

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

December 21, 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, DECEMBER 21, 2018, BEGINNING AT 9:09 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

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

Mr. Clerk, please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS ALIKA ATAY, ELEANORA COCHRAN, S. STACY CRIVELLO, DONALD S. GUZMAN, G. RIKI HOKAMA, KELLY T. KING, YUKI LEI K. SUGIMURA, VICE-CHAIR ROBERT CARROLL AND CHAIR MICHAEL B. WHITE.

DEPUTY COUNTY CLERK JOSIAH K. NISHITA: Mr. Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

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

OPENING REMARKS

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

CHAIR WHITE: Thank you for those wonderful remarks, Mr. Hokama.

Will everyone please rise and 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 very much. And please turn your phones to silent mode please, as we proceed with the agenda.

And, with that, Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with presentation of testimony on ceremonial resolutions. We have four individuals who have signed up to testify on ceremonial resolutions in the chamber.

We'll start with testimony from our Molokai District Office on ceremonial resolutions. Molokai District Office, please introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai, and my testifier is Judy Mikami.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. JUDY MIKAMI:

Good morning. First of all, I'd like to thank the Council for their hard work and wish all of you a Merry Christmas. I would especially like to thank Councilwoman Stacy Crivello, who represents Molokai. And, I just wanted to say that even before she went on the Council, Stacy has had a great commitment to our Molokai community and compassion. And, Riki, you spoke about family and that's really what it's about.

Before Stacy went onto the Council, we worked together to bring dialysis for instance to Molokai, which was, I think, top priority at that time many, many years ago; when even her mom, you know, suffered from this disease and had to leave the island. And, today, we have a ten station dialysis station, ten station dialysis unit. And, I wanted to

mahalo Stacy for that. She also was involved in Native Hawaiian health, and rural health until when she came on the, she went on the Council, she couldn't do that.

But, I really wanted to thank her for her, while on the Council, her interest in, and her support for kupuna care for Molokai. And not only for Molokai, but for Maui County. She helped us with many kupuna forums that we had on Molokai. And, we're able to even be there to welcome speakers and the kupuna to be involved in civil discussions on kupuna care, care giving, all things related to kupuna care, insurance challenges.

And I could go on and on, but I think I have 30 seconds. So, anyway, I just wanted to thank you, Stacy. I look forward to you coming home. We're still not dead yet. We're going to continue to work for our community. And to all of you, thank you, Merry Christmas. And to the new Council coming in, God bless as well. Thank you.

CHAIR WHITE: Thank you for your testimony.

Mr. Clerk.

MS. ALCON: My next testifier is Zhantell Lindo.

MS. ZHANTELL LINDO:

Aloha and thank you for this opportunity. I would just like to take the time to thank each and every one of the Councilmembers for their dedication and their commitment to serving our people of Maui County. I have been among the fortunate ones to either have a relationship or, or to be able to know the individual Councilmembers. And, and I have gleaned from you and learned much from you, and our community benefits from your heart and your loyalty and your commitment.

I especially want to take the time to thank Aunty Stacy, as she is affectionately known on our island. And, in leadership roles, not all of us agree on the approach or on the technique and tactic. But I know that Aunty and the rest of us here have always agreed on the destination, and that is for the best quality of life; to support families and support the well-being of our island and how that overflow of abundance can help the rest of the world.

And so, Aunty, my heart is so full and thankful to you for all your commitment and all your, your efforts. And I know that this is not the end, this is only the beginning, and that you have so much that we can learn from all of you. And so, I wish you well in the coming future. And thank the rest of you for just all the commitment that you have given and for this opportunity.

CHAIR WHITE: Thank you very much.

Mr. Clerk.

DEPUTY COUNTY CLERK: First pers--

MS. ALCON: That's all the testifiers for ceremonial resolutions on Molokai.

DEPUTY COUNTY CLERK: The first person to testify in the chamber on ceremonial resolutions is Lawrence Carnicelli, to be followed by Zandra Amaral Crouse.

MR. LAWRENCE CARNICELLI:

Aloha, good morning, Chair, Members. Lawrence Carnicelli speaking on my own behalf; feels good to say that. It's been a long, long time. I'm not going to take 18 minutes to speak on all six resolutions.

But, I just want to show up and just say thank you. It's been my pleasure to work with each and every one of you over the last few years; the friendships, the disagreements, the agreements, the work, the work that you guys do. People don't understand. They only shoot arrows at you, it's a thankless job, but I get that. But, I just want to let you guys all know that I appreciate it; appreciate the dedication you all give to our community and also your staffs. I think that goes unrecognized as well. All of your staffs are, the hours and hours that they work as well.

And so, if I could break protocol a little bit, I'm going to use everybody's first name instead of last. Bob, years, decades of service to our community. You serve Hana well. Thank you.

Stacy, you're the epitome of district voting; why people should want district voting. You've always won Molokai. You serve your community well. You always champion Molokai. It's like the first in your thoughts and I really, really honor and appreciate that.

Alika, you're the only Councilmember I've ever known that looks at us the entire time; every testifier from the day you started January 2, two years ago. You don't go on your phone. You don't talk to anybody else. You sit and look at us every single time. And, I knew that, I see that, and I appreciate it. I appreciate your loyalty and your dedication to your heritage and what you bring.

Elle, our friendship has been fun. You are going to be missed here. As much as you drive me bat-crazy every, you know, every once in a while, you're going to be missed; you really are. What you bring and the growth that you had over these last eight years

has been really, really amazing to watch. And I, I look forward to seeing what your next chapter is.

Don, my brother. I don't know if I should call you my older brother or younger brother. I think I'm older than you. I really appreciate the fact that you take being a legislator very seriously. You know, that's what you brought, is just this, like, this about legislation. This is about trying to create good rules, and laws, and community, and you just always come from that sense. And it's been refreshing to just be able to work with you on that level and also create a personal relationship with you as well. As a matter of fact, you're the very first Councilmember that swore in front of me. And not that everybody swears, but when somebody swears in front of me, I kind of, it like makes me have a sense of relief, cause it's like, oh they must trust me enough to be able to swear in front of me. So, I remember the day that you actually swore in front of me. I felt like, oh I've arrived. So, thank you for that.

And, Mike, the way with which you've held your seat and sat there with dignity and respect while people are just taking potshots at you; trying to take you down saying mean nasty things right to your face. And you, you've handled that in a way with which is inspiring to me. I'm going to miss your stories when we meet. Maybe I'll have to come visit you and, and hear some of those stories again. But, I also appreciate the friendship that we've developed.

Yuki, Riki, and Kelly; good luck. Continue to carry the torch. Bring us together, not apart.

And, as you all go off into your next journey, I'm just sort of reminded of the story of the zen farmer. So, there was a zen farmer in a village a long time ago and he had one horse. And one day, his horse ran away, and all the villagers were like, oh my gosh that's so horrible. He said, eh, we'll see. And then the next day, the horse came back with three wild stallions. And everybody's like, oh my gosh how wonderful, you're so lucky. And he goes, eh, we'll see. So, then his son was trying to break one of the wild stallions. He fell and broke his leg. And everybody was like, oh my gosh that's so horrible. He said, eh, we'll see. The next day, the army showed up to take all the young men off to war. The son had a broken leg. Oh my gosh how lucky. Eh, we'll see. So, the story continues like that. But, I guess as each one of you go off into your next journey, we'll see. Merry Christmas and aloha. Thank you.

(Councilmember Guzman was excused from the meeting at 9:30 a.m.)

CHAIR WHITE: Thank you, Mr. Carnicelli.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Zandra Amaral Crouse, to be followed by Patricia Hunt.

MS. ZANDRA AMARAL CROUSE:

I tried real hard to convince myself not to cry. But, it's so difficult, cause through the two years that I've worked alongside you in the community, all of you, what I saw besides Council people, I saw people of respective communities. Some that I grew up with, some that I grew up with their families, some that I met along the way. But, I'm very privileged to have known all of you.

First thing I'd like to humbly ask, though, all of you. If I had said or did anything that may have offended you, if I got a little bit passionate and was not in decorum, I apologize, and I humbly ask your forgiveness.

But, to Bob Carroll, brother Carroll, thank you for the many years you've served Hana and the Maui community at large. Thank you for all your work with affordable homes, along with Stacy Crivello. Thank you so very much. You will be missed, but we know where you live, so we'll be sure to keep you involved. Thank you, Bob.

Stacy, it was a privilege to walk beside you and, on your island on Molokai. It was privileged to see how much they thought of you. It was a privilege to be told by your community, all the many things that you brought, not only to their community with their physical needs, the kupuna needs, the housing needs, the agriculture needs; but Maui at large. And it is my, I am so grateful to you Stacy for all that you've done; not only for Molokai but for Maui County as a whole.

(Councilmember Guzman returned to the meeting at 9:31 a.m.)

MS. AMARAL CROUSE: Alika, when you were elected to the Council, I was encouraged, because for me what that said was that our local people were finally getting involved. And it is my hope to the community at large, Alika Atay and Elle Cochran lit a fire under you, let you not give up. Cause I, it is my hopes, Alika, that you will continue to stand up for and encourage the people of Hawaii, especially the kanaka maoli, to get involved and be involved. Because it is only through being informed and educated on the issues can we make a collective collaborative decision that is the best for our kanaka maoli and everyone who calls Maui Nui their home and Hawaii nei their home. Thank you, Alika.

Elle, you will be missed. But something in my heart of hearts tell me you won't be unseen or heard from. I'd like to thank you for all that you have done for Lahaina, which is the area of origin where my family, over a 150-years ago, pulled in port and

made that their home; where my grandmother was born, where my lineage, my great-great grandfather's house still stands till this day a little bit refurbished. But, Elle, it is my hope and my prayer that you don't give up with the local community. I have seen you fight and fight hard. And it has not been in vein. I am very grateful to you. And it is, I look forward to seeing you in the community, Elle. But, I want to thank you for the many hours and the many years of sacrifice that you gave, not only to the Lahaina community, but Maui Nui.

Don Guzman, our legislator, the attorney. It's been a privilege knowing you. You've added a little bit of, and that's the paralegal in me, you know, like, cut to the chase, what is the point, what is the law and where does it lie? And so, I can so relate to you when you speak and when you put things in order and you categorize them and move on with it. You are going to be missed as well. But, I do know that with your knowledge, your experience, you will be involved in this community. And it is my hope and my prayer that it is somewhere in land use, because that is an area that is dire in need of local involvement so that we might preserve our lands. But, thank you.

Honorable Chair White, thank you, sir. I know how difficult it has been for you. But, I have as I, and I've said this before, I've always been very appreciative of you keeping order and decorum even when it came to calling me on the carpet. And I thank you for that, Mike White, thank you. Kaanapali Beach is very, very lucky to have you, so is the County of Maui.

And to the incoming Council, thank you for everything you've done. Kelly, Riki, Yuki, thank you. And I look forward to working as a community member alongside all of you. But, I'd like to say to all of you, new and going out, Merry Christmas and have an awesome New Year. And I look forward to working with you as a community member. Chair, mahalo. Thank you.

CHAIR WHITE: Thank you very much for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Patricia Hunt, followed by Sarah Freistat Pajimola.

MS. PATRICIA HUNT:

Thank you, Chair. And sorry, I'm losing my voice; I've had a bad cold for about a month. I would like to thank each and every one of you for serving on this Council. I know none of you know who I am. You've only heard me speak once. But, I can tell you, being from the mainland and coming here, Hawaii is a very special place to me.

I broke my back, my jaw, and my wrist several years ago, and a family was kind enough to bring me here. I have literally, has been God every step of the way, and it has been the kindness of the aloha spirit that I believe that the State of Hawaii could teach our world to make it a better place.

And although I do not know each and every one of you, I have seen you out in public, I've seen how hard you've worked, and I've seen a lot of you speak on different things. One of the hardest jobs, I believe, and I've seen in this world, is to be a politician. You're never going to win everybody and you're never going to get everybody to like you. But I will say this, if it wasn't for the State of Hawaii and the aloha that this County and the State has and that each and every one of you have worked as a family to may not have agreed on everything, may have butted heads, and my dad who may he rest in peace, was a very strong man but stood for something. And I've seen each and every one of you stand for your culture, for your people, that I really hope and pray that this continues for the new Council; that will do the best for the community and for the State of Hawaii and show aloha. Cause each and every one of you have done the best you can and above that.

And Elle, I have heard you, I've heard all about you; good things on this island and from the local people. And I've heard from each and every one of the Councilmen who are retiring; Vice-Chair Robert Carroll, Alike Atay. And I apologize about losing my voice. I've heard wonderful things about you; Elle Cochran, Stacy Crivello. I have friends on each of the islands who are locals. If it wasn't for the Hawaii culture and the people and a Hawaiian healer, I wouldn't be walking right now. So, Hawaii's a very special place to me.

And, Mike White, Don Guzman, I know I've heard not so nice things, but sometimes it comes with the job and sometimes you have to bite the bullet. But, the way people, you have handled yourself is inspiring, like the other gentleman said. Because my parents always taught me to turn the other cheek but to stand for what you believe in. And I think each and every one of you, when people come here from the mainland, whether it be for a short time or a long time, I really appreciate each and every one of your years of service and what you guys have done to help this community to be a better place. And I think that's what, and the only goal that this County Council is for. And I think you guys have done it with hard work and your heart and compassion.

And I want to thank you, each and every one of you even though you don't know who I am. I do know who you are each and every one of you. And I have heard from Hana all the way down all over this island, each and every one of you how you've worked and what you've done for the people. And, and I hope and pray they appreciate it, but I hope and pray that there's more people that will come and do the same work to better our community and to better the island of Maui.

I'm not from here, but I always believed that the Hawaii people, if they teach aloha to the world, it will be a much better place. And I want to wish you and your families a Merry Christmas. And I want to thank you for doing a wonderful job in your positions. It's not easy and no one likes a politician, but you guys did your job and you did it the best you did for this community. And I'm really hoping some of you will re-run for the next election. But, with that being said, I want to wish you all Merry Christmas and I hope you have a Happy New Year. And God bless all of you. Thank you.

CHAIR WHITE: Thank you for your testimony, Ms. Hunt.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Sarah Freistat Pajimola, to be followed by Autumn Ness.

MS. SARAH FREISTAT PAJIMOLA:

Oh my gosh, what am I doing? Okay, aloha. My name is Sarah Freistat Pajimola. As you know, Elle, public speaking is something that I normally avoid like the plague. I can count on one hand the number of times that I've testified over the course of the last 11 years while being employed in this building.

But there are a couple of things that I think deserve to be said on the record about you, and don't worry. I've had the distinct honor to work for some pretty incredible Councilmembers over the years starting with Michelle Anderson, a powerhouse research genius with a moxie and a vocabulary that kept my nose constantly in the dictionary for frame of reference; followed by the always infamous and revolutionary call him like I see him, Wayne Nishiki. Growing up in politics and being raised by such ethical giants, my awareness and ability to gage morality in government was a skill that was sharpened through grueling training and incredible stress and pressure to strive for what was true and right and always in the best interest of the people and our environment.

When I first started working with you, we were strangers to one another. But I immediately saw in you these same values, same familiar values that I'd been used to with my previous employers. Being new to politics, you had a fresh perspective and an excitement that was contagious. I would liken political employment years to dog years. So, the same people that don't work in this environment can understand exactly how fast this work ages you. I had worked in government for three years at that point, so I was actually 21 years jaded already by the time that you started. But, you breathed new life and energy and gave us hope for a coming change.

Now, I'm 77 political years old and I'm reflecting back at our 56 years together. And that's why I needed to step out of my comfort zone today and say a few things to you on the record. You've amazed me. I'm honored to have been able to serve you. You're the bravest woman I know. You've accomplished huge impossible things. You've made us better people as a community. You've protected so much. You've passed landmark legislation. You've challenged the status quo and you've won. You never backed down even when you felt alone in a fight.

You have this ability to take an overwhelmingly amount of new information being rapidly fired at you by two of your intense and fired up employees just 20 seconds before walking into a meeting, and somehow translating that garble into genius points; and that's a superpower. You held up under incredible stress and abuse on the floor and in the media. You always stood proudly and assertively in the face of adversity. And it wasn't always rainbows and unicorns between all of us, but for the most part it was. And that's really rare to find in this fast-paced, high-stress, high-stakes environment.

I'd like to think, while I'd like to think I honor you and represent you every day to the best of my ability today, I wanted to publicly display my affection and embarrass you with an overwhelming amount of praise. I love you so much as a boss, as a great long-time friend and as my ohana. I will genuinely miss working for you and with you every day, but I know that we will still work together towards common goals for this community in perpetuity; that's our buzzword for our office, yea; just like I do still with Michelle and Wayne. I know you will be a continued voice of strong value and leadership for the people of Maui Nui for many years to come. So, thank you for your service, Elle. I love you.

CHAIR WHITE: Thank you for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Autumn Ness, to be followed by Trinette Furtado.

MS. AUTUMN NESS:

Aloha, Council. I apologize for my attire; I just raced down Haleakala from sunrise to be here. And I smell like a campfire. You don't know that, but I'm, I just, I wanted to make sure I got here in time to say a few words about how proud I've been to work on your team, Elle. I never wanted to work in government. I was hoodwinked into it. And, I ended up staying, because Elle put together this really amazing team that I just could not, not be a part of. And I was so proud of the work that was going on with you.

I am repeatedly reminded working with you that the right thing is often not the easy thing. The right thing is often not the easy thing. In fact, it's often the most treacherous and potholed path, and we need to take it anyway every single time. You showed me that you can do the right thing, even when it is so, so hard, with grace and tenacity. I'm proud of every single decision I've watched you make in my time with you, which is super rare in this world. I'm proud of every single piece of legislation, every project we work, we worked on. There's not one single thing that I've gritted my teeth and done unwillingly. I think everything that you've done in your office is just the right thing. And, like I said, in this world that's really, really rare. There's been no idea, no problem too complicated to tackle.

This whole system I learned quickly is not set up to tackle complicated multifaceted problems. This structure isn't set up for that, but you've done it anyway. We often hear housing solutions are complicated. So, you said, great, let's figure it out; find the solutions, let's push them forward one by one no matter what it takes.

People from the community were coming to you and saying that they had a concern about tourism; how can we improve it? How can we keep it strong or make it better? A lot of people said it's complicated; you said, let's figure it out.

Many of the things that we talked about, you knew right out the gates would be unpopular. We knew that as soon as we said a certain word, people were going to react. And you said, let's do it anyway. You said, if it's the right thing to do, we forage through the problems, we forage through the misconceptions, all of the mud, and we do it anyway. And that takes a tremendous amount of courage and leadership and moral conviction. And again, in this world, that's really, really rare; to do something that you know is right even though you know you're going to get it.

So, I really thank you for this opportunity and for being a part of your team. And I'm stoked to keep working with you in the years to come on really, really big things, cause I know that that's what's going to happen.

And while I'm here, I also need to do a special public thank you to Alikea, because you've helped a lot of us in the community blow the doors off what we think is possible, you know. I often hear in my head the, the sentence, "how things are is not the way they have to be". And you know that intrinsically, and that's also really rare. People just often like to say, well that's the way it's always been. But, your answer is, okay, yea, well, how we going to fix it, you know? You do a great job of helping other people know that too, which is huge if we're ever going to solve the problems in front of us so that our kids don't have to keep doing this. It's a super important lesson that I'm really grateful that you'll continue teaching. And I'll, with you as well, I know that we're going to keep working together in a lot of groundbreaking things and I'm really proud to do so. Thank you.

CHAIR WHITE: Thank you for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Trinette Furtado, to be followed by Kai Nishiki.

MS. TRINETTE FURTADO:

Aloha, Chair and Councilmembers. My name is Trinette Furtado. I am currently staff for Councilmember Alika Atay. And I want to thank all of you Councilmembers for invigorating and energizing our community into being more involved in our own governance, because it's way beyond time that we did that.

I especially want to thank my boss, my friend, my confidant on lots of things, my mentor; Councilmember Atay. When I ran in 2016 with him, it was primarily because of him that I ran. I also, like Autumn, did not want to be involved in politics, but I found myself continuously being here, being at the State Capitol, talking about things that maybe not affected me right now or maybe might have affected me acutely now, but in the long run, in the bigger picture, generations down the line, it would be pono. And, that's what this man has taught me; that when you're pono, you have to be onipa`a about that, you have to be steadfast. And sometimes pono does mean standing alone while others educate themselves, while others come to the point of that pono. Sometimes people don't, and we still aloha them for it, because in the end it's the bigger picture in the long run. It goes beyond us. It goes beyond our children. It goes generations down the line.

Now, you know, I've had a lot of people tell me, well that's great we have a kanaka in there. We have kanaka in here. We've, we've always had kanaka in here. The difference is what people had been seeing was here was a man whom they thought was just a farmer, but he's so much more than that. He's so much more than just a farmer of agriculture. I, I put it out there that he's a farmer of people. He grows the seeds of what is possible. He doesn't say this is what you're going to look like, this is how your involvement with me is going to look like. He offers you the opportunity to grow and expand. And I am absolutely honored and grateful for that, because he saw in me a tenacity and a determination to do the right thing, to make sure that others around me are also doing the right thing because that's what we do, not just for ourselves, but for our community and for our keiki.

And, and working with and for Alika has been one of the hugest adventures of my entire life. And, and I've learned so much just being in his presence and knowing him and being a part of his ohana. And I am, I'm proud and I'm happy and I'm humbled to

consider him my ohana. And I know that beyond these walls, we are going to continue to do great things together. And I look forward to being a great ancestor with and because of him.

And, Elle, you also have been an example to me; sitting here in times when you are the sole voice for the people, for pono. And, and that has also fueled my drive to continue to do so. There is no reason why we cannot do the right thing. There is only the will to do so. And both of you have shown me that that it is will, it is mana, it is `ike that moves us forward. And so, I mahalo you for that.

CHAIR WHITE: Thank you for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Kai Nishiki. Ms. Nishiki is the last individual who has signed up to testify in the Council chamber or District Offices on ceremonial resolutions.

MS. KAI NISHIKI:

Good morning. Aloha, Councilmembers. Of course, everyone is very emotional on this last day here. And I want to also express my appreciation and gratitude for all those who step up to serve their communities.

Thank you, Bob Carroll, very much, and Alike Atay and Elle Cochran. I am proud and honored to stand by you as you aloha aina into the future. And, also, Stacy Crivello, Don Guzman, it's been an honor to come here and be able to work with you guys on different legislation; so, mahalo for that.

I want to urge all of you Councilmembers to please respect the communities that you represent. And that next year, or next week on the 27th, when there is this hewa so-called public meeting, that you boycott it. It's, it's not the right and it is, it's really hewa. So, please don't attend that meeting.

For Council Chair Mike White. This was supposed to be the final Council meeting. And usually, we can come here with glowing platitudes thanking Councilmembers for their service. But, since this isn't the last meeting, thanks to you, I have a few things to say to you.

Next week is supposed to be a time for everyone to spend time with their families, like Riki had mentioned, and remember all the things that we're grateful for. Personally, I have a family reunion out in Hana. And, you know, my dad is 75 years old; he's not

going to be spending, you know, the next 20 years with us. And we take every opportunity that we have to be grateful for the time that we have with our families, but, and I know a lot of, a lot of people do that, especially between Christmas and New Year's.

And I think that it is a travesty that you would schedule a public hearing and expect people to leave their families and come down here and testify. People fly in from all over just to spend time with each other. And we're now going to have to take a whole day off to come down here. My community, Maui, this aina, is also my family. And so, I'm going to leave my other family to come here and defend my community and my love for the land.

Mike White, I'm pleading with you to please do the right thing for once and pull the Keawekapu Community Plan amendment and parking grab, and the Haiku-Paia TVR issue from the agenda next week.

Everyone comes here and says all these nice things. But, let's also remember things, because I'm never going to forget the past two years during the holiday time when there was legislation proposed to fire other peoples, other Councilmembers' executive assistants. I'm never going to forget that there were employees that were escorted out of the building, and that there were also County workers informed during the holidays that they would no longer have a job. So, while we're remembering all the good things, let's also remember that almost every Christmas, this is, this is what you do.

Today is the Winter Solstice, and from today on, the days are going to get brighter and longer without you as Council Chair abusing power of that position. I urge the next Council to take an example from this, from these actions and not repeat it. In the words of Michelle Obama, bye, Felicia and a hui hou, Mike White.

CHAIR WHITE: Thank you for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next person to testify is Jasee Lau. Mr. Lau is the last individual who has signed up to testify in the Council chamber or at the District Offices.

MR. JASEE LAU:

Hi everybody. His Highness Kaua couldn't make it today, so he wanted to wish everybody Mele Kalikimaka.

I just wanted to, I couldn't speak to you each guys individually; I just wanted to say thanks. And thank you for your, all your staff that are leaving us here too. I think they got left out on the agenda. And I wanted to say, remember, White is right. By that, I mean pono.

CHAIR WHITE: Thank you for your testimony.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber nor the District Offices who wish to provide testimony on ceremonial resolutions. Shall we close testimony on ceremonial resolutions?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Can we get clarification; is Molokai Office still on before we close off?

CHAIR WHITE: I believe they've gone through the testifiers for the ceremonials. They may have further testifiers for some of the other items.

COUNCILMEMBER ATAY: Okay.

DEPUTY COUNTY CLERK: Yes, Mr. Chair, the District Offices do email us when they have testimony. Molokai has one person waiting, but not for ceremonial resolutions, for the rest of the agenda.

CHAIR WHITE: Okay. Thank you.

COUNCILMEMBER ATAY: I was just trying to get a point of clarification and an opportunity to tell staff member Ella Alcon mahalo for her years of service. We were last on Molokai, and she announced her retirement. And being that this meeting, I wanted to also recognize her years of service and say mahalo.

CHAIR WHITE: Thank you for bringing that up. And I think we all wish Ella all the best in her retirement.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, shall we close testimony on ceremonial resolutions?

CHAIR WHITE: Yes. Without objections, we'll close public testimony on ceremonials.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Public testimony is --

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Yes, Ms. King

COUNCILMEMBER KING: I just wanted to add thank you to Dawn Lono as well, as I hear she'll be leaving the East Maui District Office and retiring from that service. So, thank you to Ms. Lono for her service to the County Council.

CHAIR WHITE: Thank you. I think we all join, join Ms. King in wishing Dawn Lono a wonderful retirement and thank her for all the wonderful years that she spent helping us all out in Hana and elsewhere.

Mr. Clerk.

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

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 18-199

EXPRESSING APPRECIATION TO COUNCIL
VICE-CHAIR ROBERT CARROLL

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"EXPRESSING APPRECIATION TO VICE-CHAIR ROBERT
CARROLL"

May I ask the Clerk to read the resolution in its entirety?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, thank you, Chair. So, the few years I have been here with serving with you and more especially with Bob Carroll from a special place of Hana, I can appreciate the calmness that he brings to our deliberations. And, like Bob, he doesn't say much. So, you know, I recall a commercial that used to go like this, "when E.F. Hutton speaks, we listen". So, to me, he's a man of few words, but words of integrity. And so, when Bob Carroll speaks, we listen. And for that, I'd like to say mahalo on behalf of being your colleague.

I appreciate your beautiful relationship with your beautiful wife and family. And we go back to our opening remarks about the importance of ohana, and you carry that as an emblem on your shoulder, Mr. Carroll. And you are a man of kindness. And I know you love Christmas, so I'm going to say Merry Christmas to you, but most of all mahalo on behalf of all of us.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion on this item?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, thank you. I also would like to thank Mr. Carroll for all the years of service. And what, as, Member Crivello had stated on the floor, when Bob speak, speaks, people listen. And I always had nicknames over the years for our Members. And as well as you know, Chair, I, I always called Bob the solid foundation, the solid guy. He's quiet, but then he's filled with so much knowledge of the, of the past and the institution.

Before the whole progressives and issues that were coming forward, Bob was an innovator in his own right. He had passed legislation or proposed legislation that was far beyond the years. And if you'll go back and look at the some of the legislation that he has proposed, it was very innovative. And he paved the way in a lot of the issues that are now in the forefront. So, I thank Bob for all of his service and the friendship and all the stories that you have shared with me. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

Any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I too would like to express my appreciation to Bob and Geraldine. We must not forget Geraldine who is solidly, she, I think she comes to work here at the County Council with him every day; and I admire this couple who in force, they are truly going to be etched in my mind and I will always think of them. And I would, I was surprised one day when Geraldine told me she went home to get her wallet; and the drive to Hana to them is like around the corner.

And I marvel at them with their commitment and dedication to the people. And I too saw that when he says very few words, but when he does speak, he'll raise up his hand, he'll call, get the attention and with very few words say exactly what needed to be said at the right moment. So, appreciate him. I will miss him very much. Thank you.

CHAIR WHITE: Thank you.

Any further discussion?

Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I just want to thank Mr. Carroll for all his service; it's mentioned in the "WHEREAS" in the resolution. But, always the, the full on aloha and ohana feel when we all go out to Hana for our budget meetings and what have you. And although Bob is not kanaka, he is not born and raised here, he sure exudes the spirit of aloha and, and feeling of ohana when we come to that end of the world. And so, I just want to say mahalo to Aunty Geraldine and Bob for your hospitality always and expression of aloha to us all when we come to the east end. So, mahalo and mahalo for your service to this County too.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, quickly, I'm happy to speak in support of this resolution, of course. But to someone that maybe has served during the same periods as Mr. Carroll, I can just say to him, thank you for ensuring the sentiment, the sense, the voice of East Maui and Hana was represented very well through Mr. Carroll. He understood his community. And like any other community, they may have their own disagreements at times about an issue. I think Mr. Carroll has found ways of bringing people together and having a solid voice for the East Maui community.

So, I want to thank Bob for doing a very good job in representing that district and making us aware of their needs, their desires, and their hopes. And I hope we have addressed, in cooperation with Mr. Carroll, addressed those issues as best as we can, Bob. So, mahalo for your service, Bob. And blessings to you always. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Ms. King.

COUNCILMEMBER KING: Chair, I'm going to try to be brief and reserve my thank you's for, after all of the resolutions have been passed. But, I just wanted to give a special mahalo for Bob for, we've been sort of bookends to this Council and often show up first waiting for the in, waiting for the inside seats to be filled up. And so, I appreciate that, you know, the punctuality and the consistency. And I'll make my, my remarks to the whole Council at the end. Thank you.

CHAIR WHITE: Thank you.

Any further discussion?

Well, Bob, I will just add that it's been a, a pleasure working with you. You and I came in in your second tour of, of duty here the same time I came in. And it's been a real pleasure being able to count on you to steady the course and, and chart new courses, as Mr. Guzman said. You've come up with some wonderful things and we really appreciate your leadership.

And, I have to mention, of course, that it's been very pleasurable the last couple of weeks when you've actually spoken out and shared your mana`o many more times than we're used to. But, those of us, you know, the public doesn't hear from you all that often, but we get to hear from you, you know, when we come to discuss various items. And it's just been a real delight working for you. And you are a very steadfast and strong leader, and we really appreciate your guidance over the years. So, thank you so, so much.

And of course, like the others have mentioned, there's, there's no Bob without Geraldine. And so, we've just, it's been a real pleasure having her in the, you know, in the hallways, in your office and elsewhere. She is such a delight and so devoted to you that you are a very lucky man. And you guys make a great team. So, thank you for your service. And, wish you all the best in retirement.

With that, I'll call for the vote. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mahalo, Mr. Carroll. Would you like to say a few words?

VICE-CHAIR CARROLL: Thank you, Chair. First of all, I'd like to thank all of you. It's been a really wonderful two years working with everyone. And I'd also like to thank Geraldine Carroll for being there and helping with everything. And it's, I'm going to miss every one of you. And I hope we'll be seeing you in other places. Thank you. Mahalo.

CHAIR WHITE: And we know you're going to travel, so good luck in all your travels.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-199.

RESOLUTION
NO. 18-200

EXPRESSING APPRECIATION TO
COUNCILMEMBER ALIKA ATAY

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"EXPRESSING APPRECIATION TO COUNCILMEMBER ALIKA
ATAY".

COUNCILMEMBER KING:

SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll, and a second from Ms. Sugimura *[sic]*.

COUNCILMEMBER SUGIMURA: King.

CHAIR WHITE: Oh, King, sorry.

Mr. Carroll.

VICE-CHAIR CARROLL: Mr. Chair, may I please ask the Clerk to read the resolution in its
entirety?

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I have known Mr. Atay, Alika, for a very long
time, about . . . years, known him and his family. It was always a pleasure working
with him when he was working with youth with Mr. Sevilla. They always did an

outstanding job. And even though I was very, not very involved with that, I was very impressed with what I saw. And I would really hope that Alika, that now that you're off the Council that you go back and spend time with the youth because I think you really did a good job over there. And I think that's a real calling for you. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion, Members?

Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I'd also like to share in my sentiments in wishing and greeting Alika a farewell. I, I have a lot of respect for you, Alika. I, over the last term, I've seen a man grow into the position. He's so eloquent. And I wanted to say that my nickname for you would have been the preacher, because when you speak, it's so eloquent and you give meaning to legislation in a most common way and touches the heart. And so, I always appreciated the way that you approached things and you analyzed the issues given the, giving the perspective of what counts in the community; the values and cultures is foremost in your mind and heart.

The opportunities that I've had with you from the very beginning, you inviting me years ago to a natural farming conference or the ability to learn at that session changed my life in looking at how agriculture should be done and spurring my, my ability to go further.

And sharing the night in Hana with you on the beach, hanging out till the sun rose was an incredible experience and I will never forget the friendship and stories that we shared. So, I wish you all the best and I hope that we can continue on. Politics is always temporary in life. We have always something new in the horizon and I hope to be of any assistance to you in the future. God bless you.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And I remember meeting Alika for the first time. And I went to La`akea Farms up in Paia and he was encouraging the youth to get into farming. It was the kids next door across the street, where you know as kids are, kolohe and getting into mischief because they couldn't really, you know, focus on something. And Alika got them farming and said, you know, you grow these crops and you can sell like Mama's Fish House and restaurants love all this Basil and things they were growing; wow, for real uncle, I can grow and then sell and then make money?

He's like, yea, come on, I'll teach you how. And so, that was the, my first, you know, introduction to Alika. And thought wow, what a, what a great thing.

And the next thing you know the GMO movement occurred and he's back in the limelight and just spearheading some awesome efforts for Aloha Aina and continued on to get to this seat. So, it just is such a whirlwind, you know, pace that he's been on. And I know that things are meant for him to, to venture back out into the world as I will and to, to plant more seeds, you know, and sow and reap the rewards of that because I've seen it happen here.

So, I thank him and his staff and everyone for the efforts. In such a short time they've done so much too. So, mahalo, Alika and all the best and blessings to you in your future endeavors. Thank you.

CHAIR WHITE: Any further discussion?

Yes, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I just wanted to add my mahalo and aloha to Alika. My first introduction to Alika was on his campaign trail when his mama came up to me and called him over and his brothers, and she said, we are ohana; remember that, we are family. And I carry that with me because I believe this is a very precious value that we carry throughout the floor, the eighth floor. And being my sitting neighbor, we have under the breath discussions. But, I am grateful for your articulation, I'm grateful for your participation. And the door is not closed; it's just we have more doors opening up. And I know you will continue the work you do because imprints are made by our many footprints. So, mahalo, Alika. And God bless you and your family.

CHAIR WHITE: Thank you, Ms. Crivello.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Any further discussion?

Yes, Ms. King.

COUNCILMEMBER KING: Yea, I was going to hold, try to hold my comments but, you know, there's just, there's so much to be said and I really want to mahalo, Alika. We came in as freshman Councilmembers together and with a lot of similar intent. But, one of the things I really wanted to remark on today, because I think he's been such a strong influence in the agricultural world.

And Alika your influence in leading the SHAKA Movement and the concern you had for the, not just the GMO labeling and GMO issues, but the pesticide issues has been a huge influence on the sale of A&B lands that just happened and the intent of the, the purchasers. I have, I have a meeting about that a little bit later and I just wanted to mahalo that strong voice, because without that, I don't know that that would have been an issue for our island. That's what propelled Mr. Atay to the Council seat and I think it's what's carrying his mission forward as well beyond the, this term. So, thank you for your service. I do have the lei, which I'll present now.

CHAIR WHITE: Thank you.

Any further discussion?

Seeing none, Alika I want to thank you for your service. I don't think there's anyone in this room that doubts your passion for the community, passion for youth, and the passion for the culture. And, like Mr. Guzman said, I think all of us have really appreciated the eloquence with which you speak to many topics.

And, I think you have learned what all of us here have learned over the, over the years, that while there are certain items on which we disagree, about 95, maybe even higher than 95 percent of the time, we all vote the same. So, I give you a lot of credit for standing your ground on many items.

And I think we all know that you're, you're not going to rest; you're going to keep moving and doing things for the community. And I want to thank you for your service. And I want to thank you especially for your mana`o on many different items. So, I appreciate it.

With that Members, I'll call for the vote. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

And Members, we're going to take our morning recess. Please be back in your seats at 10:40. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:26 A.M., AND WAS RECONVENED AT 10:45 A.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBER HOKAMA, EXCUSED.)

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

And, Mr. Atay, I apologize. I was so focused on getting to recess at 10:30, I neglected to ask if you had any, any interest in making comments. I wanted to give you that opportunity.

COUNCILMEMBER ATAY: Thank you, Chair. Thank you, Members, for the recognitions that was bestowed. I do want to first say mahalo akua for the blessing of opportunity. And mahalo to our kupuna kahiko, our ancient ancestors, as well as our kupunas, kupuna o Maui. And most especially, mahalo to my family; my wife and children who steadfastly, you know, just as much as I did, they also took the hits. And so I want to say mahalo to them. And, my mother for her steadfast support.

You know, my involvement with the community, I, I've looked at this and it's been an eclectic collection of years of serving the community, in particular 30, 35 years plus of serving the youth of Maui. And in those years, pushing me through various eclectic collections of experiences, I look at that as the preparation that I did not know what it was for.

And then the involvement of addressing social justice or the needs to address social justice, in particular, addressing the oppression of our island people allowed me to raise my hand to step forward back in 2014. And it's about social change, social justice, social change. And unlike regular kind of change where you walk into a room and flip on a light switch and you instantly get change, social change is about moving the needle. And so, we were able to, as a citizens' initiative ballot measure, in 2014, we were able to move the needle and be successful in awakening the community and making our community more aware of where we live.

And then through the process of the success of the 2014 election, the push was, oh, you should step into politics. And my answer was no, no ways. And they kept on burning their ears, and I said well you gotta go convince my wife. And then one day, my wife, I don't know, was very discouraged by some of the decisions that was made on the floor here in the chambers. And she came home and said, these guys, maybe

you should run. And I said, please, don't let the people know that you just said that. A week later, she was convinced that I should run. And thus, I entered the political race in 2016. Once again, we move the needles of social change and allowed the people, I believe, allowed the people a seat at the table to be represented so that a voice and an ear was there to make decisions as to what is the right way as best for the people.

Realizing, you know, I'm going through the first experience of understanding the power of five, you know, having a majority of five. And those of us who pay attention in the realm of politics here in Hawaii know the power numbers; 5, 13, 26. Five in the County Council, 13 in the State Senate, 26 in the State House of Reps. And through that awareness, I said you know, we need to move for five.

With that, going around the island community encouraging people to represent the people and low and behold, we were very fortunate to do that in 2018. The election results of 2018 was, was great for Maui and the opportunities of the future for the people of Maui County, however, bittersweet for me; to understand that I would not be moving forward, to understand that I'd not be a part of the social change.

But hidden in there is an opportunity of hope, hope for the people. Hidden in there, I don't know if people realize, but that's not shared, is that for the very first, I'm excited with this incoming County Council. I'm excited because hidden in there, the opportunity for the very first time in the entire history of Maui County governance, which has been what from 1959 all the way till now, we also have, we will be having come January 2, a majority of the County Council that will sit, the majority of them will have and be Hawaiian lineal descendants. They, for the, I look at this as the novel opportunity that we now have kanaka being able to make laws and ordinances for the people of this land. And I think our ancestors are rejoicing with that opportunity to carry us forward for what is best for the Maui County; moving the needle of change.

Where will we be in 2020? I don't know. We shall see. I'm excited because of the opportunities that now allows me to be out in the community, to help the community, to address issues in the community such as food security, food production. I'm excited with the announcement yesterday that came across 12:00. I received a email from Meredith Ching, the President of A&B. I also received an email from Vice-President of mahi, Mahi Pono, Shan Tsutsui, announcing the purchase of the A&B land.

(Councilmember Hokama returned to the meeting at 10:53 a.m.)

COUNCILMEMBER ATAY: And I'm excited for the opportunities for our people to focus on producing food to feed our people. Because, the last two hurricanes is an indicator of where we are with food security. So, I'm excited to possibly be involved in, in addressing that and being a part of that.

As well as, I'm excited for the President who signed into law, yesterday, the Farm Bill, which allows greater opportunities for our local island community, in particular, signing into law the legalization of hemp which will now allow us to possibly produce hemp to build homes, utilizing the hemp material as construction material. So now, we have a solution to address affordable housing; truly affordable housing by growing it, eliminate the shipping cost, and building it here.

So, with excitement, I also welcome the change on January 3. I do want to say mahalo to all the Members that are leaving with me. Mahalo for, you know, the ability to disagree and agree that we disagree. But also, blessings to those of the Members and the new Members that will be coming in to work together, collaborate, and keep Maui, Maui. Mahalo.

CHAIR WHITE: Thank you, Mr. Atay. And again, congratulations.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-200.

RESOLUTION
NO. 18-201

EXPRESSING APPRECIATION TO
COUNCILMEMBER ELLE COCHRAN

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"EXPRESSING APPRECIATION TO COUNCILMEMBER ELLE
COCHRAN".

COUNCILMEMBER KING:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Chair, may I request that the Clerk read the resolution in its entirety?

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. Ms. Cochran, along with everyone else, was on the Land Use Committee. And I had people come up and see me sometimes and say, wow, Elle sure gives you a hard time over there. I said, you know what, that's what she's supposed to do. When Wayne Nishiki was on the Council, I was also Land Use Chair. And Wayne was a little rougher than Elle was. And people would say, gee, Wayne giving you a hard time. I'd tell him, no, that's his job; that's what he's supposed to do. He studies over there, and he sees concerns and he brings them up.

And Elle far surpassed Wayne in her research. When she sat down over there, if anybody would take notice, they would see she had all the papers out, she had them all marked. She had all of her comments ready to present. It's not giving a hard time; it's going over there and trying to make sure that the legislation we pass out is the appropriate legislation.

There's always been a lot of talk, Mr. Atay was telling about the power of five and all that. But there's a caveat to that. The four or five only works if something has merit. Many times, Elle came up with something that had merit, I supported her and other people too. Merit and for working for our people is what the decisions are made, how the decisions are made. And I'm so happy that Elle is what she is. And I'm happy that she spent that time, that research, and that she didn't just sit there and sit on it, but let her views be known and brought up the things for discussion. Sometimes we acted on it. Sometimes after discussion we didn't. But the point is that it was brought up and the Members could make a choice. And without that kind of activity, this Council fails.

Don't look at five; look at nine and try to have your comments put together like how Elle tried to go over there and convince nine people to your point of view. And if you are right and you can show them that this is the way to go, you're going to get the vote. And Elle, sometimes she got the vote like that turned over, decisions that would have gone the other way.

And that's what I hope the new Council does. I hope we have an Elle on the new Council; at least one, hopefully two. I don't think we could take three, it would take too long. But, anyway, Elle, I really appreciate it. I think you made the Land Use Committee much better, and the other Committees. and I appreciate your work on Housing and that was outside of the Committee. That was also deeply appreciated by me and everyone else. Mahalo. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Further discussion on this item?

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you. I'd also like to join Mr. Carroll in wishing farewell and thankfulness and appreciation to Member Cochran. Like Mr. Carroll said, every Council, everybody, legislative body needs to have a diversity, diversity enough to have different and share different perspectives. And what Elle brought to this Council was a different perspective. And each one of us brings that different perspective.

And over the years, I, I grew to respect her. And was very admirable in, admiration of the way that she stood her ground on many issues. And, we, we were at one point very good allies; good cop, bad cop. I would come in and try to fix legislation and she would fight it, fight for it. So, I always remember those days. And I wanted to say thank you very much for all your service and wish her well in the years to come. Thank you so much.

CHAIR WHITE: Thank you, Mr. Guzman.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Further discussion, Members?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. So, I too want to wish Elle well. I remember during the campaign, I think her slogan was "Elle got your back". And, I saw her during the Makawao Parade and she put out the banner; there was Sarah and Autumn, you know, side by side with her. And that truly is, that truly represents the Elle Cochran that I got to know.

Sitting in her IEM Committee meetings and I saw her really fight for her sand moratorium bill. And I think we went almost all through all of last year with meeting after meeting and revisions after revisions. And, once I asked her, you know, why are

we doing this a certain way? And she said, cause I'm doing it this way. So, I thought, okay, this is the Elle Cochran and that's definitely; she's a fighter, she's a doer, and I commend her. She's do well in the community. I know I'll see her out there. And thank you very much, Elle.

CHAIR WHITE: Thank you, Ms. Sugimura.

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, I forgot. Did I mention her nickname? Fashionista. Because every time she walks on this floor, she has great fashion sense; so, Fashionista. Thank you.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Okay, well what everybody else said. But, I also wanted to add that there's a great legacy that Ms. Cochran has left on this Council. And there are things that came before that were groundbreaking. So, I wanted to, at this time, explain the gift that I left on the, in front of all our outgoing Councilmembers. It's called the final straw. And to me it's kind of symbolic of some of the groundbreaking work that this Council did, previous Councils did. We had the first plastic bag ban. We had the first Styrofoam ban. We tried to have the first Oxybenzone ban, but that got held up.

And I think going forward that's the legacy that Elle leaves is, you know, where we're going to go. You left us a, an item on our agenda of plastic elimination which is kind of what this represents. It's a straw. It's a reusable straw. And if you open it up, it's not a magic wand, it's not a Harry Potter thing. But, it also at the bottom of the little insert in the case is a squeegee that you can pull through it, so you can clean it out. But, to me, it kind of symbolizes how we've been groundbreaking in this environmental pieces of legislation and how we're going to go forward. And because this is the way we're going to get to sustainability and we're going to leave the next generation a better world, a better Maui, a better environment.

And yea, I was looking through the resolution and I think we left out the protection of the burial sites, which was a big issue for you too, which you know, it was part of your legacy. So, thank you for that. I know you will continue to support the legislation that we bring forward. And we'll maybe see you over at that podium instead of here.

But, I just wanted to give my heartfelt thanks for all that came before and also the other Councilmembers who were part of those decisions that made us believe that, you know, when I got here that we could do a Styrofoam ban because look, we did the first

plastic bag ban. And you know, going forward we know that we can do things that are groundbreaking. But I think that all started before my time here, so I want to mahalo everybody. And thank you, Elle, for your guidance in those environmental issues.

CHAIR WHITE: Any further discussion?

Mr. Atay, followed by Ms. Crivello.

COUNCILMEMBER ATAY: Thank you, Chair. I do want to take this opportunity to say mahalo plenty to Elle and her leadership and her commitment to Aloha Aina. You can look at all the legislation that you were involved, and the bottom foundation was the commitment to being steadfast and making decisions connected to Aloha Aina. So, mahalo plenty.

CHAIR WHITE: Thank you, Mr. Atay.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. So, Elle, mahalo. Mahalo for your, I would say your fighting charm that sometimes mirrors certain individuals from my island. You know, if they were on board, they would also say, "no". And I think you mirror that at times. But most of all, I appreciate how you, your efforts are to malama what we all value, you know, the culture, the people, and most of all the land. And, it, I think we're in harmony when we talk about the love and value for our environment. So, I join my constituents on Molokai, cause I guess you're going to be a regular visitor there. And it's okay, because our island have outstretched their arms to you. So, I say mahalo and best wishes for you and your family.

CHAIR WHITE: Thank you, Ms. Crivello.

Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Ms. Cochran and I kind of entered together in 2011. And, we were in a unique situation during that first term as, that I as a returning Member and Ms. Cochran as a new Member. And we shared some experiences together, and I can tell you that in the eight years I have sat with her, next to her, we've gone through a lot of things together. We've agreed on many things. We've disagreed on certain things. But one thing I can tell you is she has been very consistent in her philosophy, in her beliefs of what she believes is right or pono.

And I can tell you that even during my tenure at National, you know, I've always saw her as one that was not afraid to speak up and fight for Maui, fight for Hawaii, fight for what was right within the oceans of our Pacific. And so, but we had the opportunity, or I had that opportunity to place names for the Presidential Committee on Ocean, Oceans. Without hesitation, my first name that I recommended to the White House was Elle Cochran. And I appreciate it, she accepted it.

She did get the appointment to serve on National on the Presidential's Commission on Oceans. And I believe she served us well, being an advocate for what we believe was important not only for the ocean, or Maui or Hawaii, but for the ocean itself. So, I can tell all of you this, this morning that Ms. Cochran has served us well not only at the local front, but at the National front in things that will help, you know, impact the global picture regarding oceans.

And because of that, Chairman, I have a different perspective of Ms. Cochran. And I've been asked about it. Cause Ms. Cochran, yes, we've disagreed strongly over an issue. But, we have found ways to retain a very decent friendship relationship. She has shared things from her yard with me; like, she's got some of the best bay leaves, I can tell you, ever grown on this island. And we share stories about our other cultural connections and our, especially our love of our mothers.

And so, we have, what I would say the type of relationship I wish most Members can have; that disagreements is about an issue. It's not about I don't like you personally. We've had disagreements, but Ms. Cochran and I have found ways to then after that issue, find ways to join forces and work together on other things.

And that is something I wish we can, I don't know what to say, but inject in others, Chairman that are, you know, that this nation has to come to terms, this County, our districts, that disagreements are okay. It may bring up about a better solution. But, it's not a personal thing when you disagree. It's just another point of view that needs to be expressed and received in the manner that it was given; to share and improve the final decision. So, I thank Ms. Cochran for being part of that environment. And I enjoyed my relationship, my years of service with her that she gave to our community and our County. Thank you, Elle.

CHAIR WHITE: Thank you, Mr. Hokama.

Elle, I don't know that I can add much more than has already been said. I really think that Mr. Carroll put it together very well. You have tenacity. You have stick-to-itiveness. You have your, you know, your focus and your morals. And you've conducted yourself incredibly well. And we always know that we're not going to, like Mr. Hokama said, we're not going to agree on everything. But, I think we all enjoy the

fact that you come ready to defend your positions. You come with that tenacity. You come with, with a focus that I think really puts you in a great position to do good work.

And I look at you as someone who will always be pushing the envelope. And I think that's something that is a, it's a good reputation to have. Because, people who push the envelope on things are the people that facilitate change; it's like Mr. Atay had mentioned earlier. And we all have to have that kind of feel that we're not just here to do the same old thing. And you know, we're often on opposite sides of the issues. But there's a balance that's gained by having different opinions and different perspectives.

And I've always appreciated your, your honesty and your willingness to fight for what you believe in. And for that, you deserve a lot of credit. And I want to thank you for your service. And we, Mr. Hokama, myself, Mr. Carroll, and you came in all at the same time and so it's been a, it's been a fun run and I want to thank you for adding to that fun. So, I appreciate it.

And, seeing no more discussion, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

COUNCILMEMBER COCHRAN: Thank you.

CHAIR WHITE: Would you like to say a few words?

COUNCILMEMBER COCHRAN: Yes. Thank you so much, everybody. I brought my handy handkerchief here. And so, and yes, everything you all have shared has touched me on a very deep level. As you pointed out, I bring passion to this job. And everything I've done and said is, comes from my heart and my love for people, culture, and the land.

I mean, yes, I come prepared. Yes, I do my homework. But you know, I, give all the credit really to my staff who prepares all that. I mean, as we all know, we have busy, you know, day to day doings that we need to do and, and can't sit in front of the computer all day long, but they are. And, you know, bringing up all the points and

notes and history and background and things. So, I'm able to sit here and have all my ducks in a row and all my ammunition, whatever I need, you know, to make my point.

And so, yea, don't always get the wins. Sometimes I'm the only soul person saying that, you know, trying to educate and bring awareness to a certain issue. But, it's okay because it's being said, I'm at this table. As Mr. Atay always says, you have a seat at that table. And so, that's what I've always been grateful to have.

And I think, I've been able to open that door, you know, to have more kanaka. I mean, as Mr. Atay also pointed out, wow, a majority of kanaka on this Council has never been seen. And we have a long line of being really strong as, as the Hawaiian people and the Hawaiian Kingdom and our legislators. We were very, very active in the creation of, of this, this nation, you know. And we're revived and we're coming back alive and really strong. We've got our keiki learning, you know the language again and the culture and infusing it into their day to day thinking. And I think that's going to bring a whole other level to governance. And so, I'm really excited about that. I'm excited about the new Council coming in.

And I want everyone to know I'm still here. I'm not going to go very far. And as Ms. King pointed, probably be on that side of the, the podium and sharing my thoughts again and having all my ducks in a row and, and ammunition should I need it and things. So, I'm still here.

But, you know, I appreciate Mr. Hokama opening that door for my involvement up at the National level. That was really exciting as I meant, we were talking earlier before the meeting. I've made some long relationships with our first nation's tribes. And they didn't, they, they'd meet me and go what tribe are you from. I go, oh, the kalo tribe. And so, they didn't realize how much in common we do have as Hawaiian, you know, people and then our first nation. So, I, I was able to gain a lot of new ohana, you know, in our, our upper States; 49 States.

And I'm just so thankful. And also, we share our Okinawan background, as he mentioned, you know, are very dear to my, our mothers. And I've been with mom a lot lately being, you know, not as busy here and, and watching over her as she's getting up in her years at 93. So, it's, I'm Okinawan and we have the longest longevity on earth, so yea, I'm not going to go, I'm not going to be gone, you know, I'm going to be around a long time.

So, I just, it's just amazing that I've come this far, right? From Save Honolulu Coalition days, when I didn't even know what a Councilmember was. I didn't even know, I wasn't even registered to vote, okay. I had to register myself, so I could vote for myself. I mean, that's how far I've come to be here. And, hopefully inspire others to want to step

in and get involved and be a voice too and, and just, you know, and stand in support of what they believe in well into their future.

So, I appreciate every single person, all of you, because you've been on this journey with me and I've learned so much. And I take away from these chambers and this experience a lot more than when I came in. And with that, I can be out in, be out there in the real world, I mean, this is very real, but you know, kind of like a free-lance type person now. And knowing what I know and the background that I have and be able to really reach out and educate and bring awareness to a lot of things and how people can participate and be effective, right.

And, and so, there's just definitely so much more to say, but I want to just say thank you to each and every one of you. Again, we agree to disagree, but on the points that we can move forward with and agree on, we've moved mountains. I mean, literally, we've done some great legislation here, which is left behind to better our future generations world. And I'm looking forward to continuing that efforts, you know, on a different level. So, I just want to say mahalo to everyone, happy holiday, and again, not going too far and you haven't gotten rid of me that easy. So, thank you everyone so much.

CHAIR WHITE: Thank you, Ms. Cochran.

Now, we'll move onto the next item. Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-201.

RESOLUTION
NO. 18-202

EXPRESSING APPRECIATION TO
COUNCILMEMBER STACY CRIVELLO,
PRESIDING OFFICER PRO TEMPORE
OF THE COUNCIL

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"EXPRESSING APPRECIATION TO COUNCILMEMBER
STACY CRIVELLO PRESIDING OFFICER PRO TEMPORE OF
THE COUNCIL".

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Chair, may I request that the Clerk read the resolution in its entirety?

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. I had the honor of being Ms. Crivello's Vice-Chair for the past several years in Housing, Human Services, and Transportation Committee. And it was really an honor to work with her because she showed extreme dedication for housing, and especially for our seniors, our youth, and our underprivileged. And she worked tirelessly on all of those. She put in unbelievable hours, research, and bringing things forward, different items forward to the Committee to make our place better. And it was truly an honor working with you. And I hope to see you a lot in the future. Mahalo, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion?

Mr. Guzman, since you've started off all the others.

COUNCILMEMBER GUZMAN: Thank you, Chair. I also like to share the sentiments of Mr. Carroll. And my nickname has always been for you was the, the warrior with the heart, as you recall.

And, Stacy and I came together on the Council back in 2013, so we have a lot in common from day one. We both wanted the same office, so we jan ken po it in Gladys

Baisa's, Chair's office, to make that decision. And from that time on, she, we have had a wonderful relationship. She has guided me through some difficult times. And I've also shared with her and helped her overcome some challenges.

We pray together often, and that's one thing that I have with her that's special to me; that our faith and our Lord Jesus Christ. And that has gotten through, has allowed us to get through the most difficult times on the Council. But, I call her the heart, because every time she makes a decision, she thinks with her heart first and then the mind. Let's say she's thinking about the people's concerns, she's thinking about the welfare of the people first and foremost, and then comes the ancillary things that come after.

But, I always have respected her and her wisdom, and her aunty advices to me. So, thank you so much for this opportunity to have served with you side by side. God bless you. And whenever you need me, I'm there. Love you.

CHAIR WHITE: Thank you, Mr. Guzman.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I support this resolution. I always say Stacy is like my sister. She's guided me through this process, excuse me. I will say that her, her theme is, aloha is a promise. And truly, she lives that every single day. One of the things I've noticed besides all the good work that she's done with us on the Council is that whenever there's a problem on Molokai, they call her.

And some of the things that you may not know is even if there are families whose children may need help, they sleep at her house. She opens her heart, she opens her door. She has a wonderful family. I think all of us, you know, can appreciate their many talents. But, I think at the core of that is this strong foundation that she's set for her family.

I used to always tell her, I said, Stacy, why don't you tell people that you started the watershed? Why don't you, you know, talk about all the different things that you started for Molokai? And she very humbly would say, that was long time ago. But, I said, I don't know too many people that are founders of the kind of things that she's done for her island.

And as we could see, going through passing the Molokai Island Plan, her passion for her people and the history that she shared; it was like sitting in, in a, being at a talk story with the history of Molokai when she would talk about different things about this place of the island or that. And, she lived her island. And I'm going to miss her a lot. Thank you, Stacy.

CHAIR WHITE: Thank you, Ms. Sugimura.

Further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Well, for my neighbor across the channel, for someone we're not so far apart in age so it would be inappropriate for me to call her aunty. So, to my Molokai sister, much mahalos, much mahalos. I've seen this lady take her experiences from the private sector, use it in her deliberations; because there's times when we come to terms that to really do what our heart would like us to lean to or lead with, maybe we need to find a way to pay for it. And I believe she has, using her, you know, private sector experience to find a way to make certain balances.

She's been true to Molokai, Molokai Ahina. She's been true to her family. But, I think more importantly she's been true to herself, and I find that remarkable in this difficult modern times; being true to one's self. But one thing I can tell you, Chairman. With her foundation, with that, if we call it the na`au, the koko of her love for Molokai and how she balances with the needs of Maui County, I found that refreshing. Because, again, she was still true to what Stacy Crivello is all about.

And so, I watched, I've learned, I've listened, and I think it was important for this County to hear Molokai's perspective about Maui issues, just like it's important to have Mr. Carroll's perspective of things happening in central or south or west Maui. It's important for us to have the voices throughout the County, and specifically those regions that we have to deal with water, to be able to express our ideas, our thoughts and our feelings. I think Ms. Crivello did that very well for Molokai.

And even when, you know, I noticed there was disagreement, she would tell me, well I need to tell you about this other point of view too. And, I thought that was quite remarkable because she really didn't agree with it, but she presented it to me anyway, because she felt it was important that I at least know that there was more than one true perspective about a specific item for Molokai. And I respect that a lot; that she even gave me the counter components of a issue we're going to make a decision on. That tells me about character of an individual. And to me, character is critical, Chairman, in decision-making.

And so, to Stacy, thank you for reinforcing in me my beliefs too. Because sometimes it's hard when, for any of us, whether it's Ms. Cochran, you or myself, to be the lone guy standing in the wind, okay. It's tough. Like they say, never spit into the wind, okay, cause it's tough being the lone person out there, you know. But, for those of us that

have taken it, whether it's Ms. Cochran or you, Stacy, thank you, because that is the strength of the belief. And we, at the end, I believe that each Member then, Chairman, I can honestly say they voted what they believed was right, because it's too easy to do what is popular. And I've learned that the popular things, most times, 90 percent is the wrong thing. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion?

Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. I do want to say mahalo; mahalo, Aunty. Mahalo for your years of service. And, and being able to sit next to you for the last couple of years, I do want to say and acknowledge and say, aloha to your brothers, Adolph and Zachary, as well as your children and the rest of the Helm Ohana. But, also most especially, mahalo to the Koko Ohana throughout Maui County and most especially the ohana from the district of Hana. You know, everybody recognized you as Molokai, but I also know that the Koko line comes from Hana.

And, you know, thank you for all your efforts in, in addressing, you know when we talk story we address, always worried about the economic development opportunities for the people of Molokai and looking at, you know, whether it be agriculture. I was very inspired when we visited the island and we had that evening, and all the youth of Molokai and all of their accomplishments, especially in the arena of robotics and the success they had in robotics. These are the kids of Molokai; and a lot of that gains that they got was through your support. So, mahalo for your presence and support for the children of Molokai. Aloha.

CHAIR WHITE: Thank you, Mr. Atay.

Any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you and mahalo for your service. Molokai No Ka Heke for sure. And love, love visiting. And, yes, I will come back. It's what, Molokai reminds me of little old Lahaina Town once upon a time. And, it's, it's so relaxing and it's like going back in time for me when I do go there. So, I mahalo you for protecting that and others you mentioned that I sort of resemble there, I guess, and because it is special and, and it's, you know a way of life and a way of our culture.

And being your roots, your deep roots of Kalamaula, you know, it's speaks volumes where the first homesteads began. And that took a lot of, yea, onipa`a. It took a lot of strength and knowing how to work with one, with the land, with the sea, to survive. And so, being part of that role model for the rest of our, our County and our Hawaiian people, for me, speaks volumes. So, mahalo for bringing that to this table.

Mahalo for really standing by, yea, what you believe in as Mr. Hokama mentioned, you know, and being real grounded with that and sharing your mana`o very strongly with the rest of us. And of course, there's always, you know, we agree to disagree points on, on many levels, but it's still, we share the love and aloha for our culture and for our people. So, I just mahalo for your, your time served here.

And you've always given me some really nice compliments and have come to my office to share some personal points, which I really, really appreciate that coming from you to share on a, on a deeper level with me. So, thank you and happy holidays to you and the ohana. And I shall see you on Molokai. Mahalo.

CHAIR WHITE: Thank you, Ms. Cochran.

Ms. King.

COUNCILMEMBER KING: Thank you, Chair. I also wanted to mahalo Ms. Crivello. And we worked, we didn't always agree on things on the Molokai plan, but one thing that we staunchly both agreed on was we're keeping that east end and west end policy statements in there, and that was one of the first, that was kind of the grounding basis for moving forward in that plan and turning it into an island plan. It took a long time and we took a lot of, of time to get through all the detail of it because it is an island plan, and I think a lot of people didn't see it like that; an island plan with three separate communities.

And so, I want to thank you for, you know, protecting, as everyone said, protecting Molokai; being the, being the voice. And sometime we had pushback about, you know, the, the sustainable fishing issues and things like that from the community, but always looking out for what the big picture on the, in the long run, what was better in the long run for keeping Molokai sustainable and keeping the character of Molokai. So, thank you for that.

Thank you for the introduction to the island. There's a, there's a lot of fiery opinions over there. And I'll never forget when we had the first talk story over there and somebody came, I'm not going to mention who but I'm sure Stacy knows, and started you know, ranting and she just took the charge and said, uncle, okay that's enough; now we're moving on, next person. And I went, oh okay. It was really good to have you there. So, I appreciate all the energy and everything you put into it, into the plan

and working with you on that. And appreciate all the years on the Council and I wish you well. And happy holidays.

CHAIR WHITE: Thank you, Ms. King.

And, I'd like to add my heartfelt aloha for the friendship that we have generated. Watching your leadership on Molokai, watching the level of respect and credibility that you have from that island for all that you've done over the many years, for having a family that is incredibly involved, incredibly strong, and incredibly together; it's just, it's fun as we get older to look at others and think wow, what an accomplishment.

I love the time that you've spent here at the Council because you bring a Molokai perspective. You fight for Molokai. You fight for Maui. You fight for doing things right. You come with a perspective not just from your community, but also from the private sector that, that fuels so many jobs and makes, makes livelihoods possible for so many people. And so, it's, it's been a wonderful experience.

I've enjoyed all the time together. And I've enjoyed your leadership on your Committees. And I've enjoyed your mana`o on Hawaiian issues. I've mostly enjoyed your balance and I think that comes from, from being from Molokai and having a family like yours that has been involved in so many different issues for so many years. You bring a level of credibility to this body that is really significant. And I want to thank you for all of your work, your service. And I know like the others, Mr. Atay, Ms. Cochran, Mr. Carroll; you're not going away. I know you, you've always been involved in the community and you're going to continue to do so. So, I want to thank you for your friendship and thank you for all of your service; very much appreciated.

And, Mr. Hokama, if you could present the lei.

Would you like to say a few words?

COUNCILMEMBER CRIVELLO: Only a few. Nah.

COUNCILMEMBER KING: Vote first?

CHAIR WHITE: Oh, I'm sorry. You're right. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Thank, thank you all of you for the kind words and the beautiful stroking that came from your heart I'm sure. So, I sincerely appreciate it.

I'm a Molokai tita; grew up on Kalamaula Homestead. I recall when we had, we grew up farming, homestead farmers, what we used to call truck farming, you know, where vegetables and melon and everything else on acreage of land. But, we found that we didn't have the kind of infrastructure to transmit water to our farm. And I recall my dad and the old Japanese man going with the guava stick and watch it shaking and then that's where we dug our well.

And that, I think, was the beginning of our introduction to we can try and make things happen on our little island. And each of us can make a difference on what we do to, to help and to be able to make things happen even if we look at, we know more, but look at what we have instead of what we don't have. And, I, I look at what I've had this past years serving on the Council; it's amazing.

I want to mahalo ke akua for allowing me to have this wonderful opportunity to make that difference, you know. I want to thank my ohana for always being in support of me. You know, it, it's just the foundation that we're all so blessed with. And as my journey opened up here, I cannot forget the people that have been with me these past six years, especially my staff who puts up with me. Tina, I'd like to mahalo her as she also is entering the world of retirement; I don't think so much leisure, but retirement. Her, her incredible dedication and commitment is hard to beat. So, mahalo, Tina.

Arthur, you know. I'm here alone all the time so I got to call him up, eh, I hungry, come keep me company. And in more ways than one, Arthur contributes his unselfish gifts; look around in this chamber. I mean, one Council to the other would call on him. So, mahalo, Arthur.

Ella, who holds up the fort for us on Molokai throughout all these years. What more can we say, but, you know, I wish you and your family well. But, we trot on the same path on our island, so I'll see a lot of you. But, I want to mahalo you.

And Saumalu Mataafa, my legislative analyst. Mere words cannot express, I'm just going to say mahalo. And let us all support these young people that are stepping up to the plate; Clarita Balala, Carla Nakata, Michelle Yoshimura, Mr. Jeff Ueoka, Mimi DesJardins, Mr. Gary Murai.

From the beginning, sometime we had to dissect some contracts that were unbelievably impossible to understand the maze or the mess that it was left for maybe over 13 years. And it was through the help of Corporation Counsel that we were able to dissect and make some changes that would better our support for our transitional families and our network of population that may not have the kind of shelter that we have. But, wonderful, wonderful experience.

I think back on, I remember asking for some monies my first year in my naïve-ness and saying I wanted money for our schools to provide travels to compete in robotics. And then, I, I hear my Budget Chair go, isn't that a State job to take care of the schools? But, I guess my puka shirt works because I'm always begging out there. Gotta go to the trough and, and you know, you don't get support from five, you get support from nine Members when it comes to take care of our young people, our kupuna. It's not five; it's nine.

So, I thank you for that opportunity. And you know, just that few dollars that we've put in, as, and I remind my people on Molokai, it's not me. It takes nine of us, nine of us to get it there because kids have gone on to prestigious colleges and they've made their marks on the map. They, and they're dreaming now. So, thank you, Maui County Council for, for those years and my Budget Chair, you know, thank you.

So, to me, those are the kind of difference that we make that makes this so amazing; so amazing. And the partnerships, the partnerships that we established with nonprofits. I can think back of our Molokai Community Service Council and my staff where there's these families on Molokai that do not have the opportunity to Skype in or video with their incarcerated loved ones. And working with the nonprofit, working with the State of Hawaii, we don't publicize it. But, today, today that kind of partnership, our Molokai families are able to have their kids remind, remember who their loved ones are that's incarcerated in someplace in Arizona.

And that's what we bring to the table when it comes to politics. Because to me, politics is relationships and how we are able to just move that needle just a bit to, to bleed, bleed some happiness in families. And, I think that's what we bring. And I constantly say, you know, and you have a whole list of what was read in the resolution; that's not me. It's many hands that stretch out from their hearts to make it happen. It's the wisdom that our kupuna bring. It's the differences that we may have with the young, the youth. But all in all, we know that what we're doing is to make that smile appear.

You know, the journey . . . is never smooth. We have potholes, we have detours, but when we come together the highway is easily paved because we doing it together. You never see a road crew by themselves. So, to my new Councilmember, I wish you well, but remember, it's not us five, them guys or us guys. I've always felt like it's all of us that makes the difference even if, like, you know, eventually you'll tell me take off that puka shirt; it never works, you know. And then, you know, if I would take it all off you guys would submit right away and say put it back on because here's your chance.

So, I, I'd just like to thank you. Thank you, Chair White; thank you for the leadership. And all of you, yes, we may not always agree. But for me, as long as when we walk out this door we can still aloha one another with a smile and, and have the respect that we were taught to carry from our kupuna. Na kupuna is always respect and aloha. And I, and you know, I always remind myself that I come from a caring and sharing community; and that is all of Maui. So, if we can remember who we are, where we come from, we cannot go wrong.

Because, you know, I believe that Ua Mau ke Ea o ka Aina will always live, and i ka Pono, will always live with us because that's who we are. We know who we are. We know where we come from, you know, no matter what our ethnicity because that's the beauty of Hawaii nei. And, and we carry that with us from Lanai, from Hana, from Molokai, and all of Maui, and even the catalyst that reminds us all of this; Kahoolawe. So, with all this and all my love and aloha. And you know, I silently drop my tears, but I am, it is tears of gratitude and appreciation. So, mahalo nui.

CHAIR WHITE: Thank you very much, Ms. Crivello.

Members, it's close to our noon time break. And based on the pace, I would suggest that we take our lunch break. And if you would like to come back at one o'clock, Chair's open to that. If you'd like to make it 1:30.

VICE-CHAIR CARROLL: Chair.

CHAIR WHITE: I saw a lot of nods.

VICE-CHAIR CARROLL: For myself I would like one o'clock, because I have a doctor appointment at four.

CHAIR WHITE: Okay, one o'clock it is, unless there's great objections.

COUNCILMEMBER KING: Chair, yea, no I'm just, I'll be little bit late because I have a meeting which will--

CHAIR WHITE: Yes, I understand that.

COUNCILMEMBER KING: --a year, an hour and a half, an hour and a half at least.

CHAIR WHITE: Thank you. Okay, with that, we're in recess until one o'clock.

(THE MEETING WAS RECESSED BY THE CHAIR AT 11:51 A.M., AND WAS RECONVENED AT 1:09 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR MEMBERS ATAY, COCHRAN, AND KING, EXCUSED.)

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

Mr. Clerk, let's proceed.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-202.

RESOLUTION
NO. 18-203

EXPRESSING APPRECIATION TO
COUNCILMEMBER DON S. GUZMAN

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"EXPRESSING APPRECIATION TO COUNCILMEMBER
DON S. GUZMAN".

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Chair, I would request that the Clerk read the resolution in its entirety.

CHAIR WHITE: Thank you, Mr. Carroll.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. It's really easy to say nice things about Mr. Guzman because he's done so many nice things. And when I say nice things; it's nice protecting our environment, it's nice looking, making bills over there to, about smoking, protecting our iwi, making the regulations, the existing regulations stronger to give these protections, and all of the things that we just, that the Clerk just read. And personally, he is just really a good person.

You know, when I was in the hospital, I was in there for extended period of time twice. And, Mr. Guzman made sure to come down and see me, come down and stay with me for a while. It's those type of concerns he has for everyone, not just Bob Carroll. He's just a really good human being, and that is what makes him so effective as a Councilmember. And, that's why he was effective and I'm sure he will continue to be effective no matter what he chooses to pursue. Thank you, Mr. Guzman. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

Any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. I want to speak in favor of this resolution. And since Don has named everybody, I will always remember Don for the color orange. And what I really call him is the "Orange Wonder". I mean, he is like a amazing force on the campaign trail, which I saw him in action, and as well as on the Council floor.

The thing that I, I appreciate him is that he really tries to solve problems in a way that we're supposed to, you know, with legislation. And, till the very end, as of in today's agenda, he is trying to get things better for agriculture and he has, he was, he had the solution to help solve the, the sand moratorium with the legislation that he proposed. And, and just everything else, you know; he's figured out how to make this Council work for the betterment of the community.

So, I appreciate working with him. I've learned a lot from him. I look forward to seeing him in the community and I hope to see him back in the chambers one day. Thank you.

CHAIR WHITE: Thank you, Ms. Sugimura.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. So, as Don mentioned earlier, in 2013, we held our hands to come in as class of 2013. And yes, we did jan ken po for our office. But I kind of figured out, I think jan ken po was new for him, so I was able to win that, that over him.

But, you know, we have to, we have to give credit for the type of work he does; the legislation, the writings, and the basic analysis that he presents to us. So, I would like to mahalo those contributions as we, no doubt many opportunities will come before you.

But, I think one of the things I admire about Mr. Guz is his, his role as dad, Mr. Mom and just the, a rare breed of caring for his family. And, you know, walking the travels with his daughter and the amount of sacrifice it took on his part. And yet, having his boys, you know, continue to do what they have to do under his guiding, guiding light.

So, I also can appreciate his journey and his faith and commitment, and I can appreciate that. And, no doubt, Don, wherever you go you will be a contributor. There is no question about it. I see your work just starting to really blossom. And there, there is many out there who knows the kind of gifts you bring to the table. So, I want to thank you for sharing your gifts.

I wish you and, and Dr. Rose and your family nothing but the best and, and your parents. It's such a wonder to see that cohesiveness as family come together. And, today, today we raise our arms together, raise our hands together to say mahalo. And we can walk out here proudly for the accomplishments that you've contributed to our County of all the islands that separates us by our waters. So, God bless you and your family.

CHAIR WHITE: Thank you, Ms. Crivello.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I have sat through many Councils, went through many colleagues. And you know, there's only so many things you can

speak about a colleague. And I know, I've heard some very good comments about my neighbor on the side of me. So, quickly, I would just say that for me, my tenure with Mr. Guzman, Don, has been a, you know, great experience, a pleasure.

You know, I look forward for that few times when he would express strong emotions, cause when a button got pushed or a subject of a great intensity brought Mr. Guzman to a fevered pitch. But, that just tells me about the intensity he believes in the issue and that he has strong feelings about the merits for the, this, I would say the points that may not be in support of the proposal. And I appreciated that, to see that type of response regarding when we have our deliberations.

But one thing I can tell you that I saw with part of that physical exposure was the character of the man. You know, I bring up certain points that I believe is important in how I make judgements about issues or people; and character and integrity are factors that I consider to be of utmost priorities. And, I, I commend my colleague because I think he expressed to me two things that I believe was very important; and that was the character and the integrity of his decisions.

He did this not only in our chamber, he did that with his family; his character, his integrity to be there, especially for a son or daughter that is going through a big thing in their life at that point. Knowing that Don was there making the time and effort to be on the side supporting, I think made a whole world of difference for his children; knowing that dad is there. You know, I had to share my dad for my whole life and there were times when my uncles took his place. It's not the same. It is not the same. So, I commend your steadfastness to your family. I commend you for your steadfastness in your faith, to your, our God. And I commend you for your steadfastness to the overall community, Don, and I believe you've done great work. And so, from my side to you, I give you my personal thank you for a job well done. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Hokama.

See, seeing Ms. Cochran coming in, we'll just give her a second to get seated.

(Councilmember Cochran returned to the meeting at 1:23 p.m.)

COUNCILMEMBER COCHRAN: Thank you, Chair. Sorry, are we, am I the last one to share, as sorry.

CHAIR WHITE: Before me. So, please, please proceed.

COUNCILMEMBER COCHRAN: Oh okay. And, thank you, Mr. Guzman, for being here and all the hard work that you have done for this County. And, and with, together with myself on a lot of the items, we've worked quite well together. And so, I just appreciate

those moments. And of course, I know in the new year, you're, whatever you put your mind to and your heart to, you will be very successful. And hope to see you out and about, you know, wearing your orange everywhere.

And so, and I love your nicknames. And you hit me nail on the head there with Fashionista. So, thank you on that nickname. I will uphold that. I will, yes, you know, live that proudly each and every day will remember your nickname for me. And yea, so thank you. Thank you for your service here, to all of us, and to this County and the people that you represent. So, mahalo.

CHAIR WHITE: Thank you, Ms. Cochran.

Well, Don and I go way back as, as Ms. Crivello mentioned. We're the class of 2013. And I came in with Elle, and Riki, and Bob in the class of 2011. And, we had some really wonderful times, some very exciting times early on in, in the, in 2013 with the Old Wailuku Post Office and Launiupoko, very emotional and interesting issues to say the least.

But, like the others have said, what I have really appreciated about your time here is that you're the, you're the words man. And you know, being a lawyer, you're able to bring the wording together to make, make the kind of sense that we need to have in good policymaking. And as was detailed in your resolution, there are a number, and there's a huge amount of things that you can look back on that you've had a significant impact on. And you know, I consider you a good friend. I've appreciated your hard work. I've appreciated your friendship. I know we had a little bump in the road a couple years ago, but you know, those things disappear over time and become pretty insignificant in the overall friendship. And I just, I really appreciate the focus that you've brought to this.

And like the others have said, I can really appreciate the level of commitment that you've not only made here, but you've made to your family. And I know your kids, in the long run, will be very, very thankful for it. I grew up in a household where my dad was kind of like Riki's dad. And I'm not sure I'd been much better. But, my kids have turned out just fine in spite of it. But, you've been a dad who, you're referred to in Ms. Cochran's case, you got their back and I give you a lot of credit for that.

And you deserve huge kudos for the work that you did to this Council. And really appreciate it. I know you're not going away. You're going to be around and getting into things that will interest you and carry you into the future. So, thank you so much for all that you've done.

And with that, I will call for the vote. 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.

And, Mr. Guzman, would you like to say a few words?

COUNCILMEMBER GUZMAN: Yea, thank you, Chair. I'll be very brief, so we can get to work, you know, that this is our last Council meeting, official Council meeting. But, before I begin my, I guess my farewell speech, I wanted to share with you my last three nicknames.

So, it would be, Yuki, you weren't around when I actually created these nicknames, but I always felt that you should be the cheerleader because everything that comes out is very positive. When you speak on the floor, you talk about positive things, positive attributes. And so, I always felt, hey I hear, you should be a cheerleader, your nickname would be cheerleader.

And then Riki knows, as well as I do, I've always called him the shogun; and he knows that. And I kind of wanted to maybe retract that and somehow say that he missed his calling. He should have been a judge. I really felt that over the years, the last six years, I have learned a lot from Mr. Hokama. He reminded me of Judge Shigezawa; he was very stern and strict in court, but outside he was as friendly as a teddy bear and was a great guy. And so when, when I had that experience with Mr. Hokama, he brings this demure in the chambers that you naturally respect that. And you come to terms of learning from the institutional knowledge that he has. And the maneuvers; I, I was able to learn a lot on several motions and how to maneuver different bills and measures. And I learned a lot and I've appreciated that from Mr. Hokama.

And then for Ms. King, I would call her as the, the innovator, the promising little attorney because she's always asking questions.

So, and of course, you know, Mike, I've always counted you as the accountant guy, the guru number guy. And that is in a sense part of your character. I, all the CPA's that I know have been very cool under pressure; very calm and collected. You've

always been very dignified in your actions; and when it came to the Council procedures and how to handle the various conflicts that happen. And I envied that. And I, I, during the six years tried to emulate that and, but I couldn't. It was just in my nature to sometimes be emotional. But if there was a secret bottle that you could produce, I definitely would buy that from you.

So, moving on, I wanted to thank the community and the public for giving me this awesome opportunity to serve. I initially, when I first ran, didn't know whether or not I should. I was convinced to do so to replace Joe Pontanilla as the next Filipino legislator. And I, and I thought that, you know, it would be hard, but I thought I could make a difference. And coming in with that idealism that you could make a difference right away, you're soon caught in the reality of things when you get into this office that to make a difference you've got to travel a very odor, very difficult journey to get things passed. And you have to weave and bob and figure out this system.

And so, I, I did my best to try to work within the system. I, I feel that the legislation that I've left behind, and I've worked with so many people on this floor with is a very, you know, I've left a legacy behind where we can be proud of with all the work that we've done. And I've always tried to be the guy that tries to fix things and try to be the most helpful in policy.

And so, that just comes along with my training as, as a litigator when I was in court. What we did in court, and we were mean to each other, we talked bad to each other, but as soon as we walked out, we were having beers, you know, we were, you know, hanging out at the bar whatever. But, it was the same philosophy, that if we can fight hard in this chambers, but as soon as we leave the chambers, what stays in the chambers, what we've done in the chambers stays in the chambers.

And I've truly appreciated my friendship with you, Chair. I've learned a lot from you. We went through, it feels like we went through so many different battles together with the Administration, and Mr. Wong, and blah, blah, blah. But, I feel those type of challenges have strengthened our relationship and our faith in one another. And of course, we've had that bumps but, yea, that's what happens to everybody. And, and we're able to resolve that and move forward.

Moving on is that, I wanted to also thank my staff. You're never as good as your staff allows you to be, so you must have the weakest link in the chain that determines the strength of the chain. So, I have to give kudos and appreciation to my staff; Kathy, Didi, Adrian, and Keoni, as well as the OCS staff.

And every time I would come up with an issue, I remember the days where all the legislative attorneys would huddle together and have to work on the issue. And I

appreciated that type of intensity and effectiveness in helping me draft out some of these issues and measures.

I'd like to thank Carla; Pauline, who has been with me from the very beginning with two different Committees; Maggie; Michelle; Tracy; James; and of course, Marie, as the current OCS Director.

I'd also like to thank the Clerk's Office, always being available and ready to answer any questions that I may have. A special thanks to Josiah and my heartfelt thanks to Mr. Mateo who had been a, an advocate and mentor to me for years, even before the Council. And we would, we would have conversations and then he always brought up the best in me. So, I have to thank Mr. Mateo for all those years of support and wish him well in his retirement.

Last but not least, I'd like to give a message to the Council, the 2019 Council, which we are going to be passing the torch to. And that torch is the ability to affect the lives of all generations in our County. And what starts here in this chamber affects and makes a difference for all generations. And how do we do that? How will this next Council do that? And my little advice, they can throw it away or whatever they want to do, but at least I'll put it on record.

My advice in how to make those changes or make a difference is to, number one, start each day with a goal to be completed. Number two, find someone to help you through life on the Council. Number three, don't be afraid to ask questions. Number four, learn from your colleagues. Number five, respect everyone's perspective and know that life as a legislator is about balance, and at times not even fair or even logical, and that you will fail often. But, if you take some of the risk and step up when times are tough and face down the rhetoric, truly study the issue, gather all the facts, understand and appreciate the diversity of different perspectives, lift up the down trodden, try to avoid foreseeable harm, and lastly, never ever give up. If you do these things in this new Council, then you have done your job and the next generation and the generations that follow will live in a County far better than the one that we have today. And what starts here in this chamber will indeed have made a difference for the better. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-203.

RESOLUTION
NO. 18-204

EXPRESSING APPRECIATION TO
COUNCIL CHAIR MIKE WHITE

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Mr. White.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"EXPRESSING APPRECIATION TO COUNCIL CHAIR MIKE
WHITE".

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair. It's been a pleasure working with you as your Vice-Chair. It's been a hard two years in many ways, and really satisfying two years in a lot of other ways. As we progress through over here, we have a lot of things that passed out from this Council that have made Maui County a much better place.

People complain about me, you, and everybody. There's not one Member on this Council that I have not heard complaints about. Everybody has generated complaints no matter. And I can't believe some of the Members over here, how nice they are, and they still had people grumbling about them and saying some very, very off-timing things. But, you know, it's part of the job and its part of what we agreed to take.

And, it's the public's right to be able to go over there and right or wrong, or no matter how ill-conceived at times, it is their right to go and bring things forward. And it's good, because in a way even, it might upset us sometimes, we know that people are concerned, and it pushes us to do a better job. And I'm pleased with the job you've done. You did the very best you could with what you had, and nobody could ask more. Thank you.

CHAIR WHITE: Thank you, Mr. Carroll.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I support this resolution. And I want to just say that I have learned so much from you. And I think some of the other Members in their comments, closing comments, have talked about the way you have carried yourself. I, I must say that I was, my first introduction to this Council was January 2, 2017, where we had 13 hours of testimony from people and you sat there under that, above the screen and listened to it. And a lot of them were targeting you, which I, was very unfair. But, I will always remember that, and probably not for the things that were said, but how you carried yourself. I learned a lot about dignity and grace and just accepting, and it made me think, well, this is the job, like what Mr. Carroll has just said.

Your doors are always open. I had a lot of questions, as you know, being a new Member on the Council. And you helped guide me sometimes. I would call you on the weekends with a brilliant idea that wasn't so brilliant and help me, you know, think through that process. So, I appreciate all that kind of special times that you gave me as a new Councilmember.

The thing that I will always remember about you and when your eyes would sparkle is when you would talk about your wife Whitney and her love of all her animals, and you would share that with us; that's very special. And your children you have, you know, a great family.

But, the thing I always say I'm going to really miss is that every time now when someone brings up TAT, you would always chime in and you would tell us what your hotel paid, what the State gave back, and what the, you know, all your, all your facts that you had about TAT's. So, before you leave, okay, and I'm going to record you, so I have that, or I'm going to print the Maui News Chair's 3 on what you've said about the TAT tax. And we will fight to get a fair share in your behalf. But, thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Gee, I don't know what to actually say. I'm going to need to cut short what I had planned to say, Chairman. For me, this is a tough afternoon. I see myself in one sense losing a colleague that I had great confidence who also understood not only private financing, but public financing.

You know, I still can see you 20 plus years ago on Lanai with Velma Santos. And I think you were running for the State House at that time. And Velma was touting you to our community as keiki o ka aina, someone that we needed to represent our interest at the State Legislature.

And of course, you had to deal with tough issues such as the timeshare component, the TOT component of taxation, besides the TAT, the visitor's bureau issues. Gosh, there was a lot of problems in, in the past; airline overbooking, hotel overbooking, I mean, we've had all those things like the strikes and what not, Mr. White.

But, for me, I'm going to miss your sense of challenging people like myself regarding the financing, regarding taxation, and why we would do certain types of taxation recommendations as it regards to the policy of this County in how we view specific items such as rate of growth, acceleration of revenue or debt to take care of required improvements, impacts of contracts on our overall general fund cash purposes. The ability of us to pay down the obligations of this County to ensure the opportunity of us to have choices in the future on how we plan to support and pay for the required improvements we're going to need. And we're going, we have massive projects that will take massive, in the billions, regarding certain type of projects, okay. We're going to need to make decisions where we are going to do manage retreat, Chairman? Where are we going to actually reinforce? And that takes money.

And I'm going to miss your guidance and your challenging to people like myself on how we're going to address the ability to pay and still provide within the community, and yet still keep our future generation in a position that they can continue to afford and be part of this County. So, I, I'm going to, you know, in a sense, I'm kind of envious, you leaving us. And then again, do you really want to do a honey-do list? Cause I know you have a hotel-do list, also.

But, you know, Mr. White, one thing that I will say I'm going to definitely miss is how you've challenged me every time I came up with a proposal of money. And that was, for me, a great test to verify whether or not what I'll be proposing had enough sense, had enough merit, because I believe we have worked collectively hard to give this County choices that I didn't have 20 years ago, okay. I didn't have this kind of choices. I think my first term I was one of the worst misers that Maui News called. I believe we chopped more than 15 percent of operations to make the cash fit, okay.

And I would say one of the things that I appreciated, Mr. White, is that you understand as a legislator a key priority responsibility of all of us is the financial appropriation of money and the role of taxation. And also, with that, how it relates to zoning. And you know, it's something that I'm look forward that the new Council would pick up fast, be able to embrace it, because we are going to make, they have to make some pricey

decisions down the road, not just on County facilities, but how we're going to keep this County safe from environmental issues.

And we look forward to your participation, because properties such as yours that you help manage are part of the impact zone. And for this County, that's the area that provides us with the ten largest taxpayers of this County. So, you know, I'm trying to commend you, but I'm also trying to see how we're going to fight all these things without some of your input. So, I hope that you will continue to participate, Mr. White, because I think you have valuable information to continue to share with us from a business perspective. Cause without healthy businesses, I don't know how we're going to get the sufficient tax revenues to pay for the resident's needs.

But, Mike, God's blessings to you. I want to thank your family for sharing you, cause it is the hardest on families of any politician, whether it's a female, male, it's hard on families; I have lived that life also. So, I want to thank your families for sharing you, for sacrificing, for putting up with mean comments that I know people will give the family cause they cannot get it to you, okay. That's the reality of our world, Mr. White. But, I thank your family for putting up with it, tolerating it, but most of all sharing you, because I think you have made Maui County a better place. Thank you.

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

VICE-CHAIR CARROLL: Chair.

CHAIR WHITE: Yes.

VICE-CHAIR CARROLL: Could you request the Clerk to read the resolution in its entirety?

CHAIR WHITE: I was hoping you wouldn't remember that.

VICE-CHAIR CARROLL: Well, I have somebody out there noticed that and handed me a note that how come I didn't ask to have the resolution. I'll blame it on a large lunch.

CHAIR WHITE: Well, as I said earlier, because this has taken so long, I was going to suggest that the Chair would accept the motion to file.

Anyway, Mr. Clerk, if you would be so kind as to put me through the, the painful process of listening to my reso. Please proceed.

(The resolution was read in its entirety.)

CHAIR WHITE: Thank you, Mr. Clerk.

Any further discussion?

Yes, Ms. Crivello.

COUNCILMEMBER CRIVELLO: Of course, I could never leave me out. So, if, if I had a bouquet of flowers, I would just surround you with all the beauty and calmness that you bring us. So, I want to mahalo, really sincerely mahalo for your leadership, but more important your friendship. I think I mentioned this to you another time, that in my book, your hallmark is wisdom.

Despite how others may come before us in the chamber to claim all that may not be most positive, I think sometimes they forget that your role is following the process. For instance, our public hearings are being requested by three Members of your Council, and adjusting the schedule according to the process, and if they can understand that would be great. I want to segway off from our sensei, I call him instead, Mr. Hokama, to me you're like the Yoda of Star Wars; your light is your spreadsheets, you know, it's always in front of us like that.

And then, your legacy, also, even at the State Legislature or HSAC is TAT. Yesterday, I was attending our last HSAC meeting, and as I discussed the legislative package, they want to be cautious and careful about any kind of rumblings when it comes to TAT. And guess who they mentioned? Mr. White. And because nobody else will have all that knowledge that you bring with your spreadsheet.

And, I don't know, you know, your walk will continue, you will continue to manage. You'll manage your people at the KBH. I thank you for doing that, because do we realize how much your support for the economic engine that provides here on the island of Maui employs hundreds of families? And that is so important, because when they're employed, they can contribute also to our revenues in more ways than one.

So, like Mr. Hokama, you know, I learn from you. Maybe not your best student and maybe take a long time, but that's okay, eventually gets there. I, I sincerely appreciate you.

So, between KBH and your drive home to join the donkey slash whatever, instead of dealing with many of us here, you'll have fun with your grandchildren and your children; and that is so awesome. So, thank you, Whitney, for putting up with us and, and everything else that came with this political era of yours. Someday your legacy will surely be in the halls of the golden emblem of wisdom and numbers. So, thank you, Mr. White. Thank you.

CHAIR WHITE: Thank you very much.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Mr. White. And I once upon a time worked at KBH many, many years ago, and you ran a tight shift. And actually, I think your, your employees have never striked or been an uproar over anything throughout all these decades of your management. So, hats off to that.

And, Ms. Crivello did mention about the TAT, and yes, I mean you know that inside and out, and during Budget session and everything that's brought up, and it states in the "WHEREAS", you know, you walk the halls, you know the who's who up there at the capitol. So, completely appreciate your, you know, standing up for that and I'm sure we all will continue to make our voices heard.

And I have to say that I've never gone to a fundraiser, anyplace that there was not a KBH gift certificate or rooms for, you know, you're very generous in that aspect. And 4-H, you always buy steer, I mean, you have a very generous heart that way. I know as our NACo travel sometimes you'll, we'll turn around and you pick up the tab for, you know, for our meals. And, but you just always have been giving in that way.

And this is a tough, you're in a tough position; you have been as Chair, we have the whatever, it was called a coup or something, you know, with Ms. Baisa and yourself and all of us, and so we've been through some ups and downs as you mentioned. But you know, when we walk out of this room and we go, we, it's, we have our, you know, we're still people, we're still part of this community, and we walk away having differences, yes, but you know, we move forward and take care of what we need to. So, I appreciate that.

I pretty much been able to do what I needed to do here. And it's been, again, going to miss all those spreadsheets that you like to print out for us; that's, yea, I'm going to be missing those. And because it was very helpful, actually. You know, you broke it down to where it was clear. And as Mr. Hokama said, you brought that perspective from the business world into the chambers to really lay out, you know, those details and to look it from that perspective. And I think it's really important that we do that.

So, appreciate you bringing your wisdom, as been said, to this body. And you know, like anything else, we take it, we leave it, we use it or not. So, with that, just want to say all the best to you and your family. And then, I'll be, I have a certificate for your hotel, so I'll be coming to get a room. And, and again, thank you for your generosity to this community.

(Councilmember King returned to the meeting at 1:58 p.m.)

CHAIR WHITE: Thank you, Ms. Cochran.

Any further discussion on this item?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER KING: Are we, I think I just walked in, are we on, at the tail end of the discussion?

CHAIR WHITE: No, we're finally at the end of all.

(Councilmember Crivello was excused from the meeting at 1:59 p.m.)

COUNCILMEMBER KING: I apologize for being late, but I was in a, I mean, I couldn't extract myself out of, but I think we're on your resolution.

CHAIR WHITE: Yes.

COUNCILMEMBER KING: And so, I will add my, my mahalo to everyone else's and thank you for your years of service. I think it's four terms, eight years.

CHAIR WHITE: Yes.

COUNCILMEMBER KING: And trying to do both could not have been easy; being the GM of a hotel while you're trying to also be a full-time, we all know this is not a part-time job, it's a full-time job. So, yea, mahalo for that, mahalo for your guidance. And I wish you all the best in your hotel endeavors and I congratulate you on getting your time back for your family. Thank you.

CHAIR WHITE: Thank you.

Any, Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, thank you, Chair. I just wanted to reiterate what I said previously. And I'm going to miss the fact that when Mr. Hokama is chairing the Budget and you sit next to me. I really appreciate all of your financial info, you know, your knowledge. And not only that, the way that you analyze certain things, certain bills and you bring forth a lot of experience and you'll talk about that. And we've had side bars

many times and I've learned a lot from you. I appreciate all the years of friendship and as a working colleague. Thank you.

CHAIR WHITE: Well, thank you all for your comments. With that, I'll call for the vote. All those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS ATAY AND CRIVELLO.

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

So, you're supposed to get up and give me my lei now, Ms. Sugimura. I, I'm sitting here waiting for the light to go on.

(Councilmember Crivello returned to the meeting at 2:01 p.m.)

CHAIR WHITE: Well, thank you all for those remarks. You know, I do take a lot of pride in what, what I've been able to accomplish at the hotel. And as, as Ms. Cochran pointed out, we've never had a strike. And I came from hotels where we had grievances continually and we had arbitration cases at least twice a year.

So, one of the things I'm proud of is that I was brought up by a social worker mom who was a juvenile probation officer, and a father who worked in the corporate world. And my, he and my grandmother drilled it into our heads, you always do what you feel is right and you don't have to look over your shoulder. And my mother, being a social worker, drilled into our heads, always accentuate the positive and ignore the negative. That's why I'm able to sit at the end of this room for eight and a half or I can't remember how many hours it was, but it's because I can, I can take the flack, because I know who I am. I know that I do what I feel is the right thing to do.

At KBH we had very few grievances. We have not had a single case go to arbitration in the 33 years that I've been there, because my job is to try to work with people to make sure if you have an issue, we're going to solve the issue. I can tell you, that's a lot more challenging in this room to accomplish that. But nevertheless, this has been a phenomenal experience that I've been able to enjoy because of the Maui community.

And one of the things that I've enjoyed the most is the diversity of this group and I hope that that diversity continues. One of my concerns is that Mr. Hokama has two more years and I'm hoping that somebody will come into office that has his sense of financial acumen and fiscal responsibility, because what we, but I think Mr. Hokama and I have been able to communicate is the money you don't spend today, you have for tomorrow. And we have huge bills coming down the, down the pike. We're not growing, we're not growing our tax base very quickly. So, if you're not growing the tax base, all you're going to have, all you're going to be able to do when those bills come in is increase taxes on your existing tax base. So, there's, there's always going to be those challenges.

But, I hope that the legacy that I will leave, and that Mr. Hokama will leave is one of fiscal responsibility. And that's why you'll always hear us being very hesitant to simply be generous as we might want to be with new expenses, with raises and everything else. Because we've got so many bills that are coming due, whether it's the unfunded EUTF, whether it's the ERS, both of which are way behind. And, and then we have the State, you know, I would love to think that the TAT is going to come back to us at some point. But, I don't, I really don't have much hope that it will, because the State has so many more bills to pay than we do. And I don't see a level of fiscal responsibility there that I think would be helpful for those of us who are downstream.

I have thoroughly enjoyed working with all of you. You all have different, you know, different focuses and different attributes. And you all bring a different flavor to the soup that we're making here. And it's been, it's been a great joy for me to develop the friendships, to go through the battles and come out the other side feeling, hey, we all had our say, we made the decision and we can move on.

And it's been, you know, I have to take my hat off to my staff; Troy, and Stacy, and Melissa, and all the staff in OCS, and the Clerk's Office. They do an incredible job. And you know, I, you can't be Chair without that support.

And I know we've had some rough riding, but I think we've all put our shoulder to the wheel, we've all done what we feel is right for our community from our perspective, and that's what critical. And that's why diversity on this Council is so important, because you can't have, well, I'm trying to pick the right term; but you can't have people who simply want to give away the store. You have to have some people that feel like, okay, we got to make sure that we're, we're solid on our financials before we can do so. So, I, I feel very good about what we've been able to accomplish over the last eight years.

As Mr. Guzman said, we've had a couple of, of interesting challenges from the ninth floor with a variety of items. And so, I think, you know, last year I remember part of the, part of the things that were being said out in the community was that I'm part of

the establishment. I just had a really hard time accepting that moniker, because I think this Council has taken on the Administration on a number of occasions to fairly good effect. And so, to be called part of the establishment, it was really, you know, I can accept it but at the same time I just didn't feel it fit all that well.

But, I want to sincerely thank all of you. I sincerely thank my wife for putting up with me. I am looking forward to getting my weekends back. I'm not sure my wife is looking forward to me being home all, you know, any more than I have been in the last eight years because she's, she's very independent. She's you know, somebody's, I think it was Riki that mentioned, a honey-do list, well my honey does it all herself. I get home, the trash is already hauled out to the road. She goes to get supplies for her animals. She unloads all the bales of hay, the bags of grain all by herself. She doesn't wait for me to get home and say, honey can you please go unload my car; she's already done it. I have a, I have a very loving, capable, I almost would refer to her as my haole tita because she's, you know, she's just got, she's got a lot of strength and determination. And I'm lucky to have a very loving relationship.

And, I'm blessed to have had the relationship with all of you that I've had over the last many years, couple years, and so forth. So, I want to thank you from the bottom of my heart for a job well done. And, I'll miss this place, but I'll find things to do. And, I will be back. I'm not sure I will be getting up at five o'clock on Sunday mornings to do my spreadsheets. I may wait a little bit later. But, if you want a, if you want a partner in the fight to go get more TAT, I'm happy to be there for you. So, mahalo.

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-204.

Mr. Chair, 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 Hana, Lanai, and Molokai, 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 in the eighth-floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda. When testifying please state your name and the name of any organization you represent.

Molokai Office, please introduce your first testifier.

MS. ALCON: My testifier is Kaleialoha Moss.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. KALEIALOHA MOSS (testifying on County Communication No. 18-447):

Good afternoon, Council. My name is Kaleialoha Moss and I would like to testify about item 18-447, which is a proposed resolution to a bill to change zoning. My husband and I own the property that is in this proposed resolution. Located on our property is a laundromat and retail store, yet the zoning for our property is currently interim.

In the current interim zoning, these businesses are not allowed to be there, but yet because they are long-standing businesses, they are grandfathered in. I do not have the dates on me, but the laundromat, which began as a dry cleaner, has been there for over 50 years and probably more close to 70 years. The retail store has been there before I was born. But because of the interim zoning, if a fire or natural disaster which would damage more than half of either business, the laundromat or retail store, we will not be allowed to rebuild those businesses. We would have to build something allowed in the interim zoning, such as a house.

This could be devastating for us as we have spent thousands of dollars in new equipment and trying to rejuvenate these businesses. And these businesses help us provide for our three small children. The interim zoning is holding us back from accomplishing the dreams and goals we have for this property. When we first bought the property, it was known for drug activity and it was not the most desirable area. But we have established our presence there, chased away the people that are up to no good, and have really tried to bring life back to this location. But, the zoning issues do put many restrictions on what we have been able to do. It really only makes sense that this property be zoned business country town. It is located in the heart of Kaunakakai, is right next to a gas station and food truck, is across the street from State offices, and has been used for business activity for decades.

(Councilmember Cochran was excused from the meeting at 2:12 p.m.)

MS. MOSS: I want to thank the Council for approving the Molokai Community Plan, which was the first step in being able to move forward with a zoning change. I also want to say a very big thank you to Councilwoman Crivello for submitting and backing this proposed resolution. It makes my husband and I feel so humbled that you have taken the time to listen to us and fight for us with these issues, and we wish you blessings in your future endeavors. I ask that the Council please approve this resolution. Thank you and Merry Christmas.

CHAIR WHITE: Thank you. Members, any need for clarification? Seeing none, thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, we have nine individuals signed up to testify in the Council chamber. First person to testify in the chamber is Scott Hughes, testifying on Bill No. 137. To be followed by Jacob Verkerke.

MR. SCOTT HUGHES [testifying on Bill No. 137 (2018)]:

Good afternoon, everyone. My name is Scott Hughes and I enjoyed this earlier portion of this Council meeting today. It was enlightening to see the camaraderie and the good feelings between you all.

I've lived in my home in Kihei since March 2000. Earlier this year, I decided to apply for a bed and breakfast permit so that I could use my attached ohana for that purpose. I went through the process of creating the application and submitted it to the Planning Department more than six months ago, June 16, excuse me, June 15, along with the application fee of \$400. The check was deposited on August 13, 2016. I've carefully followed the application process and have been patiently awaiting to hear of the status of my permit now for over six months.

It is my understanding that today the Council intends to pass a change to the bed and breakfast ordinance that will no longer allow Maui resident homeowners the opportunity to apply for a permit to use their accessory dwellings to use in a bed and breakfast. This is very disappointing to me. And I believe that this change fundamentally undermines the purpose and intent of the bed and breakfast ordinance. I also understand that this new change does allow existing permit applications like mine to be processed under the rules in effect when they were submitted. And this would allow my permit to, for use to be granted. I'm here today to ask that the Council's assurance that my application is included in the provision. Thank you.

CHAIR WHITE: Thank you for your testimony.

Members, any need for clarification? Seeing none, thank you for--

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Oh, I'm sorry. Ms. King.

COUNCILMEMBER KING: Yea, thank you. I don't necessarily have a, but will we have the Planning Committee up here to address that, the concern that was just brought up?

CHAIR WHITE: I'm sorry. You need to get a little closer.

COUNCILMEMBER KING: When we, when we get to this item, will we have the Planning Committee here so that we can make that assertion?

CHAIR WHITE: You mean the Planning Department?

COUNCILMEMBER KING: Right. I'm sorry, what did I say, Planning Committee?

CHAIR WHITE: I don't, I don't believe they're on notice to be here. But, we can certainly have staff contact them and see if we can get somebody here.

COUNCILMEMBER KING: Okay. Thank you. Thank you for being here.

MR. HUGHES: Thank you.

CHAIR WHITE: Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Jacob Verkerke, testifying on County Communication 18-442. To be followed by Christine Heidema.

MR. JACOB VERKERKE (testifying on County Communication No. 18-442):

Good afternoon, Chair. Good afternoon, Councilmembers. First of all, I want to add my mahalo for your service and dedication both for the Members that will leave Council and those that have the pleasure I assume of continuing. Thank you for that. I'm here to talk about the resolution to authorize the Chair to do an audit, a performance audit of the IT Service Division, item 18-442.

The IT Division just completed an update of its 2013 strategic assessment. The final report was presented this week. A copy has been made available to the Council Chair for distribution. The report, the final report is a forward-looking report based on an analysis of the achievements relative to the 2013 assessment recommendations and an analysis of the strengths and weaknesses of the IT Services Division. The report offers recommendations to help IT be the services partner that can support the goals and needs of the organization.

After reading the report, and perhaps after some follow-up conversation between the new Council and ITSD, Council, I believe, will be in a better position to decide if this performance audit is the best use of the County's money. This audit will not be cheap. And as you said in your earlier remarks, money not spent today will be available tomorrow. And hopefully it will be available tomorrow to support implementing the recommendations in this updated assessment final report.

Therefore, I request that this resolution be referred to the next Council and then perhaps to the appropriate Committee, so that we may have that conversation. This is what happened to a similar resolution that was introduced; Resolution 18-181, that was introduced back in June and referred to Committee by this Council. I think that'd be the appropriate cause of action. Thank you.

CHAIR WHITE: Thank you, Mr. Verkerke.

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

MR. VERKERKE: Thank you and happy holidays.

CHAIR WHITE: Thank you. Same to you.

DEPUTY COUNTY CLERK: Next testifier is Christine Heidema, testifying on Bill 137. To be followed by Kai Nishiki.

MS. CHRISTINE HEIDEMA [testifying on Bill No. 137 (2018)]:

Aloha, Merry Christmas. My name is Christine Heidema. And it's my understanding that Bill 137 will be signed into effect possibly later on today. It's also my understanding that there is an acceptance for some people that have already applied for their permits under the current law to continue with their application. I applied for our bed and breakfast permit August 27, and August 30 it was assigned to a planner. And since then, we haven't heard anything. No progress has been made, we'd been told because staffing issues.

But, I was just kind of wanting to know, am I the person that you tried to protect in that bill, saying that if you have submitted your application that will continue, and you will be able to go on and receive your permit?

CHAIR WHITE: We'll get that answer for you. That's our understanding.

MS. HEIDEMA: Okay. Thank you very much. Merry Christmas.

CHAIR WHITE: Members, any need for clarification? Seeing none, thank you for being here today.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Kai Nishiki. Last call, Kai Nishiki.

Next testifier is Scott Shapiro, testifying on Bills 140 and 142. To be followed by Zandra Amaral Crouse.

MR. SCOTT SHAPIRO [testifying on Bill Nos. 140 (2018) and 142 (2018)]:

My remarks say, good morning, but good afternoon, everyone. That was a, that was a lot of information to take in and a lot of new surprising information that I'm glad that I know about now; so, listening to everybody's history and all the work that you've put in. So, thank you for your service to the community. And what was discussed about why we do this, why you all do this is not for the thanks, but it's for the right thing to do, why you do this. It's every day, you know, you wake up and you feel that you're making a change in the community.

On that note, I'd like to testify on Bill 142. It's the second and final reading. Maybe a long shot, but I believe it's inadequate to pass this today. This is on the workforce housing bill and it's just one change that I feel that needs to be made. I think we can all agree that we have a huge affordable housing issue on Maui. It's multi-faceted. It is not going away fast enough. To make this issue go away would mean that we have to correct, we have to have the correct number of affordable housing units available to the community at any given point in time.

I'm not satisfied with any discussion of affordable housing which allows permitted units to go to the market rates after any amount of time. Affordable housing needs to stay affordable in perpetuity. We will never catch up in our affordable housing needs if there's a time limit that does away with affordable housing after 10 years, or 30 years, because we need to then start the process over again. Over and over, coming before you, coming before the Planning Commission, the planning board, testifying over and over and over just to approve more affordable housing units that will just get us to par, just get us even.

(Councilmember Cochran returned to the meeting at 2:23 p.m.)

MR. SHAPIRO: I think we might, I don't know if everybody knows this famous Einstein quote of insanity, and I'm sure you've heard it here many times; "doing the same thing over and over again but expecting different result". So, having affordable housing with time

limits of 10 years is, is a way to create a new definition of affordable housing which I call kind of insane affordable housing. So, I urge you to either table this for the next Council or to strike any time references in this bill. Thank you.

CHAIR WHITE: Thank you for your testimony.

Members, any need for clarification? Seeing none, thank you for being here. And I do want to thank all of you for sticking it out as long as you have. It certainly took a lot more time this morning and this afternoon than we expected. Thank you for your patience.

Please proceed.

DEPUTY COUNTY CLERK: Next testifier is Zandra Amaral Crouse, testifying on Committee Report 18-240, CC 18-448, Bills 137, 140 and 142. To be followed by Tom Croly.

MS. ZANDRA AMARAL CROUSE [testifying on Committee Report 18-240, County Communication No. 18-448, and Bill Nos. 137 (2018), 140 (2018), and 142 (2018)]:

Good afternoon, Councilmembers, Chair. My name is Zandra Amaral Crouse and I am here speaking first on 18-240, Housing, Human Services, and Transportation Committee. I'd like to say, first of all, thank you, Chair, and thank you, Councilmembers, for deferring this to the next Council. These are important items regarding housing and many important things that I think needs to be vetted through our community further. And the best place would be to our next and through our next Councilmembers and our next Council Chair. Thank you.

The next item I'd like to speak on is 18-448, item number 2, cluster-housing. As I spoke before your Committee, I think you all heard, and my testimony is in record, I think the cluster-housing does two very important things that reflects the County of Maui and our people's values, and that is, number one, agriculture and open spaces. Number two, while accomplishing this, we maintain housing for our families. And the third one, actually is we afford our young men and women who want to get into farming and cannot afford 40 acres, to get into these cluster-housing agriculture, cluster-housing development, and do farming and agriculture on a smaller scale. Thank you.

Next item I'd like to speak on is Bill No. 137 (2018), "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO ACCESSORY DWELLINGS". I think that this bill promotes housing. People like you, Riki, people like you, Bob, people like you, Mike, and people like you, Stacy, who have sat on this Council for years on end, you have done valuable work; charette after charette, community meeting after community meeting, and I think you've heard. And when

people tell me that this needs to be vetted more, I ask them, "where were you the past 25 years of my life in this County"? I'm sorry. So, I humbly ask you please to pass Bill No. 137.

And I like the fact that there will not be any B&B's promoted on it. As a realtor, I can see the benefits of having that luxury. But what we need, and I know all of you know this, what we need is homes for our children, homes for our children. And if I build an accessory dwelling, it promotes two things. Number one, I can age in place. And I can take one of grandchildren or one of my children to move into my big home, and they can maintain, I can stay in the accessory dwelling, thereby allowing me to age in space, in place. Now, I am of the baby boomers on Maui. So, you see I'm not the only one who'd benefit from this scenario. A lot of our kupunas, such as I am a kupuna today, would benefit from this. So, I humbly ask you, pass this on its second reading. Thank you.

I'd like to go on please to Bill No. 140 (2018), "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING FAST TRACK PERMITTING". Again, Council, again, Chair, we have been talking about affordable homes for many years. We have seen the Spencer's of our community move back to the mainland. They were the epitome of affordable homes. Developers and private families wanting to develop their land that they inherited for their children, thereby taking them off of the homeless through the expedient of permitting puts their people in homes, keeps developers wanting to develop here, and when they want, our children have homes. So, I humbly ask you, after many years of vetting, community association meetings, charette after charette, when people tell me it hasn't been vetted enough, again, I gotta ask them where were you for the past 25 years that I've been a part of this County. So, I humbly ask you to pass that.

Bill No. 142 (2018), an ordinance, "A BILL FOR AN ORDINANCE AMENDING TITLES 2, 3, AND 14, MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS". Again, this promotes affordable housing, giving developers an incentive to build. However, there is a caveat to that. I humbly ask you to be careful of the exemptions that you provide, and that these exemptions not be at the expense of contiguous developments and residential areas that are already existing. Let us not make exemptions or pass rules that would affect a living community that's already in place. And on that I would suggest also on incentives.

I humbly ask this Committee and the Committee after this, perhaps pass an ordinance whereby it is mandated not only in SMA areas but all development, especially residential for the develop, the developer be required to post a sign like we do; B&B coming, subdivision coming and mandate that the community, they meet with the

community. Because right now, people can build a subdivision outside of an SMA area with absolutely no public review. That is shocking.

But, I think making the community aware of it would also give collaboration, and collaboration with, it would give the community a sense of them being a part of the decision. So, I humbly ask this Council, probably the next Council, to come up with something like that. And Council King, I'd like to call your office sometime and, you know, you and I can kukakuka please with your assistance, of course. Thank you. But, I humbly ask that with that caveat, them being able to get incentives, but putting up a sign that costs about maybe \$5 to let the people know what they're doing. Thank you.

And that was the last I had to speak on. But, I do want to say, those of you that leaving, I'm going to miss you, but I know I'm going to see you in the community. And for those of you that are staying, Kelly King, Riki, Yuki, I really look forward to working with all of you, cause I know great and mighty things are going to happen with this next Administration and Council. Mahalo.

CHAIR WHITE: Thank you. Members, any need for clarification?

MS. AMARAL CROUSE: Thank you.

CHAIR WHITE: Seeing none, thanks for being here this, this afternoon.

MS. AMARAL CROUSE: You're welcome.

CHAIR WHITE: Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier Tom Croly, testifying on Bill 137 and 120, and County Communication 18-445. To be followed by Patricia Hunt.

MR. TOM CROLY [testifying on County Communication No. 18-445, and Bill Nos. 120 (2018) and 137 (2018)]:

Aloha, Chair. Aloha, Councilmembers. I'm Tom Croly, speaking on my own behalf as a frustrated volunteer who has worked for 12 years to help bring rational, reasonable, and effective regulation to the home-based vacation rental industry on Maui. As this is the last Council meeting for six of you, I sense that some of you are also frustrated; maybe not for the same reasons as me, but I can empathize with this frustration because this Council, this contentious Council that you have been Members of has been the least productive for the people of Maui, for the 12 years that I've been involved in the Council interactions.

The accessory dwelling ordinance that is set for second and final reading today is flawed in many ways. This Council and the Committee that heard it did not faithfully do the work of the people and fully vet this ordinance. And I predict it will not achieve the purpose for which it was intended in creating additional rental housing for the people of Maui. But, what I'm most upset about is that this poorly vetted ordinance that is set to undo much of the work of a previous Council that created the bed and breakfast ordinance and voted in into law almost exactly 10 years ago today at its final reading of the 2007 – 2009 Council term.

I suggest that you folks look up the 36-page committee report that documented the extensive efforts that took place in 2008. That Council's Planning Committee held no fewer than 13 committee meetings over nine months, and heard from hundreds of Maui residents, and carefully crafted a bed and breakfast ordinance that took into account all of that testimony and extensive research to best serve the people of Maui. That Council went over every single word of that ordinance; sentence by sentence and struck a balance creating opportunities for residents, preserving the character of, of neighborhoods, and minimizing the effects on housing.

This Council disrespects the work of that Council by using an ordinance intended to liberalize zoning restrictions to allow the construction of additional accessory dwellings with zero evidence that permitted B&B's are currently affecting housing opportunities.

I thank Councilmember Guzman for offering an amendment to allow accessory dwellings to be used as part of a bed and breakfast. There were five Councilmembers who expressed support for this amendment in Committee at various different times, however, that did not get enough votes at the last Council meeting to pass. And I think that that was a big mistake.

Chair, I would like to move onto the parking code; Bill 120.

CHAIR WHITE: Please proceed.

MR. CROLY: I believe that it was inappropriate to suspend the Council's Rules at the last Council meeting and bring forward a new parking amendment. There was no need for that kind of expedite, for this particular thing. It really should have been left in Committee, carried over to the next Council. I believe that it too has not been properly vetted. This Council spent most of its time discussing whether or not we should have compact stalls or not; ignoring the fact that the proposed ordinance already had widened the spaces for compact stalls to be identical to that of standard stalls, so the only difference was two feet in length.

What this Council didn't do with that ordinance, was it never went to the street to try to determine where are our parking problems and how will the changes that are proposed here address them? I would have liked to have seen a discussion at commission or at this Council in Committee with respect to whether or not these, these changes would address those, those things.

This new Code for parking increases the parking requirements for single-family, larger single-family dwellings and maybe that is appropriate. But, the accessory dwelling ordinance that you're set to push through now will allow accessory dwellings up to 1200 square feet with up to 600 square feet of deck areas, both covered and uncovered deck areas. That's a pretty large dwelling. Yet, keeps the parking requirement at just one car for that large dwelling. So, I see these things as not being vetted because you haven't really considered how they interact.

I'd like to move onto County Communication 18-445. I don't know what Councilmember King has in mind with respect to this communication for regulating online hosting platforms, but I do caution that such regulation is not something that the County of Maui would have jurisdiction over. While I believe that we should only have legal vacation rental uses in Maui County and I've spent much of my time and efforts to help ensure that that is the case, it's the kuleana of the State and not the County to regulate businesses. So, as much as we might want to try to address it this way, we're really going to have to pass that onto the State.

I would urge all incoming new Councilmembers to read and fully understand the County Charter and the Hawaii Revised Statutes that enable it. I would also encourage all Councilmembers to completely read and do their best to understand the entire County Code. Because I've observed on many occasions amendments to County Code being made here without a full understanding of the Code that you're amending; sometimes without any understanding of what, how that Code came to be to begin with.

I truly thank each of you for your service to the Council and I believe that every one of you had done what you felt in your heart was right. I don't expect that you will act on my comments today. The Council, this Council has not supported a single bit of the mana`o that I've shared with you in the past two years, and that's your choice and I respect that.

But I can tell you, with some certainty, many of the actions that this Council has taken, with respect to regulating the vacation rental industry, will continue to support the unpermitted vacation rentals in Maui. And mark my words, when you look back ten years from now, I predict Maui will have many more illegal vacation rentals and few accessory dwellings that will be built as a result of the ordinance that you're bringing forward. If these things were better vetted, I think that both of those things could be turned around. Thank you for listening to me. Thank you for your service. Good bye.

CHAIR WHITE: Thank you, Mr. Croly.

Members, any need for clarification? Seeing none, thanks for being here again.

Mr. Clerk.

DEPUTY COUNTY CLERK: Next testifier is Patricia Hunt, testifying on County Communication 18-436 and Committee Report 18-247. To be followed by Lucienne deNaie.

MS. PATRICIA HUNT (testifying on County Communication No. 18-436 and Committee Report 18-247):

I actually just want to make a correction. I read the form wrong, so I apologize. I'm human, I'm not feeling very good and I made a mistake. It was 18-249, the Planning Committee, and 18-247, in reference to Parks, Recreation, Energy, and Legal Affairs Committee.

With that being said, I've listened to people regarding their bed and breakfast. This has to do with 18-249, with the engagement for transient and vacation rental enforcement. I worked last year for a woman who still hasn't paid me. Her name is Diane Yoshimura. I have literally lost a really good job in Honolulu. And I'm not a transient, just came here for six months; I've been here for several years on Maui and love Maui very much. But, I got a very good opportunity to move to Honolulu to work for a very well-known family in Oahu, and I signed a confidentiality agreement. I lost that job and my place of residence because of two women; one, there's a warrant out for her arrest, Jennifer Wise. And the Maui PD has informed me, who has lost her real estate license, and when I get done with the DCCA, she will never be a realtor here in the State of Hawaii again.

The second issue having to do with this is I've been displaced since May 16. I have not expected to have to go through this. But I've just been asking for, I have witnessed, and I do not know this woman, I've done property management in the past with Destination Maui Inc. who is a company here, has been on island for some time. And I'm well aware of the legal issues that are all over this island. And, one of the reasons why I took this job to go to Oahu was it was a good opportunity for me to get back flying and to work for families I'm used to working for over 25 years; getting your fingerprinted and background check in passing high security clearance.

I have not only been cyberstalked, harassed by these two women, but I've been asking for correct police reports since December 19, 2018. It's been over a year now. And

an officer who was never at the scene of an accident is on a report I've never even met. So, for the record, the second report that I've been asking to correct since August 7, 2017 by Officer Esperanza; 18-0330, I'm sorry, hold on a second, 18-033036. With that being said, I would have greatly appreciate, I have filed internal affairs complaints, I have done everything according to the law. And we took a pledge allegiance to that flag. The laws are for everybody in this country and including the State of Hawaii. I would just appreciate if we would have full cooperation so I could get the correct police report for cyberstalking harassment from Officer Esperanza so I may take what I need to do--

CHAIR WHITE: You need to keep your remarks pertaining to what's on the agenda today.

MS. HUNT: Okay.

CHAIR WHITE: And I believe you've come to the end of your testimony on one of your items, so if you can let us know which item you're going to address next.

MS. HUNT: Oh, the item as far as the housing goes with the illegal housing and affordable housing with Diane, regarding two of the properties that I had managed back in November. I would just like to say that I know for a fact, cause I've been dealing with . . . with the board and planning. They are short-handed right now and they've been told, I've been told there's one inspector on island to inspect the properties that have still been waiting to be inspected on properties that permits were never pulled, I found out after the fact.

And illegal things that when there are contractors that are working hard here to go through contracting license tests and become and do everything what is by the book to become a contractor, to have unlicensed contractors come in here and have properties split up to three or four units illegally when people who are having a problem just trying to find a place to rent that's affordable, let alone find a apartment that is legit and that should be according to the State and Federal housing laws that have been violated.

And I just want to go for the record on this, that I have spoken at your Police Commissioner's meeting and I'm going to address this with the new Council and the new Mayor, but the FOIA, Freedom of Information Act laws have been violated by specific State officials. And I've spoken out on December 19, not with anyone of the Council here, but I'm asking for the new Mayor's help. I've asked for the old Mayor's help, I'm asking for the new Mayor's help now, with these issues that I've asked about repeatedly. So, before the end of the, by the end of this year or the beginning of January, so I can actually move forward with my life and clear my family good name and my good name that has been smeared all through the courts and has cost me past employment and future employment.

So, I thank you, each and every one of you. While you're spending time with your families Christmas, I'm stuck here in a vehicle because of a woman that has literally slandered my good name, my family good name, and I don't appreciate that. The laws are for everybody in this country. And I expect the Police Commissioner, any of the people who are involved in this, Chair, to do their job. And what the Council, I got hand-delivered a letter posted in November 8, hand-delivered to me December 19. I'm just, I will address this with the new Mayor and I've already talked to Mike Molina about this. And I want to thank each and every one of you. And I hope you all have a nice Christmas, but I would really appreciate for the laws to be held. When we take that stand and we put our hand over our heart and we look at that flag, those laws are for everybody in this country. Thank you.

CHAIR WHITE: Thank you, Ms. Hunt.

Members, any need for clarification? Thank you.

Mr. Clerk.

DEPUTY COUNTY CLERK: The last testifier in the chamber is Lucienne de Naie, testifying on 18-437, 448, 18-238, 232, and Bills 137 and 140.

MS. LUCIENNE DE NAIE [testifying on County Communication Nos. 18-437 and 18-448, Committee Reports 18-232 and 18-238, and Bill Nos. 137 (2018) and 140 (2018)]:

Aloha. My name is Lucienne de Naie. I'm testifying as a private individual. What a moving tribute we had. I was very privileged to sit and hear most of it this morning. And of course, I've watched all of you during your terms, and I can't agree with the previous testifier that this was a kind of a do-nothing term, but I guess to each their own. It seemed to me that a lot of very meaningful things were discussed in depth and some of them are not done yet, which to your credit it's like you want to do a good job. And it does take that to do a good job. So, thank you all for the three of you who are continuing; and thank you all for the six of you who I hope to work with on many different projects as time unfolds. We're all still in the community and you all came from the community, and you all returned to the community and be with the community.

I'd like to start with 18-437 and just offer support for the Northshore Greenway to finally, finally, finally get some money and be completed. This is the little part between Spreckelsville and Baldwin Beach Park. It'd be wonderful for the new year to have that completed. I lead hikes there, and you know, people always say, well, where do you ride your bikes? And I said, well, on the grass I guess right now. But, there will be a greenway there.

Moving onto 18-, let's see, shoots, where's the next one; 18-230, 238. This has to do with the land for the realignment of Honoapiilani Highway. This is part of the acreage that was bought for open space way back, Mayor Arakawa's term one. And the hope always was that the Department of Transportation would see that, hey, there's land available, let's relocate the highway where we have some of these bad areas. And Launiupoko area is one of those. Oh sorry, this is the Launiupoko one. This was from just I think 2013.

But, still, that's why we bought these lands, is to have that option to move the highway. And Chair White and I sat on an advisory group many a year ago, and that's what we told them, like, just move the thing a little bit inland while you're waiting for the ultimate solution of the ultimate Honoapiilani Highway that's a mile inland. Let's just get this road away from the ocean. So, sounds like maybe someone will listen. So, I'm really happy that that's going to be recommended to be adopted.

Moving on to Bill 137, been addressed quite a bit today. This has to do with allowing larger accessory dwellings on property. And it is part of an overall attempt to look for, I think, simpler ways that more affordable rental units might come to pass. I guess the big controversy we keep hearing here is that there's a desire not to have these larger rental units offered as short-term vacation rentals or B&B's. I mean, you can hear both sides. People say, oh, I want to do whatever I want with my property. But, this is kind of a, you know, it's an exception that's being made, except for the ag land where the difference between 1,000 square feet and 1,200 square feet for a dwelling isn't going to affect any parking, it's not going to affect much of anything.

These others are smaller sized lots that are going to be allowed larger size units so that a family maybe could rent it, more than just one person could rent it, or a couple could rent it. And for this privilege, I think we really should do everything we can to pass this as is and make it about aiming at the affordable housing market. If it doesn't work in five years or ten years, you can always amend a bill; it's really easy to do. You guys do it all the time. But, right now, I think we need to give it a chance. So, I would urge you to do that. It really seems that this is the type of thing that's kind of a low-hanging fruit. And if it does have a positive effect, then it's, you know, it helps the landowner have a, a more desirable rental and it helps the people that are looking for a place to rent.

Moving onto 140, Bill 140. This is about amending the workforce housing fast track permitting. Well, this is a good idea. Everybody has recommended that we make affordable housing projects go through the system faster than other projects so that we can get her done. And it's just, I've heard some people say, well, this shouldn't be just 100 percent affordable housing. There should be, you know, some other categories included. Personally, you know, as a person who's waited for permits and

things, this probably is going to mean that the individual person waiting for a permit is going to wait longer because the 100 percent affordable permits are going to be pushed to the front and have, you know, time frames.

And so, people are, at the County when sometimes has limited staff, they're going to be concentrating on those projects. So, since it is really intended to be an incentive, I think that the incentive should stay as you the folks have proposed with 100 percent affordable housing. So, I would urge you not to backtrack on that, but leave it. And I definitely agree with the gentleman who spoke earlier. We got to fix this ten years. And I hope the new Council looks at a fair way to do that, brings in the banking industry to see, you know, how they can get onboard. But, we need to create more long-term affordable housing.

And then the last item today is Committee Report 18-232. And this is, speaking to the CAC, the Community Advisory Committee for the West Maui Community Plan. I just, you know, am very glad this is going to get a little bit more scrutiny because 15 people applying for a 13-board commission, not much choice. And it also, I have to say, you know, in our time on the General Plan Advisory Committee, we so appreciated having people that had traditional and cultural knowledge of the various areas of the island. And those skillsets and knowledge-base were very well represented on GPAC.

In fact, there was a special investigative group that was just on cultural things that proved invaluable to us. And I really feel this Committee as constituted, I checked with the Aha Moku Council, there was no one in this list, as good people as they all are, who was a, recognized as a cultural practitioner of knowledge in the community. So, that's really a gap, and I hope that when this goes to the new Council that that gap can be filled, and we can have a really complete process for West Maui, which certainly with its rich history deserves it.

So, happy holidays. Merry Christmas to you all. And thank you for listening to the many suggestions that I've offered over the years. Yea, a lot of them were ignored because, you know, you can't switch on a dime. But, you know, you feel like that there's a, they're there. You folks have all had open doors. And I've knocked on every one of your doors at one time or another. So, mahalo and have a great new year. And we'll be back next year as will some of you, and probably all of you will still be involved in some way. Aloha.

CHAIR WHITE: Thank you, Ms. de Naie.

Members, any need for clarification? Seeing none, thanks for being here.

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, there are no other individuals in the District Offices nor the chamber who wish to offer testimony. And we have received written testimony.

CHAIR WHITE: Thank you.

Members, without objection, we'll receive the written testimony into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY RECEIVED FROM THE FOLLOWING WERE MADE A PART OF THE RECORD OF THIS MEETING:

1. Katie Folio, Coalition for a Tobacco-Free Hawaii;
2. James Gomes, Ulupalakua Ranch, Inc.;
3. Nathaniel Kinney, Hawai'i Construction Alliance;
4. Pamela Tumpap, Maui Chamber of Commerce; and
5. Kamana`opono Crabbe, Office of Hawaiian Affairs.

CHAIR WHITE: And without objection, we'll close public testimony for today.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Okay. Public testimony is closed.

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

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of November 2, 2018, was presented at this time.

CHAIR WHITE: Mr. Carroll.

VICE-CHAIR CARROLL: Thank you, Chair.

I MOVE THAT THE REGULAR MINUTES OF NOVEMBER 2, 2018, BE APPROVED.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: No discussion.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBER ATAY.

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

Mr. Clerk.

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

COUNTY COMMUNICATIONS

NO. 18-435 - DON MEDEIROS, DIRECTOR OF TRANSPORTATION,
(dated December 3, 2018)

Transmitting a copy of the notice of apportionment for the Federal Fiscal Year 2019,
49 U.S.C. Section 5307 Urbanized Area Formula Program Grant in the amount of
\$2,171,175.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would ask the Clerk to bring up Communication 437 and 438.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

Please proceed.

NO. 18-437 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated November 30, 2018)

Transmitting a copy of the Request for Project Authorization, Agreement, and/or Modification notifying the County of grant awards from the Federal Highway Administration for the North Shore Greenway Phase IV (Ulupua Place to H.A. Baldwin Park).

(Councilmember Atay returned to the meeting at 2:58 p.m.)

NO. 18-438 - DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS,
(dated December 11, 2018)

Transmitting a copy of a letter from Governor David Ige authorizing release of State funds to advertise for bids for the Keanae Road Safety Improvements.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

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

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, these are just required notifications to Council from various departments. Thank you.

CHAIR WHITE: Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-436 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated December 10, 2018)

Transmitting 112 contracts/grants for November 2018.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COUNTY COMMUNICATION 18-436 BE FILED, EXCEPT FOR THE FOLLOWING CONTRACTS/GRANTS THAT WILL BE REFERRED TO THE NEXT COUNCIL CHAIR FOR REFERRAL TO THE APPROPRIATE STANDING COMMITTEE. AND THAT WOULD BE CONTRACT, HOLD ON, C6594, THIS IS UNDER THE NEW COUNTY SERVICE CENTER – CONSTRUCTION, DEPT. OF MANAGEMENT, JOB No. MA 15-06 IN THE AMOUNT OF \$20,614,334; THE SECOND ONE WOULD BE CONTRACT 6616, IT ASSESSMENT REFRESH, DEPT. OF MANAGEMENT, SOLE SOURCE NO. 19-12, GARTNER FOR

\$104,000; AND THEN ALSO, CHAIRMAN, THE LAST ONE WOULD BE GRANT G4848, MOLOKAI AND LANAI AGRICULTURE PRODUCTION UNDER LOKAHI PACIFIC FOR \$100,000.

And I'm open to any other Members request, Chairman. Thank you.

CHAIR WHITE: Thank you. And those would be referred to the Budget and Finance Committee, correct?

COUNCILMEMBER HOKAMA: Referral for next term, Chairman.

CHAIR WHITE: Are there any other requests for, I'm sorry.

COUNCILMEMBER HOKAMA: Referral for next term.

CHAIR WHITE: Right. Thank you.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR WHITE: Any other? Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, we need a second.

COUNCILMEMBER SUGIMURA:

OH, SECOND.

CHAIR WHITE: So, we have a motion from Mr. Hokama, a second from Ms. Sugimura.

Any further discussion or request for referral of contracts? Seeing none, all those in favor of the motion please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-439 - KA`ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated December 4, 2018)

Transmitting the semiannual report regarding park dedications for each community plan area for the period of April 1, 2018 through September 30, 2018.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

OH, CHAIR, WOULD JUST REQUEST THAT IT BE REFERRED TO THE NEXT COUNCIL.

CHAIR WHITE: Okay, so is that a motion.

COUNCILMEMBER GUZMAN:

YES, MOVE TO REFER TO THE NEXT COUNCIL.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Chair, this is just a semiannual report which the next term, I guess, would be to know some of the community plan areas. So, just to keep it alive so that they can review it. They may not know what's all that.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

NO. 18-440 - ALAN M. ARAKAWA, MAYOR,
(dated December 13, 2018)

Informing of a vacancy on the Salary Commission due to the resignation of Harold Ames on December 5, 2018.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

CHAIR, I MOVE TO FILE COUNTY COMMUNICATION 18-440.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. The Mayor has notified us of the resignation of Harold Ames from the Salary Commission on December 5, 2018. We sincerely appreciate his service. Thank you, Chair.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with county communications for referral.
The following county communications are recommended for referral to the Council Chair of the 2019 to 2021 Council term.

NO. 18-441 - MARK R. WALKER, DIRECTOR OF FINANCE,
(dated December 4, 2018)

Relating to annual inventory and disposal of records and reports regarding County property for the period ending June 30, 2018.

The recommended action is that County Communication No. 18-441 be referred to the Council Chair for the 2019 – 2021 term.

NO. 18-442 - RIKI HOKAMA, COUNCILMEMBER,
(dated December 13, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE COUNCIL CHAIR TO CONDUCT A FISCAL AND PERFORMANCE AUDIT OF THE INFORMATION TECHNOLOGY SERVICES DIVISION, DEPARTMENT OF MANAGEMENT".

The recommended action is that County Communication No. 18-442 be referred to the Council Chair for the 2019 -2021 term.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-442 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-207. COUNTY COMMUNICATION NO. 18-442 WAS THEN FILED. See pages 96 through 99, and page 108 for discussion and action.)

NO. 18-443 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated December 13, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FINANCE, FISCAL YEAR 2019 BUDGET".

The recommended action is that County Communication No. 18-443 be referred to the Council Chair for the 2019 -2021 term.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-443 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-209 . COUNTY COMMUNICATION NO. 18-443 WAS THEN FILED. See pages 102 through 108 for discussion and action.)

NO. 18-444 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated December 13, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FINANCE, FISCAL YEAR 2019 BUDGET".

The recommended action is that County Communication No. 18-444 be referred to the Council Chair for the 2019 – 2021 term.

NO. 18-445 - KELLY KING, COUNCILMEMBER,
(dated December 6, 2018)

Relating to the regulation of online hosting platforms for transient accommodations operators.

The recommended action is that County Communication No. 18-445 be referred to the Council Chair for the 2019 – 2021 term.

NO. 18-446 - DAVID C. THYNE, FIRE CHIEF,
(dated December 10, 2018)

Transmitting a proposed resolution entitled "AUTHORIZING THE ACCEPTANCE OF LAND FROM PULAMA LANAI FOR THE LANAI FIRE STATION EXPANSION AND THE LAND ON WHICH THE LANAI FIRE STATION IS SITUATED".

The recommended action is that County Communication No. 18-446 be referred to the Council Chair for the 2019 – 2021 term.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-446 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-208. COUNTY COMMUNICATION NO. 18-446 WAS THEN FILED. See pages 99 through 102, and page 108 for discussion and action.)

NO. 18-447 - STACY CRIVELLO, COUNCILMEMBER,
(dated December 13, 2018)

Transmitting a proposed resolution entitled "REFERRING TO THE MOLOKAI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FOR APPROXIMATELY 32,068 SQUARE FEET KAUNAKAKAI, MOLOKAI, HAWAII, TAX MAP KEY (2) 5-3-002:049.

The recommended action is that County Communication No. 18-447 be referred to the Council Chair for the 2019 – 2021 term.

NO. 18-448 - ROBERT CARROLL, CHAIR, LAND USE COMMITTEE,
(dated December 13, 2018)

Transmitting the following:

1. County Communication 15-152, from the Planning Director, transmitting the Planning Director's Report and the planning commissions' recommendations on Resolution 14-114, entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL TO ALLOW FOR THE CREATION OF AGRICULTURAL CONSERVATION LOTS"; and

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, TO ALLOW FOR THE CREATION OF AGRICULTURAL CLUSTER SUBDIVISIONS".

The recommended action is that County Communication No. 18-448 be referred to the Council Chair for the 2019 – 2021 term.

(COUNTY COMMUNICATION NO. 18-448 WAS FILED LATER IN THIS MEETING. See pages 89 and 90 for discussion.)

NO. 18-449 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated December 10, 2018)

Transmitting a proposed resolution entitled "RELATING TO THE APPOINTMENT OF HANNAH WERTH TO THE COST OF GOVERNMENT COMMISSION".

The recommended action is that County Communication No. 18-449 be referred to the Council Chair for the 2019 – 2021 term.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-449 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-205. COUNTY COMMUNICATION NO. 18-449 WAS THEN FILED. See pages 90 through 93, and page 108 for discussion.)

NO. 18-450 - YUKI LEI K. SUGIMURA, COUNCILMEMBER,
(dated December 13, 2018)

Transmitting a proposed resolution entitled "URGING THE DEPARTMENT OF LIQUOR CONTROL AND THE LIQUOR CONTROL COMMISSION TO IMPLEMENT RECOMMENDATIONS OUTLINED IN THE PERFORMANCE AUDIT PREPARED BY HARVEY M. ROSE ASSOCIATES, LLC".

The recommended action is that County Communication No. 18-450 be referred to the Council Chair for the 2019 - 2021 term.

(THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION NO. 18-450 WAS ADOPTED LATER IN THE MEETING AND ASSIGNED RESOLUTION NO. 18-206. COUNTY COMMUNICATION NO. 18-450 WAS THEN FILED. See pages 93 through 95, and page 108 for discussion.)

NO. 18-451 - GLADYS C. BAISA, DIRECTOR OF WATER SUPPLY,
(dated December 5, 2018)

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

The recommended action is that County Communication No. 18-451 be referred to the Council Chair for the 2019 – 2021 term.

CHAIR WHITE: Thank you, Mr. Clerk.

Yes, Mr. Carroll.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-448**

VICE-CHAIR CARROLL:

YES, CHAIR, I'D LIKE TO MOVE TO FILE COUNTY
COMMUNICATION 18-448.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Carroll.

VICE-CHAIR CARROLL: Mr. Chair, the Land Use Committee met on the revised proposed bill attached to County Communication 18-448 this past Wednesday. The meeting, at the meeting, the Committee received testimony from the community and comments from the Department of Planning, identified several issues with the bill to be addressed. As such, I would like to have County Communication 18-448 filed.

If County Communication 18-448 is filed, County Communication 15-152 will remain in the Land Use Committee and will automatically be referred to the Council Chair for the term beginning January 2, 2019, pursuant to Rule 23 of the Rules of the Council. This will allow the next term's Council to continue working on the proposed legislation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Carroll.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Are there any other items for consideration?

Ms. Sugimura.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-449**

COUNCILMEMBER SUGIMURA: County Communication 18-449 please.

CHAIR WHITE: Please proceed.

COUNCILMEMBER SUGIMURA:

I WOULD LIKE TO MOVE TO DISCHARGE THIS ITEM, POLICY, ECONOMIC DEVELOPMENT, AGRICULTURE COMMITTEE FROM FURTHER CONSIDERATION OF THE PROPOSED RESOLUTION ATTACHED TO COUNTY COMMUNICATION 18-449, ENTITLED "RELATING TO THE APPOINTMENT OF HANNAH WERTH TO THE COST OF GOVERNMENT COMMISSION".

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER SUGIMURA: Thank you.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. Pursuant to Section 13-2(17) of the Revised Charter of the County of Maui (1983), an amendment, as amended, and Chapter 2.41, Maui County Code, the deadline for the Council to approve or disapprove the nomination of Hannah Werth is January 15, 2019. Discharge is needed to enable the Council to consider action today to the, on the proposed resolution. Thank you.

CHAIR WHITE: Thank you. Any further discussion on the discharge? Seeing none, all those in favor please signify by saying "aye".

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Members.

MR. CHAIR, I MOVE TO WAIVE THE REQUIREMENT OF
COMMITTEE REFERRAL AND REPORT PURSUANT TO
RULE 7(E) OF THE RULES OF THE COUNCIL.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Approval of my motion by a two-thirds vote of the entire membership of the Council will enable the Council to consider the proposed resolution today. 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, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 18-449, AND TO
FILE COUNTY COMMUNICATION 18-449.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Based on her application, Ms. Werth has served on a similar committee in Arizona and has experience with nonprofits and grant writing. Her background will prove helpful to the Cost of Government Commission. I ask for the Members full support of my motion. 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, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

COUNCILMEMBER SUGIMURA: Chair, I have one more if I could?

CHAIR WHITE: Ms. Sugimura.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-450**

COUNCILMEMBER SUGIMURA: Thank you. The next item down is 18-450, which I'm transmitting a proposed resolution entitled "URGING THE DEPARTMENT OF LIQUOR CONTROL AND LIQUOR CONTROL COMMISSION TO IMPLEMENT RECOMMENDATIONS OUTLINED IN THE PERFORMANCE AUDIT PREPARED BY HARVEY M. ROSE ASSOCIATES, LLC".

COUNCILMEMBER COCHRAN: Second.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I move to adopt the proposed.

CHAIR WHITE: Hold on just a second.

DEPUTY COUNTY CLERK: No, Mr. Chair, it sounds like she's going to get into it now. She just read the communication instead of the motion.

COUNCILMEMBER SUGIMURA: Oh sorry.

SO, I MOVE TO ADOPT THE PROPOSED RESOLUTION.

COUNCILMEMBER COCHRAN:

SECOND.

COUNCILMEMBER CRIVELLO: Second.

CHAIR WHITE: Okay, we have the motion, finally, and a second from Ms. Cochran.

Please proceed.

COUNCILMEMBER SUGIMURA: Okay.

I MOVE TO ADOPT PROPOSED RESOLUTION ATTACHED TO
COUNTY COMMUNICATION 18-450, AND FILE COUNTY
COMMUNICATION 18-450.

Chair, so, your Policy, Economic Development, Agriculture Committee met on December 3 to consider the performance audit of the Department of Liquor Control dated October 23, 2018, as prepared by Harvey M. Rose Associates, LLC.

The audit addressed findings, conclusions, and recommendations pertaining to the operations of the Department of Liquor Control. The audit proposed 54 total recommendations, of which 35 are specific to the Department of Liquor Control and Liquor Control Commission to improve the efficiency and effectiveness of operations and customer satisfaction. I understand the Department has already addressed some of the issues raised in the audit and I commend them for their efforts.

As noted in the audit report, because the Council lacks the authority to direct the actions of the Department of Liquor Control or the Liquor Control Commission, it was important to specifically outline all of these recommendations in the resolution. The Council can then follow through with recommendations or looking into the report in the next Council. So, thank you very much.

CHAIR WHITE: Thank you, Ms. Sugimura.

Any further discussion, Members?

COUNCILMEMBER GUZMAN: Chair.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Is the subject matter going to be referred to PEA as well, I mean, after the motion to approve the resolution?

CHAIR WHITE: Sure.

COUNCILMEMBER GUZMAN: Is, may I ask the Chair if she is going to retain the subject matter so that follow, follow up for the next Council?

CHAIR WHITE: I believe it was.

COUNCILMEMBER SUGIMURA: It was done during Committee.

COUNCILMEMBER GUZMAN: Okay, very good. Thank you.

CHAIR WHITE: Thank you for asking.

COUNCILMEMBER SUGIMURA: Thank you for asking.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, if there's any other considerations from Members?

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yea, Mr. Hokama.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-442**

COUNCILMEMBER HOKAMA: Chairman, thank you. My apologies to my colleagues. I do have a few items I'd like to ask for consideration. So, the first one, Chairman, I would ask the Clerk to bring up 18-442.

CHAIR WHITE: It's already been brought up.

COUNCILMEMBER HOKAMA:

OKAY, CHAIRMAN, I MAKE A MOTION TO WAIVE THE RULES OF THE COUNCIL SO THAT THE COUNCIL CAN TAKE UP COMMUNICATION 18-442.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, again, what I'll be asking the Council is to take, to consider consideration of action of the proposal of the resolution this afternoon. Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE PROPOSED RESOLUTION ATTACHED TO COMMUNICATION 18-442 BE WAIVED OF COMMITTEE REFERRAL AND COMMITTEE RECOMMENDATION, AND THAT THE COUNCIL AT THIS TIME WOULD TAKE THE MOTION FOR ADOPTION, AS WELL AS FILING OF SAID COMMUNICATION.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you. As, I've hoped the Members had an opportunity to look at the resolution in this proposal in the "WHEREAS" clauses, Members. I have stated some of the reasons why I believe consideration of a fiscal and performance audit by the Council regarding this program area is critical for us to move forward. I would say as part of the "WHEREAS" clauses and things that we would look at in particular is the areas of how, what we are spending, again Members, under MAPPS, how much we are spending for the payroll system. I would say if you look at just the recent current years appropriation for payroll, we've added another \$2.25 million; MAPPS, we added an additional \$250,000.

Chairman, I would like an auditor to review this. I know, I've heard, we heard Mr. Verkerke saying they did an internal assessment and that they would like us to take a look at it. Well, I don't expect all of those directors to be here after, come January to be honest, Chairman. So, I think it is better that the new Council has a fresh eyes review of the program and to actually see whether or not our County as an operation, the taxpayers that are paying for this, are really getting what we had agreed to when we first started authorizing phasing of this project in.

You know, the greatest concern that I believe we have heard for this coming year's budget was that part of the issue was the ADP component of payroll and that we've invested millions to get an improvement. And yet, we are told ADP is still now, continues to be a vendor of this County so all we did was add another service provider instead of reduce our service providers for what we have been currently receiving.

As I've stated, Chairman, this is my fourth payroll system I'm going through, okay. I'm very disappointed in the operations of the departments and Administration to not get

this right in 20 years, okay. Our tax base deserves better, our employees deserve better to have something we can be accurate, we can verify it, and we can provide in a timely manner. And I think this audit will help us have the fresh eyes of an outside professional to give us the type of comments that I think the new Council can appreciate and then make appropriate budgetary adjustments during the upcoming budget session. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Further discussion, Members?

COUNCILMEMBER GUZMAN: Chair. Chair.

CHAIR WHITE: Yes, Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, thank you. I would concur with Mr. Hokama and the rationale for it to support. However, my question is, we have 12 days left in this term, does the Council's, Council Chair's Office have enough time to contract prior to the end of this term? Cause we have 12 days left.

CHAIR WHITE: It's a little tight.

Mr. Hokama.

COUNCILMEMBER HOKAMA: I appreciate that question, cause that is a critical question, Mr. Chairman, and so I thank Mr. Guzman for bringing it up. The key, if the Council supports this this afternoon, Chairman, is that I believe we can set the general parameters for an RFP. And within the parameters of the RFP, set the type of scope we would like the auditor to review and then, because of the RFP process, the new Council, the new Council Chair will then be receiving that and then the new Chair would then refer to appropriate Committee for Committee review of the auditor's report. But, I don't expect it to be completed till first quarter of next year, Chairman, to be honest, at the earliest. But I hope it could give some assistance to the new Council's budget process on the continuation of funding this project to its completion. Thank you.

CHAIR WHITE: Thank you. I received a copy of the report that Mr. Verkerke referred to. I assume that, that each of you received it. Have you all received a copy of his assessment? Yea, I think it came in yesterday. So, I will make sure that we distribute that to all of you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBER ATAY.

CHAIR WHITE: We have eight "ayes", and I believe one "no"; Mr. Atay. Any others? Okay, measure passes with eight "ayes", and one "no"; Mr. Atay.

COUNCILMEMBER HOKAMA: Chair. Chairman.

CHAIR WHITE: Mr. Hokama.

**DISCUSSION AND ACTION RELATING TO
COUNTY COMMUNICATION NO. 18-446**

COUNCILMEMBER HOKAMA: I have one another one. I'd like to bring up Communication 18-446 from the Fire Chief with the attachment of a proposed resolution that authorizes acceptance of land from Pulama Lanai.

SO, AT THIS TIME, I'D LIKE TO MAKE A MOTION TO WAIVE
THE RULES OF THE COUNCIL AS IT REGARDS TO THE
COUNTY COMMUNICATION 18-446.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: This will allow Council, Chairman to consider the proposed resolution of acceptance of land for our Department of Fire on the island of Lanai. Thank you.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I, AT THIS TIME MAKE A MOTION TO PASS THE PROPOSED RESOLUTION ENTITLED "AUTHORIZING ACCEPTANCE OF LAND FROM PULAMA LANAI FOR THE LANAI FIRE STATION EXPANSION AND THE LAND ON WHICH THE LANAI FIRE STATION IS SITUATED", AND THE FILING OF COUNTY COMMUNICATION 18-446.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. Members, this is something I have waited a long time for, the landowner has waited a long time for, and I believe our Department has waited. This is something, you know, I had hoped we would have done six years ago, but here we are today, Chairman.

If you would look at it, this takes care of the land the current station is situated on. It will address the ability of us to house our three-quarter to \$1 million equipment on Lanai; to have its appropriate maintenance and coverage, regarding bays, the ability of us to provide ample living quarters for the firefighters on watch, as well as provide the accessory uses of the required equipment for our island's only station.

Pulama Lanai, I would like to thank them for putting forth this effort. It is a donation, Members. We are not paying anything for it. And, their one requirement is, of course,

once we accept it, the Department will need to finish the subdivision of the property, which is a fair request from Pulama, Chairman. So, Ms. McCrory is here representing Pulama Lanai. If there's any questions for her, she's happy to respond. But, I'd like to thank her as the representative to, of Pulama to thank her for this contribution not only to the County, but our community of Lanai. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Members, any further discussion?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: So, I'd like to also express my appreciation to Pulama Lanai, because I remember this came up during Budget and somehow the Fire Department thought that Pulama Lanai was going to take care of this dedication, and I guess they were waiting for us. So, I'm glad to see this getting resolved. And thank you, Mr. Hokama, for seeing this though. Thank you.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, thank you, Chair. I also would concur with Mr. Hokama. However, it, we have to pay \$10 for the, yea, just to let you know it wasn't completely free.

CHAIR WHITE: We'll refer that to the Budget Committee.

COUNCILMEMBER GUZMAN: Yea, yea, it's \$10, so.

COUNCILMEMBER KING: He's reaching into his pocket.

CHAIR WHITE: Okay, any further discussion?

COUNCILMEMBER ATAY: Chair.

CHAIR WHITE: Yes, Mr. Atay.

COUNCILMEMBER ATAY: I want to say thank you to Pulama Lanai. I mean, it's been about a year and half since our visit. And when we walked on the backside of the station and saw three-quarter of a million, close to a million-dollar equipment, fire equipment, sitting in the weather, and he said, we need cover; we need to extend the building. And they said, it's not their property. So, I do want to say big mahalo to Pulama Lanai for graciously extending this, our ability to cover our equipment. Thank you.

CHAIR WHITE: Thank you, Mr. Atay. Mr. Atay, you're probably the, one of the only folks that have not seen the picture of my tractor which was, which I bought in 1992. It's never been under cover. It still runs just fine. The seat's all cracked, but I throw a towel over the seat and everything else works just fine. But, I realize on Lanai, you got the, the issue with the red dirt and a few other, a few other items. So, but I had to just throw that in because my, my trusty old Kubota is still going after 26 years.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Yes.

DISCUSSION AND ACTION RELATING TO COUNTY COMMUNICATION NO. 18-443

COUNCILMEMBER HOKAMA: I have one last request to the body, and that is with County Communication 18-443. Chairman, you know, I thought hard about this. This is a very last-minute request from this Administration, which I had hope would have come to this Council earlier to give us appropriate time for any questions that we may have had of the Administration. But, this is as regards, Chairman, to a request.

SO, AT THIS TIME, I'M GOING TO ASK THE MEMBERS THAT I HEREBY MAKE A MOTION TO WAIVE THE RULES TO THE COUNCIL AS IT RELATES TO COMMUNICATION 18-443; THE REQUIREMENTS OF REFERRAL AND COMMITTEE RECOMMENDATION.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, this would allow us to take into account one of our Auditor's regarding the Department of Finance recommendations to improve operations. And if the Members approve this motion, we'll be able to then make a consideration of the request. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama. Any further discussion?

COUNCILMEMBER KING: Chair. Yea, I have a question, Chair.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: Is this one of the positions that we cut in the last budget. We're reinstating?

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: This wasn't the last budget, Chairman. And this, we did this adjustment, I think, a couple years ago under Mr. Aagsalog's tenure.

COUNCILMEMBER KING: Two years ago?

COUNCILMEMBER HOKAMA: I believe so.

COUNCILMEMBER KING: Okay. So, we've been without this position for two years?

CHAIR WHITE: I believe it's longer than that.

COUNCILMEMBER HOKAMA: But, we can discuss it if this motion passes, Chairman.

CHAIR WHITE: Yea, we're just on the, on the waiver at this point.

COUNCILMEMBER HOKAMA: Yea.

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

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

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE PROPOSED RESOLUTION ATTACHED TO COMMUNICATION 18-443, ENTITLED "AUTHORIZING THE TRANSFER OF AN UNENCUMBERED APPROPRIATION BALANCE WITHIN THE DEPARTMENT OF FINANCE, FISCAL YEAR 2019 BUDGET", BE ADOPTED; AND COMMUNICATION BE FILED.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Discussion, Mr. Hokama.

COUNCILMEMBER HOKAMA: Yea, thank you, Chairman. And I appreciate the Members questioning, because rightfully so we should. Again, this is from the Budget Office. I believe they're asking for some thirty something thousand dollars. But, when we did review our Auditor's report, Members, that was dated November 26 from our Auditor Moss Adams LLP, under Category IV. Findings and Recommendation, Objective A, Number 1, staffing; their number, their first recommendation is "Reinstitute and fill the Assistant Accounting System Administrator position to serve as a liaison with the Department and IT".

And, again, Chairman, after the Council has already approved the request for auditing, I would also state that when we look at the findings of the Auditor's, when Council made a decision of reviewing and making an adjustment of this program and this position, okay, we were going through a time when this positions, for Council our issue was, what we call it, this merry-go-round of employees and I would say four different chairs in the department, and the inability of the department to provide us then with important information that those four positions should have been providing us. And as we've known, one of the areas that we've had issues is the general accounting component and our general accounting ledger. It is a hard job, it needs support. But, yet, it is my understanding this support was lacking and non-existent at times to assist the administrator to properly present for Council's information the up to date, accurate information of where we stood on the ledger.

And remember that year, Members, we had to make last minute adjustments because they couldn't even give us balances on certain accounts, okay. And the Budget staff and your Chair, we had to make appropriate adjustments from historical and projected numbers, because we couldn't get the numbers we needed from the department, okay. And so, good thing we had the staff that was experienced and knew how to make these numbers work for us. And that's how we came out. We tasked the department, Chairman, by eliminating, to force them to come back with a plan of how they were going to approach it, and then reconvince us that this should be part of the overall program moving forward.

The Auditor has come, we spoke with the Auditor, I spoke with the Auditor. After finding out some of the historical internal personnel issues we had regarding this program area and why we did certain legislative actions, the Auditor understood but still agreed with the finding that Council still should reinstitute it back. And I'm in support of that. We have the funds, the cash available to reinstitute by action today, Chairman. And I believe if they can get the right person in Finance, in accounting, this will make a big difference in the upcoming budget session for the Council and it should assist the Finance Department in fulfilling its goals in this program area. And I expect the new Finance Director to be on this snap quick, because this is some of the things that we, in confirmation discussions, should be questioning those nominees. Thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Any further discussion on this item?

Ms. King.

COUNCILMEMBER KING: Oh, yea, thank you. So, I'm just wanting to confirm with whoever, Mr. Hokama, that the 35,417 is for a six-month period, so we're assuming the?

COUNCILMEMBER HOKAMA: --

COUNCILMEMBER KING: Oh okay.

COUNCILMEMBER HOKAMA: And, it's part of the communication, I believe, as I read from Mr. Baz, it's for the five months, the 37,000; 35,414 [sic], dated December 13 is their communication to us. And it's, and this is, was for that account system.

COUNCILMEMBER KING: Okay. So, there's only six and a half months left, but is this, do they have someone ready to go on this? Is that what, where they're at?

COUNCILMEMBER HOKAMA: I'm not too sure if Personnel has provided them with a list of qualified people.

COUNCILMEMBER KING: Oh okay.

COUNCILMEMBER HOKAMA: Because I believe this is a civil service position, so they would have to go through a qualified list.

COUNCILMEMBER KING: Okay. But, they have a set salary that they would be, depending on when they hire this person it may not be exactly this amount?

COUNCILMEMBER HOKAMA: Yea, it's going to have to meet the collective bargaining agreements, Ms. King.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR WHITE: Any further discussion on this item? Seeing none, all those in--

Oh, I'm sorry. Ms. Crivello. I'm sorry, hold on, Ms. Cochran.

COUNCILMEMBER COCHRAN: Oh, I think Mr. Guzman had his hand up.

COUNCILMEMBER GUZMAN: I think Ms. King answered my question.

CHAIR WHITE: Okay. Ms. Cochran.

Oh, I'm sorry.

COUNCILMEMBER GUZMAN: What, I, this is a civil service position. This isn't a account clerk or is this, this is basically assistance, Assistant Account System Administrator, which is a appointed position or civil service, cause it, what's the level?

CHAIR WHITE: I believe it's civil service, right, Mr. Hokama?

COUNCILMEMBER GUZMAN: Okay. So, it's equivalent to what, in terms of accounting clerk?

COUNCILMEMBER HOKAMA: This wouldn't be a, this wouldn't be a part of Unit 3 in clerk's, Chairman. This would be, I believe maybe Unit 13, under the professionals' level.

COUNCILMEMBER GUZMAN: Okay.

COUNCILMEMBER HOKAMA: Because this is a supervisory position.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And I remember the discussion during Mr. Agsalog's tenure and the audits findings continuously. I think this is one of those positions that kept referring to each and every audit that came back to this body and then we never did act on it. And again, it's back and so I do appreciate Mr. Hokama wanting to do this discharge now to pretty much, yea, get it filled, get it going because I think the oversight is extremely important in that Department. So, I'm in favor of this item. Thank you.

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, KING,
SUGIMURA, VICE-CHAIR CARROLL, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes".

Okay, I believe we have, we've now dealt with six out of the twelve items for referral. Any, any other items?

COUNCILMEMBER SUGIMURA: What about the Molokai one?

COUNCILMEMBER CRIVELLO: No.

CHAIR WHITE: Any objections to any of the other items referred, or the referral of the other items read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. We'll refer those as noted on the agenda.

Members, thank you for your patience. I think its time for us to take a bit of a break. So, please be back at quarter to four. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 3:33 P.M., AND WAS RECONVENED AT 3:52 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBER COCHRAN AND VICE-CHAIR CARROLL, EXCUSED.)

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

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

DEPUTY COUNTY CLERK: Relative to County Communication 18-442, for the record, RESOLUTION 18-207. Relative to County Communication 18-443, for the record, RESOLUTION 18-209. Relative to County Communication 18-446, for the record, RESOLUTION 18-208. Relative to County Communication 18-449, for the record, RESOLUTION 18-205. Relative to County Communication 18-450, for the record, RESOLUTION 18-206.

(Councilmember Cochran returned to the meeting at 3:53 p.m.)

DEPUTY COUNTY CLERK: Proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 18-237 - BUDGET AND FINANCE COMMITTEE:

Recommending that County Communication 18-366, from the Director of Finance, transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL HAWKINS DELAFIELD & WOOD LLP, FOR THE COUNTY OF MAUI 2018 SUPPLEMENTAL GENERAL OBLIGATION BOND ISSUANCE", be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. With no objections from the Members, I would ask that the Clerk bring up all committee reports under Budget and Finance, with no objections.

MEMBERS VOICED NO OBJECTIONS.

CHAIR WHITE: Thank you. So ordered.

COMMITTEE REPORT

NO. 18-238 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Resolution 18-210, entitled "AUTHORIZING THE DISPOSITION OF APPROXIMATELY 33.373 ACRES OF COUNTY REAL PROPOERTY LOCATED IN LAUNIUPOKO, MAUI, HAWAII, TO THE DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII, FOR THE HONOAPIILANI HIGHWAY REALIGNMENT, PHASE 1B-2," be ADOPTED; and
2. That County Communication 18-114, from Mayor Alan M. Arakawa, be FILED.

COMMITTEE REPORT

NO. 18-239 - BUDGET AND FINANCE COMMITTEE:

Recommending that the communications noted in Exhibit "A" of this Committee Report be REFERRED to the Council Chair for the term beginning January 2, 2019.

County Communication Nos. 15-72, 15-190, 16-144, 16-243, 17-115, 17-146, 17-259, 17-335, 17-392, 17-445, 18-46, 18-123, 18-175, 18-176, 18-177, 18-222, 18-246, 18-247, 18-250, 18-280, 18-281, 18-299, 18-326, 18-345, 18-363, 18-389, 18-407, 18-408, 18-409; Miscellaneous Communication relating to tiered real property tax rates; Miscellaneous Communication relating to park assessment fees in lieu of land, pursuant to Section 18.16.320, Maui County Code, including how those fees are calculated, the point in time used in deriving average land values to set the fee, and account maintenance and balances; Miscellaneous Communication relating to the status of the Economic Development Revolving Fund, including the proposed bill entitled "A BILL FOR AN ORDINANCE REPEALING CHAPTER 3.81, MAUI COUNTY CODE, RELATING TO THE ECONOMIC DEVELOPMENT REVOLVING FUND"; Miscellaneous Communication relating to biodiesel fuel tax; Contract C6552 between

the County of Maui and ACM Consultants Inc., for appraisal of Wailuku Water Company, Inc. for the Office of the Mayor – Budget Office; Contract C5908 between the County of Maui and Group 70 International, Inc., for the new County service center for the Department of Management; Contract C5908-1 (amendment 1) between the County of Maui and Group 70 International, Inc., for the New County Service Center for the Department of Management; Contract C5908-2 (amendment 2) between the County of Maui and Group 70 International, Inc., for the New County Service Center for the Department of Management; Contract C6172 between the County of Maui and Ferraro Choi and Associates, Ltd., for the Wailuku Parking and Events Facility; Contract C6172-1 (amendment 1) between the County of Maui and Ferraro Choi and Associates, Ltd., for the Wailuku Parking and Events Facility for the Department of Planning, Maui Redevelopment Agency; Contract C5610-2 (amendment 2), between the County of Maui and Group 70 International, Inc., for the Kalana O Maui Campus Expansion Phase 1A; Contract C5434-4 (amendment 4), between the County of Maui and Gartner, Inc., for KIVA (DMS) Replacement for the Department of Management – IT Services Division; Contract C5823-1 (amendment 1) between the County of Maui and Tyler Technologies, Inc., for MAPPS - Maui's Automated Planning and Permitting System for the Department of Management – IT Service Division; Contract C5823-2 (amendment 2) between the County of Maui and Tyler Technologies, Inc., for MAPPS - Maui's Automated Planning and Permitting System for the Department of Management – IT Services Division; Contract C6512 between the County of Maui and C.M. De Crinis & Co., Inc., relating to Independent Registered Municipal Advisory for the Department of Finance; Contract C6298 between the County of Maui and Workday, Inc., for the HCM/ Payroll Replacement Project for the Department of Management – ITSD Division; Contract C6310 between the County of Maui and Sierra-Cedar, Inc., for the HCM/Payroll Replacement Project for the Department of Management – ITSD Division; Contract C6315 between the County of Maui and Gartner, Inc., for the Human Capital Management System Implementation Management for the Department of Management – ITSD Division; and Contract C5869-2 (amendment 2) between the County of Maui and ADP, LLC, for time extension of the Payroll Processing Services for the Department of Finance – Accounts Division.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE COMMITTEE REPORTS,
ALONG WITH ITS RECOMMENDATIONS AS READ BY THE
CLERK, 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, our first Committee Report 237 is a filing request to Council regarding the Bond Counsel that we are not in need of since we've addressed the concern of the bond to cash issue resolved.

The second is, of course, the adoption of the resolution that authorizes the disposition of County land to the State of Hawaii for appropriate transportation improvements along Honoapiilani Highway.

And the final report, Chairman, is of course our recommendations to referral to the new Council and a new Chair for referral beginning January 2, 2019. I will though, on this component, on this report, Chairman, just say a few quick words. Your Committee, during this term, put out 167 committee reports, okay, for the term. And that says that your Committee worked very diligently and timely to process administrative requests for either budget amendments, adjustments, or to hear new proposals; as well as best we can do our finance and accounting requirements of various contracts and grants. Also, during the general period of the term, we pumped out more than 230 letters of requests from the Committee Members to various agencies and individuals.

During the budget session on '17, just that portion, your Committee put out 157 components of exhibits, letters, and legislation; during that short three-and-a-half-month period. For the Fiscal Year 2018, and we did almost just as much; 156 components of exhibit letters and legislation.

And so, quickly, Members, I just want to say that I was very demanding on the staff. I knew what I wanted and therefore, I put the staff to task to perform the exhibits, letters, legislation, as well as make sure we had the committee reports on a timely basis to allow the departments to move forward and not have Council be told that we're holding back the progress. But in order to do that, Chairman, you need staff. So, this term, my, you know, the key staff for me was of course Ms. Yoshimura and Yvette from our secretary standpoint. So, I want to thank them, because being with me for a period of time, they get close to pretty much being able to read the Chair's mind. But, they always verified if this is what we were planning to do and upon acknowledgement, they proceeded.

But through the years, I've been blessed, you know. Maybe for the employees that went through my, I'd like to think it was a mentorship. They may think it was hell, but you know, people like Camille Sakamoto, Tamara, Rochelle Kawasaki, Tammy Frias, they all went through with what I would say is my tutelage of what I expect staff to be

able to perform for a Member. And they always done yeoman work. I've never had to worry about their quality, Chairman, or to need to double-check the double-check of their work.

So, I want to at this point thank them for allowing the Committee to be able to be successful to serve the Members of the Committee, the members of the public, because we're under tight time constraints and I can be a grouch as we all know. And they perform admirably for the public's benefit. So, I'd like to thank them. And just make the public aware of the amount of work your Committee, Chairman, had put out to ensure that this County financially was in good grounds. Thank you.

CHAIR WHITE: Yea, I'll just add a little to that. A number of years ago, we, we placed the restrictions on "A", "B", and "C" Accounts being, being used with "A", you know, use "C" Account monies for "A" Account expenses and vice versa. And one of the concerns was that if they needed to adjust their budgets by moving monies from "A" to "C", or "A" to "B", or "B" to "C", that it would take too much time. And I think out of your leadership we've shown if you request assistance in adjusting your budget, it's going to happen very, you know, on a very timely basis. And I think that has allayed all the fears that people had that we were not going to be cooperative or not going to be quick enough to keep the departments from running into trouble. So, I thank you and the staff for making sure that that was the case and not the, not what their concerns were. So, I appreciate that, and I appreciate the staff.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 18-238, for the record, RESOLUTION 18-210.

COMMITTEE REPORT
NO. 18-240 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION
COMMITTEE:

Recommending that the communications noted on Exhibit "A" of this Committee Report be REFERRED to the Council Chair for the term beginning January 2, 2019.

County Communication Nos. 16-114, 16-130, 16-132, 17-213, 17-289, 17-290, 17-434, 17-447, 18-302, 18-331, 18-392; Miscellaneous Communication relating to a "one-stop shop" at the new County service center or other appropriate location for processing permits; Miscellaneous Communication relating to allowing for an independent third-party building plan review process; Miscellaneous Communication relating to expediting the building plan review process by developing a catalog of pre-approved plans; and Miscellaneous Communication relating to identifying underdeveloped properties with multifamily and industrial designations that could be targeted for redevelopment as multifamily housing.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 18-240.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. So, at its meeting of December 6, 2018, your Housing, Human Services, and Transportation Committee recommended a total of 15 communications to be referred to the Council Chair for the term beginning January 2, 2019, pursuant to Rule 23(B) of the Rules of the Council. I ask for the Members support. Thank you, Chair.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 18-241 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending that the communications noted on Exhibit "A" of this Committee Report be REFERRED to the Council Chair for the term beginning January 2, 2019.

County Communication Nos. 12-181, 14-308, 16-37, 16-62, 16-172, 17-99, 17-105, 17-122, 17-124, 17-212, 17-231, 17-317, 17-383, 17-395, 18-14, 18-51, 18-128, 18-166, 18-167, 18-198, 18-224, 18-225, 18-252; Miscellaneous Communication relating to prioritizing County development of off-site infrastructure, especially water, sewer, and roadway improvements, to support housing and make it more affordable by reducing pass-through costs; Miscellaneous Communication relating to the Integrated Solid Waste Management Plan Update project; Contract C6477 between the County of Maui and SSFM International, Inc., for the Maui Inland Sand Resource Quantification Study Update; Contract C6477-1 (amendment 1) between the County of Maui and SSFM International, Inc., for the Maui Inland Sand Resource Quantification Study Update; and Contract C3360-3 (amendment 3) between the County of Maui and R. M. Towill Corporation, for a time extension for the Kihei Drainage Master Plan (Waiakoa Gulch to Kilohana Drive) for the Department of Public Works.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN:

CHAIR, I MOVE TO ADOPT RECOMMENDATIONS IN
COMMITTEE REPORT 18-241.

COUNCILMEMBER GUZMAN:

SECOND.

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

Ms. Cochran.

COUNCILMEMBER COCHRAN: Mr. Chair, your Infrastructure and Environmental Management Committee met on December 3, 2018, to consider referring certain matters to the Council Chair for the term beginning on January 2, 2019, pursuant to Rule 23(B) of the Rules of the Council. And your Committee voted 6-0 to recommend the referral of 27 communications.

And, I want to elaborate along the lines of what Mr. Hokama referred to as in our, the Committee work, and the people behind the scenes; Maggie Clark, Stacy Vinoray, and people down in OCS and the County Clerk's Office, Mr. Nishita. And people really help put all these items together, work through this Committee, and then things that are completed here. I'm looking for support in referring them to the new Council.

And you know, when I first got on this Council, I was sort of, that's all that's left. And, but now, I was so happy that that was the case because I had some very, yes, trying controversial items, but definitely things right up my alley which I really love fighting for and, and working through this body to, to accomplish. So, I'm, I was up for the challenge and I think I did quite a bit. So, I want to thank everybody here who supported everything that's been put through, and also looking for support on these 27 referrals. Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

COMMITTEE REPORT

NO. 18-242 - LAND USE COMMITTEE:

Recommending that County Communication 17-129, from the Planning Director, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.04 AND 19.30A, MAUI COUNTY CODE, TO AUTHORIZE CERTAIN SUBDIVISIONS AND USES" be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, on behalf of Land Use Chairman Carroll, I would first ask Members, do you have any objections for the Clerk to bring up Land Use Committee Reports, also 243 and 244?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

COMMITTEE REPORT

NO. 18-243 - LAND USE COMMITTEE:

Recommending the following:

1. That Resolution 18-211, entitled "AUTHORIZING THE GRANTING OF A LICENSE TO USE COUNTY OF MAUI REAL PROPERTY SITUATED AT MAKAWAO, MAUI, HAWAI'I TO ALEXANDER & BALDWIN, LLC, AS LICENSEE, AND TO DORIS TODD CHRISTIAN ACADEMY, AS SUBLICENSEE, FOR EXISTING ENCROACHMENTS ALONG A PORTION OF BALDWIN AVENUE," be ADOPTED; and
2. That County Communication 18-315, from the Director of Public Works, be FILED.

COMMITTEE REPORT

NO. 18-244 - LAND USE COMMITTEE:

Recommending that the communication noted on Exhibit "A" of this Committee Report be REFERRED to the Council Chair for the term beginning January 2, 2019.

Miscellaneous Communication relating to the Waiale Road Extension project.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE COMMITTEE REPORTS, AS
READ BY THE CLERK, BE ADOPTED WITH ITS
RECOMMENDATIONS.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, as the Clerk has read, Committee Report 242 is the filing of the communication regarding Chapter 19.04 and 19.30A of the Maui County Code.

243 is a resolution that will grant a license of approximately 5600 square feet to Alexander, A&B, LLC, as licensee and Doris Todd Christian Academy as sublicensee to accommodate existing encroachments. And in Committee, I found that the encroachments did not endanger any safety issues as it regards to the County and its easements.

244, again, Chairman, is just a referral of all items that the Committee is recommending for the next Council. 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, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Relative to Committee Report 18-243, for the record, RESOLUTION 18-211.

COMMITTEE REPORT
NO. 18-245 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that the correspondence dated November 15, 2018, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF JACOB FIRTH AND ELVA MARIE ESPINOSA BRUMBLAY V. COUNTY OF MAUI, ET AL., CIVIL NO. 18-1-0234(2)," be FILED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE
REPORT 18-245.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on December 10, to consider the proposed resolution authorizing the Department of Corporation Counsel to settle the case as read by the Clerk.

The complaint alleges negligence by the County and the State of Hawaii while Plaintiff Jacob Firth was in their custody resulting in injuries and damages to Mr. Firth, as well as loss of companionship to his mother and apparently his wife, or partner.

Deputy Corporation Counsel said a settlement demand has been received which would likely, which was presented to your Committee.

Following an executive meeting, your Committee voted 8-0 to recommend filing of this correspondence transmitting the proposed resolution. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

COUNCILMEMBER GUZMAN: Chair, brief recess. May I approach on this next item?

CHAIR WHITE: Yes. Brief recess. Please stay in your seats.

(THE MEETING WAS RECESSED BY THE CHAIR AT 4:07 P.M., AND WAS RECONVENED AT 4:08 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR VICE-CHAIR CARROLL, EXCUSED.)

COMMITTEE REPORT

NO. 18-246 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that the correspondence dated October 11, 2018, transmitting a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF OCEAN RESORT VILLAS VACATION OWNERS ASSOCIATION, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL NO. 13-1-0848(2)," be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you.

CHAIRMAN, ON BEHALF OF THE COMMITTEE, I MOVE TO,
AS FAR AS COMMITTEE REPORT 18-246, I RECOMMEND
FILING OF THE CORRESPONDENCE WITH THE ATTACHED
PROPOSED RESOLUTION.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, that is your Committee's recommendation. You know, our Chairman had some different thoughts, and therefore, I have made the motion on behalf of the Committee at this time. Thank you.

CHAIR WHITE: Thank you. Any further discussion, Members?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, I, in Committee voted against this filing of this as well because the, the thinking of keeping it open and, and you know we aren't acting on it, so I speak against the motion to file.

COUNCILMEMBER GUZMAN: Just for the record, Chair, I also wanted to refer this to the next Council, but I was upon the vote to file in Committee, it was, I was on the losing end, so the filing motion passed in Committee.

CHAIR WHITE: Okay. Thank you.

Any further discussion?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: I was excused for this meeting. So, if I can get a little bit elaboration from Chair Guzman on this as to the, is there, oh, no. Can you share a little more of why the?

COUNCILMEMBER GUZMAN: Just--

CHAIR WHITE: Discussion is in the executive session.

COUNCILMEMBER COCHRAN: Oh, okay, okay.

COUNCILMEMBER GUZMAN: Yea, it was in executive session. There was a proposal for settlement that was brought forth by the plaintiffs, or, yea.

COUNCILMEMBER COCHRAN: Okay. But the Committee Report states filing would, does not resolve the case, obviously, but rejects the plaintiffs written settlement demand. So, filing this will not travel, this historical background will not be forwarded to the new Council, so they'll be obviously working on this in the new term, but not have any of this background? I don't, or--

CHAIR WHITE: No, as what happens in many cases, if, if we file this, maybe I should let Corp. Counsel answer this, but they'll come back with another offer at some point.

Mr. Corp Counsel.

CORPORATION COUNSEL PATRICK WONG: Chair, if I may. Member Cochran, filing of this particular matter is this particular offer, it has been proposed, will be filed and will not be taken up by the next incoming Council unless and until the plaintiffs group decides to propose another prospective settlement offer. But until that occurs, the litigation is still on track and this particular offer is filed, so it's removed. It will not come up again.

COUNCILMEMBER COCHRAN: Right. Okay.

CHAIR WHITE: Okay. Any further discussion? Seeing one, all those in favor please signify by saying "aye".

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER HOKAMA: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER KING: No.

COUNCILMEMBER COCHRAN: No.

COUNCILMEMBER GUZMAN: No.

CHAIR WHITE: Roll call vote please.

DEPUTY COUNTY CLERK: Councilmember Alika Atay.

COUNCILMEMBER ATAY: I'LL GO NO.

DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: AYE.

DEPUTY COUNTY CLERK: Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: NO.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: AYE.

DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.

COUNCILMEMBER GUZMAN: NO.

DEPUTY COUNTY CLERK: Councilmember Kelly T. King.

COUNCILMEMBER KING: NO.

DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.

COUNCILMEMBER CRIVELLO: AYE.

DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.

CHAIR WHITE: EXCUSED.

DEPUTY COUNTY CLERK: Chair Mike White.

CHAIR WHITE: AYE.

AYES: COUNCILMEMBERS CRIVELLO, HOKAMA,
SUGIMURA, AND CHAIR WHITE.

NOES: COUNCILMEMBERS ATAY, COCHRAN, GUZMAN,
AND KING.

EXCUSED: VICE-CHAIR CARROLL.

DEPUTY COUNTY CLERK: Mr. Chair, there are four "ayes", four "noes", one "excused";
motion fails.

CHAIR WHITE: I believe we need a motion to refer to the next Council.

COUNCILMEMBER GUZMAN:

CHAIR, I WOULD LIKE TO MOVE TO REFER THIS TO THE
CHAIR FOR DISCRETIONARY REFERRAL TO THE NEW
TERM.

COUNCILMEMBER HOKAMA:

SECOND.

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

Any discussion? Thank you. All those in favor of the motion, please signify by saying
"aye".

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Onto the next item.

COMMITTEE REPORT
NO. 18-247 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that Resolution 18-212, 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 18-247.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on December 10, 2018, to consider the proposed resolution as read by the Clerk. The First Amendment Complaint alleges gender discrimination, retaliatory acts and practices by the County's Department of Police against the Plaintiff.

A Deputy Corporation Counsel said that the case is set for trial January 23, 2019, and requested the opportunity to convene executive meeting in which we did prior to this trial set for January 23.

Following the executive meeting, your Committee voted 8-0 to recommend the adoption of the proposed resolution. Thank you, Chair.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-212.

COMMITTEE REPORT
NO. 18-248 - PARKS, RECREATION, ENERGY, AND LEGAL AFFAIRS
COMMITTEE:

Recommending that the communications noted on Exhibits "A" and "B" of this Committee Report be REFERRED to the Council Chair for the term beginning January 2, 2019.

County Communication Nos. 17-135, 17-398, 17-417, 17-480, 18-95, 18-318, 18-410, 18-411; General Communication No. 17-10; Miscellaneous Communication relating to the Kanaha Beach Park Master Plan Implementation project; Miscellaneous Communication relating to the War Memorial Gym Building Improvements project; and Miscellaneous Communication relating to energy efficiency and related costs at the Kihei Wastewater Treatment Plant.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF REPORT
18-248.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. Your Committee met on November 13, 2018, as well as December 10, to consider the referring on certain pending matters in Council to the Council Chair for the term beginning January 2, 2019, pursuant to Rule 23(B) of the Rules of the Council.

Your Committee voted 8-0 to recommend referrals of all 12 communications. I ask the Members support for my motion. Thank you.

CHAIR WHITE: Thank you, Mr. Guzman.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 18-249 - PLANNING COMMITTEE:

Recommending that the communications noted on Exhibit "A" of this Committee Report be REFERRED to the Council Chair for the term beginning January 2, 2019.

County Communication Nos. 17-216, 17-261, 17-418 18-74, 18-75; Miscellaneous Communication relating to procurement by the Department of Planning of contract services for transient vacation rental enforcement; and Miscellaneous Communication relating to monitoring and enforcement of conditions of development and the use of County funding to fulfill such conditions.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN COMMITTEE
REPORT 18-249.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. King.

COUNCILMEMBER KING: Thank you. Your Planning Committee met on December 6, 2018, to recommend certain pending matters be referred to the Council Chair for the term beginning January 2, 2019, pursuant to Rule 23(B) of the Rules of the Council as noted in Exhibit "A".

Your Committee voted 5-0 to recommend the communications be referred for consideration next term. I respectfully ask the Members support. Thank you.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 18-250 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that County Communication 17-262, from Councilmember Yuki Lei K. Sugimura, relating to the One Farm Plan, be FILED.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-250.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Your Policy, Economic Development, Agriculture Committee met on December 3, 2018, to consider a document entitled "One Farm Plan Application". The form which incorporated suggestions from the Agriculture Working Group, Maui Coffee Growers, Hawaii Farmers Union, and other farming groups, Maui County Farm Bureau, was a collaborative effort between the Department of Finance, Department of Planning, Department of Water Supply to help consolidate the process for farmers to, applying for benefits related to real property tax rates, water rates, and building permits on agriculturally zoned land.

Your Committee agreed that further discussion with the Department of Finance, Planning and Water Supply, as well as the ag groups, are needed before the One Farm Plan Application could be implemented.

Your Committee voted 5-0 to recommend filing of the communication. I respectfully ask for the Council's support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 18-251 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending that the communications noted on Exhibits "A" and "B" of this Committee Report be REFERRED to the Council Chair for the term beginning January 2, 2019.

County Communication Nos. 17-132, 17-221, 17-241, 18-19, 18-28, 18-56, 18-206, 18-276, 18-316, 18-355, 18-397; and Grant G4679, between the County of Maui and Maui United Way (Tropic Care 2018).

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 18-251.

COUNCILMEMBER COCHRAN:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Your Policy, Economic Development, Agriculture Committee met on December 3, to consider referring certain pending matters to the Council for a term beginning January 2, 2019, pursuant to Rule 23(B) of the Rules of the Council. These communications are noted in Exhibit "A" and "B" to the committee report.

I would also like to take this time to thank Shelly Espeleta and Clarita Balala who were my Committee staff, and Carla, who worked really hard to go through the work of this Committee. We did 140, I'm sorry, 104 committee reports, 145 confirmations of boards and commissions. We worked on directors' qualifications, which we will be doing confirmations with this new mayoral term for eleven of the directors appointed by the Mayor. We worked on Charter amendments, as well as did legislative packages for Maui and did the processing of HSAC.

But I really want to express my appreciation to my Committee; my office staff, who are working really hard, as well as, especially Shelly and Clarita, who did a lot of work in, in behalf of the people of Maui County. So, thank you, Chair.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

COMMITTEE REPORT
NO. 18-252 - WATER RESOURCES COMMITTEE:

Recommending that the communications noted on Exhibit "A" of this Committee Report be REFERRED to the Council Chair for the term beginning January 2, 2019.

County Communication Nos. 06-160, 15-50, 17-79, 17-242, 17-297, 17-439, 18-321, 18-356, 18-415, 18-416; Miscellaneous Communication relating to the status of grants under the Department of Water Supply and benchmarks for grantee performance; and Contract WC0948 between the County of Maui and HDR Engineering Inc. to conduct water system analysis and review for Upcountry water meter issuance for the Department of Water Supply.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY:

MR. CHAIR, I MOVE TO ADOPT THE RECOMMENDATION IN
COMMITTEE REPORT 18-252.

COUNCILMEMBER COCHRAN:

SECOND.

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

Mr. Atay.

COUNCILMEMBER ATAY: Mr. Chair, at its meeting of December 5, 2018, your Water Resources Committee recommended a total of 12 communications be referred to the Council Chair for the term beginning January 2, 2019.

Pursuant to Rule 23(B) of the Rules of the Council, your Committee voted 5-0 to recommend referral of these communications. I respectfully ask for the Members support of this motion. Thank you, Chair.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with ordinances, second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 120 (2018)

A BILL FOR AN ORDINANCE REPEALING CHAPTER 19.36A, MAUI COUNTY CODE, ESTABLISHING A NEW CHAPTER 19.36B, MAUI COUNTY CODE, RELATING TO OFF-STREET PARKING AND LOADING, AND AMENDING RELEVANT SECTIONS OF THE MAUI COUNTY CODE TO INCORPORATE THE NEW CHAPTER 19.36B, MAUI COUNTY CODE

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER HOKAMA: Chairman.

CHAIR WHITE: Oh, Mr. Hokama. Sorry.

COUNCILMEMBER HOKAMA: Thank you.

ON BEHALF OF CHAIRMAN CARROLL OF LAND USE COMMITTEE, I MOVE THAT BILL 120 (2018) PASS SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, Mr. Carroll worked hard on this. He believes that these improvements will address areas that the Code was too lenient, as well as address other areas where the Code was too strict. And he believes this will assist the Planning Department in being fairer and much more clearer in its enforcement of this County Code. Thank you.

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, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 121 (2018)

A BILL FOR AN ORDINANCE AMENDING SECTION 3.08.040,
MAUI COUNTY CODE, RELATING TO INVESTMENT POLICY

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, as I reviewed the bills prepared for second and final, if there's no objection by the Members, I would ask the Clerk to bring up all bills up to and including 133.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So ordered.

ORDINANCE NO. _____
BILL NO. 122 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR
OF THE COUNTY OF MAUI TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT WITH THE
DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII
(SPECIAL NEEDS ADVOCACY PROJECT)

ORDINANCE NO. _____
BILL NO. 123 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR
OF THE COUNTY OF MAUI TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT WITH THE
DEPARTMENT OF THE ATTORNEY GENERAL, STATE OF HAWAII
(DOMESTIC VIOLENCE INVESTIGATION GRANT PROJECT)

ORDINANCE NO. _____
BILL NO. 124 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
OFFICE OF THE MAYOR
(HAWAII STATE COMMISSION ON THE STATUS OF WOMEN)

ORDINANCE NO. _____
BILL NO. 125 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX A, PART I,
GRANTS AND RESTRICTED USE REVENUES – SCHEDULE OF GRANTS AND
RESTRICTED USE REVENUES BY DEPARTMENTS AND PROGRAMS,
DEPARTMENT OF POLICE
(DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANTS)

ORDINANCE NO. _____
BILL NO. 126 (2018)

A BILL FOR AN ORDINANCE AMENDING APPENDIX A
OF THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO PART II, SPECIAL PURPOSE REVENUES –
SCHEDULE OF REVOLVING/SPECIAL FUNDS FOR FISCAL YEAR 2019,
OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES,
AND SCENIC VIEWS PRESERVATION FUND

ORDINANCE NO. _____
BILL NO. 127 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF FINANCE, COUNTYWIDE,
OTHER PROJECTS, COUNTYWIDE EQUIPMENT;
TOTAL CAPITAL IMPROVEMENT PROJECT APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 128 (2018)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858,
BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF FINANCE – COUNTYWIDE
EQUIPMENT)

ORDINANCE NO. _____
BILL NO. 129 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO APPENDIX C – CAPITAL IMPROVEMENT PROJECTS,
DEPARTMENT OF FINANCE,
COUNTYWIDE,
COUNTYWIDE EQUIPMENT

ORDINANCE NO. _____
BILL NO. 132 (2018)

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2019 BUDGET FOR THE COUNTY OF MAUI
AS IT PERTAINS TO ESTIMATED REVENUES;
DEPARTMENT OF FINANCE, COUNTYWIDE COSTS,
REIMBURSEMENT TO THE GENERAL FUND FOR PROJECTS
DISQUALIFIED FROM TAX-EXEMPT BOND ISSUANCE;
TOTAL OPERATING APPROPRIATIONS; AND
TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)

ORDINANCE NO. _____
BILL NO. 133 (2018)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. 4858,
BILL NO. 54 (2018), RELATING TO THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF THE COUNTY OF MAUI
ISSUANCE, SALE AND DELIVERY OF SAID BONDS
(DEPARTMENT OF MANAGEMENT, DEPARTMENT OF
PARKS AND RECREATION, DEPARTMENT OF
POLICE)

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT THE BILLS AS READ BY THE
CLERK PASS SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I just make quick comments on two specific bills.
One is on Bill 126, this is for the appraisals for the Maka`alae lands in the East Maui

area that Mr. Carroll was very passionate about, and that the Members of the Budget Committee totally supported.

Bill 128 is of course our efforts, of our Fire Department in going out for multiple equipment bids and they were, they were able to bring per unit costs down. And therefore, we are supporting their request for the funding to purchase that equipment. Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 134 (2018)

A BILL FOR AN ORDINANCE AMENDING SECTION 19.04.040, MAUI COUNTY
CODE, TO AMEND THE DEFINITION OF "LOT WIDTH"

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, again, on behalf of Chairman Carroll of your Land Use Committee, I'm going to ask the Members if they have any objections to bringing up Bills, also, 135, 136, 137, and 138?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So, ordered.

COUNCILMEMBER HOKAMA: Thank you, Chairman.

ORDINANCE NO. _____
BILL NO. 135 (2018)

A BILL FOR AN ORDINANCE TO AMEND THE LANAI COMMUNITY PLAN
AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY
FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII,
TAX MAP KEY (2) 4-9-007:029

ORDINANCE NO. _____
BILL NO. 136 (2018)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
P-1 PUBLIC/QUASI-PUBLIC DISTRICT TO R-1 RESIDENTIAL DISTRICT
FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII,
TAX MAP KEY (2) 4-9-007:029

ORDINANCE NO. _____
BILL NO. 137 (2018)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,
RELATING TO ACCESSORY DWELLINGS

ORDINANCE NO. _____
BILL NO. 138 (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.08, MAUI COUNTY
CODE, RELATING TO SOIL EROSION AND SEDIMENT CONTROL

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT ALL BILLS AS READ BY THE
CLERK PASS SECOND AND FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I just will make quick comments on just two bills that is, as it regards to Bill 135 and 136. This is a correction that Council is support. This is to correct an error of our departments in the last community plan process whereby we were making the corrective steps at this point in time to allow a Lanai family to finally build a house on their property, Chairman. Thank you.

CHAIR WHITE: Thank you. Any further discussion on these items?

COUNCILMEMBER KING: Chair.

CHAIR WHITE: Yes, Ms. King.

COUNCILMEMBER KING: I just wanted to clarify for the public that the two people who came to testify on Bill No. 137, and had concerns because they had their, their outstanding permit application. One of them was actually approved; he just hasn't got his letter yet. And the other one is safe per their version of the bill.

CHAIR WHITE: Thank you very much. Any questions on that item?

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 139 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE STATE OF HAWAII,
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION AND
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE THAT BILL 139 (2018) BE PASSED ON SECOND AND
FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. This bill proposes to authorize the Mayor to enter into an intergovernmental agreement with Hawaii Housing Finance and Development Corporation, and State Department of Accounting and General Services to allow the County to move the Maui Bus Transit Hub from its current location at the Queen Kaahumanu Shopping Center in Kahului, to a portion of State property located in Kahului, in exchange for the State's use of the County-owned property adjacent to the State Office Building in Wailuku. I ask for the Council's full support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello. Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

COUNCILMEMBER CRIVELLO: Aye.

COUNCILMEMBER HOKAMA: Aye.

COUNCILMEMBER SUGIMURA: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER ATAY: No.

COUNCILMEMBER KING: No.

COUNCILMEMBER COCHRAN: No.

CHAIR WHITE: I heard a "no" from Mr. Atay and Ms. King.

COUNCILMEMBER HOKAMA: Ms. Cochran.

CHAIR WHITE: Ms. Cochran, okay. Just two "noes" *[sic]*.

COUNCILMEMBER GUZMAN: Chair, I had a question during discussion, but you were really quick on the, on the vote.

CHAIR WHITE: Okay, I haven't, I haven't called the results yet. Please proceed with your--

COUNCILMEMBER GUZMAN: Okay, very good. Thank you. Thank you. So, by getting back to the Committee, and you know how I feel about this, this whole Wailuku Parcel, the Old Post Office. In the, in the actual Memorandum of Understanding, it's saying that on, I believe the third "WHEREAS", oh excuse me, strike that, one, two, three, four, five, six, seven, eight, nine; on the ninth "WHEREAS", it says on the last sentence, basically, "which may include the County Wailuku Parcel as part of the office space."

So, as we got back in the Committee when the, when the money was appropriated by the legislation, it wasn't, it's still undetermined whether or not in my mind the parcel, the Wailuku Parcel was part of the legislation appropriation. So, because in this, this Memorandum of Understanding, it still has the, basically, the under, "may" the "may" language, so it's like an optional to me.

And so, what happens if we don't allow this mutual understanding to go through? It's still an option. I mean, it sounds as though it was buffered into the mutual, it was incorporated into the mutual Memorandum of Understanding for that type of exchange. And so, what is the, how did that get in there

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. So, the Kahului property is under the jurisdiction of the Department of Accounting and General Services, also. So, it's part of the

intergovernmental agreement that has, in conversation with the HHFDC and DAGS. And yea, it may include Wailuku, Mr. Guzman. And I think from there the passing of this will further have, if we're going to allow this kind of agreement. And if not, they'll come back or maybe not, because we only have till 2020 to move the bus hub out of the Queen Kaahumanu Center.

And, and this is the offering that has come from the State agencies; not necessarily the Legislature when it comes to the Wailuku Post Office, Mr. Guzman. It's, it's coming from the agencies that we're making the agreements with. The State Legislature is offering us this opportunity with the funding's that goes through the HHFDC, and for us to build a bus hub.

COUNCILMEMBER GUZMAN: But--

COUNCILMEMBER CRIVELLO: But, you know, and I'd like to add, Chair, I understand Mr. Guzman's concern from day one of 2013 with the Wailuku Post Office. We've been here six years; nothing has been done with the post office. Will it, will it create anything going further from the County? I don't know if we have something definite perhaps. But, I think more important is how do we move forward from what's there today, how it can be worked around for us to have a continuing partnership with the entities, with the State of Hawaii. That's, and, and more important, if this is included in this agreement, I think it's your call if we want to have it continue or not. I'm at that stage.

CHAIR WHITE: Yea, I think Mr. Guzman's question is, is that part of the deal and it's going to be in? Or is it, a may?

COUNCILMEMBER GUZMAN: Yea, cause the language in--

CHAIR WHITE: And it may not be in the deal.

COUNCILMEMBER CRIVELLO: I don't, Mr. Hirai was here from the HHFDC.

CHAIR WHITE: Yea, I was looking to see if he was here, but it looks like he's left the building.

COUNCILMEMBER CRIVELLO: And he's left already, yea. I cannot answer the legal part of the agreement of the "may" or "shall" or what have you. Maybe Corporation Counsel can help with that. But, you know, at, at this stage, I think we just have to make some passage or not on behalf of the State Legislature as well as for the HHFDC and Department of Accounting General Services.

CHAIR WHITE: If, refresh my memory, my understanding is that the State Legislature has allocated funds for this project.

COUNCILMEMBER CRIVELLO: Through the, and the conduit is HHFDC.

CHAIR WHITE: Yea, and so, there is a time element here that is not a very comfortable one. If you've gone through the process of trying to build something, just forget the design, it takes six months just to get it permitted, so.

COUNCILMEMBER GUZMAN: And that's where my discomfort is. It's like I don't feel like I've gotten the full story on this, because on the appropriation from the legislation, it goes into a CIP fund. And the CIP fund doesn't indicate any connection to the Wailuku Parcel. But in the mutual understanding agreement, now it's being included as part of the condition. So, why?

CHAIR WHITE: Maybe Mr. Wong--

COUNCILMEMBER GUZMAN: I mean, obviously we have the money, the CIP fund from the State for the hub. But then, why in this mutual understanding agreement did we have to include the Wailuku Parcel. And, you know, Chair, financially we put in so much money. We even had to hire special counsels for all the defendants in that and, and the appropriations we made for the design to expand the campus as an alternative. I mean, to then now rent it for a dollar for 65 years. I mean, how much money, if we did the accounting, how much money did we actually put into it?

CHAIR WHITE: Well, we are getting, we are getting the other parcel.

COUNCILMEMBER GUZMAN: Yea, the other parcel, but I'm saying we would automatically get that other parcel through the legislation, the CIP funding. So that, so--

CHAIR WHITE: Yea, I'm not sure if that's correct, but maybe Mr. Wong can provide us--

COUNCILMEMBER GUZMAN: Okay, so I need to understand more that, that how is the Wailuku Parcel included in there other than it being stated in the mutual understanding agreement. Is there anything else outside that that incorporates the Wailuku property?

CHAIR WHITE: Mr. Wong, can you clarify this?

CORPORATION COUNSEL: Thank you, Chair and Mr., Councilmember Guzman. You know, I'm not entirely familiar with the intricacies of this transaction. But, just the extracting from the language of the document itself, if you look at the following "WHEREAS" clause after the one that references the Wailuku Parcel. In subsection 1, it says to "Explore the feasibility of transferring the Property to HHFDC for the purpose of developing mixed-use" blah, blah, blah, and it goes onto reference the civic center needs in Kahului and Wailuku.

Now, I'm going to move ahead in the document. And if you turn to, if you look at page 3, it has the "NOW THEREFORE", which is the obligations of the parties, HHFD has obligations that they need to look into. And you turn the page to page 4, DAGS has obligations, and then the County has obligations under, in page 5. If you look at subparagraph A, the County is responsible for the following: "Provide and authorize the use of any studies and reports relating to the Wailuku Parcel, such as hazardous materials" and so on "for an office building project site at the County Wailuku Parcel". So, if you go through that one and B and C, it appears as if it's, the County needs to assist in the attempt of the State's due diligence in evaluating whether or not the Wailuku Parcel would be feasible for a office site.

My read of this is that in the event those feasibility studies are less than desirable for the State, that they may not follow through on a transaction with the County. That's why I believe the previous language that you referred is not "shall" but "may". And so, it provides, it provides an option based on what the study's results are.

COUNCILMEMBER GUZMAN: I'm following you, Mr. Wong.

CORPORATION COUNSEL: In, in addition to that if I may, the paragraph that you read referencing the County Wailuku Parcel, at the end of that paragraph it does still say "subject to Council approval", okay. So, in the event that offer is made, I guess, or the completion of that, or the contemplation of that transaction, it's still subject to Council approval.

COUNCILMEMBER GUZMAN: The transaction of the lease.

CORPORATION COUNSEL: Correct.

COUNCILMEMBER GUZMAN: But, wouldn't we be now be obligated, because we've entered into this mutual understanding. And the terms that you've just read are stated as obligations to us under the MOU. So, does that not lock us in now?

COUNCILMEMBER CRIVELLO: So, we have Mr. Guzman asking me about--

CHAIR WHITE: Quick recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 4:40 P.M., AND WAS RECONVENED AT 4:41 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR VICE-CHAIR CARROLL, EXCUSED.)

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

Mr. Guzman, Ms. Crivello may have some additional information.

COUNCILMEMBER GUZMAN: Okay.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. I apologize, Chair. I made contact with Mr. Hirai. He's close by, so he'll be coming back. We also have Deputy of Transportation John Buck in here if you want to question him for resource. And Mr. Hirai will be on his way back to answer any questions that Mr. Guzman may have.

CHAIR WHITE: Okay, without objections, I'd like to move this item to the end of the calendar.

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER GUZMAN: Thank you. Thank you.

CHAIR WHITE: Yea, thank you, Mr. Guzman.

(See pages 155 through 163 for additional discussion and action.)

CHAIR WHITE: Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 140 (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96,
MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE
HOUSING FAST TRACK PERMITTING

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE THAT BILL 140 BE PASSED ON SECOND AND FINAL
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. This bill proposes to amend 2.96, Workforce Housing Policy, to codify the County's priority permitting policy for expediting the County's permit process and establishing a first priority permit review process for 100 percent residential workforce housing projects. I ask for the Council's full support.

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

AYES: COUNCILMEMBERS CRIVELLO, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS ATAY AND COCHRAN.

EXCUSED: VICE-CHAIR CARROLL.

CHAIR WHITE: Okay, we have two "noes"; Ms. Cochran and Mr. Atay. Anyone else? Measure passes with six "ayes"; two "noes"; Mr. Atay and Ms. Cochran; and one "excused"; Mr. Carroll.

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 141 (2018)

A BILL FOR AN ORDINANCE AMENDING TITLE 11,
MAUI COUNTY CODE, RELATING TO PUBLIC TRANSIT

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you.

I MOVE THAT BILL 141 BE PASSED ON SECOND AND FINAL
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: We're, we're proposing to amend Title 11, Maui County Code, to help improve the health and safety of the ridership by updating the current provisions and establishing new prohibitions and penalties for unlawful dwelling storage or dumping at public transit facilities. I ask for the Council's full support.

CHAIR WHITE: Thank you.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 142 (2018)

A BILL FOR AN ORDINANCE AMENDING TITLES 2, 3, AND 14,
MAUI COUNTY CODE, RELATING TO RESIDENTIAL WORKFORCE HOUSING
POLICY INCENTIVES AND EXEMPTIONS

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE THAT BILL 142 BE PASSED ON SECOND AND FINAL
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. This bill proposes to amend Titles 2, 3, and 14, Maui County Code, to establish a fast track development process for 100 percent residential workforce housing projects. I ask for the Council's full support. Thank you.

CHAIR WHITE: Thank you. Any further discussion, Members?

COUNCILMEMBER KING: Chair, I have a question.

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Because I know there was a concern from a community member about the ten-year. There's nothing in this actual bill; it refers to another bill that has that ten-year, the ten-year reference in there. Is that correct?

CHAIR WHITE: I believe the reference is in 2.96.

COUNCILMEMBER CRIVELLO: 2.96.

COUNCILMEMBER KING: 2.96. So, if we want to amend that, we have to go back into 2.96?

CHAIR WHITE: Correct.

COUNCILMEMBER KING: So, this is just, so that would be the reference point for that?

CHAIR WHITE: Correct.

COUNCILMEMBER KING: Thank you.

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

AYES: COUNCILMEMBERS CRIVELLO, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS ATAY AND COCHRAN.

EXCUSED: VICE-CHAIR CARROLL.

CHAIR WHITE: I heard two "noes"; Ms. Cochran and Mr. Atay. Measure passes with six "ayes", two "noes", and one "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 143 (2018)

A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2019
BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO
APPENDIX B, REVENUES – FEES, RATES, ASSESSMENTS AND TAXES,
DEPARTMENT OF HOUSING AND HUMAN CONCERNS,
SPECIAL REVENUE/TRUST AND AGENCY FUND,
RESIDENTIAL WORKFORCE HOUSING POLICY INCENTIVES AND EXEMPTIONS,
RESIDENTIAL WORKFORCE HOUSING FAST TRACK DEVELOPMENT
APPLICATION FEE

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Are we on Bill 143?

CHAIR WHITE: Yea, Bill 143.

COUNCILMEMBER CRIVELLO: Thank you.

I MOVE THAT BILL 143 PASS ON SECOND AND FINAL
READING.

COUNCILMEMBER SUGIMURA:

SECOND.

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

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Actually, pertaining to fees, rates, and assessments, we added into this Workforce Housing Policy Incentive in the exemptions, what we would call a Housing Fast Track Development Application fee of \$50,000. I ask for the Council's full support.

CHAIR WHITE: Thank you.

Any further discussion, Members?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry to be the huge naysayer here, but this one I'm hoping that her, maybe the new Council can take a re-look. But, I mean, I'm all for expediting and, you know, streamlining permitting and things of that nature. But, I take offense when I see ads in our Maui News that are touting the 100 percent affordable pointing to our 2.96 Workforce Housing ordinance that we're talking about there; as long as they comply with that they get all these freebies, refunds, whatever.

And in this particular Pailolo Place ad by Aina Lani, it talks about the pre-qual loan, which we had that discussion during the Kamalani project. They have a little notation that I believe is not legal. And their asterisk says, "Note developer reserves the right to require the buyer to obtain the pre-qual letter from a list of developers, list of developer-approved lenders". So, they use our code words, but then they put this asterisk as a side note, which we had this issue during another project. So, as long as projects are following the law and doing it up and up, I'm okay. But when I see literally black and white color ads in our Maui News misleading the public, I cannot fast track this stuff. So, that's where my dilemma sits right now, Chair. Thank you.

CHAIR WHITE: I understand that.

Mr. Wong, do you, can you offer an opinion on whether what they're doing is appropriate or not?

CORPORATION COUNSEL: Chair, I'm not familiar with the project or the ads that are being referenced by Member Cochran at all.

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

AYES: COUNCILMEMBERS CRIVELLO, GUZMAN,
HOKAMA, KING, SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: COUNCILMEMBERS ATAY AND COCHRAN.

EXCUSED: VICE-CHAIR CARROLL.

CHAIR WHITE: Okay, I heard Mr. Atay and Ms. Cochran are the "noes", and the other six are "ayes". So, the measure passes six "ayes", two "noes", and one "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 144 (2018)

A BILL FOR AN ORDINANCE REPEALING SECTION 13.16.040,
MAUI COUNTY CODE, RELATING TO THE
GOLF COURSE SPECIAL FUND

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

MOVE TO PASS ON SECOND AND FINAL READING BILL 144.

COUNCILMEMBER KING:

SECOND.

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

Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair. This, this bill will repeal the special fund, which is basically an enterprise fund, and treat the golf course as any other facility or agency that's in the department. All monies that will be received or earned in the golf course revenue will be placed into the general fund.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

CHAIR WHITE: Measure passes with nine "ayes", I'm sorry, eight "ayes", one "excused".

Mr. Clerk.

ORDINANCE NO. _____
BILL NO. 149 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE STATE OF HAWAII TO FULFILL FEDERAL AND STATE
TRANSPORTATION PLANNING REQUIREMENTS RELATING TO
THE MAUI METROPOLITAN PLANNING ORGANIZATION

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Chair, may I ask the Clerk to also bring up Bills 150 through
153?

COUNCILMEMBER COCHRAN: No objections.

COUNCILMEMBER HOKAMA: No objections.

CHAIR WHITE: Okay. Thank you. So, I'm clear, 149 has been called up.

COUNCILMEMBER SUGIMURA: 150, 151, 152, and 153; so the rest.

CHAIR WHITE: Okay, I thought you skipped, I'm sorry, I thought you skipped 150. Okay, so
all bills up to 153?

COUNCILMEMBER SUGIMURA: Correct.

CHAIR WHITE: Including 153?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR WHITE: Okay.

COUNCILMEMBER COCHRAN: No objections.

CHAIR WHITE: So, no objections, Members?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: So, ordered.

ORDINANCE NO. _____
BILL NO. 150 (2018)

A BILL FOR AN ORDINANCE AMENDING SECTION 2.35.040,
MAUI COUNTY CODE, RELATING TO POLICY BOARD MEMBERSHIP

ORDINANCE NO. _____
BILL NO. 151 (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 8.20, MAUI COUNTY
CODE, RELATING TO SMOKING

ORDINANCE NO. _____
BILL NO. 152 (2018)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE
COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT
WITH THE MAUI COUNTY WORKFORCE DEVELOPMENT BOARD AND THE
AMERICAN JOB CENTER NETWORK PARTNERS

ORDINANCE NO. _____
BILL NO. 153 (2018)

A BILL FOR AN ORDINANCE AMENDING TITLE 3, MAUI COUNTY CODE,
RELATING TO COMMUNITY FACILITIES DISTRICTS

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA:

CHAIR, I MOVE TO PASS BILLS 149, 150, 151, 152, 153 ON
SECOND AND FINAL READING.

COUNCILMEMBER CRIVELLO:

SECOND.

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

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. Bill 149 authorizes the Mayor to enter into an intergovernmental agreement with the State of Hawaii to fulfill Federal and State transportation requirements relating to the Maui Metropolitan Planning Organization.

Bill 150 amends Section 2.35.040, Maui County Code, to require policy board membership to include one member of the State Senate, who shall be appointed to this, by the State Senate President; and one member from the State House of Representatives, who will be appointed by the Speaker of the House.

Bill 151 amends Chapter 8.20, Maui County Code, so that the use of electronic smoking devices is regulated in the same manner as the smoking of tobacco and other plant products.

152 authorizes the Mayor to enter into an intergovernmental agreement with Maui County Workforce Development Board and the American Job Center Network Partners.

And, 153 amends Title 3 of the Maui County Code, creating a new Chapter entitled "Community Facilities District".

I respectfully ask for the Council's support of these motions. Thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion on these items?

Yes, Ms. King.

COUNCILMEMBER KING: Chair, I just wanted to thank Ms. Sugimura for bringing up the community facilities district, because it happened to coincide with the Maalaea Village Association attempt. So, this was like the first step and it kind of came up right when we needed it. So, thank you for bringing this forward.

COUNCILMEMBER SUGIMURA: Thank you. Chair, in connection to that, I think the Kahoma Bay Project, which is the sand erosion, was also interested in looking at this, as well as Lynn Woods with the residents on her street in Kula. So, anyway, thank you. I hope the Members will pass it.

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, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

DISCUSSION AND ACTION RELATING TO BILL NO. 139 (2018)

CHAIR WHITE: And, Members, we'll now take up Bill No. 139.

And, thank you, Mr. Hirai for making your way back here so quickly. And, Members, if, Mr. Guzman, if you'd like to ask a question of Mr. Hirai. And, thank you for your patience waiting, you've been here all day and shown some stamina that's unusual.

COUNCILMEMBER GUZMAN: Truly apologize for bringing you back in. But, I, this, this particular item, I still feel very uncomfortable with and I have a couple questions that maybe you can clarify. So, under the legislation, the State appropriations, it's my understanding it was placed as a CIP funding. And so, as part of that, that had no, that had basically no connection to the Wailuku Post Office parcel when it was appropriated.

The language that Mr. Wong has read is that, I believe in one of the "WHEREAS", there was possibly a language that lended itself to a feasibility like the State and the County, or well, I guess explore the feasibility of transferring the property to HHFDC. So, that wasn't really a, in my mind, a definite attachment or connection. It was purely a exploration of feasibility whether or not that would be incorporated as part of the deal or attached to the CIP funding.

And so, who did that feasibility study? Was it the, was it the, was it your agency or the State, and now does that now attach to the CIP funding if in fact you guys agree that it is feasible to make that exchange?

MR. CRAIG HIRAI: I believe, I was looking for the reference, I believe what's the linkage between the Kahului Civic Center site and exploring DAGS' needs in Wailuku is a Senate Concurrent Resolution 145 from a couple of sessions ago, that that's it. It just said to study the, I think to consider the, in this, in looking at the Kahului Civic Center site, that we should also pay some attention to the DAGS needs in Wailuku. I, I don't have the exact language in front of me.

COUNCILMEMBER GUZMAN: So, on that type of language, was it conditioned, the CIP funding conditioned on?

MR. HIRAI: The CIP funding was not conditioned on, no.

COUNCILMEMBER GUZMAN: Okay. Okay, so it's not conditioned at all for the exchange of the Wailuku Parcel?

MR. HIRAI: No, it just goes back to that concurrent resolution.

COUNCILMEMBER GUZMAN: So, when, if we enter into this mutual understanding agreement, this MOU, it now, now solidifies this exchange?

MR. HIRAI: Right, because it has to do with DAGS' planning for office I guess, and also for court space in Wailuku and Kahului, and, on Maui.

COUNCILMEMBER GUZMAN: I, I, and I guess my other question, follow up would be, could we have the hub CIP move forward without exchanging, without the exchange of the Wailuku Parcel?

MR. HIRAI: My understanding is that if that were the case, we'd have to come back to the next Council, the next Administration and redo the MOU.

COUNCILMEMBER GUZMAN: Okay. So, in terms of deadlines, okay, let's get this backtrack; if you were to change it, could you then remove the Wailuku Parcel and come back to Council with that offer?

MR. HIRAI: We'd have to, we would have to redo the MOU, yea. So, that would include DAGS, us, and, well, DAGS, HHFDC, and the County.

COUNCILMEMBER GUZMAN: What is the subsequent, I guess, harm or effect or result happen for you folks if we were to move forward with amending this MOU--

MR. HIRAI: It would--

COUNCILMEMBER GUZMAN: --and exclude the Wailuku Parcel? Exclude--

MR. HIRAI: Oh, excuse me. It would affect, well, we're proposing to get an EO from DLNR on the Kahului Civic Center for mixed use housing and DAGS office space. And it affects the planning for the DAGS office space, i.e., how much office space they're going to need versus how much housing we can build. So, if, my presumption is that if they don't get the lease on the old post office site, they will have to either put more office space on the Kahului Civic Center site or find other places to put office space.

COUNCILMEMBER GUZMAN: So, the Kahului Civic Center site would be off the table?

MR. HIRAI: No, no, it would be, it's mixed use.

COUNCILMEMBER GUZMAN: Oh, mixed use, okay.

MR. HIRAI: So, it's the proportion of housing versus office.

COUNCILMEMBER GUZMAN: Oh okay, okay. I got it, I got it.

MR. HIRAI: If they don't have Wailuku, then they'd probably put more office space in Kahului Civic Center.

COUNCILMEMBER GUZMAN: Which means further away from the central . . . of Wailuku?

MR. HIRAI: Yea, and also less housing.

COUNCILMEMBER CRIVELLO: Chair.

COUNCILMEMBER GUZMAN: Alright. Thanks, Chair.

CHAIR WHITE: It's a, it's a difficult one because the, the County has basically come up with a concern that the, this building site is a very expensive place to build. So, there's no certainty that the State is going to come up with a different analysis. So, I still think that, well, I still support moving ahead with this because in asking Mr. Hirai about DAGS issues is, I'm glad that he's helping us with them because he's HHFDC, so he's on the housing side, not the side that's going to make use of or make feasibility study on the old Wailuku Post Office site.

Yea, my concern remains that we're, we're at a very, we're down to a very short time frame. And, you know, that's--

COUNCILMEMBER CRIVELLO: Chair.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: So, clarification with you from housing and DAGS with the property. What I'm hearing you say, Mr. Hirai, is that if DAGS, or Department of Accounting and General Services, may not have property to build more office space, than what's planned for the second phase of that property instead of housing it may be considered for office?

MR. HIRAI: Well, I think it will, it'll affect the mix.

COUNCILMEMBER CRIVELLO: Right.

MR. HIRAI: More office, less housing.

COUNCILMEMBER CRIVELLO: Okay. And, and we are in dire need of housing. So, thank you, Mr. Hirai.

CHAIR WHITE: Mr. Atay.

COUNCILMEMBER ATAY: Thank you, Chair. I'm still, you know, I look at the bigger picture, and I'm still kind of reeling from us accepting this involvement with the State Department of Transportation. At Launiupoko, we're giving them 33-acres, and they getting 22-acres for free over there. And then, we getting one, they getting a dollar for 65-years for the Wailuku Post Office. At the same time, the State owes us the TAT, you know. Where's the leveraging here?

We just allowing them, so I, I, you know, for me, when the first meeting they came, they said it wasn't attached, you know. My understanding of the funding was that it came from the Leg. for the bus hub, you know, and Wailuku Post Office was not attached. Now it is. So, you know, I still have a hard time giving free land, almost free

land to the State when the State still owes us the TAT money. So, where's the leverage? You know, I still stand where I stand, you know.

CHAIR WHITE: Yea, I understand.

COUNCILMEMBER GUZMAN: And, I, I--

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: --I see the bigger picture here now. It's basically if you guys don't get the Wailuku Parcel, you're going to find other properties outside of Wailuku to build your offices, thereby, economic engine, all the people that are within Wailuku are now going to be outside of Wailuku. And the, in our future intent on this Council, is to build Wailuku as the government seat. So, I see where you're coming from.

It's, this one is a hard one, I, you know, Chair. Because if I didn't have the history behind all that, you know, if I was completely objective and didn't have to go through all of the stuff we had to go through on that post office, then I would probably be more impartial. But, I still can't get over that, that whole, whole term, you know. Still I'm getting post traumatic syndromes from that, you know. Just kidding. But, you know, it was tough. Just like what Ms. Crivello said, we all got buss up on that one.

CHAIR WHITE: Yea, I think we still have to look at the fact that we are getting a portion of the parcel in Kahului for our bus hub. So, that's where the, that's where the dollar for dollar trade is. So, you know, I can't disagree with Mr. Atay's perspective. You know, we all went through the Old Wailuku Post Office issue together, but my feeling is it's, it's time to move on. And, I think we, we need this bus hub very badly because of the, the deadline that we're under, so.

COUNCILMEMBER SUGIMURA: So, Chair.

CHAIR WHITE: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Just kind of a comment. The Launiupoko land, right, this is what Member Atay mentioned; I think it's 22-acres what they wanted, they had 30-something. And I remember what we got was \$1.3 million in excess to pay for the additional land that we accepted the last Council meeting. So, it's not like we gave them 30-something and they only needed 20. I think there was a Council--

CHAIR WHITE: No, and actually part, some of the confusion might be that when we purchased Launiupoko, we purchased lands other than what was set aside from the highway. So, what we bought included what was set aside for the highway, but we didn't pay for that. So, the transaction, and Mr. Hokama can correct me if I'm wrong,

but the transaction was that we were, we were asked to sell them the additional land that they needed for a wider right of way and some of the, the turnouts, or not the turnouts, the on-ramps for lack of a better term. Mr. Hokama, can you rescue me on that?

COUNCILMEMBER HOKAMA: And basically, you're quite accurate, Chair. Again, I wish we did things a little bit simpler and more cleaner with some of the land acquisitions. But, you're correct, that was part of the overall land acquisition, but wasn't part of the overall price. So, again, the original intent was 22-acres of the lands we bought would be for the highway project. State highways took 33-acres. So, they're paying us the difference of the 33 minus the 20-something. And, that's what they paid us for, because we never paid for the 22.

CHAIR WHITE: Right.

COUNCILMEMBER HOKAMA: That's, that's the best I recall as far as factual, Chair. Thank you.

CHAIR WHITE: Any further questions for Mr. Hirai?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: And, thank you, Mr. Hirai. I know you've been here all day. In this, what is this, Roman Numeral 4, I never learned, sorry, roman numerals; IV? Item C, it mentions about CIP funds will, if not encumbered will lapse by June 30 of 2020. So, that's like a year, I mean, the June of next year makes a whole year? I mean, all this stuff can go through and the planning, and master planning and what have you, this money is set aside currently. But, if you do not come, if we all do not come to some kind of agreement then on June 30, 2020 funds will lapse. Is that what that's saying? Page 8, "Other Constraints".

MR. HIRAI: Yea, I guess we really hadn't considered that too much, because we were making significant progress on the bus hub. But, that's what, I assume that's correct. It was a CIP appropriation--

COUNCILMEMBER COCHRAN: Right.

MR. HIRAI: --for the bus hub. It was a CIP appropriation to HHFDC for the purpose of funding the bus hub, for building the bus hub. So, I think technically what's happened, what will happen there is that even though we're going to have the County Department of Transportation essentially design and build, for the lack of a better word, the bus hub,

technically we're going to own it and rent it to the County for a dollar a year; at least initially, unless we subdivide it and convey it by lease.

COUNCILMEMBER COCHRAN: Okay.

MR. HIRAI: So, basically the way it was set up, the bus hub is ours and we're leasing it to the DOT. Originally, it was supposed to go to, the County put in the bill for, I think, grant-in-aid or CIP funds. But the Legislature CIP it to us, so we're going to end up owning the bus hub and leasing it to the County, at least in the first instance. I mean we're not going to, it's going to be like a dollar a year, but technically, we're going to still own it.

COUNCILMEMBER COCHRAN: And the land is, you're looking to get that EO'd or no it--

MR. HIRAI: Yes, we're looking to get the land EO'd to us, but it's going to be EO'd for mixed use purpose, i.e., housing, and DAGS, and the bus hub.

COUNCILMEMBER COCHRAN: Okay. Sounds like there's a lot of still moving parts that haven't been solidified at this time. I know I haven't, I mean I always, I have the same discussion as Mr. Atay has had, and a few of us about why is it tied together, you know, why is this connected? I mean, I'm hearing it, but I'm still trying to accept it.

MR. HIRAI: It's that Senate Concurrent Resolution 145, that's all I can say.

COUNCILMEMBER COCHRAN: Okay. Alright. But, thank you for your time here, Mr. Hirai.

MR. HIRAI: Thank you.

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

COUNCILMEMBER SUGIMURA: Aye.

COUNCILMEMBER HOKAMA: Aye.

CHAIR WHITE: Those opposed say "no".

COUNCILMEMBER ATAY: No.

COUNCILMEMBER COCHRAN: No.

CHAIR WHITE: Roll call please.

DEPUTY COUNTY CLERK: Councilmember Alika Atay.
COUNCILMEMBER ATAY: NO.
DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: AYE.
DEPUTY COUNTY CLERK: Councilmember Elle Cochran.
COUNCILMEMBER COCHRAN: NO.
DEPUTY COUNTY CLERK: Councilmember Riki Hokama.
COUNCILMEMBER HOKAMA: AYE.
DEPUTY COUNTY CLERK: Councilmember Don S. Guzman.
COUNCILMEMBER GUZMAN: AYE.
DEPUTY COUNTY CLERK: Councilmember Kelly T. King.
COUNCILMEMBER KING: NO.
DEPUTY COUNTY CLERK: Presiding Officer Pro Temp Stacy Crivello.
COUNCILMEMBER CRIVELLO: YES.
DEPUTY COUNTY CLERK: Vice-Chair Robert Carroll.
CHAIR WHITE: EXCUSED.
DEPUTY COUNTY CLERK: Chair Mike White.
CHAIR WHITE: AYE.

AYES: COUNCILMEMBERS CRIVELLO, GUZMAN,
HOKAMA, SUGIMURA, AND CHAIR WHITE.

NOES: COUNCILMEMBERS ATAY, COCHRAN, AND
KING.

EXCUSED: VICE-CHAIR CARROLL.

DEPUTY COUNTY CLERK: Mr. Chair, there are five "ayes", three "noes", one "excused"; motion passes.

CHAIR WHITE: Thank you. Thank you for coming back, Mr. Hirai and thanks for the assistance.

MR. HIRAI: You know, it's a practical matter on the post office site. Nothing is going to happen without the County, probably Council's approval.

CHAIR WHITE: Right. Yea, it needs to come back to the Council for any, any use there.

Okay, Mr. Clerk.

DEPUTY COUNTY CLERK: Mr. Chair, proceeding with Unfinished Business.

UNFINISHED BUSINESS

COMMITTEE REPORTS

COMMITTEE REPORT
NO. 18-232 - POLICY, ECONOMIC DEVELOPMENT, AND AGRICULTURE
COMMITTEE:

Recommending the following:

1. That Resolution 18-213, entitled "APPOINTMENTS TO THE WEST MAUI COMMUNITY PLAN ADVISORY COMMITTEE," be ADOPTED; and
2. That County Communication 18-134, from the Planning Director, be FILED.

DEPUTY COUNTY CLERK: Members, for the record, pending before the body currently is an amended motion by Councilmember Sugimura, seconded by Councilmember Crivello, to adopt the recommendations in Committee Report 18-232.

The amendment that was approved at the last meeting replaced Rick Nava's name with Karen Comcowich's.

CHAIR WHITE: Thank you.

We'll go to Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. So, Members, although amendments to disapprove Rick Nava and, and approve Karen Comcowich have already been carried, Councilmember Guzman did express a desire to have her attend today's meeting to be interviewed but she's working. So, I think my office or staff asked Member Guzman to contact her in case he had any questions. I'm not sure if you were able to do that.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Yea, Chair, I was able to get her contact number, but I wasn't able to get a hold of her. I had a question. The contact number is a 303 area code, which is Colorado, and so I was wondering whether or not, how long is, why does she still have a Colorado cellphone and how long has she lived here?

CHAIR WHITE: I don't know the answer to that. But I know my son in-law has lived here for five years and he still has his Colorado phone, because that's what everybody and his family, his friends, and everyone else knows as his number.

Are you aware, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: I don't think that was a question that we asked the members, but, I mean, the, the people who were appointed, or. But, I hope that, you know, I think that answers--

CHAIR WHITE: I guess my question, Chair, was on Exhibit "C" which is the denial, we have several applicants that were placed on that Exhibit "C" and she was one of them. And so, what was the, what was the rationale in choosing her versus the remaining people that remain on Exhibit "C". And I had asked, I believe, one of the staffers and they had mentioned that apparently, she had been going to some of the planning meetings.

But, the question arises in my mind, how long has she lived here? And yea, I get it, I mean, you move here, and you want to get active. And, but, we're also looking for people that know the, the community, know the culture, you know. I have no discrimination against those who basically moved here early on, but I just want to, it just popped up the 303. It's just like, what? Why does she have a Colorado cellphone number? So, thank you.

CHAIR WHITE: Thank you, Mr. Guzman. Of course, that amendment has already passed and so we're actually on the pending motion is the main motion, I believe. Is that correct, Mr. Clerk?

DEPUTY COUNTY CLERK: Yes, Mr. Chair.

CHAIR WHITE: Thank you. And, we also had inquiries as to whether or not we could, whether or not we knew the qualifications of the other individuals on the Committee, as far as their cultural background. So, I'd like, we've handed that out, so maybe you can explain that to us.

COUNCILMEMBER SUGIMURA: Yea, so, thank you. Staff looked at the cultural background information from the nominees in which all of you just got a handout. So, Joseph Aquino is a member of Hawaiian Affairs Caucus of the Democratic Party; an organization founded on Hawaiian cultural values of aloha, malama `aina, ho`okipa, and kuleana practice and promoting pono (humanity and righteousness). They advocate a pono economic system that takes into account existing inequalities, finite space, transmigration, and the limited resources of our island home. And, let's see, member, Kuleana Ku`ikahi is another organization. He's also a part of the Napili Canoe Club.

The person who probably you all may remember who spent, was the first person that we interviewed was Celiz, Yvette Joyce Celiz, and she's a member of the Maui Cultural Resources Committee. So, she's a sitting member on that, Commission works for a preservation of County's historic cultural resources through the following functions: advising and assisting Federal, State, and County agencies in carrying out their historic preservation responsibilities; administering the provisions of the County's historic districts and advises the Mayor, Council and County Planning Commissions on the establishment of historic districts and their regulations; and providing public information, education, training, technical assistance on National, State, and County historic preservation programs. She's also a member of the Kahana Canoe Club since May 2018. Club, club's mission is to strive to revive, develop, and perpetuate Hawaiian culture and traditions through instructions, training of canoe paddling.

So, those I hope will answer some of the questions regarding some cultural background and experience of some of the, the Members of the CPAC.

CHAIR WHITE: Thank you, Ms. Sugimura.

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

AYES: COUNCILMEMBERS ATAY, COCHRAN,
CRIVELLO, GUZMAN, HOKAMA, KING,
SUGIMURA, AND CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

EXCUSED: VICE-CHAIR CARROLL.

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

Mr. Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 18-213.

Mr. Chair, there is no further business before the Council.

COUNCILMEMBER SUGIMURA: Thank you, everybody.

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

COUNCILMEMBER HOKAMA: Mr. Chair.

CHAIR WHITE: Yes, Mr. Hokama.

COUNCILMEMBER HOKAMA: Before you do your closing remark, I would take a point of personal privilege at this time.

CHAIR WHITE: Please proceed.

COUNCILMEMBER HOKAMA: And my point is, I know we honored our colleagues, but again, I think one Member made it a point, so I'd like to also at this point give my mahalos to Ella Alcon for, she and I go back decades now. So, for the years of service she gave not only the Molokai Office, but the Molokai community, the service that she also gave me and assisted at the Lanai District Office. I want to extend our mahalos to her and our best wishes and blessings to her and her family in her future. So, thank you, Chairman.

CHAIR WHITE: Thank you, Mr. Hokama.

Any other remarks on behalf of Ms. Lono or Ms. Alcon.

COUNCILMEMBER COCHRAN: Chair. Ms. Lono has been just, she's just been so supportive and the pretty much go to person of Hana. She's got the pulse on that community, so I just can't thank her enough for all her assistance. Whenever we go there as a group, or when I go there on a personal level to get to know the community and the issues, she definitely has been very accommodating, very helpful. And so, I'm not sure how long she's worked there, but I'm pretty sure, pretty long. And so, thanks to her for all her dedication and commitment to this County, and especially East Maui.

CHAIR WHITE: Thank you, Ms. Cochran. We all feel the same. She's done a fabulous job for us.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Since we're all giving our mahalos, so mahalo to Dawn. But, I also would like to extend a special mahalo to County Clerk Danny Mateo and, and his staff; they're just exceptional. And, I think when you don't hear any election results being questioned, you can attest to the fact that we've got professionals. And I just want to thank all of his staff for, and, and him. And I'm sure he's going to maybe enjoy retirement for little while, but I don't think he can stay home too often too long. So, I wish you well. Good health to you and your family. Thank you.

CHAIR WHITE: Yea, I, I would like to also congratulate Danny, because you've done a awesome job as the County Clerk. You've dealt with quite a number, quite a variety of different issues and you've handled them very fairly and, and appropriately. So, our hats off to you. And I don't think you're retiring either, but, but good try. No, but thank you for all the work and dedication. I appreciate it.

And I'd like to thank Corp. Counsel and all the folks that have come, that come up week after week after week for Council meetings and, and our Committee meetings and Council hearings. Thank you to the Clerk's staff that help us with all of our Council meeting needs. And, obviously a thank you to all the OCS staff, because they, they're the ones that help us make the best use of the staff in our offices and get the work done on a timely basis.

So, with that, unless anyone else has a point of personal--

COUNCILMEMBER CRIVELLO: Merry Christmas.

CHAIR WHITE: Pardon?

COUNCILMEMBER CRIVELLO: Merry Christmas.

COUNCILMEMBER KING: Chair, I--

CHAIR WHITE: Ms. King.

COUNCILMEMBER KING: Yea, I'd just like to thank my staff, all of OCS; but especially Traci Fujita and Raynette Yap who were my staff on OCS; and Michael Hopper. They were really diligent in what they did. And, the amount of minutia we had to deal with in going through the Molokai plan over and over and over again; they kept up with it. And I also

wanted to thank Danny Mateo for staying on an extra year. I know you tried to retire last year, so thanks for getting us through a very difficult but exciting election. And, now you can turn it over into good hands. Merry Christmas, everybody.

CHAIR WHITE: Merry Christmas to the community. Merry Christmas to all of you. And thank you for your support through the year. And thank you for your hard work. And, Mele Kalikimaka.

ADJOURNMENT

The regular meeting of December 21, 2018 was adjourned by the Chair at 5:22 p.m.



JOSIAH K. NISHITA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII



COALITION
for a
TOBACCO-FREE
HAWAII

RECEIVED

2018 DEC 18 AM 9:43

To: The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
Members of the Maui County Council

From: Katie Folio, Coalition Coordinator, Hawai'i Public Health Institute

Date: December 21st, 2018

Hrg: Maui County Council
9:00 a.m. at the Kalana O Maui Building, 8th Floor

Re: **Bill 151 (2018), Strong Support for A Bill for an Ordinance to Amend Chapter 8.20, Maui County Code, Relating to Smoking**

OFFICE OF THE
COUNTY CLERK

Thank you for the opportunity to offer testimony on behalf of the Coalition for a Tobacco-Free Hawai'i (Coalition) in **strong support** of Bill 151, which will amend chapter 8.20 of the Maui County Code to update the definition of smoking and include electronic smoking devices (ESDs), similar to state law.

The Proposed Amendments are in Alignment with Hawaii State Statutes

The proposed amendment adds important definitions of the law, to be consistent with the Hawaii Revised Statutes Chapter 328-J on Smoking, which codified electronic smoking devices in 2015.

Federal Regulation on ESDs is Severely Lacking

In May 2016, the Food and Drug Administration (FDA) issued a final "deeming rule" extending its regulatory authority to include electronic smoking devices and define them as tobacco products. The FDA's authority is limited to the manufacturing, sale, and marketing of these products. Currently, the only regulations in effect include a nicotine warning label requirement on all products and advertising, and restricting sale federally to over 18 (individual states can raise the age). The FDA cannot statutorily prohibit the sale and use of these products, leaving responsibility for state and local governments to take action.

Secondhand Aerosol from ESDs are Not Harmless

We commend Maui County Council's initiative to include vaping in our county's smoke-free air laws. "Secondhand aerosol from ESDs contains nicotine, ultrafine particles and levels of toxins,"¹ and it is not "harmless water vapor" as claimed by the industry. It is vital that we protect everyone from the dangers of secondhand aerosol.

Allowing the use of ESDs in locations where smoking is prohibited is problematic as ESD use puts innocent bystanders at risk for illness, threatens the social norm, and undercuts years of progress by tobacco control groups. The World Health Organization (WHO) recommends that "legal steps should be taken to end use of e-cigarettes indoors in public and work places. Evidence suggests that exhaled e-cigarette aerosol increases the background air level of some toxicants, nicotine and particles."² Restricting ESD use is a growing trend across the U.S. More than 710 municipalities and eleven states currently restrict the use of ESDs in smoke-free environments.

¹ Americans for Nonsmokers' Rights, "Electronic Smoking Devices and Secondhand Aerosol", available at www.no-smoke.org/pdf/ecigarette-secondhand-aerosol.pdf.

² Noncommunicable diseases and mental health: Background on WHO report on regulation of e-cigarettes and similar products." Available at: <http://www.who.int/nmh/events/2014/background-e-cigarettes/en>



ESD Use Among Youth and Young Adults is a Serious Public Health Epidemic

The Coalition is also greatly concerned about the alarming rise in youth vaping. Data released by the FDA and CDC from the 2018 National Youth Tobacco Survey is quite shocking: **from 2017 to 2018, there was a 78 percent increase in current e-cigarette use among high school students** and a 48 percent increase among middle school students.³

The 2018 Monitoring the Future survey results released on December 17, 2018 reports that **students who reported vaping nicotine in the last 30 days increased by 90 percent among 12th graders from 2017 to 2018, and 96 percent among 10th graders.** This is the largest increase for any adolescent substance use outcome in the U.S. in the 43-year history of the survey.⁴

In Hawai'i teen use is more than twice as high as the national average, and **Maui County youth use rates are even higher still, with 32.3% of our high school students now reporting that they currently vape,** and 18.3% of our middle school students now regularly using (compared to 3.3% nationwide).

The State of Hawai'i has already made enormous progress protecting our residents and visitors from the harmful effects of secondhand smoke, through clean air laws that include workplaces as well as state beaches and parks. We urge the County of Maui to amend our own smoking definition to restrict the use of ESDs where smoking is currently prohibited, and bring our County smoke-free laws and smoking definitions in line with State law. We respectfully ask you to approve this amendment to ensure the safety of everyone.

Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink that reads 'Katie Folio'.

Katie Folio

Community Coordinator for the Maui, Molokai, Lana'i Coalition for a Tobacco-Free Hawai'i

³ FDA News Release: Results from 2018 National Youth Tobacco Survey, available at: <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm625917.htm>

⁴ Press release from Monitoring the Future, available at: <http://monitoringthefuture.org/pressreleases/18drugpr.pdf>
850 Richards Street, Suite 201 • Honolulu, HI 96813 • (808) 591-6508 • www.tobaccofreehawaii.org

CC 18-448



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2018 DEC 18 AM 9:43

Ulupalakua Ranch, Inc.

OFFICE OF THE
COUNTY CLERK

HCI BOX 901
KULA, HI 96790-9302
(808) 878-1202

Letter is as follows;
Aloha Chair and Council Members,

Season's greetings to all and your Ohana. My name is James Gomes and I am the Operation Manager of Ulupalakua Ranch, Inc. I am in support of Council Resolution #14-114 with a proposal to amend Maui County Code Chapter 19.30A. I believe the proposal would promote flexibility in site planning and effective open space preservation. We need to start somewhere in trying to keep open space open and keep agriculture alive.

Mahalo Nui Loa


James Gomes

B:11 142 143

Hawai'i
Construction
Alliance

RECEIVED
2018 DEC 21 AM 7: 54

OFFICE OF THE COUNTY CLERK
P.O. Box 17944
Honolulu, HI 96817
(808) 220-8882

December 10, 2018

The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
and members
Council Chamber
8th Floor
200 South High Street
Wailuku, Hawai'i 96793

RE: Opposition to 18-217, Relating to Amending Titles 2, 3, and 14 of the Maui County Code, to establish a fast track development process for 100 percent residential workforce housing projects.

Dear Chair White, Vice Chair Carroll, and members:

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Laborers' International Union of North America, Local 368; the Operative Plasterers' and Cement Masons' Union, Local 630; International Union of Bricklayers & Allied Craftworkers, Local 1; and the Operating Engineers, Local Union No. 3. Together, the member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the basic crafts of Hawai'i's construction industry.

We stand in opposition to this bill in its current form, due to following reasons:

1. The proposed sec. 2.97.040 calls for the preparation of an environmental assessment even when an EA is not required, or triggered, pursuant to chapter 343, Hawaii Revised Statutes. Unfortunately, we do not believe the County can require the preparation of an environmental assessment if there is no Chapter 343 HRS trigger. And the requirement to send responses to individuals commenting on the environmental review document will be extremely burdensome for departments and applicants, which will only add to the cost and delays of building workforce housing. This proposed EA requirement does not clarify requirements and procedures with regards to the following issues:
 - o What is the acceptance criteria thresholds for determining whether or not to issue a FONSI?
 - o What is the process and procedures for appealing non-acceptance of an EA?
 - o Is an EIS required if the department does not issue a FONSI?

- Is the developer required to send a written response to every individual person commenting on the environmental review document regardless of the relevancy of comments?
 - What is the level of detail that an applicant should include at a minimum in their responses to individuals?
 - How lengthy of a discussion is needed to satisfy the “analysis of impacts and alternatives considered” requirement under number proposed sec. 2.97.040(7)?
 - Does a National Environmental Policy Act document satisfy the environmental assessment requirements under this chapter?
2. The proposed sec. 2.97.050 calls for community meetings prior to an applicant submitting his/her application to the director. This new chapter already provides community members with an opportunity to comment on these types of projects at Council meetings. Moreover, this requirement adds to the cost and delays of building workforce housing.
 3. The proposed sec. 2.97.170 calls for Council approval for these types of workforce housing projects. Requiring Council review and approval will add to the cost and delays of building workforce housing. This process could take longer than the 201H process, especially since this bill allows the Council a 60-day review period instead of a 45-day review period as mandated by 201H-38, HRS.
 4. Finally, the proposed sec. 2.97.080 calls for compliance with subsection 2.96.040(C), which may make it difficult for developers to build rental workforce housing projects. With regards to rental workforce housing projects, the current proposal states that a significant percentage of units must serve the “very low income” and “low income” households, with about half of the rental workforce housing units going to families with a median income below 80% AMI. This requirement does not provide an incentive for developers to build much needed housing for households falling in the 80 – 140 percent area median income range, whereas households below 80% AMI are able to access federal subsidies.

In conclusion, the Alliance believes that while the proposed ordinance was drafted with the best intentions, we believe the current draft produces unnecessary regulatory hurdles that drive up costs and create the potential for delay.

Mahalo,



Nathaniel Kinney
Executive Director
Hawai'i Construction Alliance
execdir@hawaiiconstructionalliance.org

Hawai'i
Construction
Alliance

RECEIVED

2018 DEC 21 AM 7: 54

OFFICE OF THE
COUNTY CLERK

P.O. Box 179441
Honolulu, HI 96817
(808) 220-8892

December 21, 2018

The Honorable Mike White, Chair
The Honorable Robert Carroll, Vice Chair
and members
Council Chamber
8th Floor
200 South High Street
Wailuku, Hawai'i 96793

RE: Opposition to Bill 142, Relating to Amending Titles 2, 3, and 14 of the Maui County Code, to establish a fast track development process for 100 percent residential workforce housing projects.

Dear Chair White, Vice Chair Carroll, and members:

The Hawai'i Construction Alliance is comprised of the Hawai'i Regional Council of Carpenters; the Laborers' International Union of North America, Local 368; the Operative Plasterers' and Cement Masons' Union, Local 630; International Union of Bricklayers & Allied Craftworkers, Local 1; and the Operating Engineers, Local Union No. 3. Together, the member unions of the Hawai'i Construction Alliance represent 15,000 working men and women in the basic crafts of Hawai'i's construction industry.

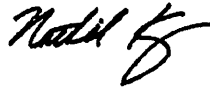
We stand in **OPPOSITION** to Bill 142 (2018) in its current form for the reasons stated in our December 10, 2018 testimony (see attachment). We would also like to raise an additional concern that the environmental assessment requirement in this bill may conflict with the Environmental Council's efforts to update the Hawaii Administrative Rules (HAR), chapter 11-200, as it incorporates a 2007 affordable housing environmental assessment exemption into the HAR, which was implemented as law but never compiled into the rules (see proposed HAR as an attachment). For more information on the affordable housing exemption please visit the Office of Environmental Quality Control website: <http://health.hawaii.gov/oeqc/>. If this Council decides to pass this bill today, we respectfully provide the following **recommendations** for the Council's consideration:

1. Amend proposed **sec. 2.97.040 Environmental assessment** to exempt proposed residential workforce housing projects within existing state urban land use classification from the environmental assessment requirement. This exemption would only apply to residential workforce housing projects on land that has already been classified by the

State Land Use Commission as urban, and the exemption would not apply to lands classified as agriculture, conservation, or rural.

2. Amend proposed **sec. 2.97.080 Income group distribution** to expand residential workforce housing policy incentives and exemptions to include residential workforce rental housing projects for households at or below 140 percent of the area median income (AMI), of which at least 20 percent of units are set-aside for households at or below 80 percent AMI. This may also require an exemption from existing workforce housing requirements under Chapter 2.96. These adjustments in percentages and AMI levels will help with the economics of building and operating workforce rental housing projects in Maui.
3. Delete proposed **sec. 2.97.050 Community meetings**. This additional requirement will only prolong the development process and increase the cost of building much needed workforce housing.
4. Amend proposed **sec. 2.97.130 Real property tax treatment** to expand real property tax exemptions to include residential workforce rental housing projects for households at or below 140 percent of the area median income (AMI), of which at least 20 percent of units are set-aside for households at or below 80 percent AMI. This will help with the economics of building and operating workforce rental housing projects in Maui.
5. Amend proposed **sec. 2.97.140 and 150 to expand the water availability exemption and fee waivers** to include residential workforce rental housing projects for households at or below 140 percent of the area median income (AMI), of which at least 20 percent of units are set-aside for households at or below 80 percent AMI. This will help with the economics of building and operating workforce rental housing projects in Maui. Amending their respective sections in the MCC may also be necessary to ensure that these exemptions and waivers are available for workforce housing projects not requiring Council approval.
6. Delete proposed **sec. 2.97.170 Council approval**. This additional requirement will only prolong the development process and increase the cost of building much needed workforce housing.
7. Amend the entire **proposed SECTION 3 of this bill** to ensure that exemptions from impact fees apply to residential workforce rental housing projects for households at or below 140 percent of the area median income (AMI), of which at least 20 percent of units are set-aside for households at or below 80 percent AMI.

Mahalo,

A handwritten signature in black ink, appearing to read "Nathaniel Kinney". The signature is fluid and cursive, with the first name being more prominent than the last.

Nathaniel Kinney
Executive Director
Hawai'i Construction Alliance
execdir@hawaiiconstructionalliance.org

Version 1.1 Rationale

Proposed Hawaii Administrative Rules
Title 11 Department of Health
Chapter 200.1 Environmental Impact Statement Rules

December 2018

Prepared with the assistance of the Office of Environmental Quality Control (OEQC).

Subchapter 8 Exempt Actions, List, and Notice Requirements

Subchapter 8 (Exempt Actions, List, and Notice Requirements) creates a distinct subchapter addressing the matter of exemptions. This subchapter divides section 11-200-8, HAR (1996) into three distinct sections.

Section 11-200.1-15 establishes the general types of actions under which an exemption may be declared. Section 11-200.1-16 provides direction to agencies for the creation of an exemption list. Section 11-200.1-17 advises agencies on how to prepare an exemption notice

§ 11-200.1-15 General Types of Actions Eligible for Exemption

Section 11-200.1-15 replaces section 11-200-8, HAR (1996). Section 11-200.1-15 provides the general types of actions eligible for exemption. It incorporates the standard for declaring actions exempt provided in section 343-6(2), HRS. An action is eligible for exemption if it will probably individually and cumulatively have minimal or no significant effects.

Section 11-200.1-15 eliminates the language from the 1996 Rules regarding "classes of actions". The Council reasoned that chapter 343, HRS, does not use the term "classes" and therefore the term has the potential to cause confusion. The Final Proposed Rules instead use the term "General Types" provided in the statutory language. The "types" of exemptions on agency exemption lists include: (1) general types listed in agency rules; (2) general types listed in agency-specific exemption lists; and (3) exemptions listed in exemption notices.

Additionally, Section 11-200.1-15 eliminates "classes" 6 and 7 from the 1996 Rules. Classes 6 and 7 are now considered *de minimis* and therefore do warrant a specific class. *De minimis* actions that warrant an exemption are discussed in section 11-200.1-16.

The Final Proposed Rules retain the language from the 1996 Rules for general types (2), (4), and (7). The Final Proposed Rules provide modifications for the remaining general types. General Type (1) replaces the term "negligible" with the term "minor", and removes "or no" before "expansion or change". Activities that are "negligible" and require "no expansion" and "no change" are now considered *de minimis* and should be reflected in Part 1 of the agency's exemption list.

General Type (3) recognizes that agencies measure residence area differently and directs the proposing agency or approving agency to apply its own measurement approach. The term "persons" is replaced with "individuals" because the definition of person in chapter 343, HRS, and the Final Proposed Rules is inconsistent with the meaning here.

General Type (5) incorporates infrastructure testing such as temporary interventions on roadways to test new designs or effects on traffic patterns.

Environmental Council Version 1.1
Rationale for Proposed HAR Chapter 11-200.1, Environmental Impact Statements
December 2018

General Type (6) provides an the exemption for demolition of structures. In Version 1.0 of the proposed rules, General Type (6) excluded structures that were listed or met the criteria for listing on the National Register of Historic Places or the Hawai'i Register of Historic Places. The Final Proposed Rules removed the exclusion for structures that met the criteria for listing because it introduces too much uncertainty into the exemption process. The determination of what meets the criteria for listing falls to the National Park Service and the State Historic Preservation Division. Under the Final Proposed Rules, structures that "meet the criteria for listing" can still be eligible for the exemption, however, once a structure is listed on either the federal or state register, the structure may no longer be exempted.

General Type (8) still applies to administrative activities. However, the reference to purchase of supplies and personnel-related activities has been deleted because they are *de minimis* and therefore should be included an agency's exemption list.

General Type (9) incorporates the 2007 amendment to the 1996 Rules to exempt the acquisition of land and structures for affordable housing.

General Type (10) was proposed by the Council to provide a means for the development of affordable housing in urbanized areas where it would have minimal to no significant impact and meet the criteria for exemption as well as four specific criteria for this exemption general type.

In developing this exemption general type and criteria, the Council considered the different agency definitions of affordable housing. The Council considered multiple approaches to affordable housing, ranging from requiring 100% affordable housing at various mixtures of area median income (AMI) percentages to the language as proposed. Setting a specific mixture or requiring 100% affordable housing would set a standard unlikely to be met. Creating a standard for an exemption under chapter 343, HRS, separate and distinct from a standard set by a proposing agency or approving agency but not grounded in a specific statute or policy goal would be difficult to justify. Because chapter 343, HRS, is about disclosure by agencies to the public prior to making a decision or implementing an action, the Council believes that the public is best served by the agency using its own standard when considering whether a proposed action meets the meaning of "affordable housing". This is also consistent with General Type (9), acquisition of affordable housing, which is not defined, and with the Council's direction in section 11-200.1-2 to agencies to use their own statutes and rules for understanding terms that are not defined in chapter 343, HRS, or the Final Proposed Rules.

In addition, the potential to integrate mixed-use (e.g., offices, retail) with affordable housing is an explicit goal of some state and county agencies. Allowing for the potential of mixed use while keeping the agency to its own criteria for affordable housing could promote better urban communities that are multi-income and multi-use. Therefore, this exemption directs agencies to use their respective affordable housing law.

For example, section 201H-36(a)(4), HRS, sets forth one standard:

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Rationale for Proposed HAR Chapter 11-200.1, Environmental Impact Statements
December 2018

affordable rental housing where at least fifty per cent of the available units are for households with incomes at or below eighty per cent of the area median family income as determined by the United States Department of Housing and Urban Development, of which at least twenty per cent of the available units are for households with incomes at or below sixty per cent of the area median family income as determined by the United States Department of Housing and Urban Development.

This standard applies when the Hawai'i Housing Finance and Development Corporation is approving a proposal related to that standard, whereas each county has its own county ordinance that would be the controlling law for the respective county agency making decisions about whether to use county lands or funds. Chapter 343, HRS, applies before chapter 201H, HRS, and the Final Proposed Rules do not alter that order.

To reinforce the purpose of this exemption, several additional criteria are included.

The affordable housing exemption only applies when one or both of two possible triggers apply: (1) the action involves the use of state or county lands or funds; and (2) the action occurs within Waikiki. The first limitation keeps the focus on the involvement of the state or county to support affordable housing development where the only reason someone would undergo environmental review is because government is subsidizing funding or leasing out land to assist the production of affordable housing. The second limitation is included because Waikiki is a developed, urbanized area that meets the other criteria of being classified state urban land and zoned to allow housing. The presence of other triggers such as use within a shoreline (including a Waikiki shoreline) or occurring within a designated historic site would mean this exemption would not be applicable.

The affordable housing exemption only applies to actions on land that has already been classified by the State Land Use Commission as urban. If the proposed action involves land classified as agriculture, conservation, or rural, or includes a boundary amendment to change the classification to urban, then the exemption would not be applicable.

The affordable housing exemption applies to land that has already been zoned by the county to a zoning classification that allows for housing, recognizing that each county has unique zoning regimes.

The affordable housing exemption does not apply to areas with shoreline setback variances. This exception alleviates pressure on environmentally sensitive areas such as sea level rise exposure areas and erosion-prone areas.

Subsection (d) provides exceptions under section 11-200.1-15 when exemptions, including for those listed in the *de minimis* category, are inapplicable when the cumulative impact over time is significant or when an action is being carried out in a particularly sensitive environment. For example, it may be routine groundwork to remove a small ailing tree outside an agency building,

but if the tree is designated as an Exceptional Tree pursuant to chapter 58, HRS, then the normally routine activity may be significant, and an exemption would be inapplicable.

Pursuant to section 11-200.1-15(d) in the Final Proposed Rules, the exceptions do not apply when: (1) the cumulative impact of planned successive actions in the same place, over time, is significant; or (2) when an action that is normally insignificant is conducted in a particularly sensitive environment.

§ 11-200.1-16 Exemption Lists

Section 11-200.1-16 replaces section 11-200-8, HAR (1996). Many agencies do not regularly conduct activities that require chapter 343, HRS, environmental review, and therefore do not maintain exemption lists. Nevertheless, these agencies may still be eligible for the exemptions listed in section 11-200.1-15. To capture the discretionary nature of developing an exemption list, subsection (a) provides an agency “may” develop an exemption list.

The Final Proposed Rules replace the term “class” with the term “General Types”.

As discussed in more detail in the Topical Changes section, exemption lists include: (1) *de minimis* actions (i.e., routine operations and maintenance, ongoing administrative activities, etc.); and (2) general types of actions listed in section 11-200.1-15 and agency-specific actions recorded in exemption notices (see section 11-200.1-17).

Section 11-200.1-16 applies to both applicant and agency actions. A proposing agency or an approving agency may determine that a proposed activity does not rise to the level of an action that requires an exemption notice because the proposed activity likely will have no or negligible environmental impact (Part 1 of the agency’s exemption list). The agency may also exempt a proposed action based on either Part 2 of the approving agency’s exemption list, or in accordance with a general type under section 11-200.1-15.

Pursuant to section 11-200.1-16, agencies are to submit their exemption lists for review and concurrence by the Council every seven years.

§ 11-200.1-17 Exemption Notices

Section 11-200.1-17 replaces section 11-200-8, HAR (1996). Section 11-200.1-17 requires agencies to: (1) create exemption notices with the general types of exemptions listed in section 11-200.1-15, and agency-specific exemptions on the exemption list; (2) maintain exemption notices on file; and (3) provide a list of all exemption determinations to the OEQC for publication in the periodic bulletin on the eighth (8th) day of each month. Agencies are also required to electronically provide their exemption notices to the public upon request. Exemption notices should be prepared prior to undertaking an action, except in the case of an emergency action under section 11-200.1-8.



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CHAMBER OF COMMERCE
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**Testimony on Bill 120
Establishing A New Chapter 19.36B, Maui County Code,
Relating to Off-Street Parking and Loading
Friday, December 21, 2018**

Dear Chair White, Vice-Chair Carroll &
Members of the Maui County Council,

We want to thank the Planning Department for reviewing the Parking Code and are in support of their recommendations.

We understand the Planning Department has been thoroughly reviewing the code to both address situations where additional parking is needed and where the code previously required more than was truly necessary. Through this review, they are better justifying existing and new categories and have streamlined the code for added clarity and consistency.

Further, this clarification includes improved requirements for paving and parking to be more consistent with community plans, use of PV carports and landscaping, shared parking areas and clarification on reductions/waivers.

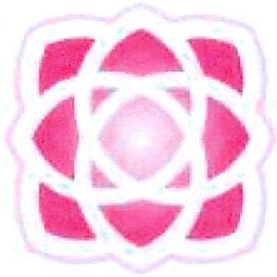
Mahalo for the opportunity to provide testimony.

Sincerely,

Pamela Tumpap

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

Testimony on Bill 142
Relating to Residential Workforce Housing
Policy Incentives and Exemptions
Friday, December 21, 2018

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Dear Chair White, Vice-Chair Carroll &
Members of the Maui County Council,

We appreciate the opportunity to testify on this matter.

The Maui Chamber of Commerce supports affordable housing and rentals and appreciates the Council looking at ways to support affordable housing and rental developments. Maui County has a critical need and a strong plan needs to be put in place. The Chamber is ready to work with the Council and administration to help create a comprehensive plan to address this critical need for our community.

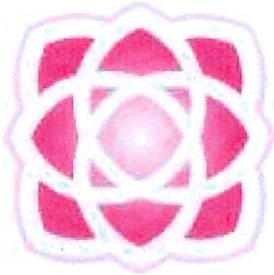
We shared our comments on this bill in the previous meeting and support this bill moving forward and being passed by this Council.

We appreciate the opportunity to provide comments on this proposed bill.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.



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**Testimony on Bill 140
Relating to Residential Workforce Housing Fast-Track Permitting
Friday, December 21, 2018**

Dear Chair White, Vice-Chair Carroll &
Members of the Maui County Council,

We appreciate the Council looking at ways to spur development of affordable housing and streamlining the permitting process. We recognize that Mayor Arakawa gave a directive to prioritize affordable housing that has been successful and support the Council working to codify this. Maui County has a critical shortage of affordable housing and rentals. We need a strong plan moving forward and the Maui Chamber of Commerce stands ready to help with this plan.

By codifying this fast-track process, it will provide more assurances to developers and help reduce the cost of creating affordable housing and rentals.

Therefore, we support this effort to fast-track and streamline the permitting process to qualified and property submitted permits for workforce housing projects.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

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OFFICE OF HAWAIIAN AFFAIRS
Administrative Testimony

Testimony of Kamanaʻopono Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

OFFICE OF THE
COUNTY CLERK

Land Use Committee
Maui County Council

**AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO ALLOW AGRICULTURAL
CLUSTER SUBDIVISIONS IN THE AGRICULTURAL DISTRICT (LU-5)**

December 19, 2018

1:30 p.m.

Council Chamber

The Administration of the Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on LU-5, which conveys three variations of a proposed bill that would amend the Maui County Comprehensive Zoning Ordinance to allow the establishment of agricultural cluster subdivisions within the agricultural district. OHA appreciates the apparent intent of this bill to preserve agricultural lands in exchange for development flexibility; however, **OHA's present concerns stem from the lack of clear safeguards against real estate speculation and residential development on agricultural lands that may run contrary to the agricultural district's primary purpose of promoting local, long-term agricultural production.**

The earliest version of this bill appears to have been introduced via Resolution No. 14-114 in the year 2014. In an April 23, 2015 letter from then Maui County Planning Director, William Spence, to Maui County Chair, Mike White, the Planning Department had found that **"the proposed bill is unnecessarily complicated and could produce unintended consequences that could undermine the intent of the Agricultural District."** With minimal changes made to this proposal over the years, OHA maintains that the 2015 findings of the Planning Department as well as the 2015 comments of the State Office of Planning are still relevant to the instant proposed variations of the bill.

There is no clear indication of how many acres and which of Maui's agricultural lands could be irreversibly lost to non-agricultural residential development under the proposed drafts of this measure. For example, the latest version of this measure does not place any clear limit on the total number of cluster lots allowable in each agricultural cluster subdivision,¹ with the only clear requirement being that each subdivision's agricultural preservation lot be at least 70 percent of the subdivision's area. Meanwhile, the various drafts of this measure fail to provide any concrete guidelines as to what may

¹ The proposed language of this and the prior draft refers to section 19.30A.030(G) in informing the maximum number of lots that may be created based on their size and in relation to the original agricultural parcel. This particular section, however, says nothing about minimum lot sizes of one acre, and instead lays out the subdivision scheme for lots of minimum sizes of two-, 15-, 25-, and 40-acres.

constitute land suitable for agricultural preservation in exchange for a cluster subdivision's increased development flexibility. Moreover, the drafts fail to require an approved farm plan or implementation enforcement provisions to ensure that an agricultural preserve is actually put to agricultural use; similarly, there are no such requirements to ensure agricultural activity on agricultural cluster lots, which may include up to two "farm dwellings" covering up to 4,356 square feet per cluster lot acre.² **By significantly increasing the number of residential dwelling units that may be developed on agricultural lands, without effective provisions to ensure that such development actually promotes bona fide agricultural activities, this measure may result in the direct loss of agricultural lands to non-agricultural uses, and a substantial corresponding decrease in Maui's agricultural potential.**

The increased development potential of agricultural land parcels may further increase land speculation and the costs of bona fide agriculture on Maui Island. Notably, the lack of clear caps on the maximum residential development potential for any agricultural cluster subdivision, and the lack of assurances that such subdivisions actually and primarily engage in bona fide agricultural production, may potentially lead to greater levels of real estate speculation that would in turn increase agricultural land prices, property taxes, lease rents, and the overall costs of bona fide agriculture in Maui. For example, the speculation in and development of agricultural lands for high-end "gentleman farms" that do not engage in bona fide agricultural activity is a significant issue that has affected every county; such speculation has led to substantially increased costs for bona fide agricultural operations. The prospect of using farm dwellings on agricultural parcels as highly profitable short-term vacation rentals and the apparent lack of regulatory scrutiny or enforcement has similarly fueled real estate speculation in agricultural lands, and the practice has grown significantly with vacation rental platforms like Airbnb and VRBO. **Accordingly, without meaningful checks against land speculation that may result from the increased residential development potential of agricultural cluster subdivisions, this measure may further impact bona fide agricultural activities throughout the agricultural district on Maui Island.**

Mahalo for the opportunity to comment on this matter.

² According to MCC Chapter 19.30A, accessory uses within the agricultural district include the construction of two farm dwellings per lot, one of them not to exceed 1,000 sq. ft; the maximum developable area is 10% of an agricultural parcel, or 4,365 feet per acre. See MCC §§ 19.30A.30(D), 19.30A.50(B)(1). Notably, a house may be considered a "mansion" if it is 5,000 square feet or more, or contains 8,000 square feet of floor space. See Lisa Johnson Mandell, *What is a Mansion? The Luxury Home Next Door Might Not Qualify*, REALTOR.COM, May 18, 2017.