

Kelly Takaya King, [REDACTED]@me.com

Testimony to the South Maui Community Plan Advisory Committee

Serious ongoing issues

June 20, 2023

Letter to Maui County Corporation Counsel Victoria Takayesu

Aloha Ms. Takayesu,

The South Maui Community Plan update process has been plagued with serious problems, and is the cause for great concern about its very validity. This does not take away from my great appreciation for the long hours that the Community Plan Advisory Council (CPAC) members have put into their meetings, and I thank them for their time and efforts. However, the following concerns undercut all that time and effort, and the current residents who are following this rushed process have been shortchanged and treated unfairly.

1- Several CPAC members, as well as Maui Tomorrow and others have repeatedly asked for there to be someone from Corporation Counsel to be present during meetings. These requests were made to the County Planning Dept. staff, but no representation was forthcoming. A number of the problems herein listed could have been avoided had there been such representation.

2- Sunshine law violations, including serial communication by the Chair to individual members, are cause for great concern. In this example, the Chair sent individually addressed communication to CPAC members, advocating and lobbying for an outcome different from the vote that the CPAC had already taken. As a result of this inappropriate and personal lobbying by the Chair, the issue in question was revisited at a future date, and the previous decision was overturned, and the position advocated by the Chair was adopted.

3- On the occasion of the vote on the matter discussed above, the Chair allowed a developer's representative (present in the audience) to make a final statement challenging and contradicting one of the public testifiers. Even though the statement made by the developer's representative was incorrect, the public testifier was not given an opportunity to correct the false statement.

4- Public testimony was denied, in several instances, with decisions subsequently made by the CPAC. While two of the instances were complicated by technical problems, staff was well aware that members of the public were trying to testify. Yet decisions were finalized without hearing those who wished to testify. At minimum, those decisions should be voided, so that public testimony can be heard before any motion is then considered.

5- Inaccurate and inconsistent handling of public testimony: In the published agenda's, there is a statement that "Public testimony will be taken when each agenda item is discussed." There are instances where members of the public were denied this opportunity, while others were afforded the opportunity. Additionally, moving the meetings from place to place is very discouraging to the public, especially when some of the venues do not have virtual participation capabilities. It would be better to cancel meetings if a place with proper technology cannot be utilized.

6- Particularly egregious is the mishandling of Financial Disclosure requirements by staff, resulting in four CPAC members being denied the opportunity to participate in meetings. In this instance, the

Planning Department knew on April 10 that new disclosures were required. However, staff did not advise CPAC members of this fact until June 1, and then required that they respond by June 6. As stated, this denied these four members the opportunity of participating in the last CPAC meeting, and possibly in many subsequent meetings.

In the case of Wayne Nishiki's replacement, I've been told by two people that the Administration is telling folks the new appointment would need to go through the Council approval process. This is NOT true as Mr. Nishiki was appointed by the previous mayor which required no approval by the Council. Just as with the replacement for Tom Blackburn-Rodriguez, Mr. Nishiki's replacement can be appointed by the mayor with just a letter sent to the Council notifying them of the appointment.

While there are other examples of problems with the process, it is clear that the aforementioned issues alone are cause for great concern, and raise serious questions about the validity of the South Maui Community Plan process and the actions of the current Planning Dept. After speaking with community members, and experts outside of South Maui who are familiar with the legal process, *we collectively request that the community plan update process be suspended until such time as Corporation Counsel investigates and issues its opinion on how or whether the update can proceed, and what corrective actions need to be taken. It is further requested that no future CPAC meetings be held without a representative from Corporation Counsel present and without a full complement of members.*

Please listen to the community. Our future is in your hands and it needs to be decided fairly!

Mahalo nui loa for your service to South Maui,

Kelly T. King

Kelly Takaya King



40-year homeowner resident of Kihei
Former Councilmember for South Maui district

Cc: South Maui CPAC members
Honorable Mayor Richard Bissen
Planning Director Kathleen Aoki