

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

June 1, 2018

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, JUNE 1, 2018, BEGINNING AT 9:01 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: This meeting of the Council of the County of Maui shall please come to order.

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, S. STACY CRIVELLO, G. RIKI HOKAMA, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL, AND CHAIR MICHAEL B. WHITE.

EXCUSED: COUNCILMEMBERS ELEANORA COCHRAN, DONALD S. GUZMAN, AND KELLY T. KING.

(Councilmembers Cochran and Guzman were not present when the roll was called; however, they arrived at 9:03 a.m. and 9:04 a.m., respectively.)

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, we have six Members present, three excused. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

And for opening remarks this morning, we'll go to Member Hokama.

OPENING REMARKS

The opening remarks were offered by Councilmember G. Riki Hokama.

(Councilmembers Cochran and Guzman arrived during the opening remarks at 9:03 a.m. and 9:04 a.m., respectively)

CHAIR WHITE: Thank you very much, Mr. Hokama.

Before we proceed, I'd like to recognize the presence of Members Cochran and Guzman. Welcome.

And, will you all please join me in the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: Thank you. And, before we proceed, please turn your phones to silent mode.

And, Mr. Clerk, let's proceed with the agenda.

COUNTY CLERK: Mr. Chair, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 18-105

CONGRATULATING THE BALDWIN HIGH
SCHOOL BASEBALL TEAM FOR WINNING THE
2018 WALLY YONAMINE
FOUNDATION/HAWAI'I HIGH SCHOOL
ATHLETIC ASSOCIATION DIVISION I STATE
BASEBALL CHAMPIONSHIP

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. May I ask the Clerk to read the resolution as recommended?

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair.

I MOVE TO ACCEPT, IN ACCEPTING AND APPROVING THIS RESOLUTION AS WAS READ BY THE COUNTY CLERK, WHERE WE ARE "CONGRATULATING THE BALDWIN HIGH SCHOOL BASEBALL TEAM FOR WINNING THE 2018 WALLY YONAMINE FOUNDATION/HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION DIVISION I STATE BASEBALL CHAMPIONSHIP".

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Atay, and a second from Ms. Crivello.

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. It gives me great honor to have this opportunity to recognize this outstanding team with their achievement on winning on a statewide level. It reflects the years of sacrifice beginning in earlier stages. And so with that, we must honor our community and all the other baseball programs that brought them this high school championship.

But, I also want to recognize and honor the coaches, and especially their Baldwin High School head coach, Mr. Shane Dudoit. The message to the children, a message to the adults is follow your passion, and just go do um. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Atay.

Members, further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I think we should take note that for three years in a row, Maui County schools have excelled at the State championship competition. Baldwin, this year again, two years ago. We had Maui High School last year. I think it says a lot about the community itself, the type of people we have in our community, the type of youth we have in our community, the type of facilities we provide for our community. It says a lot about this County of Maui that we all call home, Chairman.

And, I want to thank Mr. Dudoit. I want to especially thank our players' parents, for again, as my colleague, Mr. Atay has stated, that it takes a lot, a lot of peoples' multiple efforts to make a successful winning campaign for a great victory that we are celebrating this morning. So, I just want to thank all of them.

And, again, for our players, it just goes to show, Chairman, that we can achieve whatever we strive for given those type of opportunities. So, congratulations to our young men on a tremendous victory, and again, making Maui No Ka Oi. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. I also would like to echo my colleagues' congratulations to the Baldwin High Bears. It's quite impressive; six State championship win, tenth in the nation. And, you know, Chair, our, our baseball program in Maui County continues to be a vital part of developing our youth with the character of excellence and good citizenship.

Aristotle once said, "We are what we repeatedly do. Excellence, then is not an act but a habit." The moment that you decide to do everything with excellence is the exact moment that turns everything around. And, that's what the Baldwin Baseball Team has done with their coaches. It's about adopting the habit of excellence, which means

that everything that you do, you put forth your best. So, congratulations to the families and the parents that supported the character of excellence, and the coaches as well. Congratulations.

CHAIR WHITE: Thank you, Mr. Guzman.

Further comments?

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. All of us that ever played baseball, we play it because we love it. And, just like those behind me, they love baseball. But, it is a lot of work too, and it takes a lot of dedication. And, it takes the support of their families and the community, and the County, and everyone else, so they could, they are able to do what they have done, and be before us today. And, I'm very, very proud of every one of them. Mahalo.

CHAIR WHITE: Thank you, Mr. Carroll.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Mahalo, Chair. So, I always say I'm a spectator of sports. I, I just get into it, though I'm not an athlete. But, you know, on behalf of Maui County, we should, we raise our heads high with pride for the achievements of our young people.

And, when I look at this Baldwin Baseball Team, and just, I mean, schools over and they make the time to, to come here and allow us to just congratulate them. That tells you something. But, more impressive, because on the field and in the, in the part where they're waiting to warm-up and what have you, and on the bench, I see leadership. I see leadership where we say, "no need worry, we're going to be in good hands", because it takes leadership for our young people to come together as a team to make this happen, and then to place tenth in the nation. So, we're all over the map.

So, I want to mahalo Shane Dudoit and all of his assistant coaches. But, more especially the parents and the ohana that, that always, everybody is unified, you know. So, that when they're from the bleachers, they become creatures of just exploding, you know, cheering. But, I'd like to also, on behalf of the island of Molokai, we say, "we are so proud, you know, Shane, we are so proud". And, there are names in there that we all have connections to. That's what makes our island so special.

So, good job. I wish, I feel that your path is, you're doing your own path and it's going to be great. So, mahalo and congratulations.

CHAIR WHITE: Thank you, Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. All I can say is, "Go Bears". They're my alma mater. I so proudly sit here and want to congratulate Shane Dudoit, the, the coach, as well as all his assistant coaches, the team. They're super, super fabulous. I mean, to be ranked nationally, I mean that's how good they are. And, you think of us in comparison to, you know, some of those big schools in Honolulu, as well as nationally. And, here we are, we are great, you know. So, congratulations.

I, I also want to congratulate the parents, the grandparents, and all of, you know, the many, many hours that went into making sure that these boys are as good as they are. It didn't only happen over this, you know, short period of time when they were in high school. It happened over a lifetime. So, congratulations. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I really echo every single person's sentiment here this morning. But, you know, Mr. Hokama's opening comments in reference to leis and flowers, and pua and having all these beautiful plumeria leis in front of me. In our Hawaiian culture, pua are our children, are our keiki. And so, that's what I see here is the blossoming. And, that it took nurturing to grow the plant which, which flowered these beautiful flowers that were now strung into a lei.

And so, that's what I see. And, it's the foundation that they've been taught, and they've excelled already at such a young age. And, I just foresee such a bright future for each and every one of them. And, they are our future. And so, I am very happy and excited to be here to give them the accolades and to send them forth into the world to, to get more accolades and to excel, and to obviously not forget where they came from.

And, that's from all of us in this village that helped raise them; parents, coaches, and all. And, just want to say thanks for all their hard work and efforts to get to where they are today, and to continue that pace. So, mahalo.

CHAIR WHITE: Thank you, Ms. Cochran.

You know, being number 10 in the nation is quite an accomplishment. And, I'm not sure that I've ever heard of another baseball team in Hawaii reaching that level. It might have happened, but I, I've not been aware of it.

So, I take my hat off to all of you kids. I take my hat off, especially to Coach Dudoit, and as well as to the parents. And so, congratulations for a job well done, and mahalo for bringing pride once again to Maui County.

So, with that, Members, all those in favor of the motion, please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", one "excused"; Ms. King.

Back to Mr. Atay.

COUNCILMEMBER ATAY: Chair, if I may, I'd like to invite the head coach and his staff, as well as the players to join us on the floor, so that they could receive a copy of their ceremonial resolution, as well as allowing the Members here to extend our aloha to the members of the team with sharing of leis.

CHAIR WHITE: Certainly. Please join us?

COUNCILMEMBER ATAY: Chair, if I may to close out this ceremony, I'd like to further give an opportunity to the Head Coach Shane Dudoit, to address--

COACH SHANE DUDOIT: I see the red light going on already. No, I appreciate the County for what you guys have done for us. Our fields are in the best of shape. We're hosting the State tournament here on Maui next year. It's always a pleasure to play in front of our home crowd. I thank you guys for all you do.

I understand Councilmember Hokama is putting together a fund to take care of our MIL sports. And, it's something that's needed. As a program, we probably spend 15, \$16,000 a year to travel to Oahu and play in the State tournament. It's sad and good that we've been winning every year. But, at 16,000 for the last nine years that we have to tax our community, our families, so it's with much appreciation that you're taking care of that.

And, the last thing I'd like to leave with is, when a community succeeds, I think we all succeed. These are the future leaders of tomorrow. They're, the coaches that have worked with them from five, six years old, and raising them. Those are the guys that need a lot of support. Their parents, their grandparents; those guys are the guys that need the commendation. I'm lucky to be here. I'm lucky to be a part of these guys. I'm nothing without them. And, their parents, their families, their coaches that have come before me; much appreciation and much love. Thank you. Aloha.

CHAIR WHITE: Thank you, Coach Dudoit. Thank you all for joining us this morning.

Mr. Clerk, let's proceed with the agenda.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION NO. 18-87.

Proceeding with presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from our District Offices, should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth-floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

And, pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes, with one minute to conclude if requested. And, when testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office, and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Lanai Office, please introduce yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai, and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai, and there is no one here waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, we have four individuals who have signed up to provide testimony in the chamber. The first person to provide testimony this morning is David Dantes, M.D., testifying on Committee Report 18-90. To be followed by Katie McMillan.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

DR. DAVID DANTES (testifying on Committee Report 18-90):

Good morning, Chair, Members.

CHAIR WHITE: Good morning.

DR. DANTES: Dr. David Dantes, testifying on agenda item 18-90. My main message is simply to thank you folks, in particular, the Land Use Committee Members and the Council Chair, who worked diligently on that increasing and making more effective enforcement against unpermitted short-term rental and bed and breakfast homes.

This has actually been a project that I've been involved in since 2014. My wife and I own a permitted B&B on the Northshore. And, along with other permitted B&B operators in the Haiku and Huelo area, we've worked now with two previous Council terms, as well as the Mayor, the Planning Department, zoning enforcement officials, Councilmembers, and especially Chair White, to try to make the enforcement against unpermitted rentals, particularly those which advertise without a permit, try to make that enforcement more effective. So, my gratitude to all of you for your help with that.

On a related note, there may be some pushback from permitted operators about the provision in this ordinance for inspection on one-hour notice. So, I'd just like to address that briefly. In the past, there have been some permitted B&B and short-term rental

owners, who were renting many more rooms than were permitted. In order to catch them in the act, so to speak, it was very difficult for inspectors, because as soon as the owner received notice of an inspection, they would have a crew prepared to move the beds out of those rooms and move in bookshelves, and say "this is our library", for example. I think that's probably the incentive for the one-hour notice.

But, it's something that could impose a burden on most of the permitted operators who are doing the right thing. For example, most of our guests are honeymoon couples. It may be an unwarranted intrusion to tell them that someone is going to be coming into their home away from home on one-hour notice. If you're inclined to fix that, I hope it doesn't require sending this whole thing back to Committee. I think you could replace the word "one-hour" with the word "reasonable", reasonable notice. If you have reasonable cause to suspect that somebody's operating additional rooms illegally and you think they may try to cover that up, one-hour is reasonable. For most people, one-hour may not be necessary. Just my two cents. Thank you for your attention.

CHAIR WHITE: Thank you, Dr. Dantes.

Members, any need for clarification? Seeing none, thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Katie McMillan, testifying on County Communication 18-203. To be followed by Sharyn Stone.

MS. KATIE MCMILLAN (testifying on County Communication No. 18-203):

Aloha and good morning, Members and Chair.

CHAIR WHITE: Good morning.

MS. MCMILLAN: I am, my name is Katie McMillan. I'm one of the producers of the Concert for Our Lives event, and I'm here today on behalf of the 14 students that helped plan that event and the March for Our Lives event. And, we are speaking in support of the resolution put forth by Councilmember Sugimura, "URGING THE UNITED STATES CONGRESS TO SUPPORT THE GUN CONTROL POLICIES PROMOTED BY MARCH FOR OUR LIVES".

So, I'm going to share the students message with you:

Dear Members of the Maui County Council,

Did you know that more students have been killed in their schools than combat soldiers in war since 9/11?

We support the right of law-abiding citizens to keep and bear arms and set, as set forth in the U.S. Constitution. But, with that right, comes responsibility. We call on all the adults in Congress elected to represent us to pass legislation that will protect and save children from gun violence.

Our elected officials must act by passing a law to ban the sale of assault weapons, prohibiting the sale of high-capacity magazines, and closing the loophole in our background check law that allows dangerous people who shouldn't be allowed to purchase firearms to slip through the cracks and buy guns online or at gun shows.

We urge you to pass this resolution so we can send a clear message to Washington, D.C. that enough is enough. Thank you very much for your time and attention.

CHAIR WHITE: Thank you, Ms. McMillan.

Members, any need for clarification? Seeing none, thank you very much for being here.

Mr. Clerk.

COUNTY CLERK: Next testifier is Sharyn Stone, testifying on County Communication 18-199. To be followed by Michael Russell.

MS. SHARYN STONE (testifying on County Communication No. 18-199 and Committee Report 18-90):

Good morning, Mike. Good morning, Councilmembers. I'm actually testifying on two things today; 18-199 and 18-90. I would like to start with 18-90 please. I'll be brief, because David has already summarized very well my concerns.

18-90 is about enforcement of course. I worked very hard to get my B&B permit, so did others. The crafting of the legislation was onerous. The permit process was a nightmare, but we went through it because we held up for ourselves a vision. A vision of a legal bed and breakfast vacation rental industry that could and would fit seamlessly into a neighborhood, and contribute value to the community. We did that against some

pretty hefty odds. We, the people of Maui, led the State of Hawaii in getting a B&B and STR ordinance passed. Yay, legal at last, right?

Well, I guess being legal wasn't important to quite a few other people. Did you know that Airbnb is now a verb? As demonstrated, an application I received for a cleaning job. I put an ad on Craigslist and it read as follows: "I Airbnb my own place so I know exactly what you're looking for". Actually, when I read that, I wanted her head on a stick. We, the legal B&B vacation rental industry of Maui need the County to step up to the plate here with consistent mandatory enforcement, and that has not been happening. We have been asking now for at least three years.

An ordinance is only successful if those who have complied with the process are rewarded by being protected from the people who have not, in good faith, come forward. We trusted you, Maui, County of Maui, to do the right thing. We know you are trying. This is complicated and frustrating, but please don't let it be a case of too little, too late. That's 18-90.

I've got one more here on 18-99 *[sic]*--

CHAIR WHITE: Please proceed.

MS. STONE: --I think it is, if I may. Aloha, Mike, again, and County Council, again. My name is Sharyn Stone, still. "Compliance inspections may be conducted prior to granting a permit renewal or during the permit period. The owner-proprietor shall allow compliance inspections to be conducted within one hour notice. Refusal to allow access within one hour may result in permit revocation." I read this, and I honestly didn't know what to think; angry, enraged, disgusted, insulted?

It took me ten extraordinarily difficult years to get my permit. I gave up my homeowner's exemption. I'm not allowed to leave my property overnight or go on vacation. I'm number one on TripAdvisor for five years in a row. Much good that will do me, because I'm not allowed to sell or transfer my business. Do I need my head read; angry, enraged, disgusted, insulted? No. I just started to cry, because I couldn't believe that after I've done everything you've asked of me, made every sacrifice that was demanded in a good faith attempt to comply with and respect the law, I had an expectation, silly me, that I in turn would be similarly respected.

Any government that would expect this of its people is not a government I can live with. And, this would certainly not be a place I could continue to live or want my children or grandchildren to live. I've loved living here for 26 years. Angry, enraged, disgusted, insulted; try heart-sick, or in the words of my least favorite politician, sad.

Ms. Cochran, you said this morning we are great. Yes, we are. And, we are better than this. Thank you.

CHAIR WHITE: Thank you, Ms. Stone.

Members, any need for clarification? Seeing none, thank you for being here this morning.

MS. STONE: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Next testifier is Michael Russell, testifying on Committee Report 18-90. To be followed by Catherine Clark.

MR. MICHAEL RUSSELL (testifying on Committee Report 18-90):

Hi. Good morning, Council.

CHAIR WHITE: You can move the microphone up. Thank you.

MR. RUSSELL: Is that better? Alright. So, yea, I'm just testifying on provision 18-90. My wife and I are applying for a bed and breakfast permit right now. We've been in the process now for more than a year. Obviously, it's a long and arduous process. And, you know, I'm concerned about the language in this provision, because, you know, as the last two testifiers have mentioned, you know, we're doing everything we can to follow the rules and the regulations, and make sure that we're compliant. We feel like this one-hour provision is, is a little unnecessary. It seems like it's unreasonable.

You know, there's so many things I can say about this, but it just seems like we're trying to follow all the guidelines. But, it seems like if we were, you know, we're running, we're running a business but it's not a 24-hour, you know, a day business where like a hotel, we're, we're there on property. I mean, my wife and I are still working separately, and although you know, we do intend on being responsible bed and breakfast owners, there may be a point in time where we're just, we're not at the property; we could be at work. And, it just, it seems a little unreasonable to only have one hour to be able to be there.

I'm all in favor of responsible legislation to make sure that, you know, people are not taking advantage of this, and, and like the last speaker said, perhaps, you know, having more guests in the home than allowed. But, we just think that it would, it would be

better if the language were changed to something more, more reasonable. I know that, you know, these guests are tenants and under the State tenant law, or Landlord Tenant Law, we have to give 40-hour notice. And, I would ask that something similar like this be applied in this case, because these guests also deserve privacy. So, I just ask that you take that into consideration. Thank you.

CHAIR WHITE: Thank you for your testimony this morning.

Members, any need for clarification? Thank you for being here this morning, Mr. Russell.

And, Mr. Clerk.

COUNTY CLERK: The next testifier is Catherine Clark, testifying on County Communication 18-199 and CR 18-90. To be followed by Lawrence Carnicelli.

MS. CATHERINE CLARK (testifying on County Communication No. 18-199 and Committee Report 18-90):

Aloha, Councilmembers. My name is Catherine Clark. I am no longer a board member of the MVRA, so I'm here to testify as an individual. Just to be clear, I am not here to advocate for the bad guys. If they didn't apply for a permit, the two-year ban will apply to them; that's fine.

But, I'm here on behalf of the local B&B owners that did go through the process that Sharyn spoke about and got their permit. They did not have a permit revoked. They did not have the director decline to renew their permit. Both of those scenarios might happen if an operator wasn't playing by the rules.

The group I'm here to talk about are the local folks that are playing by the rules. But, they made a mistake; they didn't renew on time. Should they have been keeping track? Of course, they should. But nobody's perfect, and people make mistakes. All I'm asking is that you treat them a little differently than the person that never applied, and was operating illegally.

They would still need to see . . . reservations. They would still need to remove any advertising under their control. And, under their control is an important point. They would need to file a new application, go through the regular process, which could of course include a commission hearing. But, the only concession I'm asking for is that they be able to reapply immediately, and not need to wait for two years.

To compare to a driver's license, I received this little renewal card in the mail this week and it says, "failure to renew your driver's license within one-year of the expiration date will require a written and road test". So, even something as important as your driver's license, gives you one-year to make it right.

And then moving onto 18-90, I think it's been covered. We need enforcement. The bill allows for enforcement. And, we're hoping you follow through on that. Thank you.

CHAIR WHITE: Thank you for your testimony.

Members, any need for clarification? Thank you for being here this morning.

Mr. Clerk.

COUNTY CLERK: Next testifier is Lawrence Carnicelli, testifying on Committee Report 18-90, on behalf of RAM.

MR. LAWRENCE CARNICELLI, REALTORS ASSOCIATION OF MAUI (testifying on Committee Report 18-90):

Good morning, Chair, Members.

CHAIR WHITE: Good morning.

MR. CARNICELLI: Lawrence Carnicelli with the REALTORS Association of Maui, testifying on 18-90. And, I'm going to start with two apologies: 1) I'm sorry, my printer didn't work, so I don't have my testimony in writing; and 2) I was in Washington, D.C. when the Committee met, so I was able to submit written testimony, but I wasn't able to testify in person.

And, for us, where we're coming from is the one-hour thing that everybody's talking about. But, we're coming from a different angle, and that is we, our, our attorney disagrees with the Corporation Counsel, in that we feel as though tenancy is established in a B&B. Lower courts have ruled that it is a residential use, even though it's for maybe a day or two days, or a week. So, tenancy actually is established. And, lower courts have ruled that. As a matter of fact, it doesn't apply to us. But, the Texas Supreme Court ruled as such last Friday, that the, so that actually is, you know, law in Texas all the way around.

So, is tenancy established? Well, if tenancy is established, then you have to give forty-eight hours' notice. You know, it's not just, okay is it a good thing or not? Is, is

tenancy established? Then yes, the Landlord-Tenant Code does apply. There's a thing called "tenancy for years", which is a tenancy. And, it specifically says that it's for years, months, weeks, or even days. So, that's the question.

And, I, I understand that Corporation Counsel disagrees with us, but you know, being that, you know, my job is to protect private property rights, I think that it's important that I bring in that there is a different opinion on that.

And, the other part of that is, one-hour notice. Let's say that you're staying in somebody's B&B, which is their home, and you're off at the beach. And, that landlord gets one-hour notice and shows up. You don't even know that an inspector came in and viewed your room while you were at the beach. Like, you get no notice. That, that tenant actually has zero notice, because it just comes and goes. So, if something's missing, there's questions about something missing, there's, something's changed, now it raises a whole new avenue of law, which actually all does fall under the Landlord-Tenant Code.

So, that's just, you know, I again, I apologize for not trying to bring this up in Committee. And, I, I know you guys don't want to do Committee work here, but I just think that it's important that we bring that up. So, thank you, Chair. Thank you, Members.

CHAIR WHITE: Thank you. Members, any need for clarification? Thank you for being here this morning.

Mr. Clerk.

(Councilmember Hokama was excused from the meeting at 9:45 a.m.)

COUNTY CLERK: Mr. Chair, there's no further individuals signed up to testify in the Council chamber.

If there's any additional individuals in the Council chamber or in the District Offices who would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or the District Office conference call at this time.

Hana Office, are there any additional testifiers?

MS. LONO: There is no one waiting to testify at the Hana Office.

COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

COUNTY CLERK: Thank you.

Molokai Office, are there any additional testifiers?

MS. ALCON: There's no one here on Molokai waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, there is no other individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk. Have we received any written testimony?

COUNTY CLERK: Mr. Chair, we have not received written testimony.

CHAIR WHITE: Thank you. Members, without objection, I'd like to close public testimony for the day.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Public testimony is closed.

Mr. Clerk, let's proceed.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meetings of January 5, 2018, and January 19, 2018, were presented at this time.

CHAIR WHITE: Thank you.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE MINUTES OF THE REGULAR MEETING OF
JANUARY 5, 2018, AND THE REGULAR MEETING OF
JANUARY 19, 2018, BE APPROVED.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, with a second from Ms. Crivello.

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

CHAIR WHITE: Members, any discussion on the minutes? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND KING.

CHAIR WHITE: Measure passes with seven "ayes", two "excused"; Mr. Hokama and Ms. King.

(Councilmember Hokama returned to the meeting at 9:48 a.m.)

CHAIR WHITE: And, with that, we'll take a brief pause. Actually, we can proceed now.
Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 18-182 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated April 25, 2018)

Transmitting a grant agreement with the Office of Youth Services for the Positive Outreach Intervention Program in the amount of \$85,263.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. With no objections from the Members, Mr. Chairman, I would request the Clerk to also bring up 183, 184, 186.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

NO. 18-183 - TIVOLI S. FAAUMU, CHIEF OF POLICE,
(dated April 25, 2018)

Transmitting a grant modification from the Office of National Drug Control Policy for the 2017 High Intensity Drug Trafficking Areas Grant to increase the budget by \$22,910.

NO. 18-184 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated May 7, 2018)

Informing of the receipt of a grant from the State of Hawaii, Department of Transportation for the Safe Routes to School Program Special Fund in the amount of \$92,955.73.

NO. 18-186 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated April 30, 2018)

Transmitting two reports on the settlement of claims as of March 31, 2018.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you.

I MOVE THAT THE COUNTY COMMUNICATIONS AS READ
BY THE CLERK BE FILED.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. Cochran.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, these are just required notifications of Council by the various departments. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members?

CHAIR WHITE: Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", one "excused"; Ms. King.

Mr. Clerk.

NO. 18-185 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated April 30, 2018)

Transmitting the Budget Implementation Report as of March 31, 2018 (Fiscal Year 2018 Third Quarter).

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would also request the Clerk to bring up 187.

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Mr. Clerk.

NO. 18-187 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated May 9, 2018)

Transmitting the Director of Finance's Quarterly Report for Fiscal Year July 1, 2017 to June 30, 2018 as of March 31, 2018 and the Capital Improvement Project as of March 31, 2018.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO REFER BOTH ITEMS TO THE
BUDGET AND FINANCE COMMITTEE.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion by Mr. Hokama, and a second by Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: It's for further review by your Committee, Chairman. Thank you.

CHAIR WHITE: Thank you.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", one "excused".

Mr. Clerk.

NO. 18-188 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated May 7, 2018)

Transmitting 65 contracts/grants for April 2018.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE TO FILE COUNTY COMMUNICATION
18-188, AND ITS ATTACHED CONTRACTS/GRANTS FOR
APRIL 2018, EXCLUDING THE FOLLOWING:
C5655A, TRANSWORLD SYSTEMS FOR NON-RPT
DELINQUENT ACCOUNTS, BE SENT TO BUDGET AND
FINANCE.

CHAIR WHITE: Any other request for consideration.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

CAN YOU ALSO REFER TO COMMITTEE WC0948, WHICH IS WATER SYSTEMS ANALYSIS AND REVIEW FOR UPCOUNTRY WATER METER ISSUANCE, FROM THE DEPARTMENT OF WATER SUPPLY; AND THE AMOUNT OF THE CONTRACT IS \$900,000.

CHAIR WHITE: Okay. And, that would go to Water Committee.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Thank you. Any other requests?

Seeing none, all those in favor of the motion, please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

(See page 25 for second and vote.)

CHAIR WHITE: Mr. Clerk.

NO. 18-189 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated May 10, 2018)

Informing of the acceptance of Waterline Easements W-7A, W-7B, W-7C, and W-7D,
Maui Lani Phase 6 Subdivision, TMK: (2) 3-8-099:201 through 204 por.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 18-189.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, and a second from Ms. Sugimura.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. This matter is housekeeping. And, in accordance with Section 3.44.015(H) of our Maui County Code, the Director of Finance is required to notify this Council in writing of acquisition or conveyance made to the County. Pursuant to this Section, this dedication is for access to water meter and waterline purposes.

No County funds were used to acquire the property. And, according to the information provided in the County Communication, the easement location and width is acceptable to the Department of Water Supply, and is in conformance with our County standards. So, I therefore, ask for filing of the communication. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

**MOTION RELATING TO
COUNTY COMMUNICATION NO. 18-188**

CHAIR WHITE: Members, we're going to go back to, excuse me, item 18-188. And, we did not have a second on the motion.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: Okay, Ms. Cochran has seconded Mr. Hokama's motion; that's regarding the contracts.

So, we'll revote on that. All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

COUNTY CLERK: Thank you, Mr. Chair.

NO. 18-190 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated May 1, 2018)

Informing of the acceptance of a Warranty Deed for Roadway Lot 2, Kihei Surf School
Subdivision, TMK: (2) 3-9-017:095.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATION 18-190.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, and a second from Ms. Sugimura.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. This is another housekeeping item in accordance with 3.44.015(H), Maui County Code. And, this dedication is for Auhana Road, Roadway widening lot.

No County funds were used to acquire this property. And, according to the information in this Communication, the Roadway Lot was constructed to County standards, and provides a necessary right-of-way width. So, that's my reason for filing this County Communication. Thank you, Chair.

CHAIR WHITE: Thank you.

Any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 18-191 - KEITH A. REGAN, ACTING MAYOR,
(dated April 27, 2018)

Informing of the following vacancies:

1. Cost of Government Commission, due to the resignation of Norman Halip on April 26, 2018; and
2. Cultural Resources Commission, due to the resignation of Timothy Bailey on April 27, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. May I ask that the Clerk also bring County Communications 18-192, and 93, and 194?

CHAIR WHITE: Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

Mr. Clerk.

NO. 18-192 - ALAN M. ARAKAWA, MAYOR,
(dated May 3, 2018)

Informing of a vacancy on the Commission on Children and Youth due to the resignation of Kirstin Hamman on May 2, 2018.

NO. 18-193 - ALAN M. ARAKAWA, MAYOR,
(dated May 10, 2018)

Informing of a vacancy on the Board of Variances and Appeals due to the resignation of Ralph Masuda on May 7, 2018.

NO. 18-194 - KEITH A. REGAN, ACTING MAYOR,
(dated April 30, 2018)

Informing of the following vacancies:

1. Council on Aging, due to the resignation of David Spicer on May 17, 2018; and
2. Cultural Resources Commission, due to the resignation of Cheney-Ann Lima on May 18, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO FILE COUNTY COMMUNICATIONS 191 THROUGH
194.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. The Mayor has received notifications of resignations from the individuals named in what the Clerk read off. And, I just wanted to express our appreciation for their community service, and giving us their time. And, wish them the best in future endeavors. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

NO. 18-195 - TEENA M. RASMUSSEN, ECONOMIC DEVELOPMENT
DIRECTOR, (dated April 27, 2018)

Informing that the Friends of Old Maui High receives an annual grant from the Office of Economic Development to maintain, mow the property, and keep the useable buildings from leaking.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Chair, could Clerk also bring up one, the next item, 18-196?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So ordered.

NO. 18-196 - ROBYNE NISHIDA NAKAO, CHAIR, FIRE AND PUBLIC SAFETY
COMMISSION, (dated March 23, 2018)

Transmitting the performance evaluation of the Fire Chief for calendar year 2017.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Thank you, Chair.

I MOVE TO FILE COUNTY COMMUNICATIONS 195 AND 196.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I just want to say that on the Old Maui High School, it is like a special executive order, I guess. We, we hear from them every year, but this is a, they receive an annual grant from Office of Economic Development to maintain the property. So, this is their report.

On the second item for a evaluation of Chief, Fire Chief Jeff Murray, he received a very favorable review, and was found to be very, a very proficient manager who works well with his management team, and collaboratively with other emergency response agencies. This is, as you may know, his last performance review, because he's retiring; I think July 1, July 31. He's retiring soon, so we will miss him. But, I, I just wanted to ask for the Members support; filing these two items.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion on these items? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measures pass with eight "ayes", and one "excused".

Mr. Clerk.

NO. 18-197 - RIKI HOKAMA, CHAIR, BUDGET AND FINANCE COMMITTEE,
(dated May 23, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY, ADMINISTRATION PROGRAM, TRAINING PROGRAM, FIRE/RESCUE OPERATIONS PROGRAM, AND FIRE PREVENTION PROGRAM; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, MOVE TO DISCHARGE BUDGET AND FINANCE
COMMITTEE OF ITEM ATTACHED TO 18-197.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. Sugimura.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, should Council agree to discharging Budget and Finance Committee of its responsibilities with the proposed attached bill for an ordinance, then Council may take action this morning to consider passage of first reading of two required readings to have a budget amendment qualify, which expires June 30 this year, which is 29 days from now, Chairman.

So, this will allow the Council to make a consideration of a last-minute request, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? All those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE RULES OF THE COUNCIL, AS REQUIRES TO RECOMMENDATIONS, BE WAIVED; AND THAT THE ATTACHED PROPOSED BILL FOR AN ORDINANCE ACCOMPANYING 18-197, PASS ON FIRST READING, BE ORDERED TO PRINT; AND FILING OF SAID COMMUNICATION.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. Sugimura.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this will assist the Department in taking care of some unforeseen requirements regarding payroll, and their ability to close the fiscal year on a, well, let's just say they'll be able to finish their fiscal year, Chairman.

CHAIR WHITE: Any further comments or consideration?

Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, BILL NO. 58 (2018).

The following communications are being recommended to be referred to the following Committees.

NO. 18-198 - ELLE COCHRAN, COUNCILMEMBER,
(dated May 11, 2018)

Transmitting a proposed resolution entitled "URGING THE DEPARTMENT OF PUBLIC WORKS TO INCORPORATE VISITABILITY STANDARDS IN THE COUNTY'S BUILDING CODE FOR NEW RESIDENTIAL CONSTRUCTION".

The recommended action is that County Communication No. 18-198 be referred to the Infrastructure and Environmental Management Committee.

NO. 18-199 - MIKE WHITE, COUNCIL CHAIR,
(dated May 25, 2018)

Transmitting a proposed amendment to the bill entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ENFORCEMENT PROCEDURES FOR BED AND BREAKFAST HOMES", attached to Committee Report No. 18-90.

The recommended action is that County Communication No. 18-199 be referred to the Land Use Committee.

(THE PROPOSED AMENDMENT ATTACHED TO COUNTY COMMUNICATION NO. 18-199 WAS ACTED ON LATER IN THE MEETING. See pages 37 and 54 through 65 for discussion and action.)

NO. 18-200 - DON S. GUZMAN, COUNCILMEMBER,
(dated May 23, 2018)

Relating to Greenprinting and strategic conservation planning for open space, natural resources, cultural resources, and scenic views preservation.

The recommended action is that County Communication No. 18-200 be referred to the Parks, Recreation, Energy, and Legal Affairs Committee.

NO. 18-201 - WILLIAM SPENCE, PLANNING DIRECTOR,
(dated May 15, 2018)

Relating to Digital Zoning Maps, transmitting copies of minutes and the following proposed bills entitled:

1. "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF MAUI"; and
2. "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ZONING DISTRICTS AND MAPS".

The recommended action is that County Communication No. 18-201 be referred to the Planning Committee.

NO. 18-202 - MIKE WHITE, COUNCIL CHAIR,
(dated May 23, 2018)

Transmitting a proposed resolution entitled "SETTING THE SALARY AND PAY STEPS OF EMPLOYEES IN THE OFFICE OF COUNCIL SERVICES".

The recommended action is that County Communication No. 18-202 be referred to the Budget and Finance Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-202 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-88. COUNTY COMMUNICATION NO. 18-202 WAS THEN FILED. See pages 37 and 38 for discussion.)

NO. 18-203 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated May 23, 2018)

Transmitting a proposed resolution entitled "URGING THE UNITED STATES CONGRESS TO SUPPORT THE GUN CONTROL POLICIES PROMOTED BY MARCH FOR OUR LIVES".

The recommended action is that County Communication No. 18-203 be referred to the Policy, Economic Development, and Agriculture Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-203 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-89. COUNTY COMMUNICATION NO. 18-203 WAS THEN FILED. See pages 38 through 41 for discussion and action.)

NO. 18-204 - MIKE WHITE, COUNCIL CHAIR,
(dated May 24, 2018)

Transmitting a proposed resolution entitled "APPROVING THE HAWAII STATE ASSOCIATION OF COUNTIES' OFFICERS AND ANNUAL BUDGET, AND NOMINEES TO THE NATIONAL ASSOCIATION OF COUNTIES AND WESTERN INTERSTATE REGION BOARDS OF DIRECTORS FOR FISCAL YEAR 2019".

The recommended action is that County Communication No. 18-204 be referred to the Policy, Economic Development, and Agriculture Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-204 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-90. COUNTY COMMUNICATION NO. 18-204 WAS THEN FILED. See pages 41 through 43 for discussion and action.)

NO. 18-205 - JEFFREY A. MURRAY, FIRE CHIEF,
(dated May 7, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING ACCEPTANCE OF THE DONATION OF 185 PAIRS OF FOOTWEAR TO THE OCEAN SAFETY BUREAU OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 3.56, MAUI COUNTY CODE".

The recommended action is that County Communication No. 18-205 be referred to the Policy, Economic Development, and Agriculture Committee.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-205 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-91. COUNTY COMMUNICATION NO. 18-205 WAS THEN FILED. See pages 43 through 47 for discussion and action.)

NO. 18-206 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS, AND WILLIAM R. SPENCE, PLANNING DIRECTOR,
(dated May 18, 2018)

Transmitting a copy of the "PARKING ACTION PLAN WAILUKU TOWN & LAHAINA TOWN" dated February 2018 by Dixon Resources Unlimited.

The recommended action is that County Communication No. 18-206 be referred to the Policy, Economic Development, and Agriculture Committee.

NO. 18-207 - GLADYS C. BAISA, DEPUTY DIRECTOR OF WATER SUPPLY,
(dated May 4, 2018)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending April 2018.

The recommended action is that County Communication No. 18-207 be referred to the Water Resources Committee.

NO. 18-208 - GLADYS C. BAISA, DEPUTY DIRECTOR OF WATER SUPPLY,
(dated May 4, 2018)

Transmitting the State of Hawaii's Commission on Water Resources Management water use reports for March 2018 for all registered well reporters in the County of Maui.

The recommended action is that County Communication No. 18-208 be referred to the Water Resources Committee.

NO. 18-209 - GLADYS C. BAISA, DEPUTY DIRECTOR OF WATER SUPPLY,
(dated May 7, 2018)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY, PACIFIC ISLANDS WATER SCIENCE CENTER, UNITED STATES DEPARTMENT OF THE INTERIOR".

The recommended action is that County Communication No. 18-209 be referred to the Water Resources Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

And, Members, I know that there, we have additional consideration for four items; items 18-199, 18-202, 203, and 204.

So, we'll start with Mr. Carroll on item, or County Communication 18-199.

Mr. Carroll.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-199**

VICE-CHAIR CARROLL: Thank you, Chair. May I request that County Communication 18-199 be postponed until the Committee Report 18-90 is called by the Clerk.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Thank you, Mr. Carroll.

Next, we have Mr. Hokama; 18-202.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-202**

COUNCILMEMBER HOKAMA: Chairman, thank you.

REGARDING 18-202, CHAIRMAN, I MOVE THAT THE ATTACHED RESOLUTION TO COUNTY COMMUNICATION 18-202 BE ADOPTED, AND SAID COMMUNICATION BE FILED.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. Cochran.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this is, again, one of the attached components of our budget, recently completed budget review session for the Fiscal Year 2019 year. And, this is as it regards to components of Council Services staff support. And so, we're making an adjustment at this time, regarding our salary ranges within our legislative branch. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

The next item is 18-203. We'll go to Ms. Sugimura.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 18-203

COUNCILMEMBER SUGIMURA: Thank you. I'd like to request the Council to consider County Communication 18-203 at this time. And, since this resolution does not have any force and effect of law, there's no need for a motion to waive the requirement of Committee referral.

I request that the Clerk please read the resolution in the entirety, in its entirety.

CHAIR WHITE: Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 18-203, AND TO
FILE COUNTY COMMUNICATION 18-203.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a, I believe the second was from Mr. Guzman.

COUNTY CLERK: Crivello.

COUNCILMEMBER CRIVELLO: Crivello.

CHAIR WHITE: Oh, I'm sorry; from Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I just want to, I think the resolution said a lot. And, on that day that we had the shooting with Marjory Stoneman Douglas High School in Parkland, Florida. The lives of the eight students and two teachers were felt throughout the nation. And, it's really unfortunate that we have to do things like what we experienced on March 24, where the whole nation and its students rallied to bring attention to the problem, of, that we have of our, of the lives at, at schools that are not protected because of these random shootings. It's so sad and pathetic.

But, I wanted to do this resolution to support the kids that put together, I think Katie McMillan said there were ten students that put together this, this event at the Maui Arts and Cultural Center. It was amazing. It was filled. It, there's thousands of people, actually, who came and listened to great music; Willie K and others who performed.

But, I think the message is, is really a loud statement in terms of the activism that exists with our youth and our, they are very, they're pleading with us to listen and hear. And, as policymakers, I think that this resolution was put together by my staff and the students, to say that they would like their message to be taken one step further, and for our President to maybe hear that there's a ripple effect, effects of not taking control of the gun control policies in our nation. So, I ask for the Members support in it. It's, it's a little bit unusual for us to be taking up something on a Federal level, but I think if their voices are heard.

I would like to also ask if Katie could supply the Clerk with the names of the ten students who put the event together here on Maui, and for their names to be added to receive certified copies of the resolution. I'm sorry, Chair, I should have thought about that before. If that could be so that they can see--

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

COUNCILMEMBER SUGIMURA: So, that's, that's what I--

CHAIR WHITE: Okay. Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, yes, that day was very, very amazing, you know, across the United States. But, I think the first "WHEREAS" encapsulates, you know, the safety of the United States citizen should be a top priority for our Federal government. And, it's, that's on every level. But, yes, it is quite sad that it, it's been occurring on such a rampant pace within our schools.

And, it really hit home for, you know, the children of my staff when we did the march. And they were, "why are we doing this mommy". And, then when it was explained to them what had occurred at another school, they, it hit hard for a five-year-old to, to comprehend that and to understand, to get the picture that they could go to school and be shot, you know. And that, you know, we are here to bring awareness to, to end this and to stop it, or address the causes and figure out what the root is. But, that was pretty heavy, you know, for a five-year-old to realize what is going on in this world and, and what they're growing into.

So, yea, the more support we can for this, and the more awareness, and better lives in keeping everyone's safety a top priority, I believe, is very, very key to all of us. So, thank you for putting this resolution through. And, let's hope it does make a difference. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, regarding County Communication 18-202, that would be RESOLUTION 18-88. And, for this County Communication 18-203, RESOLUTION 18-89.

CHAIR WHITE: Thank you.

And, we now go to Mr. Carroll for the last item. Mr. Carroll.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-204**

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 18-204, AND TO
FILE COUNTY COMMUNICATION 18-204.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, with a second from Ms. Sugimura.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. The resolution would approve the State HSAC officers for the 2019 Fiscal Year, which includes Dan [sic] Kanuha, from Hawaii County Council, as President; Valerie T. Poindexter as an Alternate; Derek Kawakami from Kauai County Council as Vice-President; Ross Kagawa as Alternate; Stacy Crivello as Secretary; and Riki Hokama as an Alternate; Ikaika Anderson from Honolulu City Council, as Treasurer; and Joey Manahan as the Alternate.

HSAC Fiscal Year 2019 proposed operating budget for one, \$181,872, which is the same total amount as the last Fiscal Year.

And, the nomination of Councilmember Arryl Kaneshiro of Kauai County Council, and Councilmember Ikaika Anderson of the Honolulu City Council to serve on the NACo board of directors.

And, the nomination of Council Chair Mike White and Councilmember Mason Chock of the Kauai County Council to serve on the Western Interstate Region board of directors. I respectfully ask for the Council's support. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: Measure passes with eight "ayes", and one "excused".

And, that concludes the ones that I'm aware of--

COUNCILMEMBER SUGIMURA: Chair.

CHAIR WHITE: --requiring considerations. Any others?

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-205**

COUNCILMEMBER SUGIMURA: So, I, I want, would like to ask that 18-205, from the Fire Chief, that item, which "AUTHORIZE ACCEPTANCE OF THE DONATION OF 185 PAIRS OF FOOTWEAR TO THE OCEAN SAFETY BUREAU OF THE DEPARTMENT OF FIRE AND PUBLIC SAFETY, PURSUANT TO CHAPTER 386 [SIC], MAUI COUNTY CODE", be taken up and not referred to my Committee, if I could.

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Please make your motion.

COUNCILMEMBER SUGIMURA:

I MOVE TO ACCEPT THE RESOLUTION IN COUNTY
COMMUNICATION 18-205.

CHAIR WHITE: Move to pass.

COUNCILMEMBER SUGIMURA: Pass, I'm sorry, pass.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. Cochran.

Ms.--

COUNCILMEMBER SUGIMURA: So, waive. What am I supposed to be officially doing?

CHAIR WHITE: Waive? Okay. We'll need a waiver initially.

COUNCILMEMBER SUGIMURA: Okay.

OKAY, SO I MOVE TO WAIVE, WHAT?

CHAIR WHITE: Committee report.

COUNCILMEMBER SUGIMURA:

COMMITTEE REPORT.

CHAIR WHITE: Referral and report.

COUNCILMEMBER SUGIMURA:

REFERRAL OF COMMITTEE REPORT 18-205, TO MY
COMMITTEE.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: Okay. We have a motion to waive committee rules from Ms. Sugimura, and a second from Ms. Cochran.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I will explain. And so, the reason I'm asking is that this item actually recently came to my Committee from the donation that they made last year. And, it was from the same company. There was a question, the, if, there was a question that came up in my Committee that clarified as it wondered, we wondered if it may fall under the sponsorship new ordinance that was created.

But, it was determined that they, the donation from the Olukai organization is not used for marketing, or they, they just want to be, they do this out of concern and appreciation for the work that the firefighters do in the community. So, this is like a pure donation. They don't use it for marketing or anything. They just want to say thank you.

So, that's why I'm, since we just did it, I would like to just, you know, recognize it now, instead of going through the whole process and delaying it another three months or so before it comes up.

CHAIR WHITE: Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, SUGIMURA, AND
VICE-CHAIR CARROLL.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA AND CHAIR WHITE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: That's six "ayes", two "noes", and one "excused". The "noes" are Mr. Hokama and Chair White.

Okay, with that, Members are there any other concerns about referrals?

COUNTY CLERK: That was just the waiver.

CHAIR WHITE: Oh, I'm sorry. Thank you.

Back to Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Okay. So, I'm, what, what am I doing?

I MOVE TO--

CHAIR WHITE: Adopt.

COUNCILMEMBER SUGIMURA:

ACCEPT, ADOPT THE RESOLUTION AS READ BY THE CLERK.

CHAIR WHITE: And, filing of County Communication 18-

COUNCILMEMBER SUGIMURA:

205.

CHAIR WHITE: --205. Thank you.

COUNCILMEMBER SUGIMURA: Thank you.

COUNCILMEMBER COCHRAN:

SECOND.

CHAIR WHITE: Do we have a second?

COUNCILMEMBER COCHRAN: Yes.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. Cochran.

Further discussion? Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I think I said my reasons before.

CHAIR WHITE: Okay.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR WHITE: Any further discussion from other Members?

COUNCILMEMBER COCHRAN: Chair. Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: I, I, yea, I remember the discussion and I, I don't know controversy or whatever. But this company is very known for benefiting and being quite generous in this community, and offering a lot of support, and giving to a lot of entities. And so, the, our Fire and Public Safety are one of the recipients, it looks like here, and in very much support. I think they deserve, you know, donations and help from the outside. And, this is I think a nice gesture on behalf of a company who believes in the service they do for us, because it affects, they do a lot of work within, not just on land, but in the ocean. And, I think it's quite appropriate. So, thank you. And, I'm in very much support.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion? Seeing none, all those in favor, please signify by saying "aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, SUGIMURA, AND
VICE-CHAIR CARROLL.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER HOKAMA AND CHAIR WHITE.

EXCUSED: COUNCILMEMBER KING.

CHAIR WHITE: That's again, six "ayes", two "noes"; White and Hokama. And, one excused; Ms. King.

With that, Members, any other object, any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

COUNTY CLERK: Mr. Chair.

CHAIR WHITE: Yes.

COUNTY CLERK: If I could interject, for County Communication 18-204, that would be RESOLUTION NO. 18-90. And, for County Communication 18-205, that would be RESOLUTION 18-91.

CHAIR WHITE: Thank you, Mr. Clerk.

And, with that, Members, we'll take our morning break. So, please be back in your seats by 10:40.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:25 A.M., AND WAS RECONVENED AT 10:45 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS ATAY AND KING, EXCUSED.)

CHAIR WHITE: This meeting shall please come back to order.

Mr. Clerk, let's proceed with the agenda.

COUNTY CLERK: Mr. Chair, proceeding with Committee Reports.

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 18-80 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 18-92, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PARKS AND RECREATION, FISCAL YEAR 2018 BUDGET," be ADOPTED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would ask that the Clerk bring up all Committee Reports, including 18-87, at this time.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So, ordered.

Mr. Clerk.

COMMITTEE REPORT
NO. 18-81 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 18-93, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, FISCAL YEAR 2018 BUDGET," be ADOPTED.

COMMITTEE REPORT
NO. 18-82 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 18-94, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF POLICE, FISCAL YEAR 2018 BUDGET," be ADOPTED.

COMMITTEE REPORT
NO. 18-83 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 18-95, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF THE PROSECUTING ATTORNEY, FISCAL YEAR 2018 BUDGET," be ADOPTED.

COMMITTEE REPORT
NO. 18-84 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 18-96, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF WATER SUPPLY, FISCAL YEAR 2018 BUDGET," be ADOPTED.

COMMITTEE REPORT
NO. 18-85 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 18-97, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF PUBLIC WORKS, FISCAL YEAR 2018 BUDGET," be ADOPTED.

COMMITTEE REPORT
NO. 18-86 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 18-98, entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FINANCE, FISCAL YEAR 2018 BUDGET," be ADOPTED.

COMMITTEE REPORT

NO. 18-87 - BUDGET AND FINANCE COMMITTEE:

Recommending that Resolution 18-99, entitled "AUTHORIZING THE ACQUISITION OF THE PARCELS LOCATED AT 2091 WEST VINEYARD STREET," be ADOPTED.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE COMMITTEE REPORTS,
ALONG WITH ITS ATTACHED RESOLUTIONS, BE ADOPTED.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. Sugimura.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, the first Committee Reports as read by the Clerk is just departmental requirements to finish the Fiscal Year 2018, by making some budgetary adjustments within the Department's categories. I ask the Members for their support. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS COCHRAN, CRIVELLO,
GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY AND KING.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Mr. Atay, and Ms. King.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, Committee Report 18-80, RESOLUTION 18-92. Committee Report 18-91 [sic], RESOLUTION 18-93, excused me, 18-93. Committee Report 18-82, RESOLUTION 18-94. Committee Report 18-83, RESOLUTION 18-95. Committee Report 18-84, RESOLUTION 18-96. Committee Report 18-85, RESOLUTION 18-97. Committee Report 18-96 [sic], it's RESOLUTION 18-98. And, Committee Report 18-87 is RESOLUTION 18-99.

COMMITTEE REPORT
NO. 18-88 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 59 (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2018 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS, DEPARTMENT OF PARKS AND RECREATION, WAIEHU GOLF COURSE PROGRAM – GOLF FUND; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 18-125, from Mayor Alan M. Arakawa, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORT 18-88 WITH ITS RECOMMENDATIONS, BE ADOPTED; INCLUDING PASSAGE OF THE PROPOSED BILL FOR AN ORDINANCE ON FIRST READING, BE ORDERED TO PRINT.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Hokama, and a second from Ms. Sugimura.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, no further discussion. I believe the Clerk's description was very accurate.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS COCHRAN, CRIVELLO,
GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY AND KING.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused"; Mr. Atay and Ms. King.

Mr. Clerk.

COUNTY CLERK: For the record, BILL 59 (2018).

COMMITTEE REPORT

NO. 18-89 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Resolution 18-100, entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT ON COUNTY OF MAUI REAL PROPERTY SITUATED AT HAIKU, MAUI, HAWAI'I TO MISHNA ORION FOR PRIVATE UNDERGROUND WATERLINE PURPOSES," be ADOPTED; and
2. That County Communication 18-94, from the Director of Public Works, be FILED.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-89.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, the Infrastructure and Environmental Management Committee, having met on May 14, 2018, makes reference to this County Communication 18-94 from Director of Public Works, transmitting a proposed reso entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT OF COUNTY OF MAUI REAL PROPERTY SITUATED AT HAIKU, MAUI, HAWAI'I TO MISHNA ORION FOR PRIVATE UNDERGROUND WATERLINE PURPOSES".

And, the purpose of this proposed reso is to grant this non-exclusive easement located along and through portions of Kaiapa Place, Kaupakalua Road, Haiku, Maui, Hawaii.

And, the Committee notes the proposed easement will allow property owner Mishna Orion to install a private underground waterline. Her existing waterline encroaches on a neighboring property.

And, the Committee noted the proposed easement will require the grantee, Mishna Orion, to procure comprehensive liability insurance, and to maintain that waterline.

The Director of Public Works informed your Committee that easements for private utility purpose are not granted frequently, but in 2017, your Committee authorized the grant of a non-exclusive easement for private electrical line purposes.

And, the Committee did vote 5-0 to recommend adoption of the proposed resolution and filing of communication. So, the Committee received a revised resolution

incorporating non-substantive revisions, including correcting a misspelled word in the title. And, therefore, Chair, I ask for my Members support of this motion at this time. Thank you.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS COCHRAN, CRIVELLO,
GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY AND KING.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 18-100.

COMMITTEE REPORT
NO. 18-90 - LAND USE COMMITTEE:

Recommending the following:

1. That Bill ____ (2018), entitled "A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO ENFORCEMENT PROCEDURES FOR BED AND BREAKFAST HOMES," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 17-260, from the Planning Director, be FILED.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-90.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Mr. Hokama.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

Mr. Chair, referring to the Members of the County, to County Communication 18-199.

I MOVE TO AMEND PROPOSED SECTION 19.64.060(F)(2), MAUI COUNTY CODE, BY STRIKING THE PERIOD AT THE END OF THE SENTENCE AND INSERTING THE PHRASE "UNLESS EXEMPTION UNDER 19.64.065(E) OF THIS CHAPTER APPLIES" FOLLOWED BY A PERIOD; AND, IN THE PROPOSED SECTION 19.64.065(E), MAUI COUNTY CODE, INSERTING THE FOLLOWING: "THIS TWO-YEAR PERIOD OF INELIGIBILITY SHALL NOT APPLY TO OWNER-PROPRIETOR WHO PREVIOUSLY OPERATED PURSUANT TO A VALID BED AND BREAKFAST HOME PERMIT THAT RECENTLY EXPIRED, PROVIDED THE OWNER-PROPRIETOR APPLY FOR A NEW BED AND BREAKFAST HOME PERMIT NO LATER THAN THIRTY DAYS AFTER THE EXPIRATION OF THE PREVIOUS PERMIT AND IMMEDIATELY STOPS ADVERTISING FOR, OR ACCEPTING, ANY NEW RESERVATIONS FOR GUESTS UNLESS THE OWNER-PROPRIETOR IS GRANTED A NEW BED AND BREAKFAST PERMIT. DURING THE TIME THAT SUCH APPLICATION IS BEING PROCESSED BY THE DEPARTMENT, THE OWNER-PROPRIETOR MAY CONTINUE TO HONOR EXISTING RESERVATIONS THAT WERE MADE PRIOR TO THE EXPIRATION DATE OF THE PREVIOUS, VALID BED AND BREAKFAST HOME PERMIT."; AND TO FILE COUNTY COMMUNICATION 18-199.

CHAIR WHITE: Thank you, Mr. Carroll.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Mr. Hokama.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. At your Land Use Committee meeting, the Members discussed allowing a grace period for an owner-proprietor to continue to operate despite having forgotten timely review of the permit.

The proposed amendment would allow the owner for a thirty day period to provide new reservations, provided new reservations are not accepted, and the owner-proprietor applies for a new permit within the thirty day period. And, that is the motion.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. In looking at the provisions in the, the amendment language in the 19.64.065(E), as it's mentioning, it's like a grace period. I'm, I was going to ask Corporation Counsel if that is consistent with letter (B) of 19.64.060 because the language in (B) says the "Permit renewal application shall be submitted within ninety days prior to the permit expiration date." So, that language is inconsistent with the language that you're, you're proposing here, which is actually a grace period, "permit no later than thirty days after the expiration". So, I was trying to see whether or not that Section (B) on 19.64.060 needs to be amended.

CORPORATION COUNSEL PATRICK WONG: Chair.

CHAIR WHITE: Please proceed.

CORPORATION COUNSEL: May I ask Member Guzman for clarification? Are you suggesting, Member Guzman, that in Subsection (B), that the word "shall" be amended to "may".

COUNCILMEMBER GUZMAN: Yea, I, I believe that should be the case, because of the fact that if you're going "Permit renewal application shall be submitted to the department within ninety days prior to the permit expiration date." And then it does, doesn't have any other language to say that there's an exemption to that, to that "shall". So, what is being proposed by Chair White is that there is an exemption in Section 19.64.065(E), which basically says that, I call it kind of a grace period that "no later than thirty days after the expiration", they can file for a permit, if they were previously had one. But, that, that is irrelevant because of the fact that we're just talking about renewal applications. So, is there a distinction between a, I mean, a renewal application is a renewal application; you, you once had a permit and you're renewing it. So, they're applying to the same subject matter. Do you see what I'm saying?

CORPORATION COUNSEL: I absolutely understand what you're saying, Member Guzman.

COUNCILMEMBER GUZMAN: Yea. Thank you.

CORPORATION COUNSEL: Chair, I believe Member Guzman does have a valid point that he's raising at this time. And, may I suggest that there be clarifying language, maybe in Subsection (B), to reference an exception to Subsection (E) in terms of, I, I don't think you should remove the "shall" and make it "may".

COUNCILMEMBER GUZMAN: And, it's, and another thing, Chair. It's, it's so far removed, cause we're dealing with the first section 19.64.060, and then you, you placed your exemption like five sections later, and at the end of that section. So, you're going to have to flip back, you're going to have to flip forward five sections to figure out there's an exemption to the first section.

CHAIR WHITE: No, I, I understand what you're saying.

COUNCILMEMBER GUZMAN: Oh, okay. Okay. Thank you.

CHAIR WHITE: I think it's a--

COUNCILMEMBER GUZMAN: But, yea, I, I would bring that issue forward. And also, if this passes, I would like to discuss an amendment to the thirty days that's in your exemption here, "no later than thirty days" and, and move for a, at least sixty-days.

And, the reason being is that even the Department of Commerce and Consumer Affairs that deals with business licenses also give at least a sixty-day grace period.

I know that under our licensure, under the attorneys, we have at least ninety days after the expiration to, to renew. So, and that's even more critical because you, your name

gets sent up to the Supreme Court and then you basically go inactive, and you've got to go through all these hoop. And, it's almost like taking the Bar exam over again.

But, I would just say that these are situations where we're dealing with B&B entities where the owner lives in the house, and they have other jobs going on. It's not like a short-term rental where the, they're doing their own thing and they're off the, off the property. So, I would just ask a little bit of leeway for sixty days instead of thirty days.

Also, under our driver's license department, they give ninety days after the expiration. And then, thereafter their expiration, I think they have penalties that go along with it with penalties, or I guess that's without penalties. But, other entities, other government agencies do it with penalty, like a additional fee. But, that, that would be my recommendation, to at least give a little bit of a, instead of the thirty days, it's sixty days grace period.

CHAIR WHITE: Okay. Let's, let's take these one at a time.

Mr. Wong, I believe I heard you say that you would leave the "shall"?

CORPORATION COUNSEL: Correct.

CHAIR WHITE: And, are you suggesting that the, leaving the "shall" still doesn't make the exemption problematic?

CORPORATION COUNSEL: Correct.

CHAIR WHITE: Okay. Cause, I think, I think we want people to feel they need to do so prior, so.

COUNCILMEMBER GUZMAN: Yes. I would agree, but then at some point, you're going to have incorporate some type of language that points to, or references the exemption, because there's like clear language here; you'd have to go five sections back to figure out that there's a, there's an exemption.

CHAIR WHITE: I don't know if Mr. Carroll would consider your request of changing the thirty days to sixty days as a friendly amendment.

VICE-CHAIR CARROLL: Thank you, Chair. There were reasons for the thirty days, and notwithstanding that other things have one year or other different times. The thirty days was in consideration of how much leeway we're giving already. However, at this point, if there's no objection to the Members, I'll go to the sixty days. But, the thirty-day rationale was because we're already giving a substantial timeframe over here.

COUNCILMEMBER GUZMAN: Okay.

VICE-CHAIR CARROLL: But, I will have no objection for a friendly amendment to sixty days.

COUNCILMEMBER GUZMAN: I, I thank Member Carroll for that.

CHAIR WHITE: Okay. So, Members, the motion has been amended to include sixty days as opposed to thirty days. Are there any further discussion?

COUNCILMEMBER GUZMAN: Chair, if this passes through, I would like to at least address 19.64.060(B) for that language.

CHAIR WHITE: Sure.

COUNCILMEMBER GUZMAN: Okay.

CHAIR WHITE: Any further discussion on this motion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS COCHRAN, CRIVELLO,
GUZMAN, HOKAMA, SUGIMURA,
VICE-CHAIR CARROLL, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY AND KING.

CHAIR WHITE: Measure passes with seven "ayes", and two "excused".

And, I guess, Mr. Guzman. Care to offer another amendment?

COUNCILMEMBER GUZMAN: Chair, I, I don't have the specific language, but, I could do it on the fly and try.

AND, AND SO BASICALLY, I WOULD MOVE TO AMEND SECTION 19.64.060, TO READ AS FOLLOWS: "B. PERMIT RENEWAL APPLICATIONS SHALL BE SUBMITTED TO THE DEPARTMENT WITHIN NINETY DAYS PRIOR TO THE PERMIT EXPIRATION DATE. PERMIT RENEWALS MAY BE

GRANTED BY THE DIRECTOR FOR TERMS OF UP TO FIVE YEARS ON LANAI AND MAUI, UP TO ONE YEAR IN MOLOKAI."

I believe that could be a place where we could incor, add in, let's see. I think maybe, permit renewals by granted the director, period. Not pursuant to, but in reference, provided that, let's see.

You know, Chair, I'm going to need to take a recess--

CHAIR WHITE: I think, I think the Chair would--

COUNCILMEMBER GUZMAN: --because that's something that--

CHAIR WHITE: Yea, I think we're getting a little bit complicated here.

COUNCILMEMBER GUZMAN: Yea. But, anyways, that section needs to be amended, because yea.

AND, THE OTHER MOVING FORWARD, I'D LIKE TO PROPOSE A FLOOR AMENDMENT TO SECTION, HOLD ON, LET'S SEE. OKAY, THAT WOULD BE UNDER 19.64.060(C). AND, THE LANGUAGE READING THERE IS, "COMPLIANCE INSPECTIONS MAY BE CONDUCTED PRIOR TO GRANTING A PERMIT RENEWAL OR DURING THE PERMIT PERIOD. THE OWNER-PROPRIETOR SHALL ALLOW COMPLIANCE INSPECTIONS TO BE CONDUCTED WITHIN ONE HOUR OF NOTICE". I WOULD BE AMENDING TO DELETE THE "ONE" AND TO REPLACE IT WITH "FORTY-EIGHT HOUR NOTICE". THAT'S MY AMENDMENT.

CHAIR WHITE: Okay. We have a, an amendment recommending changing out one-hour and making it forty-eight hours. Discussion?

Or actually, do we have a second.

COUNCILMEMBER GUZMAN: I need a second.

VICE-CHAIR CARROLL: Chair.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: The one-hour notice, when you first hear it, it sounds oh wow, one hour. But, you do realize that's one hour after they have been notified that the person is, the inspector is going to come up there. It's not that a person goes by the house and gee there's nobody here, so they've violated the one hour. This is an appointment, and this is standard with every inspection that the County has. There's either written or verbal notification that you're coming.

And the reason they put that to one hour is to give the County chance for these people that are really abusing the system, and we know that they're out there, to hopefully that we can try to clean up this people that have a permit but are still doing illegal activities within the legal permit. And, that was the idea for that one hour. It's not that somebody just shows up at the door. They're still notified that the person is coming.

COUNCILMEMBER GUZMAN: Okay.

VICE-CHAIR CARROLL: And, that's why that is there; because we've had so much problem with that. We give a longer notice, they clean up all their act, everything, do everything, and then they let the inspector come inside. So, it's, I don't, I think people don't really understand why that one hour was there. It's an effort to have enforcement on people that have a legal permit who are abusing it by doing illegal, too many people in a room, split up, whatever. Thank you.

COUNCILMEMBER GUZMAN: Yea, thank, thank you very much, Chair, for Mr. Carroll's explanation. However, I don't read it that way in the language. That was a great explanation, but that would probably have to be written in admin rules, because what I read specifically is that "The owner-proprietor shall allow compliance inspections to be conducted within one hour of notice."

So, that to me means that as soon as they receive notice, may it be written or call, or I mean, I think officially it would be written. And then once they receive it, then it could be certified, one hour later, you can pop in and do an inspection. So, that's how I read it. And, and I don't see the foundational background that Mr. Carroll is talking about.

And, if, if that is the case, then it needs to be expanded, the language, so that it is well written and well understood that that's how this law will operate. I would agree with Mr. Carroll that if there is an arrangement made between the Department and the owner, an appointment, yea, one hour after, you know, if they say March 30, and the owner agrees to that, then hey, one hour after that, they can inspect. But, this doesn't say that.

CHAIR WHITE: We need to, we need to have a second before we--

COUNCILMEMBER GUZMAN: Yes.

CHAIR WHITE: Is there a second to the motion for the forty-eight hour notice?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: Okay, we have a second. Please proceed.

COUNCILMEMBER GUZMAN: Yes. Yea, so if that is the case, if, and I would, you know, I acknowledge Mr. Carroll's rationale. But, that's not how I read it. And, and if it, if that's the intention, then we need to reword that language so that it's fully understood. Cause, it can be very much so misinterpreted.

CHAIR WHITE: Okay. Thank you.

VICE-CHAIR CARROLL: Chair.

CHAIR WHITE: Further discussion?

Ms. Sugimura, followed by Mr. Carroll.

COUNCILMEMBER SUGIMURA: So, Chair, just listening to the testimony and, and hearing Mr. Carroll as well as Mr. Guzman, you know, the really hard thing I think that we're faced with is that we're trying to protect those testifiers that actually have for real kind bed and breakfast, right? And, they're saying, you know, don't take advantage or, you know, one hour is too short. But, then we change it, and, or, or, and then who we're actually end up making it hard for, or, or protecting I think is what we must be doing, cause we're not good at catching them, are the illegals, you know. So, I don't know where you draw the line. But, you know, I understand what Mr. Guzman is saying.

CHAIR WHITE: Well, I think it's, it, we need to be clear; the illegals are illegal.

COUNCILMEMBER SUGIMURA: Right.

CHAIR WHITE: What Mr. Carroll and Mr. Guzman are referring to are those that have permits. So, they're legal, but they may be doing things that are beyond their permit.

So, Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I'd be much more comfortable if just put a, one sentence in there about that, that one hour after notification is given. Because, again, it's, we've had a lot of discussion on this, and there is a real problem out there. I have no objection to putting in what Mr. Guzman said the first time that they have notification, that after notification is given. And, that can either be written or verbal with the owner. Of course, you have to have it with the owner.

And, then, it, the inspection, they have to be ready within the one-hour period for the, somebody to get out there. But, it seems like that would cover them to where they do have to have the notification. And, it's still gives the County the, the vehicle and the means to go over there and try to literally protect our people too, because some of these things they have over there are pretty marginal.

COUNCILMEMBER GUZMAN: Yea.

CHAIR WHITE: Why don't we take a quick recess, and you can, you guys can work on the, work out some language.

COUNCILMEMBER GUZMAN: Can I state one more thing, is, before we take the recess? It's that I don't think I would have a problem with the one-hour situation if it was a straight out short-term rental. But, I still am a little bit on the fence on the whole tenancy, on Landlord-Tenancy Code, whether or not this would be applicable. Because the, the actual business owner is, that's their residence. And so, I, I'm on the line on that one. And, I know Corporation Counsel has opined on, on it in the past.

But, just to be safe and more cautious, I would rather that we put in forty-eight hours, because that's what's in the Landlord-Tenant Code. And, and forty-eight hours is not that much difference than anyone who's given that reasonable expectation of privacy when somebody's knocking on their door and it's a government agency. It's sometimes all about protecting our, our civil rights at some point. So, anyways, we'll take a recess and we'll try to bang out some language.

CHAIR WHITE: Just a five-minute recess.

COUNCILMEMBER GUZMAN: Okay.

CHAIR WHITE: I'll just add that going into allowing somebody who is renting a room on a, on a short-term basis, giving them the protection of the Landlord-Tenant Code, to me is really troublesome. Because, if you have people that are misbehaving, doing something illegal in one of the rooms, that's a real issue. And, they, you know, I know in my hotel if people are breaking, breaking the law or doing things that are bothering other guests, I need to have the ability to get rid of them.

COUNCILMEMBER GUZMAN: That's granted, Chair. But, you don't live in your hotel. There's, there's a little bit of a nexus there going on too.

CHAIR WHITE: No, I, but, yea, but they're still--

COUNCILMEMBER GUZMAN: Okay, we'll take a recess. Thank you.

CHAIR WHITE: --they're still visitors anyway.

Five-minute recess. We'll be back at 20 minutes after.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:15 A.M., AND WAS RECONVENED AT 11:24 A.M., WITH ALL MEMBERS PRESENT, EXCEPT MEMBERS ATAY, COCHRAN, HOKAMA, AND KING, EXCUSED.)

CHAIR WHITE: This meeting shall please come back to order.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. During our discussion, we've come to the conclusion that I need more, we need more time to work out the language. And so, I will at this point withdraw my motion. And, I believe Mr. Carroll has one more amendment. And then, he is going to move to defer this until we can, for the next Council meeting so we can work on that. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. As for that amendment, I'll do that when we meet again, because I'm going to ask if this item can be deferred.

CHAIR WHITE: Any objections to the deferral?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. We'll defer that until our next meeting.

VICE-CHAIR CARROLL: Thank you, Chair.

CHAIR WHITE: What is the date certain on that, Mr. Clerk? Would it be the 15th?

COUNTY CLERK: Yes, yes, Chair.

CHAIR WHITE: Okay, that'll be deferred till the June 15 meeting of the Council.

VICE-CHAIR CARROLL: Thank you, Chair.

CHAIR WHITE: Thank you.

Moving on the agenda, Mr. Clerk.

COMMITTEE REPORT

NO. 18-91 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 18-101, entitled "AUTHORIZING SETTLEMENT OF MOLLIE M. KLINGMAN V. THE COUNTY OF MAUI, ET AL., CIVIL NO. 16-00399 ACK-RLP," be ADOPTED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-91.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Ms. Sugimura.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on May 15, 2018, to consider a proposed resolution to authorize the Department of Corporation Counsel to settle the case read by the Clerk. The First Amendment Complaint *[sic]* alleges discrimination by the County's Department of Police against the Plaintiff based on her gender, and also unlawful employment practices.

A Deputy Corporation Counsel previously informed your Committee that the only one issue in the case is the non-promotion of the Plaintiff, wherein the former Captain of the Department of Police.

This Resolution of 18-78 also allowed for initial settlement of the case. The Deputy said that she wished to provide an update of the status of the settlement discussions since it last presented in the case to your Committee.

Following executive committee, your Committee voted 5-0 to recommend adoption of the proposed resolution. Nothing further, Chair.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CRIVELLO, GUZMAN,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY, COCHRAN, HOKAMA,
AND KING.

CHAIR WHITE: Measure passes with five "ayes", and four "excused"; Mr. Atay, Ms. Cochran, Mr. Hokama, and Ms. King.

Mr. Clerk.

COUNTY CLERK: For the record, Chair, RESOLUTION 18-01 [sic].

COMMITTEE REPORT

NO. 18-92 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that correspondence dated February 7, 2017, transmitting a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30153618793-0001 BY LEHUAMAKANOE VERKERKE," be FILED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

YOUR, I MOVE TO ADOPT THE RECOMMENDATION IN
COMMITTEE REPORT 18-92.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: We have a motion from Mr. Guzman, and a second from Ms. Sugimura.

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on February 14, 2017, January 30, 2018, and May 15, 2018, to consider the proposed resolution to authorize the Department of Corporation Counsel to settle the claim read by the Clerk.

Your Committee notes that the Plaintiff's claim against the County was filed on March 9, 2015, for damages to her property caused by roots of a tree on County property which infiltrated her backyard.

Deputy Corporation Counsel informed your Committee that the Plaintiff had transmitted another settlement demand.

Following an executive meeting, your Committee voted 5-0 to recommend that the correspondence transmission proposed resolution be filed. Nothing further, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CRIVELLO, GUZMAN,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY, COCHRAN, HOKAMA,
AND KING.

CHAIR WHITE: Measure passes with five "ayes", and four "excused"; the same as on the earlier measure.

Mr. Clerk.

COMMITTEE REPORT

NO. 18-93 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that Resolution 18-102, entitled "APPOINTMENT OF A MEMBER TO THE COST OF GOVERNMENT COMMISSION FOR THE COUNTY OF MAUI," be ADOPTED.

Approving the appointment of Noemi Barbadillo to the Cost of Government Commission for term expiring March 31, 2023.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. May I ask the that the Clerk also bring up Committee Reports 18-94, 95, and 96?

CHAIR WHITE: Any objections, Members?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER SUGIMURA: Thanks.

CHAIR WHITE: Thank you. So ordered.

COMMITTEE REPORT

NO. 18-94 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 18-103, entitled "APPOINTMENT OF A MEMBER TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI," be ADOPTED.

Approving the appointment of Caryl Hitchcock-Sprinzel (Molokai) to the Urban Design Review Board for term expiring March 31, 2023.

COMMITTEE REPORT

NO. 18-95 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Resolution 18-104, entitled "RELATING TO THE APPOINTMENT OF DWIGHT BURNS TO THE POLICE COMMISSION," be ADOPTED.

Disapproving the appointment of Dwight Burns to the Police Commission for term expiring March 31, 2022.

COMMITTEE REPORT

NO. 18-96 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE COMMITTEE:

Recommending that Bill 60 (2018), entitled "A BILL FOR AN ORDINANCE ESTABLISHING ADDITIONAL QUALIFICATIONS FOR THE MANAGING DIRECTOR," be PASSED ON FIRST READING and be ORDERED TO PRINT.

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORTS 18-93 THROUGH 18-96.

COUNCILMEMBER CRIVELLO:

SECOND.

CHAIR WHITE: We have a motion from Ms. Sugimura, and a second from Ms. Crivello.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Just kind of clarification. I think 18-95 was a resolution for the disapproval of the appointment of, to the Police Commission. I think I heard approve; just for clarification on that.

And, I also would like to just mention of these, the Committee met to establish the last of the 11 additional qualifications as was required by the charter amendment that was approved, or voted on last election, where the public by a vote of 65 percent of the voters asked that additional qualifications be established for positions of directorship that are appointed by the Mayor. And, this is the last of that. So, we established the qualifications for the Managing Director. And, that would be 11 for 11 that we were required to do. So, we have completed the request of the voters to establish additional qualifications for those positions, Chair. Thank you.

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS CRIVELLO, GUZMAN,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY, COCHRAN, HOKAMA
AND KING.

CHAIR WHITE: Measure passes with five "ayes", and four "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, for Committee Report 18-93, it's RESOLUTION 18-102. Committee Report 18-94, RESOLUTION 18-103. Committee Report 18-95, RESOLUTION 18-104. Committee Report 18-96, it's BILL NO. 61 (2018) *[sic]*.

And, Mr. Chair, there's no further business before this Council.

CHAIR WHITE: Thank you very much, Mr. Clerk.

Members, I want to thank you for your patience this morning. And, with that, we are adjourned.

ADJOURNMENT

The regular meeting of June 1, 2018 was adjourned by the Chair at 11:33 a.m.



DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII