASK THE MAKER OF THE AMENDMENT, DID YOU CONTACT OFFICIALS WITH THIS CONCERN AND THE REASON WHY YOU WANT US TO CONSIDER THIS AMENDMENT. >> STATE? >> STATE. >> AND WHO FROM THE STATE? D.O.T.? DLNR? >> SO I DID SPEAK WITH LEGISLATIVE REPRESENTATIVES ASKING WHAT WE'RE DOING? AND WHY?\r\n\r\nAND CONCERNED ABOUT HOW IT WOULD AFFECT -- I MEAN I KNOW WE EXEMPTED STADIUMS, AND FACILITIES LIKE THAT BASED UPON THE TESTIMONY THAT WE GOT FROM THE SPORTS OR MIL. BUT THERE'S A BIGGER STATE OUT THERE, WHICH IS -- I MEAN, BIGGER PROPERTIES OUTSIDE, OR YOU KNOW, AS PART OF THIS, AND NOT ONLY THE SPORTING ACTIVITIES. SO YES. >> SO JUST TALK TO ELECTED OFFICIALS, BUT NOT TO DIRECTORS PER SE. WHO ARE THE STATE REPRESENTATIVES? >> I WOULD RATHER NOT GIVE THEIR NAMES, BUT I CAN TELL YOU PRIVATELY. >> KIND OF LIKE TO HEAR IT ON THE RECORD.\r\n\r\nOKAY. THANK YOU, MADAM CHAIR. >> I THINK IT CAME OUT IN THE NEWS; RIGHT? OVER THE WEEK. THAT IS WHAT PROMPTED THE CONVERSATION. >> MEMBER TASHA KAMA AND MEMBER KING. >> THANK YOU, CHAIR.\r\n\r\nSO I THINK I JUST WANT TO ASK THE QUESTION, WHERE DOES THE HAWAIIAN HOMELANDS PROPERTY FALL IN THIS? BECAUSE THEY HAVE GOT IMMUNITY ON THEIR PROPERTIES THAT THEY USE FOR FUNCTIONS AND THEY HIRE EVENT ACTIVITIES SUCH AS ENVISIONS AND LIGHTING COMPANIES LIKE THAT WHEN THEY DO THEIR WEDDINGS AND THEIR LUAUS AND THINGS LIKE. WHERE DO THEY LAND IN ALL OF THIS? >> CHAIR. >> MEMBER KING. >> I BELIEVE, AND MR. FORREST CAN CORRECT ME IF I'M WRONG.\r\n\r\nTHEY'RE EXEMPTED BECAUSE THEY ARE NOT A HOTEL. ALL PRIVATE AND NONPROFIT ORGANIZATIONS HAVE BEEN EXEMPTED FOR SPECIAL EVENTS. AND THE ONLY THINGS THAT WE LEFT IN THERE WERE HOTELS AND TRANSIENT ACCOMMODATIONS. THAT WAS A MOTION MADE BY MEMBER SUGIMURA AND INFORMED BY MEMBER PALTIN. I DO HAVE A COMMENT, CHAIR. >> YES? >> THIS FEELS LIKE A FILIBUSTER, STALL TACTIC AND THESE AMENDMENTS ARE COMMITTEE WORK.\r\n\r\nWE HAVE ALREADY MADE UP A MOTION TO RECOMMIT IT THAT FAILED. I WOULD LIKE US TO NOT DO COMMITTEE WORK HERE. WE HAVE ALL TALKED ABOUT THE FACT THAT WHEN IT COMES TO SECOND AND FINAL READING TO BE ABLE TO DEBATE IT AND MOVE ON. WE HAVE ALREADY LOST A

COUPLE OF COUNCIL MEMBERS AND LET'S GET TO THE POINT WE CAN VOTE ON THE MAIN MOTION. >> WELL, I HAVE CHECKED WITH MR. RAATZ, AND APPARENTLY, THERE'S NO LIMIT ON THE AMOUNT OF AMENDMENTS THAT CAN BE MADE. >> I UNDERSTAND THAT, CHAIR.\r\n\r\nI'M JUST ASKING OUR COUNCIL MEMBERS, MY COLLEAGUES, TO PLEASE RESPECT WHAT WE HAVE TALKED ABOUT IN THE PAST. ALL OF THESE THINGS WE HAD AN OPPORTUNITY TO ADD TO THE BILL IN THE PAST SEVERAL TIMES WHEN IT'S BEEN IN COMMITTEE MORE THAN TWO TIMES WE HAD THIS DISCUSSION AND BEEN IN COUNCIL FOR FIRST READING TWICE. AND TO HAVE THESE COME UP AT THE LAST-MINUTE, WHEN WE KNOW THAT COUNCIL MEMBERS HAVE TO LEAVE, JUST FEELS A LITTLE BURDENSOME ON THIS COUNCIL, AND IN VIOLATION OF OUR AGREEMENT TO NOT DO COMMITTEE WORK AT SECOND AND FINAL READING. SO I JUST WANT TO MAKE THAT PLEA TO EVERYBODY. CAN WE GET PAST THIS AMENDMENT AND MOVE ON AND VOTE ON THE MAIN MOTION AS AMENDED? >> WELL, THAT IS GOING TO BE UP TO THE MEMBERS TO DO THAT, BECAUSE THERE'S NO RULE AGAINST THEM MAKING AMENDMENTS. >> CALL FOR THE QUESTION THAT IS ON THE FLOOR, PLEASE.\r\n\r\n>> DISCUSSION IS STILL OPEN, I'M AFRAID. MEMBER SUGIMURA. >> THANK YOU, I JUST WANT TO SPEAK FOR MYSELF I'M NOT TRYING TO FILIBUSTER THE BILL AS COUNCIL MEMBER PALTIN TRIED TO DO WITH HER MOTION TO RECOMMIT. I THINK THERE'S MORE DISCUSSION TO BE HAD. I'M CONCERNED ABOUT OUR RESIDENTS AND CONCERNED ABOUT THE SMALL BUSINESSES THAT I READ EARLIER AND HAWAIIAN HOMELAND IS STATE PROPERTY AND THEY WILL BE AFFECTED, TOO. THEY ARE A BIG SWEEP OF IMPACT THAT THIS HAS THAT I THINK I'M JUST TRYING TO BE SENSITIVE TO IT AND ASKING THE MOTIONS, ASKING THE MEMBERS TO JOIN IN THIS DISCUSSION. SO THAT WE CAN HAVE A BETTER BILL.\r\n\r\nTHANKS. >> ANY MORE DISCUSSION? IF NOT, ROLL CALL. >> COUNCIL MEMBER SHANE SINENCI? >> NO. >> COUNCIL MEMBER MIKE MOLINA? >> NO.\r\n\r\n>> COUNCIL MEMBER KELLY T. KING? >> NO. >> COUNCIL MEMBER GABE JOHNSON? >> COME BACK TO HIM. >> COUNCIL MEMBER TAMARA PALTIN? COUNCIL MEMBER YUKI LEI SUGIMURA? >> YES.\r\n\r\n>> COUNCIL PRO TEM TASHA KAMA? >> YES. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ? >> >> NO. >> >> COUNCIL CHAIR ALICE L. LEE? >> NO. >> THAT IS FIVE NOS, THREE AYES, AND TWO EXCUSED.\r\n\r\nOR ABSENT. >> WHO ARE THE THREE AYES? >> TWO AYES. >> TWO AYES AND TWO EXCUSED. OKAY. MOTION FAILS. BACK TO THE MAIN MOTION, I BELIEVE.\r\n\r\nAND THE MAIN MOTION IS TO PASS THIS BILL ON FIRST READING -- >> SECOND READING. >> SECOND READING. I'M SORRY. SECOND READING. VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO, CHAIR. IN SECTION 4, IT SAYS NONPROFIT ORGANIZATION PROPERTIES AND COUNTY'S PARKS AND FACILITIES AS PART OF THE CONCERN THAT MEMBER SUGIMURA HAS ABOUT HAWAIIAN HOMES PARKS AND FACILITIES, I THINK IT CAN BE ADDRESSED THERE, WHERE WE CAN AMEND "COUNTY PARKS AND FACILITIES," TO "COUNTY AND DEPARTMENT OF HAWAIIAN HOMELANDS PARKS AND FACILITIES." >> IS THAT A MOTION?\r\n\r\n>> I'M OPEN TO HEARING WHAT MEMBER KING HAS BEFORE I MAKE THAT A MOTION, CHAIR. >> MEMBER KING. >> I BELIEVE, CAN WE ASK MR. FORREST TO CONFIRM? BECAUSE I BELIEVE THEY ARE ALREADY EXEMPT UNDER THE FACT THAT THEY ARE NOT A HOTEL, OR SHORT-TERM RENTAL, OR VACATION RENTAL. HE CAN EXPLAIN IT PROBABLY BETTER. >> MR.\r\n\r\nFORREST. >> THANK YOU, CHAIR. CAN I HAVE MS. RAWLINS-FERNANDEZ REPEAT HER QUESTION? >> CAN YOU REPEAT YOUR QUESTION? >> MAHALO, CHAIR. SO IN SECTION 4, THAT IS 20.35.070 "EXCEPTIONS." NO.\r\n\r\n4. LIGHTING FOR NIGHT SUPPORTING EVENTS AND PERMITTED SPECIAL EVENTS TOWARD THE MIDDLE IT SAYS, "NONPROFIT ORGANIZATIONS PROPERTIES, AND COUNTY AND PARKS FACILITIES." DHHL IS NOT A NONPROFIT OR STATE DEPARTMENT OF EDUCATION PROPERTY'S PRIVATE SCHOOL PROPERTIES. SO MY THOUGHT WAS TO EITHER PUT DHHL WITH COUNTY PARKS AND FACILITIES, OR IT JUST SAYS "STATE DEPARTMENT OF EDUCATION PROPERTIES," AND NOT DHHL. SO IT

DOESN'T EXTEND TO THAT AGENCY. >> MR. FORREST. >> I SEE WHAT YOU ARE DOING NOW -- IF IT'S NOT CLEAR THAT HAWAIIAN HOMELANDS ARE COVERED, THEN THAT WOULD ACCOMPLISH THAT GOAL. SO JUST FOR CLARITY, I THINK THAT -- IF NOT COVERED ALREADY, THEN IT WILL BE COVERED, THAT LANGUAGE WOULD COVER IT.\r\n\r\n>> MAHALO, MR. FORREST. CHAIR? OKAY, I WILL MAKE THAT AMENDMENT. I MOVE TO AMEND SECTION 4 TO INCLUDE "DEPARTMENT OF HAWAIIAN HOMELANDS PARKS AND FACILITIES." >> SECOND. >> MOVED BY VICE-CHAIR RAWLINS-FERNANDEZ AND SECONDED BY MEMBER KAM TO YOU TO AMEND SECTION 4 WITH THE LANGUAGE STATED BY THE VICE-CHAIR. DISCUSSION, VICE-CHAIR?\r\n\r\n>> MAHALO, CHAIR. I THINK I SAID ENOUGH. THIS WOULD CLARIFY WHAT WE INTENDED TO INCLUDE, COMMUNITY CENTERS THAT ARE ON DHHL LAND, WITH THE COUNTY COMMUNITY CENTERS. IT LOOKS LIKE THAT WAS WHAT WE INTENDED. MAHALO, CHAIR. >> ANY MORE DISCUSSION? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR HAND AND SAY AYE?\r\n\r\n>> AYE. >> ALL RIGHT, I SEE, ONE, TWO, THREE -- SEVEN AYES. TWO EXCUSED. MOTION CARRIES. NOW THE MAIN MOTION AS AMENDED. MEMBER SUGIMURA. >> SO IF WE'RE GOING TO DO THAT BY INCLUDING HAWAIIAN HOMELANDS IN THAT SECTION, AS MY MOTION STATES WAS NOT ONLY FOR HAWAIIAN HOMELANDS, BUT STATE CONSERVATION DISTRICTS, AIRPORTS, HARBORS AND SCHOOLS, INCLUDE "SCHOOLS." BECAUSE I THINK EXAMPLES OF ALL OF THE DIFFERENT SCHOOLS THAT WILL BE AFFECTED BY THIS LAW, IF WE'RE GOING TO TRY TO PASS THIS TODAY, THEN THAT IS A BIG CONCERN, BECAUSE IT WILL AFFECT BUDGETS FOR THE LEGISLATURE, OR FOR THE STATE, YOU KNOW?\r\n\r\nBY HAVING TO CONFORM TO THIS NEW LEGISLATION. >> RIGHT. MEMBER SUGIMURA, WE TOOK THAT VOTE. WE TOOK THAT VOTE. >> I AGREE. BUT IF WE'RE GOING TO ADD HAWAIIAN HOMELANDS TO THAT SECTION, BECAUSE OF MY MOTION, WHICH FAILED, I UNDERSTAND IT FAILED. I'M JUST SAYING NOW ADD THE OTHER STATE PROPERTIES AFFECTED.\r\n\r\nIF WE'RE GOING TO PIECEMEAL THINGS INTO THE LAW, LET'S PIECEMEAL IT CONSISTENTLY BY ADDING "SCHOOLS." ALL PUBLIC SCHOOLS. >> MAHALO, CHAIR. IN THE SECTION THAT I READ, SECTION 4, IT DOES INCLUDE SCHOOLS, STATE DEPARTMENT OF EDUCATION PROPERTIES. IN SECTION 5, IT ALSO INCLUDES AIRPORTS, AVIATION OBSTRUCTION LIGHTING USED TO ENHANCE VISIBILITIES OF STRUCTURES TO SAFELY NAVIGATE AIRCRAFTS. SO FOR THOSE TWO CONCERNS, THEY SEEM TO BE ADDRESSED IN THE BILL. MAHALO, CHAIR. >> MEMBER SUGIMURA.\r\n\r\n>> I THINK THAT SCHOOLS WERE INCLUDED TO ADDRESS THE NEEDS OF -- OR THE CONCERNS THAT WERE BROUGHT FORWARD BY MIL. BUT IF IT DOES INCLUDE ALL SCHOOLS, AND IF IT'S GOING TO ADDRESS IT, SO THAT NONE OF THEM HAVE TO COMPLY WITH THIS ORDINANCE, THEN IT WOULD BE AGREEABLE TO ME. PLEASE HAVE SOMEBODY LEGAL CONFIRM. >> MR. FORREST? MR. FORREST.\r\n\r\nDID YOU HEAR THE DISCUSSION? >> I'M SORRY, CHAIR. CAN COUNCIL MEMBER SUGIMURA REPEAT HER QUESTION. >> MEMBER SUGIMURA, CAN YOU REPEAT YOUR QUESTION TO MR. FORREST? >> I THINK KEANI SAID ALL SCHOOLS WERE INCLUDED AS AN EXEMPTION. I WAS UNDER THE IMPRESSION IT WAS PRIMARILY THE STADIUMS THAT WOULD BE AFFECTED BASED UPON THE TESTIMONY RECEIVED IN COMMITTEE.\r\n\r\nBUT IF IT'S ALL SCHOOLS, EVERY SINGLE SCHOOL WILL NOT BE IMPACTED AND I HOPE WE INCLUDE ST. ANTHONY AND KAMEHAMEHA, BECAUSE THEY ARE PART OF THE SCHOOL SYSTEM THAT ARE IMPACTED, BUT THEY ARE NOT STATE FACILITIES. MAYBE WE COULD INCLUDE THAT EXEMPTION? >> MR. FORREST. >> THANK YOU, CHAIR. YES, SECTION 4 RELATES TO THE SPORTING EVENTS, AND THE SPECIAL EVENTS.\r\n\r\n>> ONLY THAT, IS THAT WHAT HE IS CONFIRMING? >> IT INCLUDES THE SPECIAL EVENTS AND SPORTING EVENTS. >> RIGHT. THAT IS WHAT I THOUGHT. BUT I MEANT THE WHOLE SCHOOL. >> MR. FORREST?\r\n\r\nMR. FORREST? SHE ASKED ABOUT THE WHOLE SCHOOL, ALL ACTIVITIES? >> OKAY. THANK YOU, CHAIR. NO, SECTION 4 DOES NOT RELATE TO ALL SCHOOLS, BUT RELATES TO SPORTING EVENTS AND SPECIAL EVENTS. >> MEMBER

KING.\r\n\r\n>> THANK YOU, CHAIR. WE HAVE BEEN APPROACHED BY MANY SCHOOL GROUPS IN SUPPORT OF OUR ENVIRONMENTAL BILL. SO I DON'T THINK IT'S A PROBLEM. I HAVEN'T HAD ANY SCHOOL CONTACT ME; I THINK MR. FORREST HAS ABOUT WANTING OTHER ACTIVITIES EXEMPTED. MOST SCHOOL EVENTS ARE DURING THE DAY ANYWAY. YOU KNOW, WE RESPONDED TO THE COMPLAINTS THAT WE GOT ABOUT -- WELL, ACTUALLY, EVEN BEFORE WE PASSED THE FIRST VERSION OF THE BILL, WE PUT IN THOSE EXEMPTION BECAUSE THAT IS WHAT WE HEARD ASKED FOR.\r\n\r\n\r\nWE HAVE ALREADY ADDRESSED A PROPOSAL ABOUT THIS. I DON'T THINK WE SHOULD BE DEBATING SOMETHING THAT WE ALREADY VOTED ON. I WOULD RATHER MOVE AHEAD. WE HAVE PASSED VICE-CHAIR RAWLINS-FERNANDEZ' PROPOSAL, AND I HOPE WE CAN JUST GET BACK TO THE MAIN MOTION NOW AS AMENDED. >> VICE-CHAIR RAWLINS-FERNANDEZ, DID YOU HAVE YOUR HAND UP? >> MAHALO, CHAIR. I DID NOT HAVE MY HAND UP.\r\n\r\n\r\nI WILL ADD, IT ALSO INCLUDES PRIVATE SCHOOLS TO ADDRESS MEMBER SUGIMURA'S CONCERN THAT SHE BROUGHT UP. MAHALO, CHAIR. >> ANYBODY ELSE? PRO TEM KAMA. >> THANK YOU, CHAIR. SO MY UNDERSTANDING IN TERMS OF WHAT I ACTUALLY HEARD FROM MR. FORREST WAS THAT ALL OF OUR PUBLIC SCHOOLS PRIVATE SCHOOLS, CHARTER SCHOOLS, IMMERSION SCHOOLS ARE ALL EXEMPT FROM THIS LIGHTING ORDINANCE?\r\n\r\n\r\nIS THAT CORRECT UNDERSTANDING THAT NOT THE MIL EVENTS OR THE SPORTS EVENTS, BUT THE SCHOOL ITSELF WHEN IT DOES HAVE A GRADUATING EVENT, OR SOME KIND OF EVENT, THAT THEY ARE NOT GOING TO BE HELD TO THESE LIGHTING ORDINANCES? AND A LOT OF IMMERSION SCHOOLS HOLD THEIR PROGRAMS AT NIGHT. >> MR. FORREST. >> THANK YOU, CHAIR. YES. AN EVENT SUCH AS AN GRADUATION EVENT WOULD BE COVERED UNDER THAT EXEMPTION.\r\n\r\n\r\nAND THAT LANGUAGE, I BELIEVE, CAME FROM PARKS AND RECREATION. THEY HAVE A SPECIAL EVENT PROCESS. SO EVENTS USUALLY REQUIRED -- IF THEY ARE REQUIRED TO HAVE A PERMIT, THAT WOULD BE PART OF THE PERMITTING PROCESS. BUT YES, SO IF YOU HAVE A GRADUATION EVENT, AT A SCHOOL PROPERTY, IT WILL BE EXEMPT. >> AND IF THE GRADUATION EVENT IS NOT ON SCHOOL PROPERTY, HOW IS THAT COVERED? >> CHAIR, IF IT'S- JUST TO BE CLEAR, IF IT WAS ON OTHER NON-PROFIT PROPERTY, I THINK IT WOULD NOT BE EXEMPT IF IT WAS ON PRIVATE PROPERTY. IT WOULD HAVE TO COMPLY WITH THE RULES OF OTHER PRIVATE PROPERTIES.\r\n\r\n\r\nSO IF IT'S ON COUNTY FACILITIES, OR NON-PROFITS, THEN YOU'RE COVERED. >> OKAY. THANK YOU. THANK YOU, CHAIR. >> ANY OTHER QUESTIONS? IF NOT, LET'S HAVE THE MAIN MOTION AS AMENDED. ROLL CALL.\r\n\r\n\r\n>> CHAIR? EXCUSE ME, CHAIR? >> YES. >> STAFF WOULD JUST POINT OUT THAT THE BILL HAS BEEN AMENDED. SO UNDER RULE 19C, YOU CAN'T TAKE FINAL ACTION TODAY UNLESS YOU WAIVE RULE 19C, AND THAT WOULD BE TECHNICALLY THE TERM IS TO SUSPEND THE RULES UNDER RULE 14B. THANK YOU. >> THANKS FOR THAT CLARIFICATION. MEMBER KING.\r\n\r\n\r\n>> THANK YOU, CHAIR. I MOVE TO SUSPEND RULE -- WHAT WAS THAT? >> 19C. >> TO PASS THIS BILL. >> SECOND. >> SECOND. >> MOVED BY MEMBER KING, SECONDED BY VICE-CHAIR RAWLINS-FERNANDEZ TO SUSPEND RULE 19C. ANY MORE DISCUSSION ON THIS? IF NOT, ALL THOSE -- WELL, ROLL CALL.\r\n\r\n\r\n>> COUNCIL MEMBER SHANE SINENCI? >> AYE. >> COUNCIL MEMBER MIKE MOLINA? >> AYE. >> COUNCIL MEMBER KELLY T. KING? >> AYE. >> COUNCIL MEMBER GABE JOHNSON?\r\n\r\n\r\n>> EXCUSED. >> COUNCIL MEMBER TAMARA PALTIN? >> EXCUSED. >> COUNCIL MEMBER YUKI LEI SUGIMURA. >> NO. >> COUNCIL MEMBER TASHA KAMA -- I'M SORRY, COUNCIL PRO TEM TASHA KAMA. >> NO.\r\n\r\n\r\n>> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ? >> AYE. >> AND COUNCIL CHAIR ALICE L. LEE? >> AYE. >> THAT'S FIVE AYES, TWO NOS, AND TWO EXCUSED. MOTION CARRIES. >> ALL RIGHT, SO THE RULE HAS BEEN SUSPENDED.\r\n\r\n\r\nAND SO WE MAY CONTINUE. >> CHAIR? >> VICE-CHAIR RAWLINS-FERNANDEZ. >> CAN WE GET A CLARIFICATION ON THE SUSPENSION OF RULE 19C? >> OH, THAT'S RIGHT. MR. RAATZ. >> THANK YOU,

CHAIR.\r\n\r\nRULE 14B DOES SPECIFY THAT SIX VOTES ARE REQUIRED TO SUSPEND THE RULES. >> WELL, I'M AFRAID THAT THEN THE MOTION FAILS. BECAUSE WE NEEDED SIX VOTES, NOT FIVE. >> CHAIR? >> YES, MEMBER KING? >> I WILL MAKE ONE MORE ATTEMPT TO GET IT THROUGH THE FINISH LINE TODAY AND ASK FOR RECONSIDERATION OF THE LAST AMENDMENT WE MADE, BECAUSE IT'S NOT REALLY AN ISSUE, PUTTING IN FOR CLARIFICATION AND IF WE TAKE THAT OUT, WE CAN TAKE THE VOTE TODAY, BECAUSE THERE WON'T BE ANY MORE AMENDMENT. >> IS IT ON THE OTHER SIDE THAT WOULD REQUIRE THE RECONSIDERATION?\r\n\r\n>> I THINK ANYBODY WHO VOTED FOR IT CAN CALL FOR RECONSIDERATION. >> COUNCIL MEMBER KING IS CORRECT. >> OKAY ALL RIGHT. SO THERE'S A MOTION NOW FOR RECONSIDERATION, AND WE NEED A SECOND. >> MOVED BY MEMBER KING, SECONDED BY MEMBER SINENCI TO RECONSIDER THE LAST VOTE. >> CHAIR? >> ON THE SUSPENSION OF RULE 19C. YES, MEMBER KING.\r\n\r\n>> MY CONSIDERATION WAS TO RECONSIDER THE LAST VOTE, THE LAST AMENDMENT THAT WAS MADE BY MEMBER RAWLINS-FERNANDEZ, BECAUSE THAT WAS A CLARIFYING -- YOU KNOW, WE ALREADY HEARD THAT THE STATE AND FEDERAL HARBORS ARE EXEMPT AND PUT THAT IN FOR CLARIFICATION, BUT NOW WE DON'T HAVE THE OTHER TWO MEMBERS WILLING TO GO AHEAD WITH THE VOTE TODAY. SO IF WE JUST RECONSIDER THAT AMENDMENT, AND LEAVE IT CAN BE THAT COULD BE DONE AT A LATER DATE AT SOME POINT. IF WE COULD RECONSIDER THAT AMENDMENT, WE COULD VOTE THIS BILL OUT TODAY, BECAUSE THERE WON'T BE ANY CHANGES TO IT. >> ALL RIGHT. ANY MORE DISCUSSION? MEMBER SUGIMURA. >> IN OTHER WORDS, YOU ARE SAYING THAT TO DELETE, THE AMENDMENT THAT KEANI RAWLINS-FERNANDEZ MADE FOR CLARIFICATION ON ADDING HAWAIIAN HOMELANDS >> CORRECT.\r\n\r\n>> IS THAT THE MOTION? >> YES. >> I SEE WHAT YOU'RE SAYING. >> ANY MORE DISCUSSION? VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO, CHAIR. I WILL SUPPORT THE MOTION, AND INTRODUCE THAT AMENDMENT IMMEDIATELY.\r\n\r\nSO THAT IT CAN APPLY. I UNDERSTAND WHAT MEMBER KING IS EXPLAINING THAT SINCE WE DON'T HAVE THE SIX VOTES TO SUSPEND RULE 19C, THAT SINCE MY AMENDMENT WAS THE ONLY AMENDMENT THAT WAS PASSED THAT WOULD PROHIBIT US FROM TAKING ACTION ON SECOND AND FINAL TODAY, THAT WE WOULD RECONSIDER THAT AND THERE WOULD BE NO AMENDMENTS TO THE BILL. SO THAT WE CAN PASS THE BILL ON SECOND AND FINAL WITHOUT SUSPENDING RULE 19C. SO I'M SUPPORTIVE OF THIS MOTION. MAHALO, CHAIR. >> ANY MORE COMMENTS? MEMBER SUGIMURA. >> SO I'M SPEAKING AGAINST THE MOTION, BECAUSE I BELIEVE THAT THE AMENDMENTS THAT I MADE ARE VALID IN WHOLE, AND WE'RE TRYING TO PICK AND CHOOSE, AND MAKE IT AMENABLE TO PASS IT TODAY.\r\n\r\nBUT I DON'T AGREE. SO THANKS. >> ANY MORE DISCUSSION? IF NOT, ROLL CALL. >> COUNCIL MEMBER SHANE SINENCI? >> AYE. >> COUNCIL MEMBER MIKE MOLINA?\r\n\r\n>> AYE. >> COUNCIL MEMBER KELLY T. KING? >> AYE. >> COUNCIL MEMBER GABE JOHNSON? >> EXCUSED. >> COUNCIL MEMBER TAMARA PALTIN? >> EXCUSED.\r\n\r\n>> COUNCIL MEMBER YUKI LEI SUGIMURA? >> NO. >> COUNCIL PRO TEM TASHA KAMA? >> NO. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ? >> AYE. >> AND COUNCIL CHAIR ALICE L. LEE?\r\n\r\n>> AYE. >> THAT IS FIVE AYES, TWO NOS, AND TWO EXCUSED. >> MOTION FAILS. MOVING BACK TO -- I MEAN THE MOTION PASSES. TO REMOVE THE AMENDMENT. NOW WE'LL GO BACK TO THE MAIN MOTION. VICE-CHAIR RAWLINS-FERNANDEZ.\r\n\r\n>> MAHALO, CHAIR. I WITHDRAW MY MOTION ON THE FLOOR. >> IS THERE A SECOND -- OH, YOU CAN JUST WITHDRAW. >> I WITHDRAW MY SECOND. >> WHO SECONDED IT? WAS IT YOU, MEMBER KING, WHO MADE THE SECOND? >> I THOUGHT I DID.\r\n\r\nBUT I THINK, CHAIR IT'S NOT REQUIRED TO HAVE THE SECONDER WITHDRAW AS LONG AS THE MAIN MOTION IS WITHDRAWN. >> JUST WANTED TO BE SURE. MR. RAATZ? >> AS PRESIDING OFFICER, YOU HAVE THE CALL, CHAIR, WHETHER YOU WANT TO RECOGNIZE THE WITHDRAWAL OR NOT? >> WELL, THE QUESTION WAS IF THE MAKER OF THE MOTION WITHDREW, DOES THE SECONDER HAVE

TO WITHDRAW? >> THANK YOU, CHAIR TECHNICALLY THE MOTION BELONGS TO THE BODY AND IT'S NOT INCUMBENT TO HAVE THE SECONDER AGREE TO THE WITHDRAWAL.\r\n\r\n>> SO ONLY THE PERSON WHO MADE THE MOTION CAN WITHDRAW, AND THEN BACK -- SO IT NULLIFIES THAT MOTION AND AMENDMENT. >> I BELIEVE, CHAIR, AS THE PRESIDING OFFICER, HAVE THE AUTHORITY. WE CAN LOOK UP IN ROBERT'S, BUT IT'S NOT A REQUIREMENT. >> IF YOU ARE ABSOLUTELY SURE, THE CHAIR SAYS WE'LL MOVE ON, AND WE'LL REMOVE THAT MOTION FROM THE RECORD. OKAY. SO THAT MOTION NO LONGER EXISTS. MR.\r\n\r\nRAATZ, WE'RE BACK TO THE MAIN MOTION. >> THAT'S CORRECT, CHAIR. >> ALL RIGHT, MEMBERS. READY FOR THE MAIN MOTION? >> YES. >> ROLL CALL. >> >> COUNCIL MEMBER SHANE SINENCI?\r\n\r\n>> AYE. >> COUNCIL MEMBER MIKE MOLINA? >> AYE. >> COUNCIL MEMBER KELLY T. KING? >> AYE. >> COUNCIL MEMBER GABE JOHNSON? >> EXCUSED.\r\n\r\n>> COUNCIL MEMBER TAMARA PALTIN. >> EXCUSED. >> COUNCIL MEMBER YUKI LEI SUGIMURA? >> NO. >> COUNCIL PRO TEM TASHA KAMA. >> NO. >> COUNCIL VICE-CHAIR KEANI RAWLINS-FERNANDEZ?\r\n\r\n>> AYE. >> AND COUNCIL CHAIR ALICE L. LEE? >> AYE. >> FIVE AYES, TWO NOS, AND TWO EXCUSED. >> ALL RIGHT, THE MOTION PASSES. THAT WAS BILL 21 PASSED ON SECOND AND FINAL READING. >> THANK YOU, MEMBERS.\r\n\r\n>> SHALL WE PROCEED? MADAM CLERK. >> CHAIR? >> YES, MEMBER KING? >> I DO HAVE TO STEP OFF, BECAUSE I HAVE TO GO CATCH A PLANE. I DON'T THINK YOU'LL HAVE A PROBLEM, HOPEFULLY, WITH PASSING THE NEXT FOUR. I SEE MEMBER RAWLINS-FERNANDEZ, THANK YOU EVERYONE FOR THE DISCUSSION AND FOR THE VOTE.\r\n\r\nSEE YOU LATER. HAVE A GREAT WEEK. >> HAVE A GOOD TRIP. MADAM CLERK. >> CONTINUING ON WITH BILL 139 (2022) ENTITLED, "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES, SCHEDULES OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2023, AFFORDABLE HOUSING FUND LAHAINA CROSSROADS APARTMENTS." >> VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO, CHAIR. I MOVE TO PASS BILL 139 ON SECOND AND FINAL READING.\r\n\r\n>> SECOND, SOMEBODY. ALL RIGHT, VICE-CHAIR RAWLINS-FERNANDEZ MOVED TO PASS BILL 139 ON SECOND AND FINAL READING. SECONDED BY PRO TEM KAMA. DISCUSSION? VICE-CHAIR RAWLINS-FERNANDEZ? >> MAHALO, CHAIR. BILL 139 (2022) AMENDS THE FISCAL YEAR 2023 BUDGET APPENDIX A, PART 2 TO ADD AN APPROPRIATION FROM THE AFFORDABLE HOUSING FUND IN THE AMOUNT OF \$11 MILLION FOR THE ACQUISITION OF LAHAINA CROSSROADS APARTMENTS.\r\n\r\n>> ANY MORE DISCUSSION? , >> CHAIR, AT THIS TIME, I WOULD LIKE TO PROCEED WITH A PROPOSED AMENDMENT THAT THE COUNTY CLERK WILL DISTRIBUTE, AND RE-OPEN COUNTY COMMUNICATION 22-247. I MOVE TO SUBSTITUTE BILL 139 (2022) WITH THE BILL ATTACHED TO COUNTY COMMUNICATION 22-247. AND TO FILE COUNTY COMMUNICATION 22-247. >> SECOND. >> OKAY. EVERYBODY GOT THEIR ASFS? DISCUSSION? VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO, CHAIR.\r\n\r\nAGAIN, AS I SPOKE TO EARLIER, THE ONLY CHANGE IN THE PROPOSED FD 1 VERSION OF THE BILL THAT INSERT OF "AND TMK (2)4-6-009:61," AFTER TMK (2)4-6-009:58. THIS AMENDMENT WOULD UPDATE THE BILL TO REFLECT THE CORRECT TMKS FOR THE PROPERTY, SO IT WOULD INCLUDE THE PARKING LOT. MAHALO, CHAIR. >> ANY MORE DISCUSSION? I WOULD IMAGINE WE HAVE TO -- DO WE HAVE TO SUSPEND RULE 19C AS WELL FOR THIS? >> CHAIR, THE BILL WAS POSTED ON THE AGENDA. SUSPENSION OF RULE 19C IS NOT NECESSARY. >> IS THAT CORRECT, DAVID?\r\n\r\n>> THANK YOU, CHAIR. YES, THE PROPOSED FD 1 VERSION OF THE BILL WAS ATTACHED TO COUNTY COMMUNICATION 22-247. IT'S ON THE AGENDA. AND RULE 19C WOULDN'T APPLY >> THANK YOU. ANY MORE DISCUSSION? ROLL CALL. >> COUNCIL MEMBER SHANE SINENCI? >> AYE.\r\n\r\n>> COUNCIL MEMBER MIKE MOLINA? >> AYE. >> COUNCIL MEMBER KELLY T. KING. >> EXCUSED. >> COUNCIL MEMBER GABE JOHNSON? >> EXCUSED. >> COUNCIL MEMBER TAMARA PALTIN.\r\n\r\n>> EXCUSED. >> COUNCIL MEMBER YUKI LEI SUGIMURA. >>

AYE. >> AYE. >> I HEARD MEMBER PALTIN IS AN AYE. >> OKAY. >> COUNCIL PRO
TEM TASHA KAMA.\r\n\r\n>> YES. >> COUNCIL VICE-CHAIR KEANI RAWLINS-
FERNANDEZ? >> AYE. >> AND COUNCIL CHAIR ALICE L. LEE? >> AYE. >> SEVEN
AYES, THREE NOS. MOTION CARRIES.\r\n\r\n>> NO, TWO EXCUSED. >> TWO
EXCUSED. SHE CAME BACK ON. ALL RIGHT. WHERE WERE WE? VICE-CHAIR RAWLINS-
FERNANDEZ. >> MAHALO, CHAIR.\r\n\r\nNO FURTHER DISCUSSION. WE'RE NOW ON
THE MAIN MOTION AS AMENDED. MAHALO, CHAIR. >> NO FURTHER DISCUSSION?
MEMBERS? THE MAIN MOTION AS AMENDED. ALL THOSE IN FAVOR, RAISE YOUR HAND
AND SAY AYE?\r\n\r\n>> AYE. >> I SEE MEMBER PALTIN IS ON THE CALL AS
WELL. SO WE HAVE IT LOOKS LIKE EIGHT AYES, ONE EXCUSED. I'M SORRY, SEVEN
AYES, TWO EXCUSED. THE TWO EXCUSED ARE MEMBERS JOHNSON AND KING. MOTION
CARRIES. NEXT ITEM.\r\n\r\n>> CONTINUING ON WITH BILL 140 (2022)
ENTITLED, "A BILL FOR AN ORDINANCE AMENDING APPENDIX A OF THE FISCAL YEAR
2023 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO PART II, SPECIAL
PURPOSE REVENUES, SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR
2023, ECONOMIC DEVELOPMENT AND CULTURAL PROGRAMS REVOLVING FUND MOLOKA'I
GLASS HOUSE AT MAPULEHU. >> VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO,
CHAIR, IF THERE'S NO OBJECTIONS TO ASK THE CLERK TO CALL UP BILLS 141 AND
142. >> NO OBJECTIONS. >> NO OBJECTIONS TO CALLING UP BILLS 141 AND 142
AS WELL. >> BILL 141 (2022) ENTITLED, "A BILL FOR AN ORDINANCE AMENDING
APPENDIX A OF THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS IT
PERTAINS TO PART II SPECIAL PURPOSE REVENUES, SCHEDULE OF
REVOLVING/SPECIAL FUNDS FOR THE FISCAL YEAR 2023, HAWAIIAN CULTURAL
RESTORATION REVOLVING FUND." AND BILL 142 (2022) ENTITLED, "A BILL FOR AN
ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET FOR THE COUNTY OF MAUI AS
IT PERTAINS TO APPENDIX A, PART 1, GRANTS AND RESTRICTED USE REVENUE,
SCHEDULE OF GRANTS AND RESTRICTED USE REVENUES BY DEPARTMENTS AND
PROGRAMS, DEPARTMENT OF THE PROSECUTING ATTORNEY, HAWAI'I CAREER CRIMINAL
PROSECUTION PROGRAM." >> VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO, CHAIR.
I MOVE TO PASS BILLS 140, 141 AND 142 ON SECOND AND FINAL
READING.\r\n\r\n>> SECOND. >> MOVED BY VICE-CHAIR RAWLINS-FERNANDEZ.
SECONDED BY MEMBER MOLINA TO PASS BILLS 140, 141, AND 142 ON SECOND AND
FINAL READING. DISCUSSION, VICE-CHAIR RAWLINS-FERNANDEZ. >> MAHALO,
CHAIR. BILL 140 AMENDS FY'2023 BUDGET APPENDIX A, PART 2 TO ADD AN
APPROPRIATION TO DEVELOP A PRESERVATION AND ACCESS PLAN FOR THE MOLOKA'I
GLASS HOUSE AT MAPULEHU AND BILL 141 AMENDS THE FISCAL YEAR 2023 BUDGET
FOR HAWAIIAN CULTURAL REVOLVING FUND BY AMENDING CONDITIONAL LANGUAGE FOR
MANAGEMENT STRATEGY AND RESTORATION. BILL 142 AMENDS THE FISCAL YEAR 2023
BUDGET APPENDIX A, PART 1, DEPARTMENT OF PROSECUTING ATTORNEY TO ADD A
NEW GRANT ENTITLED "HAWAI'I CAREER CRIMINAL PROSECUTION PROGRAM," IN THE
AMOUNT OF \$144,736, AND 1.0 LIMITED-TERM APPOINTMENT.\r\n\r\nI ASK THE
FOR THE MEMBERS' CONTINUED SUPPORT OF THESE ITEMS. MAHALO, CHAIR. >> ANY
MORE DISCUSSION? IF NOT, ALL THOSE IN FAVOR OF THE MOTION, RAISE YOUR
HAND AND SAY AYE? >> AYE. >> OKAY. I SEE SEVEN AYES, TWO
EXCUSED.\r\n\r\nMOTION CARRIES. EXCUSED ARE MEMBERS KING AND JOHNSON.
THAT BRINGS US TO THE END OF THE CALENDAR. EVERYBODY HAVE A NICE WEEK.
ANY FINAL COMMENTS FROM ANYONE? OKAY. MEETING ADJOURNED.\r\n\r\n[GAVEL]